



The City of **South**
San Francisco

Personnel
Rules and Regulations

Revised
February 2014

Personnel Rules and Regulations

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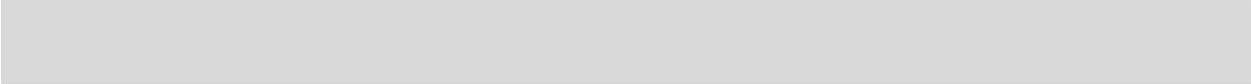
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Rule 1. Purpose

- 1.01 *Purpose*—As defined in the Municipal Code 3.04 Personnel Administration, the City of South San Francisco has established a personnel ordinance that established and maintains an equitable and uniform procedure for dealing with personnel matters. These personnel rules and regulations are to facilitate efficient services to the public and to provide for a fair and equitable system of human resource management to the City of South San Francisco. These personnel rules and regulations set forth procedures to ensure fair treatment for those who compete for employment and promotion, and define the obligations, rights, privileges, benefits, and prohibitions placed upon all employees in the classified service of the City.
- 1.02 *Department-specific Rules*—Some Departments have their own specific rules, which may be used in addition to these personnel rules and regulations. Any inconsistencies between these personnel rules and regulations and specific Department rules are to be resolved in favor of these personnel rules and regulations, which take precedence. Moreover, there are specific provisions in the various Memoranda of Understanding between the City and different employee groups and associations that are not addressed in these personnel rules and regulations. Any inconsistencies between these personnel rules and regulations and the respective Memoranda of Understanding are to be resolved in favor of the Memoranda of Understanding, which take precedence.
- 1.03 *Succession*—These personnel rules and regulations shall supersede all former versions.

Rule 2. General Provisions

- 2.01 *Powers of the City Manager*—In accordance with the Municipal Code, the City Manager is the appointing authority and the ex officio personnel officer for the City of South San Francisco. As provided in the Municipal Code, the City Manager has the power to appoint, control, supervise, discipline, and remove all employees of the City subject to provisions in the Municipal Code and these personnel rules and regulations. The City Manager may delegate this authority to any other officer or employee of the City.
- 2.02 *Standards of Conduct*—Appointment to the classified service carries with it certain rights and responsibilities under the law. It is therefore incumbent upon members of the classified service to serve the public well and respect the rights of all. To this end, employees are to conduct themselves in a manner that will exemplify such characteristics as courtesy, honesty, integrity, constraint, impartiality, fairness, and dedication to the well being of the public. In addition, no public office is to be used for personal goal or the special benefit of any citizen or citizen group. Employees shall conduct themselves in such a manner as to promote and preserve a level of service and engender confidence in and respect for City Government. The public shall be served with courtesy, impartiality, fairness, and equality under the law at all times. Employees are required to perform the duties to which they are assigned to the best of their ability. Publicly owned or supported property, equipment, vehicles, labor, or services shall be used for public purposes only. On-duty time is to be used for City purposes only.
- 2.03 *Fair Employment*—The City shall not discriminate against any applicant or employee in violation of state or federal laws or the City’s administrative instructions. Nor does the City tolerate retaliation against any applicant or employee for filing a discrimination complaint.
- 2.04 *Classified Service Application: Exceptions*—These personnel rules and regulations shall apply to all offices, positions, and employment for the City of South San Francisco, except:
- Elected officials.
 - Members of appointive boards, commissions, and committees.
 - Persons under contract to supply expert, professional, or technical services to the City.
 - At will, hourly, temporary, or provisional employees.
 - Volunteers, who do not receive compensation from the City.
 - Those positions listed under Section 3.12.010(b) of the Municipal Code.
- 2.05 *Violation of Rules*—Violation of the provisions of these personnel rules and regulations shall be grounds for disciplinary action up to and including termination.

- 2.06 *Amendment and Revision of Rules*—Amendments to these personnel rules and regulations shall be proposed to the City Council after first having been reviewed by the appointing authority and the Personnel Board. The appointing authority shall notify the City Council of any proposed amendments. All proposed amendments shall be posted on designated City bulletin boards and each employee organization shall be notified, in writing, at least 5-working days prior to consideration by the City Council. At the time of consideration, interested parties may appear and be heard. Amendments and revisions to the personnel rules and regulations shall be by Council Resolution.
- 2.07 *Severability*—If any section, subsection, sentence, clause, or phrase of these personnel rules and regulations is for any reason held illegal, invalid, or unconstitutional by decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.
- 2.08 *New Laws*—In case these personnel rules and regulations conflict with new or existing laws affecting employment, current laws will prevail.
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Rule 3. Personnel Board

- 3.01 *Personnel Board Definition*—The Personnel Board consists of 5 members appointed by the City Council. The Personnel Board has the authority to:
- Review and approve changes to existing classification descriptions in the classified service.
 - Hear appeals to the recruitment and examination process for positions in the classified service.
 - Hear an appeal submitted by an employee in the classified service relative to disciplinary action, grievance, or alleged violation of these personnel rules and regulations.
- 3.02 *Meetings*—The Personnel Board shall hold regularly scheduled meetings. Any scheduled regular meeting may be adjourned to a designated time and place. In addition, the Board may hold special meetings. Notice of regular and special meetings must be posted and distributed pursuant to the Government Code. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Personnel Board.
- 3.03 *Public Hearings*—All meetings of the Personnel Board as governed by the Municipal Code 3.28 shall be public, except for the following:
- A. *Hearings for Disciplinary Appeals*—Unless an open public hearing is requested by an employee, appeal hearings requested by employees who have been subjected to disciplinary action shall be closed to the public. Those in attendance may include the employee requesting the hearing, the employee’s designated representative, the personnel officer, the City’s designated representative, the department head and/or other City official or employee who administered the disciplinary action, and any witnesses. Witnesses may be excluded from the hearing during examination of any or all other witnesses in the matter. The hearing need not be conducted according to technical rules relating to evidence. General administrative hearing rules and practices may be used
- B. *Hearings For Other Classified Service Matters*—Hearings requested for resolving other issues, such as grievances, within the jurisdiction of the Personnel Board shall be conducted according to procedures established by the Personnel Board.
- 3.04 *Quorum*—A quorum is defined as three members of the Personnel Board present at a meeting. If a quorum is not secured within 10 minutes of the officially scheduled meeting time, the Personnel Board shall adjourn without taking any action, except that it may set a date and time for its next meeting.
- 3.05 *Officers*—The Personnel Board shall select a Chairperson and Vice Chairperson at the first meeting of the calendar year. Those appointments are valid for one year unless a

Board member's appointment ends, for whatever reason. If this occurs the Personnel Board shall hold a new election of the remaining members to fill the vacant slot.

- 3.06 *Minutes*—The Personnel Board shall keep action minutes of its proceedings, which will be reviewed and modified or adopted at the next regularly scheduled meeting. Minutes and agendas of meetings are distributed as required by law.
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Rule 4. Classification and Pay Plan

- 4.01 *Personnel Officer Responsibility*—As designated by the City Manager, the personnel officer shall be responsible for the administration of the City’s Classification and Pay Plan. The personnel officer shall submit job specifications for newly created positions, reclassifications, or restructuring of the existing positions to the City Council for adoption, and amendments to job specifications for existing positions to the Personnel Board for adoption.
- 4.02 *Classification and Compensation, and Pay Plan*—The Compensation and Pay Plan shall consist of all classifications in the classified service and will include the following.
- A. *Classification Title*—The title established shall be generally descriptive of the type and level of work performed and shall be used in all City documents applicable to the positions or the employees appointed to it.
- B. *Classification Specification*—The classification specification is intended to clearly set forth the basic work tasks, knowledge, skills, abilities, and employment qualifications applicable to each classification. The specification shall not be construed as an all-inclusive list of tasks performed, or be interpreted as restricting the assignment of related tasks not specifically listed therein, or as limiting the authority of supervisors to assign, direct, and control the work of employees. The classification specification will generally contain:
- Job Definition—A brief definition of the scope, nature, and responsibilities of the classification.
 - A listing of examples of typical tasks performed; basic tasks performed.
 - A statement regarding characteristics, which distinguish the classification from related classifications.
 - Basic knowledge, skills, abilities, physical, and other characteristics required.
 - Minimum employment qualifications in terms of the type and/or content of education, experience, and training for standard performance.
 - Working conditions.
 - Amount and type of supervision received.
 - Amount and type of supervision exercised.
- C. *Salary Schedule*—A salary schedule shall be maintained containing a table or series of pay ranges. Salary ranges shall generally have 5 steps with approximately a 5% spread between each step. The ranges may be expressed in terms of hourly, biweekly, monthly, or annual rates or any combination of these. Each classification shall be assigned to a range in the pay schedule, and this designation shall be modified periodically to reflect Council-approved general salary adjustments, classification actions, and other actions impacting range assignments. No position in the classified

service shall be assigned a salary not in conformance with the salary range established for its classification.

- 4.03 *Flexible Staffing*—Flexible staffing is a group of classifications in a series allocated as one position in which the same general area of work is performed but at different levels of proficiency and technical expertise based on the skills and specified qualifications. In such cases, the examination of each classification in the series is essentially the same, with each test component for the next level building on the previous test component. Generally, the series would start at an entry-level classification and continue up to a journey-level classification. However, there may also be some technical specialists or master-level flexibly staffed classifications. The appointing authority shall designate those classifications that may be a flexibly staffed classification series.
- A. *Determining Flexibly Staffed Positions*—For a position to be flexibly or alternately staffed:
- The appointing authority designates it as such.
 - It may be filled at any level as determined by the City.
 - It has proficiency standards for movement from one level to the next level as determined by the City.
 - Movement of promoted employees may occur without competing for the position, from one level to the next highest level after demonstrating proficiency.
- B. *Filling Flexibly Staffed Positions*—Once designated, the City can recruit and test for all classifications within the series and make appointments at any level within the classification series.
- C. *Approving Flexibly Staffed Appointments*—The appointing authority must approve initial appointments and the movement from a lower-level flexibly staffed classification to the next higher-level position prior to the appointment being made.
- D. *Flexibly Staffed Promotions*—An employee may be promoted from an entry-level through sub-journey-level, journey-level, and to master-level if the classifications exist and if the employee meets the requirements for each level prior to promotion.
- E. *Completion of Probation*—If an employee is appointed to a flexibly staffed position, that employee may advance to the next classification level only after passing probation in the current level and demonstrating proficiency to the City's satisfaction. A written or performance exam may be necessary, depending upon requirements.
- 4.04 *Reclassifications*—When an incumbent's position has been studied and it has been determined that a significant portion of the responsibilities are at a different classification level, the position may be reclassified to the more appropriate classification level without requiring the incumbent to pass an examination to determine suitability for the job. Such action to reclassify an employee must be approved by the appointing authority and authorized by the City Council.

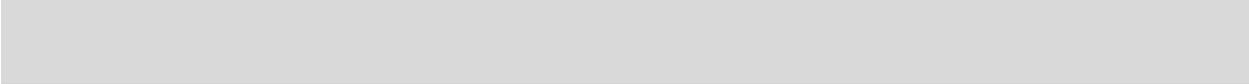
4.05 *Maintenance of Plan*—

- A. *New or Revised Positions*—When it is proposed that a new position should be added or an existing position should be reclassified or abolished, the department head proposing the change shall submit it to the appointing authority, who shall conduct the necessary review. In addition, the appointing authority may initiate, at any time, a study to determine the appropriateness of any position's classification allocation. An employee also has the right to request such review, which shall not be subject to the grievance procedure set forth in these personnel rules and regulations or applicable Memorandum of Understanding or provided for in other approved compensation programs. All studies of positions are subject to review and approval by the appointing authority which shall not be subject to the grievance procedure as set for in these personnel rules and regulations or applicable Memorandum of Understanding or provided for in other approved compensation programs.
- B. *Final Determination*—The appointing authority shall make the final determination on all actions arising under this provision, subject to approval by the City Council where results of the study are an amendment to the Plan.

4.06 *Salary Administration*—

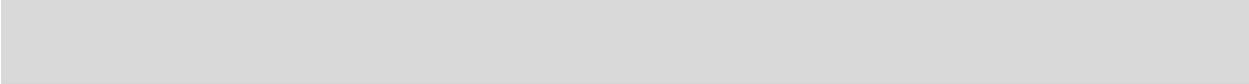
- A. *Step Appointment*—The appointing authority may appoint an employee at any step of the salary schedule for the classification.
- B. *Salary at Promotion*—Employees in the classified service promoted from a position in one classification to a position in a higher classification, shall, as of the effective date of the promotion to the new classification, receive not less than the equivalent of a 5% salary increase, but shall receive no more than the top step of the salary range. The effective date of the promotion shall determine the new pay anniversary date in the position, but shall not serve to alter the employment anniversary date established upon initial appointment to the classified service. The initial appointment date shall establish eligibility for service-related benefits, such as vacation leave and longevity pay.
- C. *Salary Advancement*—Employees in the classified service may be eligible for advancement to the next step of the specific salary range 6 months after the initial appointment, provided that the employee's performance and attendance merit the increase. Advancement to the remaining steps may be made after 12 months of satisfactory service at each successive salary step, provided that the employee's performance and attendance merit the increase.
- D. *Salary on Re-employment and Reinstatement*—A reinstated or re-employed employee shall be appointed at the step, which the appointing authority deems appropriate, based upon the employee's prior length of service and level of performance.
- E. *Pay Anniversary Date*—The pay anniversary date of an employee shall remain the same, as long as the employee remains in the same classification.
- F. *Adjustments for Unpaid Leave of Absences*—To the extent provided by law, an employee's pay increase shall not be affected by any leave of absence of less than 2 payroll periods or 27 calendar days. If the employee is absent for 2 or more payroll

periods, or 28 or more calendar days, the total amount of time off shall be made-up before the employee shall be entitled to such pay increases.



Rule 5. Hours of Work, Overtime, and Premium Pay

- 5.01 *Hours of Work*—The workday and workweek will be in compliance with applicable state and federal laws, such as the Fair Labor Standards Act.
- A. *Workday*—The regular, straight time workday for full-time regular employees shall consist of 8, 9, 10, or 12 hours within a 12-hour period. Exceptions to this schedule must be approved by the appointing authority, and provided for by the applicable Memorandum of Understanding or in other approved compensation programs. Employees who work in departments with a continuous operation may have various schedules, such as 8, 10, 12, or 24-hour shifts.
 - B. *Workweek*—The regular, straight time workweek for regular employees shall consist of 40 hours within a workweek as defined above or as otherwise approved by the appointing authority, provided for by the applicable Memorandum of Understanding or provided for in other approved compensation programs. Fire suppression employees may have a work schedule of 56-hour workweeks.
 - C. *Work Period*—This is a work schedule that may not coincide with a payroll cycle, but is allowed and defined under the Fair Labor Standards Act.
 - D. *Meal Period*—Except for employees assigned to continuous operations, a meal period of 30 to 60 minutes shall be provided to all regular employees, to be scheduled approximately midway through the regular workday, subject to department head approval. This period shall not constitute paid time.
 - E. *Rest Periods*—Except for employees assigned to continuous operations, one paid rest period of 15 minutes shall be provided all employees during each four-hour work period.
 - F. *Flexible Work Hours or Workdays*—Flexible work hours and days may be available to employees depending on the Department/Division assigned and as governed by the provisions of the applicable Memorandum of Understanding or provided for in other approved compensation program.
- 5.02 *Attendance*—Employees shall be at their work in accordance with the rules regarding hours of work, leaves, and related provisions. Failure on the part of an employee to return to duty within 24 hours after notice to return when the employee has been absent may be cause for discharge.
- 5.03 *Overtime*
- A. *Overtime Rate*—All non-exempt employees who work in excess of their regularly scheduled workday or workweek as defined above, shall be entitled to overtime compensation at the rate of time and one-half their actual hourly rate of pay, except as otherwise provided for in these personnel rules and regulations or in the applicable Memorandum of Understanding.
 - B. *Authorized Overtime*—All overtime hours worked shall be authorized in advance by the appropriate department head or designee specifically vested with this authority.

- C. *Method of Payment*—In accordance with policies established by the appointing authority, department heads shall have the discretion to compensate overtime worked by either salary payment or by compensatory time off as approved by law.
 - D. *Compensatory Time*—All compensatory time accrued and taken shall be governed by provisions of the applicable Memorandum of Understanding between the City and its recognized employee organizations.
 - E. *Minimum Overtime*—No overtime payment shall be made where time worked prior to the beginning of a shift or following completion of a shift is not authorized and if it is less than 12 minutes' duration or as identified in provisions of the applicable Memorandum of Understanding.
- 5.04 *Mandatory Training*—Except as provided for by law, mandatory training shall not constitute overtime, except as granted by the employee's applicable Memorandum of Understanding. If mandatory training is required and it is not feasible to conduct such training during regular working hours, employees engaged in such training shall be entitled to compensation on a straight time basis for the time of actual training. The final decision on initiating any training during any time other than regular working hours shall be made by the department head.
- 5.05 *Premium Pay*—
- A. *Work in a Higher Classification*—The terms and conditions under which additional compensation is provided for employees working in a higher job classification shall be governed by the provisions of the applicable Memorandum of Understanding between the City and its recognized employee organizations.
 - B. *Call-back Pay*—The terms and conditions under which additional compensation is provided for employees called back to work shall be governed by the provisions of applicable Memorandum of Understanding between the City and its recognized employee organizations.
 - C. *Court Appearances*—The terms and conditions under which additional compensation is provided to employees who are required in the course of their official employment to appear in court during their off-duty hours shall be governed by the provisions of the applicable Memorandum of Understanding between the City and its recognized employee organizations.
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Rule 6. Leaves

6.01 Vacations—

- A. *Usage*—Regular employees shall be entitled to vacation leave as set forth in the applicable Memorandum of Understanding, which shall begin accruing at date of employment but cannot be taken until the completion of the sixth month of employment.
- B. *Scheduling*—Department heads shall schedule vacation leave periods for eligible employees giving due consideration to departmental operations.
- C. *Deferral*—Where an employee does not or cannot take the full amount of vacation leave earned in a calendar year because of Department operational needs, the employee may, with approval of the department head, defer all or some of the unused portion to the following year, depending on the applicable Memorandum of Understanding.
- D. *Vacation Pay-out*—Employees separating from the City service shall be paid their current, hourly rate of pay for all unused, accrued vacation leave hours.
- E. *Accrual Rates*—The vacation leave accrual rate is governed by the applicable Memorandum of Understanding between the City and its recognized employee organizations.
- F. *Holidays Occurring During Vacation Leave*—Where a City holiday falls during an employee's vacation, that day shall not be charged against the employee's vacation leave, but rather it shall be charged as holiday. However, employees working in continuous operations shall receive holiday pay for said holiday.
- G. *Serious Illness or Injury Occurring During Vacation Leave*—Where a serious illness or injury requires immediate medical attention and confines an employee to a hospital or to home during vacation leave, the days of confinement shall not be charged against the employee's vacation leave usage, provided the following conditions are met:
 - The employee, or a representative for the employee, who is requesting a change in leave must contact the immediate supervisor or designee to receive approval on the date that the employee expects to substitute sick leave for vacation leave. In no event, however, shall substituted leave be permitted retroactively from the first date of reporting.
 - Employees must submit documentation to the personnel officer from a licensed medical practitioner to substantiate a serious illness or injury. The documentation of the serious illness or injury must be submitted no later than upon return to work for review, determination, and disposition. The City reserves the right to have validated any medical document or opinion submitted by referring it to a City-designated physician. The decision of the personnel officer to allow or disallow the substitution of leave shall be final.
 - If the requested vacation leave has passed, employees must return to work on the date certified by the employee's attending physician. Unused vacation leave shall

be credited to the employee for rescheduling at a later time mutually agreeable by the employee and the department head.

- 6.02 *Sick Leave, Paid Family Care Leave, and Medical Appointment Leave*—Provisions applicable to sick leave, paid family care leave, and medical appointment leave shall be governed by applicable state and federal law, as well as the terms of the applicable Memorandum of Understanding between the City and its recognized employee organizations.
- 6.03 *Holidays*—
- A. *Days Observed*—Authorized holidays shall be governed by the terms of applicable Memorandum of Understanding between the City and recognized employee organizations.
 - B. *Holidays Worked*—Except for employees assigned to continuous operations, employees who are directed to work on any of the holidays, shall be paid at the rate of time and one-half their actual rate of pay or as designated in the applicable Memorandum of Understanding.
 - C. *Continuous Operations*—Employees assigned to continuous operations that, by nature of their assignment, are unable to observe City holidays shall be compensated for the holidays.
 - D. *Conflicting Provision*—Should this provision conflict with the terms of any applicable Memorandum of Understanding, the Memorandum of Understanding shall overrule.
 - E. *Work-related Unavailability Before and After Holiday*—Employees scheduled to work on a City holiday, but who are unable to do so due to a job-related injury or illness shall remain eligible for payment in accordance with this provision as long as the employee is still receiving compensation from the City.
 - F. *Availability Day Before and After Holiday*—Where an employee is absent from work due to illness or injury unrelated to the job on a regularly scheduled workday immediately preceding or following a holiday for which compensation is received under these personnel rules and regulations, the employee shall submit to the department head a health care practitioner's certificate confirming the illness or injury. Failure to do so shall result in the employee not being paid for the holiday.
- 6.04 *Jury Duty*—An employee who is called to serve as a juror shall be entitled to leave during the period of such service or while being present in court as the result of such summons. Under these circumstances, the employee shall be paid a regular salary for this period provided the employee supplies verification of time served and remits to the City juror fees received. Such fees shall not include mileage reimbursement or subsistence payments.
- 6.05 *Military Leave*—Military leave shall be granted in accordance with the provisions of applicable State and Federal law, including the State of California's Military and Veteran's Code. Employees requesting military leave shall provide their department head

an opportunity, within the limits of military orders or regulations, to determine when such leave shall be taken. Department heads may modify the employee's work schedule to accommodate the leave.

6.06 *Maternity Leave*—This leave shall be granted in accordance with applicable state and federal laws and in conjunction with the applicable Memorandum of Understanding.

A. *Certification*—Leave shall commence upon certification from the employee's attending physician that the employee is no longer capable of performing the duties of her position. Upon the advice of the employee's physician, the employee may request a temporary transfer to a less strenuous or hazardous position carrying the same or lower salary in which the employee is qualified to perform. Where such transfers have by practice, policy, or negotiated agreement, been granted for temporary disabilities other than pregnancy, the transfer of the employee shall be accommodated. Where temporary transfers have not been granted under other circumstances, the employee's request will be approved only if it can be reasonably accommodated. However, nothing herein shall result in the displacement or transfer of other employees from regular positions or require the City to allow the performance of unnecessary work.

B. *Leave Sooner than Certified*—Where in the opinion of the department head, the employee should be temporarily transferred or placed on leave sooner than prescribed by the employee's physician due to the employee's inability to effectively or safely perform the duties of the position, the employee may be required to undergo an examination by a City-designated physician. The cost of this examination shall be paid by the City and shall not be ordered without prior approval of the personnel officer.

C. *Usage of Accrued Leave*—Employees shall be entitled to utilize sick leave, vacation leave, and compensatory time while temporarily disabled from work.

D. *Expiration of Leave*—Upon expiration of the approved leave, the employee shall be reinstated to her former position or to a comparable one if the former position had been abolished during the period of leave and the employee would otherwise not have been laid off. Prior to the employee being reinstated, the employee must submit a statement from her attending physician that the employee is physically capable of resuming the regular duties.

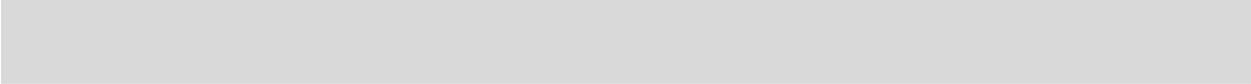
F. *Extending the Leave*—An employee at the conclusion of her disability may request an extended leave of absence, as provided under these personnel rules and regulations.

G. *Persons with Temporary Disabilities*—Nothing in this section shall be interpreted to apply leave procedures differently to pregnant employees than to any other employee with a temporary disability.

6.07 *Other Leaves without Pay*—

A. *Request and Approval of Leave*—The appointing authority may grant an employee in a regular position a leave of absence without pay not to exceed one year. The reasons and the request for leave shall be submitted in writing and must be approved by both the department head and the appointing authority prior to the leave commencing.

However, during the period of the leave, the employee shall not continue accruing service credits, nor shall the City continue contributions toward any health and welfare benefits unless any portion of the leave is covered under the Family Medical Leave Act or the California Family Rights Act.

- B. *Expiration of Leave*—Upon expiration of the approved leave, the employee shall be reinstated to the former position without loss of service credits or benefits.
 - C. *Failing to Return from Leave*—Failure on the part of an employee to return to work on the date scheduled, shall be cause for disciplinary action, up to and including dismissal.
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Rule 7. Employment Announcements and Applications

- 7.01 *Recruitments*—It shall be the practice of the City of South San Francisco to carry on such recruitment programs as necessary to seek out and secure qualified individuals to apply for positions at all levels in the classified service. Recruitment efforts shall be directed toward stimulating interest in all communities served. The City will use recognized personnel practices for announcing, testing, and selecting candidates. At the discretion of the personnel officer, recruitment activities may be in conjunction with other public agencies in order to ensure timely and cost-effective delivery of services, as well as quality and quantity of candidates.
- 7.02 *Job Announcements*—All examinations for positions in the classified service shall be published by distributing electronic or hard copy announcements of the examination to all City departments and through such other sources as deemed necessary by the personnel officer to attract a sufficient number of qualified applicants. In addition, announcements of all open/competitive examinations shall be advertised in at least one media circulated within the City of South San Francisco. Generally the job announcements shall specify the essential components of the classification specification, as well as:
- The classification title.
 - The current salary rate.
 - The nature of the work to be performed.
 - The job requirements.
 - The location to file the application materials.
 - The last date to file the application materials.
 - Other information that will assist applicants in understanding the nature of the position, and the specific procedures for the examination (i.e., types of examination, weighting factors, etc.).
 - That the candidate may request reasonable accommodation, if necessary, to take the examination.
- 7.03 *Advertising for Vacancies*—Advertising for positions within the City of South San Francisco shall be made on at least one such written, televised, or electronic media, TV channels, or websites that serve the City of South San Francisco. Other advertising sources may also be used and advertising need not be limited to only those sources serving the City of South San Francisco.
- 7.04 *Application Forms*—All applications for employment must be made on official, standard forms furnished by the personnel officer, unless otherwise specified. Such applications shall not be returned to the individual applicant. The information requested on the application materials shall be relevant, conforming to applicable classification and to

applicable legal requirements. The application materials may seek employment and personal references and other such information applicable to the job deemed reasonable and necessary by the personnel officer.

7.05 *Acceptance of Application*—In order for an application to be accepted, it must be complete and submitted by the official final filing date. Applications may be submitted by e-mail, internet, fax, private mail service, United States Postal Service, or any other method as determined acceptable by the personnel officer. The application must bear an original signature of the applicant, except when electronic means of transmitting the application is allowed. In that case, the original signature must be completed before an appointment can be made. Failure to conform to these requirements of shall result in the applications rejection by the personnel officer. In addition, the personnel officer may reject an applicant at any point during or subsequent to the examination process on any of the following grounds:

- The applicant’s failure to satisfy the employment standards prescribed for the position.
- The applicant’s criminal background as permitted to be considered by the personnel officer under state and local law.
- The applicant’s false statement, deception, fraud, or misconduct in conjunction with the employment application or selection process.
- For other legally permitted reasons.

7.06 *Disqualification of Candidates*—Not all candidates will be invited to participate in any or all phases of a selection process. Applicants may be rejected or disqualified based on application materials, test results, the number of well-qualified candidates or for any other job-related reason during any or all phases of the selection process. In addition, the personnel officer may disqualify candidates for any business-related reasons, including but not limited to:

- Arriving at the examination site after the starting time.
- Being convicted of a crime, which renders the applicant unsuitable for a position in the classification.
- Copying the work of another candidate.
- Directly or indirectly obtaining information regarding examinations to which the candidate is not entitled.
- Failing to file the application correctly or within the prescribed time limits.
- Failing to submit the required appropriate documentation.
- Making a false or misleading statement of material fact in connection with any stage of the examination process.
- Not having the requisite qualifications for the job.
- Possessing unauthorized materials, devices, or anything of use or assistance in any stage of the examination process.
- Providing information about an examination to a potential or another candidate.
- Reviewing examination materials prior to the commencement of an examination.

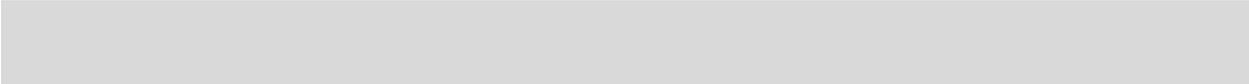
- Using deception or fraud at any stage in the examination process.
- Using or the attempted use of influence to gain advantage in the examination process.

7.07 *Limiting the Applicant Pool*—Prior to the distribution and publication of examination announcements, methods to limit the number of applications may be established. When it can be anticipated that the applicant group will be large in relation to predicted vacancies, the personnel officer will take steps to limit the size of the application group. These candidate-limiting conditions shall be stated in the examination announcement. However, when an unanticipated response to recruitment occurs, the personnel officer may make an adjustment later or add to the candidate-limiting conditions.

7.08 *Expanding the Applicant Pool*—Prior to the distribution and publication of examination announcements, methods to enhance the number of applications may be established. When it will be anticipated that the applicant group may be small in relation to the predicted vacancies, the personnel officer will take steps to expand the size of the application pool.

7.09 *Targeted Recruitments*—When in the opinion of the personnel officer, a targeted recruitment is necessary to attract qualified candidates, the personnel officer will take the necessary steps to target selected candidates and groups of candidates.

7.10 *Notice to Applicants*—Each applicant accepted or rejected for examination shall be so notified by a method deemed appropriate by the personnel officer.



Rule 8. Employment Examinations

- 8.01 *Types of Examinations*—Prior to making an examination announcement, the personnel officer shall determine whether the examination is to be administered on a closed/promotional, open/competitive, open until filled, or continuous basis. In determining the type of examination to be conducted, the personnel officer shall consider such factors as the complexity of the work, the known labor market for such candidates, and the availability within the City of positions or classifications which are likely to yield a sufficient number of qualified applicants.
- A. *Transfer and Promotional Opportunities*—Wherever feasible and consistent with the best interests of the City service, the personnel officer shall attempt to provide transfers and promotional opportunities to employees.
 - B. *Closed/Promotional Examinations for Regular Employees*—When a closed/promotional examination is to be used, it shall be open only to regular employees, who have successfully completed their initial probationary period.
 - C. *Open/Competitive Examinations*—When an open/competitive examination is to be utilized, applications may be accepted from any individual who possesses the requisite qualifications. The personnel officer may limit the filing period or the number of applications based upon the known labor market and the number of expected vacancies.
 - D. *Continuous Examinations*—For classifications or positions in which the City has determined that it is difficult to maintain adequate employment lists, the personnel officer may recruit and conduct examinations on a continuous basis. The names of all eligible candidates taking the same or comparable examinations on different dates shall be placed on the corresponding employment list in order of their rank or banded score. Eligible candidates may remain on the list for up to 2 years from the date they were placed on the list. Candidates who have not submitted required documents or evidence of qualifications may not be considered for one examination, but may be invited to the next examination once the required documentation has been received.
 - E. *Open Until Filled Examinations*—In cases where it is difficult to recruit qualified candidates, the personnel officer may continue to accept applications until a sufficient amount has been received in order to conduct examinations and create employment lists. Such examinations shall be announced without a final filing date.
- 8.02 *Components of Examinations*—The personnel officer shall use impartial selection techniques related to the primary tasks of the individual job classification. At the discretion of the personnel officer, one or more examination components may be for qualifying purposes only. The examination for a given classification of employment may include any of the following components, or other examinations, as deemed appropriate.

- A. *Written Examination*—A written test may be used to measure one or more of the required job knowledge, skills, and/or abilities. A written test may be given prior to any other testing process or may be the only component of a selection procedure.
 - B. *Training and Experience Evaluation*—An evaluation of accepted application materials using objective and standard criteria may be used to measure the candidate's qualifications in terms of training and experience. A Training and Experience Evaluation may be done prior to any other testing process or may be the only component of a selection procedure.
 - C. *Performance Test*—A test whereby candidates demonstrate the degree of job knowledge, skill, and ability possessed.
 - D. *Physical Capability Test*—A test whereby candidates demonstrate their physical capacity to perform a task or series of tasks directly related to the job.
 - E. *Self-evaluation Questionnaire*—A test whereby candidates denote their skill level by providing answers to a designated questionnaire.
 - F. *Supplemental Application Questionnaire*—A written survey whereby candidates respond to questions posed as part of the application process.
 - G. *Qualifications Appraisal Interview (QAI)*—A personal interview, known as an oral interview, designed to evaluate the candidate's relevant education, experiences, knowledge, and skills. This interview may be the only component of the selection procedure.
 - H. *Medical Examination*—A health examination by a City-selected licensed medical health care practitioner will be conducted only after a conditional offer of employment is made.
 - I. *Other Examinations*—Such other examinations that, in the judgment of the personnel officer, are necessary to evaluate candidates' capacity to perform job tasks. These may include, but are not limited to other skill-based or performance-related tests, background investigation, fingerprint check, drug and alcohol tests, and reference checks. A psychiatric examination and/or drug and alcohol tests may also be conducted for specific classifications.
- 8.03 *Rater Authority*—All components of an examination, which require evaluative judgments, shall be administered with at least one competent authority as a rater.
- 8.04 *Conduct of Examination*—The personnel officer shall ensure that the complete examination process is conducted in an objective, timely, and efficient manner. The personnel officer may contract with any competent individual, organization, or agency for preparation and/or administration of a given examination or any portions thereof.
- 8.05 *Application Review*—For examinations being conducted, the personnel officer shall review the application materials received, and may not consider further those applications that do not demonstrate that the applicant possesses the minimum requirements established for the examination. Non-traditional career paths gaining the candidate the

required experience, education, and training qualifications will be considered during the application review.

- 8.06 *Information Verification*—Information provided in application materials shall be subject to verification, and applicants may be required to provide documentary evidence of degrees, licenses, certifications, certifications of competency, or any other document so requested by the personnel officer. Applicants who fail to give such evidence as requested may be disqualified
- 8.07 *Scoring of Examinations*—The final score in an examination shall be the average of the candidate's score in each weighted competitive component of the examination, rounded to the nearest hundredth, i.e. 2 decimal points. On any examination where tests are to be weighted by relative significance or difficulty or by pass/fail, notice to that effect shall be included in the examination announcement.
- 8.08 *Passing Examinations*—Failure on the part of the candidate to pass any phase of the examination process shall result in the candidate being eliminated from consideration for employment. Testing components may be linked so that determination of a passing score may be delayed until subsequent examinations have been completed. Testing components may be grouped or exam results may not be known prior to another exam phase. If this occurs, a candidate will be allowed to progress through subsequent exam phases, but may ultimately not pass the selection process because of a failed component in the early phases of the selection process.
- A. *Closed/Promotional Examinations*—Except for tests designed as qualifying only, candidates shall be required to attain a score of not less than 70% on the overall examination process. However, the minimum passing score may be adjusted based upon consideration of the difficulty of the test.
- B. *Open/Competitive, Open Until Filled, and Continuous Examinations*—Except for tests designed as qualifying only, candidates shall be required to attain a score of not less than 70% on each test. However, the minimum passing score may be adjusted based upon consideration of the difficulty of the test, the quality of competition, and the needs of the City.
- 8.09 *Credit Points*-
- A. *Veteran Status*—A Veteran discharged honorably within the 10-year period prior to the final filing date for an open/competitive entry-level classification, who becomes eligible for certification, can receive 3 additional points on the final passing score of the examination process. Such points shall not be given if the veteran is already an employee in the City and the position applied for will be a promotion open only to current employees.
- B. *Seniority Credit*—In all closed/promotional examinations, an employee in the competitive service who becomes eligible for certification from employment lists by attaining the passing mark established for the examination and having an overall

- passing score, shall be allowed one-half point for each year of City service after the probationary year, with a maximum credit of no more than 8 points. Such credit shall be added to the percentage attained in the examination. The individual's name shall be placed in the order on the employment list for appointment based on the percentage attained in the examination and after the appropriate credit has been added.
- 8.10 *Confidentiality of Candidates*—All parts of the examination process, including the eligible candidates on an employment list, are confidential. The relative position of eligible candidates on a list, their scores, their respective position, or how they performed during any part of the examination process shall not be discussed by raters, department interviewers, or staff of the personnel officer with anyone who does not have a need to know the information.
- 8.11 *Notification of Examination Results*—In closed/promotional examinations, candidates shall be advised of their test results following each phase of the examination. In open/competitive examinations, the personnel officer shall determine if candidates will be advised of their test results following each phase of the examination. Upon full completion of the examination process, candidates successfully completing each of the examination components shall be placed on the appropriate employment list and be notified of their final score.
- 8.12 *Retaking Examinations*—For continuous examinations, if feasible, candidates who have either previously failed the examination or who would like to improve their positions on the employment list may retake one or more components of the examinations. Candidates seeking to improve their positions on the employment list may retake the examination at four-month intervals. Candidates, who have previously failed the test, may retake the examination at two-month intervals. All candidates retaking the examination must do so during a scheduled examination period. The results of the re-examination will replace the score(s) from the previous test. The test(s) may be different with each examination. The determination, as to which components of the examination are eligible to be retaken, rests with the personnel officer.
- 8.13 *Review of Examination*—
- A. *Reviewing Written Exams*—Candidates shall be allowed to review the examination materials when permitted by the testing agency. This review period shall be 2-business days from the date the test occurred.
 - B. *Review Period*—Candidates shall be allowed the 2-business days after the final testing component to review oral interview, assessment center components, or other such examination materials when permitted by the testing agency. Actual marks and comments by raters will not be available for candidates to review. However, candidates will receive general information about their performance during those

- components of the examination process utilizing raters. No appointment of a candidate shall be made until after this period has elapsed.
- C. *Examination Materials*—All examination materials shall remain confidential and copying of questions or answers from any paper made available for inspection shall be prohibited unless authorized by the personnel officer. Any candidate violating this provision is subject to immediate disqualification from the examination and shall be barred from future examinations. Any candidate in a closed/promotional examination who violates this provision is subject to disciplinary action. Decisions regarding disqualification and disbarment shall reside with the personnel officer with approval of the Personnel Board. Decisions regarding disciplinary action shall be processed in accordance with these personnel rules and regulations.
- D. *Protesting Exams*—During the 2-day review period, a candidate may protest the content of any portion of the examination, in writing to the personnel officer. Protests of examination content shall be limited to assertions that a substantial error appears in the questions or the answers. The personnel officer shall act promptly on any question raised by a candidate during the review period. Should the personnel officer determine that any such claim is justified, scores applying to that test shall be re-computed accordingly and candidates so notified, where affected by the error. Re-computation of scores may be done by any recognizable method as determined by the personnel officer.
- E. *Certifying Employment Lists*—The personnel officer shall make the certification of eligible candidates immediately after the list has been compiled.
- 8.14 *Examination Records*—Applications and related examination records shall be retained for the life of the employment list or for a longer period as determined by the personnel officer in accordance with state law.
- 8.15 *Errors in Examination Process*—A correction shall be prepared by the personnel officer when it becomes evident that an omission or other error has occurred in the examination process. The names of individuals who do not qualify shall be removed from the list and the names of individuals who should have qualified shall be added to the list in the appropriate rank/band order once all testing components have been completed. Any appointments previously made shall not be invalidated by the error in the examination process. The personnel officer shall have the discretion to reject all examination results and to conduct a retest if the personnel officer determines that there may have been a flaw or error in the testing process that has a significant impact on the results of the test or the ranking of the candidates.

Rule 9. Employment Lists

9.01 *Placement on Employment Lists*—Upon completion of the examination process, candidates who successfully finished all components of the examination shall be placed, from highest to lowest score, on the appropriate employment list. In the event 2 or more candidates receive the identical final, average score, the score earned by each candidate on the test given the greatest weight shall determine the position of the list. Should this fail to break the tie, the affected candidates shall receive equal ranking on the list. Preparation of employment lists shall be the responsibility of the personnel officer. The personnel officer may consider placing eligible candidates in bands, with no less than four eligible candidates, if available, being submitted for consideration and possibly more depending on the band.

9.02 *Duration of Employment Lists*—

- A. *Effective Date*—Employment lists shall become effective upon certification by the personnel officer that the list was legally prepared and represents the relative rating of persons whose names appear on it. All employment lists shall remain in effect for one year, unless exhausted sooner, and may be extended in any increment as deemed appropriate by the personnel officer. Nothing in this section shall require that any list be extended. However, lists may be extended for one additional year. In unique circumstances, as determined by the personnel officer, lists may be extended for up to 2 additional years.
- B. *Open Until Filled Lists*—Employment lists established after being open until filled shall remain in effect for one year, unless sooner exhausted, and may be extended in any increments for up to one additional year. This employment list may be extended in any increments as deemed appropriate by the personnel officer for up to 2 additional years.
- C. *Continuous Lists*—Eligible candidates placed on continuous employment lists shall remain on the list for a period not to exceed 2 years from date placed on the employment list. In addition, employment lists established on a continuous basis may remain in effect indefinitely. If the continuous process for a particular employment list is changed, the list will remain in effect for one year after the last eligible candidate was placed on it, unless sooner exhausted. This employment list may be extended in any increments as deemed appropriate by the personnel officer for up to 2 additional years.
- D. *Merged Lists*—Eligible candidates placed on continuous employment lists shall, for up to two years following that placement, have their names merged in final score order with subsequent lists that have substantially the same examination processes. If a candidate wishes to improve placement on a list, the candidate may retake only those components of the examination process that are weighted. When there is a significant change in a testing component of a continuous examination as determined

by the personnel officer, a candidate must take the new or changed component in order to remain on the list. After the three-year period, the candidate must retest in order to continue to be on the list.

- 9.03 *Abolishment of Employment Lists*—At any time the personnel officer may determine that a new employment list should be established. Employment lists may be exhausted when whenever incomplete, that is when there are fewer than four names remaining on it. The personnel officer may establish a new employment list or may make an appointment from among those remaining eligible candidates. If a current employment list is requested, a new examination shall be held and a list established. The personnel officer may determine if the names of the eligible candidates on the former employment list will be merged with the new list in score order.
- 9.04 *Errors in Employment Lists*—When it becomes evident that an omission or other error has occurred in the preparation of an employment list, a correction shall be prepared by the personnel officer. The names of individuals who do not qualify shall be removed from the list and the names of individuals who should have qualified shall be added to the list in the appropriate rank order; however, any appointments previously made shall not be invalidated and those that qualify will be placed on the employment list. The personnel officer shall have the discretion to reject all examination results and to conduct a retest if the personnel officer determines that there may have been a flaw or error in the testing process that has a significant impact on the results of the test or the ranking of the candidates.
- 9.05 *Consideration of Eligible Candidates*—If an appointment is to be made from a closed/promotional employment list, eligible candidates from the top four numerical ranks shall be considered. If an appointment is to be made from an open/competitive, open until filled, or continuous employment list, all eligible candidates must be considered through the top four numerical ranks and additionally other candidates may be considered at any place on the employment list as long as all candidates through the candidate selected have been assessed before an appointment is made. If there are ties with scores, then the number of numerical ranks to be considered will ensure no less than four candidates with a possibility of more, depending on the number of tied scores. The personnel officer may authorize selective certification based on the needs of the City.
- 9.06 *Removal from Lists*—The personnel officer may remove eligible candidates from any employment list for any business-related reason, including but not limited to, the following:
- For failing to contact the personnel officer within 7 calendar days from the date of notice of an interview or an offer of appointment.
 - For failing to continue to meet any of the minimum standards established for the position for which the employment list was prepared.
 - Upon being appointed to an equivalent, higher, or lower classification.

- Upon having been passed over 3 times.
- Upon having waived appointment 3 times.
- Upon separation from the City service.
- Upon request of the eligible candidate.
- Upon voluntarily separating from employment with the City and upon written request to the personnel officer, employees may remain on already established eligible employment lists.

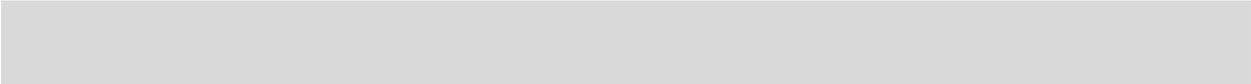
9.07 *Re-employment Lists after Layoff*—An employee laid off in accordance with these personnel rules and regulations shall automatically be placed on a re-employment list for the former classification. Where more than one employee in the same classification is laid off, the names of such employees shall be placed on the list according to the date of layoff.

- A. *Eligibility Period for Re-employment Recall*—Employees placed on such lists shall remain eligible for recall for a period of 2 years from the effective date of layoff. Re-employment may be to the employee's former classification, to a comparable classification, or to a lower classification which does not carry the same maximum rate of pay; all of which the employee must be qualified to perform in order to be placed in the classification. Recall shall be in the reverse order of layoff with the last employee laid off being the first employee offered re-employment.
- B. *Refusing or Waiving Re-employment*—An employee refusing or waiving 2 time an appointment to re-employment in either the former classification or in a comparable or lower classification shall automatically be removed from the re-employment list.

9.08 *Reinstatement Lists*—Employees who resign in good standing may request of their department head within 30 days of resignation that they be placed on a reinstatement list. The department head must first submit a written recommendation and the appointing authority must concur prior to the former employee being placed on a reinstatement list. Placement on a reinstatement list means that the City will consider former employees, who are interested in reinstatement, along with other candidates at the time a vacancy occurs.

- A. *Reinstatement Period*—Employees placed on such list shall remain eligible for reinstatement for a period of 2 years from the effective date of resignation.
- B. *Notifying City of Reinstatement Interest*—Former employees on reinstatement lists must notify the City in writing of their interest in being considered for any vacant position for which they qualify. Notification of interest by the former employee for consideration will be valid for a 3-month period. Failure to notify the City will result in the employee on the reinstatement list not being considered.
- C. *Waiving Reinstatement*—A former employee, upon having waived appointment 2 times to the former classification will automatically be removed from the reinstatement list.
- D. *Rehire Process*—Reinstated employees may be re-tested and have a background check prior to reappointment, as determined by the personnel officer. The testing would be those, or include those, normally given for that classification, and may be

any of the following, but it is not limited to this list. A full background review may be conducted, which could include fingerprinting and having a polygraph examination, psychological examination, or medical examination.



Rule 10. Employment Appointments

- 10.01 *Filling of Vacancies*—Vacancies in the classified service shall be made in the following order of priority, with classification reinstatement and re-employment from layoff given the first priority:
- A. Classification reinstatement.
 - B. Re-employment from layoff for an employee on the re-employment list in order of seniority for the classification to be filled.
 - C. Voluntary or involuntary demotion from one classification to a lower level classification with the approval of the appointing authority.
 - D. Voluntary or involuntary transfer from one classification with essentially the same rate of pay to another classification with essentially the same rate of pay with the approval of the appointing authority.
 - E. An Alternate Employment List.
 - F. Reinstatement from a Reinstatement List.
 - G. Closed/Promotional Employment List.
 - H. Open/competitive, Open Until Filled, or Continuous Employment Lists.
 - I. Where there are no eligible candidates available from the above sources to fill a vacancy, a provisional or temporary appointment may be made.
 - J. If no current active employment lists exists in which to fill the vacancy, recruitment to establish a list may begin.
- 10.02 *Notice to Appointing Authority*—When a vacancy is to be filled, the department head shall submit recommendations as to how it is to be filled to the appointing authority. The appointing authority's approval shall be transmitted to the personnel officer, who shall initiate the necessary documents to commence certification proceedings.
- 10.03 *Certification of Employment List*—Depending on the appointing authority's decision, the personnel officer shall certify one of the employment lists as follows.
- A. *Open-Competitive Appointments*—If appointment is to be made from an open/competitive employment list, the names of all candidates on the list shall be certified.
 - B. *Closed/Promotional Appointments*—If appointment is to be made from a closed/promotional employment list, the names of the top four candidates on the list still eligible and available for immediate appointment shall be certified. If a second appointment is to be made from the same closed/promotional employment list, the names of the next four candidates on that list, excepting those already appointed and those no longer eligible or available for consideration shall be certified.
 - C. *Continuous Examination Appointments*—If appointment is to be made from a continuous examination list, the names of all candidates on the list still eligible and available for immediate appointment shall be certified.

- D. *Open until Filled Examination Appointments*—If appointment is to be made from an open until filled examination, the names of all persons on the employment list and available for immediate appointment shall be certified.
- 10.04 *Probationary Appointment*—Following interview, investigation, background check, and recommendation by the department head, the appointing authority may make an appointment from among those eligible candidates interviewed.
- 10.05 *Alternate Employment Lists*—In the absence of an existing employment list for a classification, certification may be made from an active employment list for another classification having similar duties and employment standards. Appointments made in this manner shall be the equivalent in all respects to having appointed from an employment list for the classification in which the vacancy occurred.
- 10.06 *Provisional or Temporary Appointments*—A provisional or temporary appointment may be made by the appointing authority, generally for a period not to exceed six months. The appointing authority may extend such appointments for subsequent periods. No special credit shall be allowed in meeting any qualification, in the giving of any examination component, or the establishment of any employment list for service rendered under such appointments. Employees hired on this basis shall be notified, in writing, that the appointment is of a provisional or temporary nature, which does not entitle them to preference in hiring or a right to a regular position. Provisional and temporary employees do not have the right to appeal to the Personnel Board.
- 10.07 *Appointment of Relatives*—The following policies shall govern the employment of the immediate family of any official or employee of the City’s elected officials, City Council appointees to commissions, and City employees. This policy shall apply prospectively, and existing family relationships that were permitted under the prior Nepotism policy prior to adoption of this revised Policy may continue, so long as the elected officials, appointees and/or employees remain in the same positions or job classifications they held prior to adoption of this revised Policy.
- A. *Employment of Immediate Family*—For purposes of this section, “*immediate family*” shall mean spouse, domestic partner registered with the State of California, parent, child, grandparent, grandchild, brother, sister, including step and adoptive relationships for each of these categories, as well as legal guardianship relationships.
 - B. *City Elected Officials*—During the term of a City elected official, including Council members, the City Clerk and City Treasurer, the City shall not employ anyone in the City Council member’s, City Clerk’s or City Treasurer’s immediate family.
 - C. *City Council Appointed Board of Commissioners*—During a City Council appointed Board of Commissioner’s official term, the City shall not employ anyone in the Commissioner’s immediate family in a City job classification that may require the employee to work on the same issue(s) on which the Commissioner has authority to

make recommendations or decisions. Appointed Commissioners are not considered employees for purposes of this Nepotism Policy.

- D. *City Manager/City Attorney*—The City shall not employ anyone in the City Manager’s or City Attorney’s immediate family.
- E. *Other City Employees*—For employees other than the City Manager, City Attorney, City Clerk and City Treasurer, the City may not hire, promote, transfer or employ an immediate family member within the same department, division, or facility if one immediate family member would be placed in such a position as to directly supervise, evaluate or discipline the other immediate family member, or would be working as a manager in the same department, division or facility as the other immediate family member. “Manager” as that term is used in this Nepotism Policy includes the classifications set forth in Exhibit A to the Personnel Rules.
 - 1. *Limits on Employment of Immediate Family Members*— No more than two immediate family members may, at any given time, work in the same department, division or facility. Hourly employees shall not count toward this two immediate family member maximum. This subsection E.1. shall not apply to either employees who marry or become domestic partners while already working in the same department, division or facility, or to a spouse or domestic partner seeking employment in a department, division or facility in which his or her spouse or domestic partner already works.
 - 2. *Co-Employees Who Marry or Become Domestic Partners*— If co-employees marry or become domestic partners, the appointing authority shall:
 - a. Evaluate whether making reasonable efforts to assign job duties in their current positions so as to minimize problems of supervision, safety, security or morale would sufficiently reduce or eliminate potential conflicts of interest or other hazards to permit the continued employment of both spouses or domestic partners; and.
 - b. If the appointing authority determines that job duties in their current positions cannot be modified as described in Section E.2. a, the City will determine whether an existing, funded and vacant position for which one of the spouses or domestic partners is qualified exists to which a spouse or domestic partner may be transferred.

If neither assignment of job duties or a job transfer as described above resolve the issue, then one of the spouses or domestic partners will need to voluntarily leave the spouse’s or domestic partner’s position. If no spouse or domestic partner volunteers, the City will either separate from City service, or separate from employment in the same department, division or facility, whichever spouse or domestic partner has worked fewer years for the City in a full time status.

EXHIBIT A

The classifications covered by this Exhibit A are Executive Management, Public Safety Managers and employees included in the Mid-Management Unit. As of the date of adoption of the City's revised Nepotism Policy, these classifications are as follows:

Accountant I	Accountant II
Assistant City Manager	Assistant Director of Finance
Assistant Engineer	Assistant Plant Superintendent
Assistant to the City Manager	Assistant Library Director
Associate Civil Engineer	Associate Planner
Battalion Chief	Chief of Police
Circulation Supervisor	City Building Official
City Engineer	City Planner
Communications Manager	Community Development Coordinator
Director of Conference Center	Director of Finance
Director of Information Technology	Director of Human Resources
Director of Public Works	Director of Economic and Community Development
Deputy Fire Chief	Director of Recreation and Community Services
Environmental Compliance Coordinator	Executive Assistant to the City Mgr
Financial Analyst I/II	Financial Services Supervisor
Fire Chief	Fire Marshall
Human Resources Analyst I/II	Information Systems Administrator
Information Technology Manager	Library Director
Library Program Manager	Literacy Program Manager
Management Analyst I	Management Analyst II
Police Captain	Manager of Housing and Community Development
Police Lieutenant	Police Records Manager
Principal Planner	Public Works Supervisor
Recreation & Community Services Mgr	Recreation & Community Services Coordinator
Senior Civil Engineer	Recreation & Community Services Supervisor
Senior Planner	Superintendent of Public Works
Superintendent of WQCP	Superintendent of Parks & Facilities Maintenance
Technical Services Supervisor	

If classifications are subsequently added to Executive Management, the Public Safety Managers or to the Mid-Management Unit, these classifications also will be covered by and included in this Exhibit A.

Rule 11. Probationary Period

- 11.01 *Objective of Probationary Period*—The probationary period is part of the testing process and shall be utilized for closely observing and evaluating the regular employee’s work to determine suitability for continued employment.
- 11.02 *Duration*—All regular and promotional appointees shall serve a probationary period of not less than one year of actual service and may be extended by mutual agreement not to exceed six additional months. The probationary period for the Police Officer and Paramedic Firefighter classifications shall be 18 months.
- 11.03 *Evaluations*—Department heads shall, during the probationary period of each employee in the department, investigate carefully the probationer’s adjustment, performance, and general acceptability to determine if qualified for regular appointment. The employee’s supervisor shall submit an evaluation of the probationer’s performance at the end of the third, sixth, ninth, twelfth, and where applicable, the fifteenth and eighteenth month of the probationary period, or more frequently, if desired by the department head or the appointing authority. The final probationary report shall include the department head’s recommendation to the appointing authority either to retain or reject the probationer.
- 11.04 *Rejection of Probationer Following Initial Appointment*—During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without the right of appeal unless otherwise authorized by the applicable Memorandum of Understanding or compensation plan. Notification of rejection shall be served in writing on the probationer with a copy to be maintained by the personnel officer.
- 11.05 *Rejection of Probationer Following Promotion*—An employee who is rejected during the probationary period following appointment to a higher classification shall be reinstated to that employee’s former classification or a similar classification with like duties and responsibilities. This will occur unless disciplinary charges are filed and the employee is discharged in the manner provided in the Personnel Ordinance and in these personnel rules and regulations.

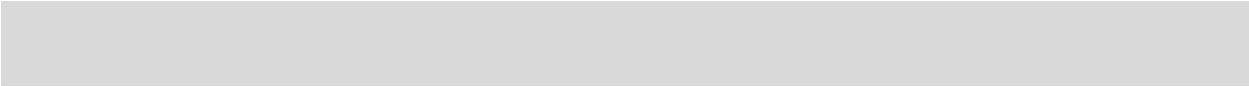
Rule 12. Personnel Actions-Non-disciplinary

- 12.01 *Resignation*—Employees leaving the classified service in good standing shall submit a letter of resignation to their immediate supervisor. This letter should be submitted no later than 2 weeks in advance of the effective date of separation, except under extraordinary circumstances. The letter of resignation shall be forwarded to the personnel officer.
- 12.02 *Transfer*—The appointing authority may transfer employees from one position to another position in the same classification or in a comparable classification carrying essentially the same maximum salary and in which the employee is qualified to perform. Testing components may be necessary to establish skill-based qualifications, as determined by the personnel officer. Where a transfer would involve 2 departments, the transfer shall be subject to the approval of both department heads unless the transfer is made for purposes of economy or efficiency. No department head shall unduly withhold the transfer action for a significant period of time.
- 12.03 *Voluntary Demotion*—Based upon an employee’s request and with the approval of the department head, the appointing authority may demote an employee to a position that is vacated in a classification which carries a lower rate of pay and for which the employee is qualified to perform. No recruitment process will be announced nor will a formal examination be required for the voluntary demotion to occur.
- 12.04 *Involuntary Demotion (Not Related to a Layoff Action)*—Based upon an employee’s demonstrated inability to perform the tasks of the assigned position, the appointing authority may demote an employee to a position in a classification which carries a lower maximum rate of pay and for which the employee is qualified to perform by following the disciplinary procedures outlined in these personnel rules and regulations and in any applicable Memorandum of Understanding. No recruitment process or formal examination will be required for the involuntary demotion to be made.
- 12.05 *Layoff*—
- A. *Layoff Provision*—The City may abolish any position and layoff, reassign, demote, or transfer an employee holding such positions when the appointing authority determines that it is economically necessary because of lack of work or lack of funds, because of a material change in duties or a material change in the organization, or because the duties of the position or the employment involved is no longer necessary. Notification of such layoffs shall follow the procedures outlined in the applicable Memorandum of Understanding if different than the procedures that are outlined in these personnel rules and regulations
 - B. *Seniority*—For the purpose of layoff seniority is defined as length of continuous regular employment with the City in a particular classification, except for time served

- as a provisional or temporary employee. Seniority shall be retained, but shall not accrue during any period of leave without pay, except for authorized FMLA-qualifying or military leave, granted pursuant to the State of California's Military and Veteran's Code.
- C. *Order of Layoff*—All provisional and temporary employees must be separated from City employment prior to the layoff of any probationary or regular employee in the same classification.
- D. *Department-specific Layoff*—
1. *Department Order of Layoff*—The order of layoff in the affected department shall be as follows:
 - Probationary employees in reverse order by seniority.
 - Regular employees in reverse order by seniority.
 2. *Identical City Service*—Should 2 or more employees have identical City service seniority, the order of layoff will be determined by classification seniority. Whenever 2 or more employees have identical classification seniority, the order of layoff shall be determined by an established departmental seniority policy, such as badge numbers in Safety Departments or by lottery, etc.
- E. *Notice of Layoff*—Employees shall be provided written notice and the reasons thereof a minimum of 20-working days prior to the effective dates of layoff, by certified mail or by being personally served. An employee receiving said notice may respond within 5-working days in writing to the appointing authority. The employee's representative shall receive concurrent notice, and upon request, shall be afforded an opportunity to meet with the City to discuss the circumstances requiring the layoff and any proposed alternatives which do not include the consideration of the merits, necessity, or organization of any service or activity.
- F. *Reassignment in Lieu of Layoff*—In the event of notice of layoff, any employee so affected will be allowed to transfer to a vacant position.
1. *Vacant Position in the Same Classification*—If there are no vacant positions in the employee's current classification, the employee will be offered a vacant position in any former classification, first within the affected department and then City-wide, which the employee once held as a regular employee. Such positions will only be offered if the employee still meets the minimum qualifications of the classification and the compensation is at the same or at a lower rate of pay.
 2. *Vacant Position in a Former Classification*—In the event that there are no vacant positions in the same classification, an employee will be offered a vacant position in any classification at the same or lower rate of pay in which regular status had formerly been held and for which qualified, first in the affected department and then Citywide.
 3. *Bumping in the Same Classification*—In the event there are no vacant positions in the same or former classifications, an employee may bump a less senior employee in the same classification. If an employee bumps a less senior employee, then the layoff procedures that are outlined in these personnel rules and regulations will be initiated.

4. *Displacement in Lieu of Layoff*—In the event there are no vacancies in the laid-off employee's current classification, and bumping is initiated, the laid-off employee shall have the opportunity, upon request, to be returned to any classification in the department at the same or lower salary, in which the employee meets the minimum qualifications. If this occurs, then the layoff procedures that are outlined in these personnel rules and regulations will be initiated.
 5. *Salary When Displaced*—Employees transferred, reassigned, or demoted under this layoff provision will be assigned to a step in the new classification's salary range closest, but not exceeding, the employee's salary at the time of the layoff action. Depending on the circumstances, an employee's salary may be y-rated. Y-rated salary occurs when an employee's current rate of pay is frozen until such time that the new position's hourly rate of pay surpasses the y-rated rate. All other benefits will be the same as to the position assigned.
- G. *Declining Layoff Rights*—
1. *Declined Work*—In the event that an employee is not reassigned in lieu of layoff, the employee shall be laid off. If an employee elects not to exercise the layoff rights, the employee will be deemed to have been offered and declined reassignment and will be laid off.
 2. *Accrued Leaves*—Laid-off employees, when separated from City service as a result of a layoff, will be paid for all accrued vacation leave and other discretionary leaves in accordance with the applicable Memorandum of Understanding.
- H. *Layoff Re-employment Lists*—
1. *Reduction-in-Force Reinstatement List*—Probationary and regular employees, who are reclassified and/or demoted as a result of a reduction in force, shall have their names placed on a reinstatement list in order of seniority. Vacant positions within the classification shall first be offered to employees on this list.
 2. *Re-employment List*—Employees who are laid off shall have their names placed on a re-employment list in order of seniority which, in the opinion of the personnel officer, requires basically the same qualifications, duties, and responsibilities as those of the classification from which the layoff occurred. Vacant positions in such classifications shall be offered to eligible candidates on the re-employment list, who qualify for such vacancies prior to a recruitment commencing.
 3. *Time Period of Re-employment Lists*—No name shall be carried on any reduction-in-force re-employment list for a period longer than 2 years. Refusal to accept two offers of re-employment or reinstatement within the same, a comparable, or a lower classification shall cause the name to be dropped from the list. Individuals not responding to written notification, by Certified Mail, forwarded to their last given address, of an opening within 7-calendar days from mailing, shall have their names removed from a re-employment list. Individuals who no longer meet

current employment standards (i.e., certification, licenses, etc.) shall have their names removed from the list.

4. *Probationary Employees Rehired after Layoff*—Probationary employees appointed from a re-employment list must serve the remainder of their probationary period or at least six more months of probation, whichever is longer, if returned to their former classification within the same department. To attain regular status, if a probationary employee is re-employed or reinstated to the same classification within a different department the full probationary period must begin again. If a probationary employee is re-employed to another classification for which qualified, the full probationary period must begin again.
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Rule 13. Disciplinary Action

13.01 *Action by City*—The City may take disciplinary action against any employee for misconduct of any violation of these personnel rules and regulations, departmental rules and regulations, or any City procedures or any laws. This section shall only apply to employees who have regular, represented status in a classified position. All other employees are at-will and can be terminated at any time, with or without cause or notice.

A. *Types of Disciplinary Action*—Disciplinary action includes but is not limited to written reprimand, suspension, demotion, reduction in pay, or termination of employment.

B. *Emergency Disciplinary Action*—All disciplinary action taken against an employee must receive the prior approval of the appointing authority except under emergency circumstances which dictate immediate suspension of the employee by the department head or designee. In such cases, the employee's department head shall immediately report the action taken to the appointing authority, who shall review the case and make a determination concerning the appropriateness of the suspension and of further disciplinary action.

C. *Reasons for Discipline*—

3. *AFSCME Members*—Disciplinary action may be taken for misconduct, including but not limited to the grounds for discipline as stated in California Government Code sections 19572 and 19572.1 as amended. The City will incorporate the grounds for discipline as outlined in these Government Code sections, and where the State is referenced, it shall mean the City.

4. *All Other Bargaining Units Members*—Disciplinary action may be taken for misconduct, including but not limited to:

- c. Absence without authorized leave.
- d. Any act or threat of workplace violence or fighting on the job.
- e. Appearing or remaining on duty during work hours while under the influence of alcohol, controlled substances, non-prescription or unauthorized narcotics, or dangerous drugs.
- f. Bribery or the receiving of or the giving of other unlawful gifts or gratuities.
- g. Careless, negligent, unauthorized, or improper use of City property, equipment, or funds for private purposes or involving its damage or risk of damage to it.
- h. Chronic absenteeism or the pattern of frequently failing to report for duty at the assigned place and time.
- i. Conviction of a crime affecting the employee's suitability for employment with the City.
- j. Dereliction of duty.
- k. Dishonesty.
- l. Failure to maintain grooming, clothing, or uniform standards.

- m. Falsifying a timecard or other City records.
- n. Fraud in securing employment; falsifying City or employment records, including job information in order to secure a position; misstatement of fact on an application or other personnel document.
- o. Gross negligence.
- p. Improper use of authority for personal gain or satisfaction.
- q. Incompetence or negligence in the performance of duties, including failure to perform assigned tasks or failure to discharge duties in a prompt, competent, and responsible manner.
- r. Inexcusable neglect of duty.
- s. Insubordination.
- t. Non-compliance of the Conflict of Interest Codes.
- u. Offensive treatment of the public or of another employee.
- v. Refusing or failing to perform work assigned; refusing or failing to perform a lawful direct order.
- w. Sleeping on the job.
- x. Theft of City equipment or supplies, or theft from a co-worker.
- y. Unauthorized release of confidential information from official records.
- z. Unfitness for duty.
- aa. Unlawful discrimination, harassment, or retaliation.
- bb. Unsatisfactory work record.
- cc. Willful failure to follow work rules or to perform work as required.
- dd. Willful failure to observe City safety rules.

13.02 *Written Notice of Proposed Disciplinary Action*—The City shall provide the affected employee with written notice prior to taking disciplinary action, except where circumstances require the City to take immediate action to remove the employee from the workplace. In such cases of immediate disciplinary action, written notice containing the information set forth below shall be provided to the employee within 2-working days from the date of the action.

- A. *Notice Served*—In all cases, written notice of disciplinary action shall be served on the employee personally or by mail. Unless immediate discipline is required, notice shall be provided no later than 10-working days before the disciplinary action is to be effective. A copy of the notice shall be placed in the employee's personnel file.
- B. *Notice Contents*—The written notice shall contain the following information:
 - The type of disciplinary action.
 - The reason or cause for the disciplinary action.
 - Notice that the employee may inspect copies of all materials upon which the disciplinary action is based.
 - Notice that the employee has the right to respond either orally or in writing to the appointing authority imposing the disciplinary action within 10-working days of the notice of the proposed disciplinary action.
 - Notice that the employee has a right to representation.

- 13.03 *Failure to Respond to Proposed Disciplinary Action*—Failing to respond to the appointing authority within 10 days of notice of the proposed disciplinary action waives the employee’s right to further appeal.
- 13.04 *Responding to Proposed Disciplinary Action*—The employee who responds to the appointing authority within the designated time period, indicating a wish to appeal the proposed discipline, shall be afforded a meeting with the appointing authority or designee within a reasonable time period. The employee has a right to respond to the charges either orally or in writing as outlined in the applicable Memorandum of Understanding. The employee has the right to be represented when providing a response or at any subsequent proceeding. Once the meeting has been held, the appointing authority has 10-working days to issue a written decision.
- 13.05 *Appeals of Disciplinary Action*—If a meeting has been held and the appointing authority has imposed disciplinary action other than a written reprimand, the affected employee shall have the right of appeal. Such appeals shall be filed at the fifth step of the grievance procedure as set forth in these personnel rules and regulations.
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Rule 14. Grievance Procedure

14.01 *Definition of Grievance—*

- A. *Grievance Definition*—A grievance is defined as any dispute involving the interpretation, application, or alleged violation of:
- Any provision of the applicable Memorandum of Understanding between the City of South San Francisco and a recognized employee organization, excluding however, those provisions of the Memorandum of Understanding which specifically provide that the decision of any City official shall be final, and where the Memorandum of Understanding includes a grievance procedure that governs the dispute.
 - The City’s Personnel Ordinance and these personnel rules and regulations, except for decisions within management rights including decisions regarding (1) classifications of positions, (2) recruitment, selection, appointment and examination processes, (3) extensions of probationary periods, (4) non-disciplinary transfers, reassignments, reorganization and reallocation of positions, (5) the content of performance evaluations, (6) requiring employees to submit to fitness for duty evaluations, (7) merit salary advancements, and (8) layoffs (as opposed to the impacts of layoffs).
 - Disciplinary action other than written reprimands taken against regular employees pursuant to these personnel rules and regulations.
- B. *Alternate Appeal Procedure*—Should any dispute concern an agreement, rule, action, or law that provides for a separate appeal procedure, the dispute shall be excluded from this section and the parties shall use the alternate or separate appeal procedure to resolve the dispute.
- C. *Disciplinary Appeals*—Once a proposed disciplinary action has been imposed, the affected employee shall have the right of appeal. Such appeals shall be filed at the fourth step (City Manager level) of the grievance procedure as set forth in these personnel rules and regulations.
- D. *Immediate Supervisor*—As used in this procedure, the term immediate supervisor means the individual who assigns, reviews, and directs the work of an employee.

14.02 *Informal and Formal Grievances—*

- A. *Grievance Steps*—A grievance is addressed in accordance with each employee’s applicable Memorandum of Understanding. The general steps in the grievance procedure are as follows. Note that some steps in the grievance procedure may be eliminated if the employee reports to a department head or if the employee’s second-line supervisor is the department head.
1. *Step 1-Immediate Supervisor*—Employees shall bring their grievances to the attention of their immediate supervisor within 5-working days of the occurrence of the act causing the basis for the grievance. If the grievance is not resolved at

this step within 15-working days of the date the grievance is raised with the immediate supervisor, the employee shall have the right to submit a formal written grievance to the employee's second-line supervisor. If the employee chooses to formally pursue the grievance, it shall be presented in writing within 15-calendar days after the date upon which the grieving employee informally discussed the grievance with immediate supervisor. The written grievance shall contain the following information:

- The name and signature of the grievant.
 - The grievant's department and specific work site.
 - The name of the grievant's immediate supervisor.
 - A statement of the nature of the grievance, including date and place of occurrence.
 - The specific provision, policy, or procedure alleged to have been violated.
 - The remedies sought by the grievant.
 - The name of the individual or organization, if any, designated as the grievant's representative in the processing of the grievance. However, in no event, shall an employee organization other than the one which formally represents the position occupied by the grievant be designated as the grievant's representative.
2. *Step 2-Response to Formal Grievance*—Within 15-calendar days of receipt of the written grievance, the immediate supervisor shall return a copy to the employee with an answer in writing. If the grievance is not resolved at this level, the employee shall have 15-calendar days from receipt of the answer in which to file an appeal to the department head.
 3. *Step 3-Department Head*—An employee dissatisfied with the decision of the second-line supervisor in Step 1 may submit the written grievance to the department head within 5-working days from the date of the immediate supervisor's decision. The department head or designee shall respond to the grievance in writing within 15-working days from the date of its receipt.
 4. *Step 4-City Manager*—If the employee is dissatisfied with the decision of the department head in Step 3, the written grievance may be submitted through the department head to the City Manager, within 10-working days from receipt of the department head's response. The City Manager or designee shall respond to the grievance in writing within 15-working days of its receipt. Within this period, at the City Manager's discretion, an informal hearing involving the parties to the dispute may be conducted.
 5. *Step 5-Personnel Board*—In accordance with applicable Memorandum of Understanding, if dissatisfied with the decision of the City Manager, the employee may submit the grievance to the Personnel Board. The employee must file notice of appeal in writing with the personnel officer within 15-working days of receipt of the City Manager's decision. The personnel officer shall provide written notice of the appeal to each Personnel Board member, to the department

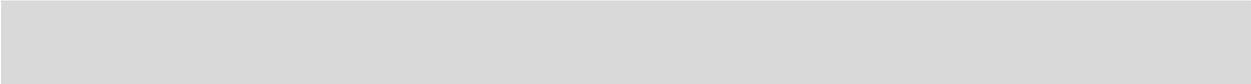
head, to the employee organization involved if applicable, and to such other parties as may be deemed appropriate.

- B. *Personnel Board Hearing*—To the extent feasible, the Personnel Board shall hear the grievance at its next regular meeting following 10-calendar days after receipt of the appeal, but in no event later than the second regular meeting after the grievance is submitted. The personnel officer shall provide advance written notice of the hearing to all parties involved.
- C. *Personnel Board Hearing Meeting*—All hearings on grievance matters shall be conducted in an expeditious manner and need not be conducted according to technical rules relating to evidence and witnesses. The chairperson shall retain final authority to rule on procedural matters or on other points affecting the length and conduct of the hearing.
- D. *Open or Closed Hearing*—Hearings conducted by the Personnel Board relating to general classified service matters, such as recruitment, examination, appointment, or promotion shall be open to the public unless the City determines that it impacts the privacy of individual employees. Any hearing involving an appeal of disciplinary action shall be closed to the public and attendance shall be limited to those who need to attend, unless the employee requests a public hearing. At the request of either side, any and all witnesses can be sequestered.
- E. *Personnel Board Decision*—The Personnel Board shall render its decision in writing within 10-working days following the close of the hearings and shall furnish copies of such decisions to all parties involved. The Personnel Board, upon making a finding of necessity, supported by substantial evidence, may extend the deadline for rendering its decision for an additional 15-working day period. The Personnel Board may also extend the timeline for submitting its written decision by mutual agreement of both parties. The majority findings of the Board shall be the binding, except in instances where they entail capital or unbudgeted expenditures of a significant amount. In those cases where significant costs are part of the Personnel Board's decision, the ruling shall be submitted to the City Council for action, which may include modification or reversal, but cannot include increasing the severity of the discipline.

14.03 *General Conditions*—

- A. *Extended Time Limits*—Any time limit set forth above may be extended by mutual written agreement between the City and the grievant or the recognized employee organization representing the grievant.
- B. *Failure to Comply with Time Limits*—Failure on the part of the grievant or the grievant's designated representative to comply with the time limits of this procedure or any extensions thereto shall constitute a withdrawal of the grievance without further recourse to re-submittal. Failure on the part of the City to comply with prescribed time limits or extensions shall result in the grievance being moved to the next step of the procedure.

C. *Representation*—Except as provided in these personnel rules and regulations, the grievant shall be entitled to have a representative of own choosing present at any grievance meeting with the City.



Rule 15. Training and Safety

- 15.01 *Responsibility for Training*—The City Council encourages the training of City employees and directs the responsibility for developing employee training programs to be assumed jointly by the appointing authority, the personnel officer, and department heads. Such training programs may include lecture courses, demonstrations, assignments of reading matter, or such other resources as may be available for the purpose of improving the effectiveness and broadening the knowledge of employees in performing their duties.
- 15.02 *Credit for Training*—Participation in and successful completion of special training courses may be considered in making advancements and promotions. The employee shall file evidence of such activity with the department head, who shall forward a copy to the personnel officer for retention in the employee's official personnel file.
- 15.03 *Promotional Training Program*—Department heads may institute a training program for employees in their department for promotional purposes, which may include the temporary assignment of such employees. How temporary assignments are made may be addressed in specific memorandums of understanding or compensation plans.
- 15.04 *Safety Program*—The appointing authority shall establish a safety program and a Central Safety Committee, which shall include employee and management representation. The Central Safety Committee shall, among other duties, be charged with reviewing each on-the-job injury and each vehicle accident with a view to making any needed safety policy and program recommendations to the appointing authority. The personnel officer is the designated safety representative for the City's safety program.

Rule 16. Reports and Records

- 16.01 *Personnel Files*—The personnel officer shall maintain in a central City office an official personnel file for each employee in the service of the City. The file shall contain name, classification title, the department to which assigned, salary, changes in employment status, any disciplinary actions, and such other information as may be considered pertinent. All personnel files are the property of the City.
- 16.02 *Employee Access to Personnel Files*—As provided for in Government Code Section 53060.3 and Labor Code section 1198.5, upon the request of an employee, the City at a time that is reasonable to the City, shall provide the employee the opportunity to inspect and to obtain a copy of any materials in the employee’s official personnel file. This inspection and copying does not apply to records confidential to the employee, such as files relating to pre-employment background information or investigation files of a possible criminal offense.
- 16.03 *Change of Status Report*—Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or regular change in status of an employee shall be reported to the appointing authority by the use of designated procedures, such as a Personnel Action Form.
- 16.04 *Employee Evaluations*—Employee performance, at a minimum, shall be evaluated on an annual basis, which shall be on forms provided by the personnel officer, and which may be augmented according to specific departmental or classification criteria. Evaluations shall be done by the employee’s immediate supervisor and should be reviewed by the next higher supervisor, where applicable. The employee shall sign the performance evaluation only to verify that the supervisor has discussed the evaluation with the employee. Evaluations will be reviewed by the department head and forwarded to the personnel officer for inclusion in the employee’s official personnel file. Evaluations are not subject to the grievance procedures specified herein. Employees will also be evaluated under the following circumstances:
- Quarterly during the probationary period as provided in these personnel rules and regulations or the applicable Memorandum of Understanding.
 - At any time for exceptional or unsatisfactory service.

Rule 17. Miscellaneous Provisions

- 17.01 *Outside Employment*—An employee may not engage in any outside employment, business, or undertaking that is incompatible, inconsistent, detrimental to, or in conflict with the employee’s duties or service with the City. An employee must notify his/her department head of any outside employment. In determining whether a potential conflict exists, the department head shall be guided by Government Code Section 1126.
- 17.02 *Political Activities*—Political activities of employees are governed by applicable state and federal laws.
- 17.03 *Cooperation of City Employees*—Employees of the City of South San Francisco shall cooperate with the Personnel Board and the personnel officer in order to fulfill completely the objectives and purposes of the Personnel Ordinance and these personnel rules and regulations.
- 17.04 *Conflict of Interest Codes*—The City Clerk shall maintain a copy of the Conflict of Interest Code adopted by the City Council. Those employees so required shall comply with the code. Employees shall not participate in or attempt to use their official positions to influence a governmental decision in which they have a financial interest. In addition, employees shall not be financially interested in any contract made by them in their official capacity or by any body of which they are members. Nor shall employees be purchasers at sale, or vendors of any purchase made by them in any official capacity. Non-compliance of this provision could subject an employee to disciplinary action.
- 17.05 *Gifts, Favors, and Remuneration*—In accordance with specific departmental rules and regulations, no employee shall accept any significant gift, whether in the form of money, things, favors, loans, or promises that would not be offered or given if the employee were not in the employ of the City of South San Francisco.
- 17.06 *Confidentiality*—Confidential information concerning any employee, elected official, or appointed official of the City of South San Francisco shall not be disclosed unless authorized by the personnel officer or the appointing authority. Confidential or sensitive information about any other person, firm, association, group, partnership, or corporation doing business with the City is not to be discussed. Furthermore, sensitive information about the property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information.
- 17.07 *Dress and Grooming Requirements*—The City shall set standards of dress appropriate for the position, such as grooming requirements, uniform requirements, and/or clothing requirements.



Appendix - Definitions

1. *Acting Assignment*—A temporary appointment of a regular employee to an assignment, usually at a higher rate of pay as may be prescribed in applicable Memoranda of Understanding or compensation plan.
2. *Advertising Media*—Written, televised, or electronic media, TV channels, or websites, which serve the City of South San Francisco. Other advertising sources may also be used and advertising need not be limited to only those sources serving the City.
3. *Allocation*—The assignment of a position to its proper job classification in accordance with its duties and levels of responsibility.
4. *Applicant*—A person who has completed and submitted application materials with the Personnel officer for a position in the City of South San Francisco.
5. *Appointing Authority*—As defined by the Municipal Code, the City Manager is the person responsible for appointing, controlling, supervising, disciplining, and removing employees of the City.
6. *Appointment*—The offer and acceptance by a candidate of a position in the classified service pursuant to the provisions of the Personnel Ordinance and these personnel rules and regulations. The type of appointment may be as follows:
 - A. *Initial Appointment*—The initial appointment of an employee to a position in the classified service.
 - B. *Promotional Appointment*—An appointment of a current employee to a position in a higher classification in the classified service.
 - C. *Temporary, Provisional, or Interim Appointment*—An appointment of a person, who may not have been through the testing process, to fill a position for a limited period of time.
 - D. *Unclassified Appointment*—The appointment of a person to fill a position that is not in the classified service.
7. *Board*—The Personnel Board of the City of South San Francisco.
8. *Candidate*—An applicant whose application materials have been accepted for participation in the examination process for an available position in the classified service.
9. *Certification*—The submission of names of eligible candidates from an appropriate employment list by the Personnel officer to a department head or designee.
10. *City*—The City of South San Francisco.
11. *City Council*—The duly elected governing body of the City of South San Francisco.
12. *City Manager*—The individual appointed by the City Council to manage all City of South San Francisco operations, departments, polices, and rules. The City Manager is the appointing authority for all positions within the City of South San Francisco and may appoint a designee.
13. *Class or Classification*—Both terms, which are used interchangeably throughout this document, refer to a group of positions having duties and levels of responsibility sufficiently similar that the same general qualifications and methods of selection may be applied.

14. *Classified Service*—Those positions or classifications of positions as set forth in the Personnel Ordinance.
15. *Classification Plan*—A list of all positions in the City arranged by their various classifications, including the title of the classification and the specification describing the job duties of each.
16. *Classification Series*—A series of like positions arranged by the various job duties of each. Alternately staffed appointments may be made to fill positions at any level within a classification series.
17. *Continuous Examinations*—An examination that is continuously open to receive applications. A final filing date for application material submission may be set periodically for testing purposes without changing the continuous examination process.
18. *Continuous Operations*—Departments or divisions which are staffed 24-hours per day, seven-days per week.
19. *Continuous Service*—Employment on a regular basis, which is not interrupted by resignation, termination, or certain leaves of absence.
20. *Days*—Calendar days unless otherwise indicated.
21. *Demotion*—A change in status of an employee from a position in one classification to a position in another classification carrying a lower maximum rate of pay.
 - A. *Voluntary Demotion*—When an employee voluntarily chooses to demote to a lower-paying classification.
 - B. *Involuntary Demotion*—When an employee is involuntarily demoted to a lower-paying classification as a result of the disciplinary or layoff procedures outlined in these personnel rules and regulations.
22. *Disciplinary Probation*—This is a form of disciplinary action that lasts for a specified period of time, generally not exceeding one year. Disciplinary probation is distinguished from probation for new employees or promoted employees. Persons placed on disciplinary probation may be terminated for failure to meet or complete requirements, as provided by these personnel rules and regulations.
23. *Dismissal or Termination*—Removal of an employee from City employment.
24. *Eligible Candidate*—Any person on an employment list for a given classification.
25. *Employee Categories*—
 - A. *At Will Employee*—City employees who are not members of the classified service, who serve at the pleasure of the City Manager. Hourly employees include, but are not limited to department heads, hourly employees, contract employees, temporary workers, and probationary employees, etc.
 - B. *Casual, Hourly, or Temporary Employee*—An employee hired to fill a position on a temporary or hourly basis at the discretion of a department head, not to exceed 1040 hours per fiscal year, unless approved and extended by the appointing authority or unless needed to meet the immediate requirements of any condition, project, or assignment.
 - C. *Classified Employee*—Employees who are appointed to regular full-time or part-time positions in the classified service who have passed their probationary period.
 - D. *Contract Employee*—An appointment to a position, which generally has a limited duration and is not part of the classified service.

- E. *Emergency Employee*—Appointment to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake, which threatens public life or property.
 - F. *Full-time Regular Employee*—An employee hired to fill an authorized classified or unclassified position on a full-time basis (more than 35 hours per week or 1820 hours per fiscal year except as otherwise authorized by the applicable Memorandum of Understanding, other approved compensation programs, or by other City Council action).
 - G. *Grant-funded Employee*—An employee hired pursuant to a grant of funds for particular projects or programs and subject to and governed by the terms of the grant. These appointments are indefinite in nature and employees serve at the discretion of the department head.
 - H. *Management Employee*—An employee having significant responsibilities for formulating and administering City policies and programs. This group includes but is not limited to the City Manager, department heads, and division heads and are the employees in the represented units of Executive Management, Mid-management, and Public Safety Managers.
 - I. *Part-time Regular Employee*—An employee hired to fill an authorized classified position on a part-time basis of less than 35 hours but more than 19.75 hours per week on a continuous year-round basis with work in a paid status not exceeding 1820 hours per fiscal year.
 - J. *Probationary Employee*—Employees who have been appointed to a regular full-time or part-time classified position, whose regular status under an initial, transfer, or promotional appointment is contingent upon successful completion of a prescribed period of observation to determine fitness for the work being performed. Employees who have not passed the probationary period for a position may be terminated at will, without cause, and without recourse to any grievance or appeal procedure, unless otherwise authorized by the applicable Memorandum of Understanding or compensation plan. All initial and promotional appointees shall serve a probationary period of not less than one year of actual service and may be extended by mutual agreement not to exceed six additional months. The probationary period for police officer classifications shall be 18 months.
 - K. *Provisional Employee*—Provisional appointments are for the purpose of retaining qualified applicants until an examination can be given and an employment list established, or for filling a long-term vacancy subject to approval of the appointing authority. This appointment may be of a person who has not yet demonstrated competence through the examination process and who may be dismissed, separated, or removed at any time.
 - L. *Unclassified Employee*—Those employees in positions that are not a part of the classified service, which are generally at will employees who are department heads, contract employees, temporary workers, probationary employees, and hourly workers.
26. *Final Filing Date*—A date set after which there may be no new applications accepted for a particular examination.

27. *Flexible Staffing*—A group of classifications in a series allocated as one position in which the same general area of work is performed but at different levels of proficiency and technical expertise based on skills and qualifications. An employee may be promoted from an entry-level through sub-journey-level, journey-level, and to master-level if the classifications exist and if the employee meets the requirements for each level prior to promotion.
28. *Incomplete List*—An employment list of eligible candidates that has four or fewer names remaining on it. Some eligible lists may not be a complete list when established, as the candidate numbers are insufficient.
29. *Job Specification*—The official description of a job classification, which may include the title, a definition of the job, statement of duties, levels of responsibility, supervision exercised and received; and standards of employment, such as required training, experience, knowledge, skills, and abilities.
30. *Last Chance Agreement (Also known as a Last and Final Agreement)*—An agreement between the City, the employee, and if applicable, the employee's bargaining unit representative, outlining the terms and conditions of continued employment for the employee in lieu of pending termination.
31. *Layoff (Non-disciplinary)* —Separation of employment due to a lack of work, a lack of funds, in the interest of economy, or because the position no longer exists.
32. *Leave of Absence With Pay*—Permission to be absent from duty with pay for a specified purpose, with the right to return to work no later than at the expiration of the leave period.
33. *Leave of Absence Without Pay*—Permission to be absent from duty without pay for a specified purpose and a specified period of time with the right to return to work no later than at the expiration of the leave period.
34. *Memorandum of Understanding*—A Memorandum of Understanding is a legal contract the City has with represented employee organizations. This term is a coincidental reference with the term Compensation Plan(s). Memoranda of understanding and compensation plans are official documents of agreements between the City and designated bargaining units. Any inconsistencies between these personnel rules and regulations and the memoranda of understanding or compensation plans are to be resolved in favor of the memoranda of understanding/compensation plan, which take precedence.
35. *Merged Lists*—The merging of one list of candidates with another subsequent list of candidates.
36. *Out-of-Class*—A temporary assignment of an employee to perform significantly higher duties in a position that is generally at a higher rate of pay.
37. *Paid Status*—The status of an employee who is currently working and receiving pay or who is absent from work, but is being paid from accrued leave.
38. *Personnel Ordinance*—Ordinance No. 449 creating a personnel system for the City, as amended. Any inconsistencies between these personnel rules and regulations and any Memoranda of Understanding are to be resolved in favor of the Memoranda of Understanding, which take precedence.
39. *Personnel Officer*—The designee of the City Manager (Appointing Authority), who is responsible for the administration of all personnel rules and regulations that are not

specifically reserved for the City Manager. Normally this designee will be the Director of Human Resources.

40. *Position*—A combination of duties regularly assigned to be performed by one person, which is an individual budgeted job within a classification.
41. *Probationary Period*—A prescribed period of time under an initial, transfer, or promotional appointment of not less than one year of actual service where the employee's performance is observed to determine fitness for the work being performed. This probationary period may be extended by mutual agreement not to exceed six additional months. During the period of initial probation the employee can be terminated without cause and without the right to appeal the decision.
42. *Promotion*—Advancement from a position in one classification to another position, which carries a higher maximum rate of pay.
43. *Promotional Examination*—An examination for a particular classification limited to employees who have completed an initial probationary period with the City. This process is known as a Closed/Promotional Examination.
44. *Promotional List*—An employment list resulting from a promotional exam.
45. *Reclassification*—Positions in which the duties have changed materially so as to indicate that a new assignment to a different classification is warranted.
46. *Reclassification Study*—A new assignment to a different classification based on a review of the duties of a position or classification series, which indicate a material change in duties.
47. *Re-employment List*—A list of employees who have been laid off from a specific classification and are eligible for re-employment in the former classification for up to 2 years after layoff occurred.
48. *Reinstatement List*—A list of employees in a specific classification who may be considered for future vacancies in their former classification for a period of up to 2 years.
49. *Resignation*—A voluntary action of an employee, which separates the employee from employment and severs the employment relationship.
50. *Second-line Supervisor*—An employee's supervisor's immediate supervisor.
51. *Selective Certification*—Certification of a group of candidates, who meet specific qualifications for the position as determined by the personnel officer.
52. *Seniority Points*—These are points awarded to regular employees who have applied for and have successfully passed the testing elements of a closed/promotional examination.
53. *Separation*—A separation of employment from City service for any reason.
54. *Standing*—The order of each candidate on an employment list based on the test scores for an examination given. All candidates who have the same final examination rating for the same examination are given the same standing.
55. *Suspension*—An involuntary absence without pay imposed by the appointing authority for disciplinary purposes or as administrative leave with pay pending the investigation of charges.
56. *Sworn Personnel*—Police service employees authorized to carry out police powers.
57. *Targeted Recruitments*—Examinations conducted for specific positions within a classification having the same general requirements but with duties that may be substantially different, such as a specific bilingual language skill.

58. *Transfer*—An employee moving to another position within the same classification or a change between positions of a similar classification carrying the same, or essentially the same, maximum rate of pay.
 59. *Unpaid Status*—The status of an employee who is not working and is on a leave of absence without pay.
 60. *Unrepresented Employees*—Employees that are not part of a recognized bargaining unit.
 61. *Vacancy*—Any unfilled and authorized position.
 62. *Waiver*—The voluntary relinquishment by an eligible candidate to be considered for appointment to a specific position.
 63. *Year*—The fiscal, calendar year, or any other 12-month period.
 64. *Y-rating*—In the event that an employee has an involuntary reassignment to a lower-level position with a lower salary, due to a reorganization, reduction in force, position abolishment, or for some other such reason not related to failing to pass probation, the employee's current salary rate may be frozen until such time that the new position's salary surpasses, the y-rated rate. All other benefits will be the same as to the position assigned.
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Published by the
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