



CITY of NAPA

CIVIL SERVICE RULES

ESTABLISHED JULY 1, 1993

AS AMENDED DECEMBER 26, 2014

RULE 1

DEFINITION OF TERMS

ACTING ASSIGNMENT

When a City of Napa, classified employee, assumes the full duties of a higher level position in the absence of its incumbent or when such position is vacant.

ALLOCATION

The official determination of the class to which a position belongs and the assignment of a position to its proper class, as a result of Civil Service Commission recommendation and/or City Council approval.

APPEALS

Examinations, See Rule 4, Part G; Classification, See Rule 2, Part C; Disciplinary Action, See Rule 10, Part D, E, and F.

APPLICANT

A person who has completed a formal application for a position for which the City is currently recruiting.

APPOINTMENT

The offer to a person who has been properly screened and certified in accordance with the Civil Service Rules and that person's acceptance of the offer.

APPOINTING AUTHORITY

For all positions in the classified service the final appointing authority is the City Manager

CERTIFICATION

The submission of names of eligibles by the Personnel Manager from an appropriate eligible or reemployment list to the using department.

CHARTER

The Charter of the City of Napa.

CITY

The City of Napa.

CLASS OR CLASSES OF POSITIONS

A group of positions having duties and responsibilities sufficiently similar that the same title, definition, typical tasks, and minimum requirements may be applied, as well as compensation.

CLASS SPECIFICATION

The official document providing the title, general definition and examples of typical tasks and minimum qualifications.

CLASSIFICATION PLAN

The arrangement of positions in classes, together with the titles and class specifications describing each.

CLASSIFICATION REVIEW

Evaluation of a position/positions by the Personnel Manager.

CLASSIFIED SERVICE

All employees of the City of Napa not specifically exempted by the City Charter or City Charter provisions.

COMMISSION

When used alone, the Civil Service Commission, as established by the Charter.

COMPENSATION

All wages and fringe benefits paid to an employee for performing the duties of a position.

DEMOTION

The movement of an employee from a position in one class to another class having a lower maximum rate of pay.

DEPARTMENT

An administrative unit of the City Government as defined by the budget.

DEPARTMENT MANAGER

The position heading a City department.

DISMISSAL

Separation of an employee by the appointing authority for cause.

ELIGIBLE

Any person on an eligible list or reemployment list for a given class.

ELIGIBLE LIST

An officially promulgated list of names of persons who have been examined, arranged in order of merit, and are qualified for certification to a specific class or group of classes.

EMERGENCY APPOINTMENT

Shall mean an employment not to exceed fifteen (15) working days made during an actual emergency to prevent stoppage of vital public service. (See Charter Section 76.1 (F)(3).)

EXAMINATION

Every process an applicant must participate in for prospective employment or promotion in a given classification, including the probationary period.

EXTRA-HELP

A temporary appointment not to exceed six (6) months except as provided in these Rules. See Rule 6, Part C., 6.

HUMAN RESOURCES DEPARTMENT

The City department which is headed by the Human Resources Director, and the location at which certain documents referenced in these Rules are filed.

HUMAN RESOURCES DIRECTOR

The appointive officer appointed by the City Manager to head the Human Resources Department, as defined by Napa Municipal Code Chapter 2.46, or a designee of the Human Resources Director.

LAYOFF

Termination of service without fault on the part of the employee because of lack of work, lack of funds, or in the interests of economy or efficiency.

MEMORANDUM OF UNDERSTANDING (M.O.U.)

A written agreement between a properly recognized employee organization and the City of Napa reflecting agreed upon compensation and working condition matters.

OPEN EXAMINATION

An examination with unlimited competition. City employees who successfully compete are to be certified, based on score, to the top of the list.

PERSONNEL MANAGER

The classified employee appointed by the Human Resources Director, in accordance with City Charter Section 76.1(C), and Rule 11, Part B.

POSITION

A combination of duties regularly assigned to be performed by one person.

PROBATIONARY PERIOD

The final phase of the examination process for any classification during which the employees are required to demonstrate his/her fitness for the job prior to becoming a regular employee.

PROMOTION

The advancement of an employee to a classification having a higher maximum rate of pay.

PROMOTIONAL EXAMINATION

An examination with competition limited to persons regularly employed in the classified service. See Rule 4, Part I.

PROVISIONAL APPOINTMENT

Appointment of a person, who possesses at least minimum qualifications, to a regularly budgeted position when no eligibility list is available. These appointments shall not exceed 180 days under any condition. See Rule 6, Part C., 3.

PUBLIC NOTICE

Announcement of examinations, meetings, hearings or other actions of the Commission on designated bulletin boards in City facilities and elsewhere as appropriate or necessary.

REDUCTION

A decrease in salary within the limits of the pay range established for a class.

REEMPLOYMENT LIST

A list of persons, with regular or probationary status, in a class who have been laid-off, or resigned in good standing and who are entitled to preference in appointment to vacancies in that class.

REGULAR EMPLOYEE

The status of an employee who satisfactorily completes the probationary period as provided in these Rules. See Rule 6, Part C. 3.

REINSTATEMENT

The approval of the Commission with department head recommendation to place the name of a person who has resigned in good standing on a reemployment list. See Rule 5, Part B, 2.

RESIGNATION

The voluntary action of an employee which separates the employee from the position they held in the City Service.

RETIREMENT

Separation from the City by an employee who qualifies under Public Employees' Retirement System law.

SEPARATION

Any termination of employment.

SUSPENSION

The compulsory unpaid absence of an employee for disciplinary purposes.

TEMPORARY APPOINTMENT

A limited term appointment, to a regularly budgeted position, which is available due to an authorized leave of absence or disability leave. See Rule 6, Part C., 3.

TRANSFER

Change of positions by an employee in the same or comparable class with similar minimum qualifications. See Rule 8, Part A.

VACANCY

An unfilled position in the classified service which has not been abolished.

WAIVER

The relinquishment of an eligible of any right of consideration for appointment to a specific position.

Y-RATING

Rate of pay higher than the contractual, or formally established, rate for a classification. The rate is attached to the incumbent. The incumbent receives no rate increases until the contractual, or formally established rate surpasses the "Y" rate amount. The procedure may be used to protect an employee from a decline in earnings through no fault of their own.

RULE 2

CLASSIFICATION AND COMPENSATION

PART A. Departmental Position and Salary Schedule

The Personnel Manager shall prepare recommended updates to the classification plan, class specifications, and salary schedules, and submit them to the Commission for consideration. The Commission shall review the recommendations from the Personnel Manager, and make a recommendation to the City Council to approve (with or without amendments) or deny the recommendations from the Personnel Manager. The recommendations from the Personnel Manager and the Commission shall be presented to the City Council for final action to approve (with or without amendments) or deny the recommendations.

PART B. Classification of Positions

Each position in the classified service shall be classified upon recommendation of the Personnel Manager and approval of the Commission and City Council and shall be allocated to the appropriate class in accordance with the character, difficulty and responsibility of its assigned duties. Positions shall be allocated to the same class when their duties are sufficiently similar that:

1. The same descriptive title may be used to designate each position in the class.
2. The same level of education, experience, knowledge, ability and other qualifications may be required of incumbents.
3. Similar tests of fitness may be used to select incumbents.
4. The same schedule of compensation will apply for equity under substantially the same employment conditions.

PART C. Amendment and Maintenance of Classification Plan

1. Overview

A request for reclassification of a position is brought to the Personnel Manager. The Personnel Manager directs the study of that position. The findings are submitted to the Commission for review. Their allocation recommendations are forwarded to the City Council for action.

2. The Classification Process

Typical tasks performed by employees within the classified service are identified through the process of a written questionnaire completed by the incumbent, then reviewed by the supervisor and department manager for acceptance and any additional job related information.

Normally an interview is then conducted at the job site by the personnel representative with the incumbent and supervisor, independently, to further clarify the functions of the position, the nature and level of work performed in the position and the relationship among other positions.

A written copy of the duties and responsibilities shall be provided to the Personnel Manager by the appointing authority when a new position is created.

When a written request to review a position is received, the Personnel Manager shall review the position.

3. When to Review a Position

Positions in the classified service may be studied when:

- a) significantly changed
- b) not reviewed for an extended time
- c) positions or classes are combined
- d) a new, more appropriate classification is created

Classification studies shall occur when:

- e) initiated by the Commission
- f) requested by an employee
- g) requested by a department manager
- h) Whenever a new position is created and is classified before it is occupied, such position shall be subject to investigation to determine if the true duties are consistent with its class.
- i) Whenever a new position within the classified service is created a written description of the duties and responsibilities shall be provided the Commission by the appointing authority for allocation to a class.

PART D. Specifications

The Human Resources Department shall maintain a written specification for each class in the classified service. The specifications shall include: the class title; a brief description of the scope, nature and responsibility of the class; a description, typical but not necessarily restrictive, of tasks or duties ordinarily performed in positions allocated to the class; a statement of knowledge, skills, abilities and additional factors or features considered necessary. A statement of equivalency of education and experience requirements may be included on job bulletins or class specifications. When approved and adopted by the City Council, these documents shall constitute the official specifications of classes in the Napa City Service. Specifications are not restrictive and shall not be construed as declaring that duties and responsibilities shall not be changed or that the appointing authority may not temporarily

assign other duties and responsibilities to or otherwise direct and control the work of employees under his/her supervision.

PART E. Pay Plan

The basic pay plan consists of the salary schedules and the assignments of classes to such schedules as provided in the appropriate Salary Resolution. Each employee shall be paid within the schedule for his/her class as provided in the said Resolution, which shall be available in the Human Resources Department.

PART F. Relationship to Pay

Whenever a new classification specification is created due to a significant change in duties and responsibilities, a salary recommendation shall accompany the classification recommendation.

RULE 3

APPLICATION FOR EXAMINATION

PART A. Filing of Applications

No persons shall be admitted to an examination for employment unless such person shall have prepared and filed for said examinations upon the form furnished by the Personnel Manager which application shall not have been rejected by the Commission or Personnel Manager for cause in accordance with the provision of these rules. Applicants must file applications in the Human Resources Department not later than the final filing date prescribed in the notice of examination or if mailed, the envelope must be postmarked of that date. The applicant shall certify as to the correctness of all statements made in the application.

PART B. Citizenship - Residency

1. Applicants for Employment: Residency Not Required

Applicants for examinations shall not be required to be citizens of the United States unless such examination is for a class of positions wherein the performance of certain duties is limited to citizens by provision of State Law.

2. Appointees: Residency Requirement

Each appointee is required, as condition of completing his/her probationary period successfully, to establish and maintain his/her residence at a location which is within a radius of twenty-five (25) miles from City Hall (unless specifically modified by M.O.U.). Any deviation or change to these Rules for any classification or employee group must be specifically negotiated during the meet and confer process and made a part of a memorandum of understanding which represents that classification of employee.

3. Documentation of Residency

Each appointee shall notify both his/her supervisor and the Personnel Manager of any change in residence in writing on a form provided by the Personnel Manager.

4. Deviation from Rule

Neither a supervisor, the Personnel Manager, the appointing authority, or any other individual within the City of Napa can waive or otherwise deviate the appointee's obligation to comply with the residency rule.

Any employee found not to be in compliance with the residency rule (as established by this Rule 3. Part B. or modified by M.O.U.) will be subject to disciplinary action.

PART C. Age

No person shall be eligible for employment in the full-time classified service, nor shall any applicants be admitted to an open examination therein, who is less than eighteen (18) years of age, provided, however, that the Commission may change this age limit and fix other limits for any examination or particular work in any class by order entered in the Minutes of the Commission, and by giving notice of limits prescribed in the notice of such examination.

PART D. Physical and Mental Ability

The Commission may establish physical and mental standards for all classes of positions in the Classified Service. Each applicant or eligible shall be required to meet these physical and mental standards and may be required to take appropriate tests or examinations to determine whether or not he/she meets such standards. The Commission shall determine which tests or examinations are appropriate and shall determine who shall administer such tests and examinations.

If the applicant or eligible fails to meet applicable physical and mental standards, his/her name shall be:

1. Withheld from placement on the eligible list by the Personnel Manager, or
2. Removed from the eligible list by the Personnel Manager, or
3. Withheld from certification by the Personnel Manager until applicable physical or mental standards are met.

An applicant or eligible appointed subject to attainment of the applicable physical or mental standards within a specified time shall be terminated on order of the appointing authority if the applicable standards are not met within the specified time.

PART E. Investigation and Fingerprints

In connection with the application and appointment process, the Commission or Personnel Manager may require, as a prerequisite to employment, a background investigation of the applicant or eligible, including but not limited to the taking of fingerprints and reviewing of any criminal history and any other investigations deemed necessary, consistent with applicable law. The Personnel Manager may disqualify any applicant or eligible when the background information obtained warrants exclusion from consideration from employment because of a nexus between the background information and the position for which the applicant or eligible applied.

PART F. Disqualification

The Personnel Manager may refuse to examine or, after examination, certify as eligible, or may remove from the eligible list any person:

1. Who lacks any of the minimum qualifications established by the Commission for the examination or position to which he/she seeks appointment.

2. Who has used or attempted to use any personal or political influence to further their eligibility or appointment.
3. Who uses or is addicted to illegal drugs or the habitual use of alcohol to excess and is not entitled to the protections of the Americans with Disabilities Act, Rehabilitation Act of 1973, and/or the California Fair Employment and Housing Act.
4. Who has been convicted of or pled no lo contendere to a felony or misdemeanor if the Personnel Manager determines that there is a rational relationship between the felony or misdemeanor and the position for which application is made. In making the determination, the Personnel Manager shall consider the duties and responsibilities of the position, the nature of the felony or misdemeanor, the length of time since the conviction/plea, the circumstances surrounding the conviction/plea and the individual's subsequent record. In the case of an applicant or eligible for peace officer as defined in Government Code Section 830 et seq., a felony conviction shall automatically disqualify the individual.
5. Who has made a misrepresentation or omission of material facts in his/her application.
6. Who has been previously dismissed for good cause from other employment.
7. Who has resigned from public service not in good standing, or in order to avoid dismissal.
8. Who has otherwise violated provisions of any of the Civil Service Commission Rules.
9. Who has submitted a false, incomplete, misleading or late application.

PART G. Notification of Disqualified Applicant

A disqualified applicant shall be promptly notified of their disqualification. In the case of disqualification because of failure to meet the preliminary requirements, the applicant shall be notified by mail, to their last known address, sufficiently in advance of the examination to allow for submission of additional evidence to the Personnel Manager.

PART H. Maintenance of Applications

Applications, whether accepted or rejected, shall remain on file in the office of the Commission and shall not be returned.

Applications may be discarded after a period of three years on file.

PART I. Employment of Relatives

The employment or promotion of a member of any employee's immediate family shall only be permitted when the employee would not supervise or be supervised by the member of his/her immediate family. In addition, an employee and his/her immediate family member shall only be employed in the same department, division or facility when to do so will not involve potential conflicts of interest or other hazards which are greater for relatives than non-relatives.

For purposes of this provision, immediate family is defined as: spouse, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, son or daughter-in-law, or a step-child, sibling or parent.

When one employee marries another employee, the City will attempt to make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security and morale.

This rule shall not affect the status of related employees in their current positions who are employed by the City on the date of adoption of this rule. However, this rule shall be applicable to further promotions, transfers and reassignments of currently employed related employees.

RULE 4

EXAMINATIONS

PART A. Notice and Call for Examinations

The Personnel Manager shall call open and/or promotional examinations to fill vacancies in the classified service or to provide eligible lists for classes of positions where vacancies are likely to occur and shall prepare, announce, and conduct same in the manner hereinafter provided.

Examination announcements shall be written or printed and shall contain:

1. The title, class and rate of pay for the classification of the eligible list to be established.
2. The last date on which applications shall be received, which will be referred to as the "final filing date."
3. The duration of the eligible list.
4. The subject of examination and their respective weights.
5. A statement of the scope of the job termed "typical tasks".
6. Any special physical or medical requirements and examinations.
7. Special minimum qualifications as to knowledge, skills, ability, education, training, or experience required of applicants.
8. A statement that the City of Napa is "An Equal Opportunity/Affirmative Action Employer".
9. Examinations may be postponed or cancelled by order of the Commission.

PART B. Character and Preparation of Examination

Examinations may be written or oral, or both, or in the form of a practical demonstration of skill and ability, or rating of education, training, experience, or any combination of these as shall be determined by the Commission. Examinations shall be job-related and test fairly and practically, the ability of the applicant to fulfill the requirements of the position and be designed to reveal the applicant's general background and related knowledge.

PART C. Competition

All open examinations for positions in the classified service of the City shall be public, competitive, and shall be open to all applicants who meet the requirements as provided by the Rules of the Commission.

All promotional examinations shall be limited to persons employed in the classified service.

1. Notice of examination shall be given at least ten (10) calendar days prior to the final filing date for applications.
2. Copies of the announcement shall be distributed to all areas, media, and agencies designated by the Commission and publicity utilized as will, in the opinion of the Personnel Manager, attract qualified applicants and provide equal employment opportunity.
3. Copies of announcements will be distributed to all city departments and each department will assure proper posting of said announcements.

PART D. Examination Procedures

Unless otherwise ordered by the Commission, all examinations shall be conducted under the supervision of the Personnel Manager.

Written examinations shall be so conducted that no examination paper will disclose the name or identity of any participant until after the examination papers of all participants have been marked and passing grades determined. Any examination paper bearing a name, number, sign, mark, or character of any kind other than the official identification number stamped thereon, which might provide the identity of the participant, may be rejected.

No explanation of any question shall be made to any individual competitor and no remarks relating thereto which might assist in its solution shall be made by an examiner. Any explanation which may be deemed necessary shall be made to the entire group.

No conversation or communication between competitors during an examination shall be permitted, nor shall any competitor be permitted to retain in his/her possession any written or printed matter which might service to aid him/her in the examination. Evidence of copying or collusion by a competitor shall constitute good cause for the rejection of their examination papers and debarment from further examinations. Copies of the questions in an examination shall not be made nor shall they be taken from the examination room.

Any applicant appearing late for a written examination shall not be admitted thereto after any candidate has completed his/her work and left the examination room.

PART E. Rating of Examination

The various subjects in an examination which are graded independently shall be assigned weights representing their relative values in ascertaining the fitness of the applicants.

These weights shall represent the value of each subject in the whole examination. Unless otherwise provided in the announcement, applicants will be graded on a scale in which 100 represents the highest degree of competency which can reasonably be expected and unless otherwise ordered by the Commission, a general average of 70 shall represent the lowest acceptable degree of competency. Failure by an applicant to attain a passing grade in any portion of an examination shall eliminate such applicant from competing in any further portion of the examination. Any candidate so eliminated shall be notified immediately in writing. The grade of a candidate in the qualifications appraisal procedure shall be the average of the ratings assigned by each individual rater. If he/she received a majority of passing ratings, the

candidate will be considered to have passed in this part of the examination. However, his/her actual score for this part of the examination will be the average of the ratings given by each individual rater and this score will be weighted in with other parts of the examination provided for in the examination announcements. Conversely, if a candidate receives a majority of failing ratings, he/she shall be considered failing in this part of the examination.

PART F. Notice of Results in Examination

As soon as the rating of an examination has been completed and the eligible list established, each applicant shall be notified by mail of the results of their examination, and, if successful, of the general average percentage and relative position upon the eligible list.

PART G. Inspection and Review of Examination Papers

The application and examination papers of a competitor shall be treated as confidential City records, and they shall not be released to any person unless the Personnel Manager determines that the release is necessary to implement the procedures authorized by these Rules, or (after conferring with the City Attorney) otherwise required by law.

Except in examinations being held on a continuous basis or where form tests are used by a contract with an examining agency, a competitor may within ten days from date of mailing to him/her of a notice of the results of his/her examination, and after filing a written request therefore, inspect his/her examination papers and also a copy of the questions and answers used in the examination, in the Human Resources Department and under the supervision of the Personnel Manager.

During this period, an examinee may appeal to the Commission in writing, for the inclusion of any items or portion of the test, or for the answer indicated as correct for any item. The examinee shall state the item, page number, and the reasons for authority in support of his/her contention. Thereafter, no further appeals will be accepted which are concerned with the examination content or answers indicated as correct for items in said written test. An appeal which fails to set forth the reason or authority for a contention will not be considered. The Personnel Manager shall submit the appeals and recommendations to the Commission. The Commission shall make the final ruling and the examination papers will be scored according to its decision.

PART H. Continuous Testing

A series of open examinations for the same class of positions may be announced by a single notice. Such examinations may be administered from time to time as applicants are available or as appointments are necessary. Names of all applicants who qualify in any examination of the series shall be placed on one eligible list in the order of their final grades. The Personnel Manager, subject to approval of the Commission, may make such addition of names to such eligible list. Names shall be removed from such eligible list one year after the date they were placed thereon unless the Commission extends the period.

PART I. Promotional Examinations

The rules governing promotional examinations shall be the same as those governing original entrance examinations except as herein provided.

In order to participate in a promotional examination the applicant must meet the following requirements:

1. Have permanent status in the classified service.
2. Have received a satisfactory rating on his/her most recent evaluation report.
3. Be receiving a salary which is less than the salary of the position for which the examination is given.
4. Possess the minimum qualifications of the class.

Applicants will be admitted to promotional examinations only if the above requirements are met on or before the final date for filing applications for the promotional examinations. If a person who has qualified on a promotional eligible list is separated from his/her position in the classified service, other than by layoff, his/her name shall be removed from the promotional list. If the separation has been through resignation in good standing, the person's name shall be placed on the open list for the class in the position in which his/her score would have entitled him/her.

Notwithstanding any provisions to the contrary, employees who are filling positions temporarily as a result of a military leave of absence, may compete, upon recommendation of the appointing authority, in promotional examinations provided they meet the minimum qualifications and have served in the temporary position at least an amount of continuous time equal to the classification's normal probationary period with at least an overall satisfactory performance evaluation report.

PART J. Testing Procedure for Three or Fewer Candidates

1. The testing and examination procedure for establishing eligibility lists when there are three or fewer candidates is not bound by the job announcement where those announced procedures are not possible, necessary, practical, economical, or sufficiently meaningful in differentiating or measuring the candidates skills. This determination is made by the Personnel Manager.
2. This procedure provides the department manager with an option of re-advertisement, a full testing battery, modification of the testing procedure, interview of existing candidates, or review and re-advertisement. A discussion is held by the Personnel Manager with the department manager and the most feasible and valuable process is followed.
3. The department manager may select from the names without testing or apply appropriate testing independently or in cooperation with Human Resources.
4. The following statement shall be on each announcement, "when three or fewer candidates are available, the above testing procedures may be waived by the Personnel Manager.

PART K. Equal Employment Opportunity/Affirmative Action

At all phases in the examination process, in so far as the law will allow, the Commission, the Personnel Manager, evaluators, applicants, interviewers, the appointing authority and anyone

else involved shall show due regard for the requirements of Equal Employment Opportunity and Affirmative Action. This is intended to insure the proper:

1. announcement of vacancies
2. notice of examinations
3. acceptance of applications
4. development and administration of all selection devices (written, oral, practical) prior to creation of an eligible list.
5. establishment of employment lists
6. certification of eligibles
7. administration of selection interviews
8. investigation of persons recommended for appointment
9. appointment of qualified persons
10. orientation of employees
11. counseling of employees
12. evaluation of employees
13. use of the probationary period

The Commission shall submit an annual Affirmative Action report to the City Council in April of each year.

RULE 5

EMPLOYMENT LISTS

PART A. Eligible Lists

1. **Order of Eligibles**

A list of eligibles shall be established by the Personnel Manager upon completion of an open examination and by the Commission upon completion of a promotional examination, for the class or position for which the examination was given, upon which shall be enrolled all successful competitors in the order of their general average percentage. When two or more eligibles have the same percentage, preference shall be determined by the score received in the highest weighted subject of the examination. In the event a tie still exists, the eligible who received the highest appraisal shall be certified first. Any further ties will be decided by date and time of the filing of application and other objective means as determined by the Personnel Manager.

2. **Duration of Eligible Lists**

Prior to issuing an examination announcement, the Personnel Manager shall determine the duration of each eligible list which shall not be for less than six (6) months nor more than four (4) years. The duration of eligible lists shall be specified in the examination announcement. The eligible list shall expire automatically, unless extended by the Commission prior to the expiration. Eligibility lists will be reviewed by the Commission annually from date of promulgation. The Personnel Manager shall report on the status of such lists to the Commission. The Commission may abolish a list prior to expiration pursuant to Part D of this Rule.

3. **Inactive Status**

Eligibles who are not available for immediate employment may, upon request, be placed on inactive status and will not be certified to vacancies. Such eligibles will be restored to a position on the appropriate list in a position relative to total percentage score, by request, at any time during the tenure of the list.

4. **Promulgation of Eligible Lists**

The Personnel Manager shall prepare a summary of the results of each examination. This summary will show the date of promulgation, applicant identification numbers of all applicants including those rejected, failing to appear, withdrawing, passing, failing, the percentage rating of each examinee in each portion of the examination, and the relative order of ranking of examinees passing. The Personnel Manager shall show the Affirmative Action statistics at each phase of the process in the summary.

5. **Eligibles Standing**

Eligibles will be notified of their standing on an eligible list when the list is created by the Personnel Manager.

PART B. Re-Employment Lists

1. Lay-Off Status Re-Employment List

Any person with permanent status in the classified service who is laid off or demoted through the abolition of a position shall be placed on a list for re-employment for a period of two (2) years from the date of lay-off and ranked by seniority.

2. Re-Instatement Status Re-Employment List

Any person with permanent status in the classified service who resigned in good standing may, with accompanying recommendation by the appointing authority or department manager, make application for re-instatement within one (1) year after date of resignation. The Personnel Manager may place such individual on an appropriate list for re-employment for a period of one (1) year.

3. Re-Employment of Probationers Re-Employment List

In the event it becomes necessary, in the interest of economy, to layoff a probationary employee through abolition of positions, the Personnel Manager may implement a re-employment list for probationers.

Eligibility for such status should be dependent on at least four (4) months of work in the class with the City of Napa and at least a satisfactory performance evaluation acknowledged by the department manager, Personnel Manager, and the appointing authority. These individuals shall be placed on a list for re-employment for a period of two (2) years and ranked by seniority in classification. If a person returns within one hundred and twenty (120) calendar days of the layoff to the same department, they will not have to repeat all of the previously served portion of their probationary period. However, all probationers upon return must serve at least thirty (30) days, or the balance of their probationary term, before being granted permanent status. If not reassigned to the same department, a returning probationer will have to complete at least sixty (60) calendar days depending on the job assignment before being granted permanent status.

Pay step eligibility and all conditions of employment shall be determined upon re-appointment and must receive concurrence of the Personnel Manager and the appointing authority before consummating an actual offer to the employee.

4. Extra-Help Lists for Probationers

Full-time probationary employees who have completed at least four (4) months of at least satisfactory performance shall be placed on applicable part-time employment lists and appropriate extra-help lists.

Probationary employees will have first priority of certification for those lists.

PART C. Removal of Names

The name of any individual may be removed from an employment list:

1. For any cause set forth in Rule 3.
2. On evidence that the individual cannot be located by postal authorities.
3. Upon request of the individual.
4. If three (3) offers of employment have been declined.
5. If certified three (3) times to a permanent position which has failed to result in selection.
6. Failure to respond to notice of certification.
7. If a promotional eligible is separated from the classified service, their name shall be removed and considered on an open list.
8. An eligible may be restored to the list by the Personnel Manager if satisfactory reasons for restoration are presented.

PART D. Abolition

An eligible list not extended by the Commission is automatically abolished at the regular Commission meeting at which it could have been extended. The Personnel Manager shall report, on the status of such lists, to the Commission.

The Commission may abolish an eligible list when:

1. There are fewer than three (3) eligibles remaining.
2. The remaining eligibles do not meet departmental standards.
3. When an action in the process negates the fairness of the eligible list.

RULE 6

REQUISITION, CERTIFICATION AND APPOINTMENT

PART A. Requisition to Fill Vacant Position

1. When a vacancy occurs or is anticipated, the department manager and/or Personnel Manager shall evaluate the position and determine if it should be immediately filled or delayed for further study.
2. If the department manager determines that the position should be immediately filled, he/she shall make requisition to the Personnel Manager for eligibles on the form prescribed by the Personnel Manager.
 - a) If a current eligibility list exists, the Personnel Manager shall proceed as described in PART B. of this Rule.
 - b) If a current eligibility list does not exist, the Personnel Manager shall begin the recruitment and testing process as soon as practical after a receipt of the requisition, or proceed as described in 3 below.
3. If the department manager determines that the position should receive further study, he/she shall so notify the Personnel Manager, in writing, within ten (10) days of the vacancy.
4. A provisional appointment shall be deemed a continuing request for certification of eligibles.

PART B. Certification of Names

1. Action Taken

Once an eligibility list is promulgated in accordance with Rule 5.A.1, the Personnel Manager shall certify the names of persons entitled to employment consideration in accordance with the provisions of these rules. These names shall be certified as soon as practical upon receipt of the requisition from the department manager. No appointment may be made until the eligibility list is officially promulgated; however, preliminary pre-selection activities may begin prior to promulgation with the approval of the Personnel Manager.

2. Certification Number

The Personnel Manager shall certify the following number of eligibles to the requesting department manager:

If at least one current regular employee is on the list, the number of eligibles certified shall not exceed by more than two (2) the number of vacancies to be filled. If no current regular employee is on the list, the number of eligibles shall not exceed by more than five (5) the number of vacancies to be filled. However, the number of eligibles for certification for

positions in the police officer entry and police officer trainee classifications shall be determined by the City Manager, in consultation with the Police Chief and Personnel Manager, prior to the announcement of an examination for these classes. Factors that may be taken into consideration in determining the number of candidates to be certified include the number of vacancies that exist and the number of candidates the department can reasonably consider at one time. The department must thoroughly consider each candidate whose name has been certified by the Personnel Manager consistent with the principles of merit-based selection.

3. Certification List Makeup and Order

A certification list may include the names of qualified eligibles as described in 2 above and the name(s) of qualified persons for the class from any existing reemployment list.

Those persons shall be ranked in the following order:

First: The name of the highest ranked person in the same class on the reemployment list with lay off status in the requesting department.

Second: The name of current regular employees on the eligible list.

Third: The names of persons on the reemployment list without layoff status but with reinstatement status in the same class.

Fourth: The names of persons standing highest on the open eligibility list.

4. Certification from Merged Lists

For open examinations, if the Personnel Manager allows a new list to be merged with an existing list and for promotional examinations if the Commission allows a new list to be merged with an existing list or in the case of continuous testing, the qualified eligibles appearing on the new list or lists shall be eligible and ranked for certification, based on their scores, as if they had competed with the eligibles on the existing list.

5. Transfer of Eligibility

Whenever a request for certification is made and no eligibility list exists for the class requested, but an eligibility list does exist for a higher classification, the department manager may request a certification of eligibles from the higher classification list.

The Personnel Manager may approve the request if the duties and responsibilities of the higher classification are substantially similar as the class requested.

In any case, the acceptance or non-acceptance of employment in the lower class by an eligible on the higher classification list, shall not affect their standing or status on the list for which they were originally examined.

6. Notice of Certification

- a) Upon receipt of the certification, the requesting Department shall notify each certified eligible in order to schedule an interview or in the case of Public Safety employees further testing or investigation (ie. background investigation, psychological examination, polygraph examination, physical examination). The requesting department shall notify the certified eligibles of the name, title, and business address of the person to whom they shall respond for scheduling.
- b) If a certified eligible cannot be contacted for said interview or further examination within ten (10) calendar days, the requesting department shall notify the Personnel Manager who shall then certify an additional name from the list.

7. Removal From Eligibility Lists

In addition to the causes for removal from an eligibility list cited in Rule 3, Parts D., E., F., and Rule 5, Part C., an eligible may be removed from the list upon the request of the department manager if he/she fails to attend a scheduled interview without prior notice or fails to complete any portion of the examination process outlined in Rule 4.

PART C. Selection/Appointment

1. Selection

Upon completion of any interviews or subsequent non-medical examination deemed necessary by the requesting department, the department manager may select one of the certified eligibles for the position. The selection recommendation shall be forwarded first to the Finance Department, next to the Human Resources Department, and then to the City Manager on the form prescribed by the Civil Service Commission.

2. Appointment Process

- a) The City Manager shall approve the selection on the form prescribed which shall constitute a conditional offer of employment for the position. If the City Manager does not approve the selection he/she shall notify the department manager and state the reasons for rejection.
- b) Upon approval of a conditional offer of employment, the City Manager shall forward the approved form to the Personnel Manager who shall issue a conditional offer of employment to the individual recommended for selection. An unconditional offer of employment will be made only after the Personnel Manager has received certification that the eligible meets the established physical and mental standards for the position. Upon receipt of certification of the physical and mental ability of the eligible, Personnel shall notify the eligibles certified of the hiring decision and make arrangements with the appointee and the requesting department to begin employment.

3. Types of Appointment

a) *Probationary*

Any appointment to a regular position in the classified service, other than a temporary appointment as defined herein, shall be a probationary appointment for the period of time so designated by existing M.O.U. and/or these Rules.

b) *Regular Appointment*

A continuation of employment in a regular budgeted position following the successful completion of the probationary period shall be deemed a regular appointment.

c) *Temporary Appointment*

An appointment to a vacant regularly budgeted position in the classified service, which results from an incumbent's temporary absence for more than six (6) consecutive months is a temporary appointment.

Such appointments are exempt from Civil Service protection and do not have regular status.

d) *Provisional Appointment*

An appointment to a vacant regularly budgeted position in the classified service where no appropriate eligibility list exists and the department manager has a need to fill the position before a list can be promulgated is a provisional appointment.

Provisional appointments are subject to the following limitations:

1. The appointee must meet the minimum qualifications for the position.
2. The appointment shall be terminated within thirty (30) calendar days after the date the department manager receives a certified list of eligibles for the position, or within 180 calendar days, whichever comes first.
3. The appointment shall continue, within the guidelines set forth in (2) above, at the sole discretion of the department manager and shall not be subject to Civil Service protection.

e) *Acting Promotional Appointments*

1. A department manager or his/her designee may appoint an employee to a promotional position during the short term absence of the regular employee in order to meet operational needs. In any case, the acting employee shall only serve until the return of the incumbent. Acting promotional appointments shall be compensated as set forth in the appropriate M.O.U. or City policy.

2. A department manager may, with the approval of the Personnel Manager, appoint each certified eligible on a promotional list to the acting position for a specified equal period of time in order to better determine each's suitability for the position. This practice will be reserved for only those positions defined in management bargaining units.¹
3. A department manager may appoint a regular employee to an acting promotional position when a vacancy exists and operational needs dictate the immediate replacement of the position and the regular selection process off of an existing list is expected to extend beyond an acceptable time. Acting appointments of this kind shall not extend beyond thirty (30) days without the Personnel Manager's approval.

f) *Extra-Help Appointment*

An appointment to a limited term position to meet seasonal or short-term operational needs or to complete a special project is deemed an extra help appointment.

The Human Resources Department shall keep a register of extra help appointments and there shall be no reemployment of persons appointed to extra help positions without the approval of the Personnel Manager or City Manager.

Extra help appointments are subject to the following restrictions:

1. Extra help appointments of six (6) months or less shall not be subject to any employee benefits.
2. Extra help appointments of more than six (6) months shall be subject to retirement benefit accrual and such other benefits as determined by the City Manager.
3. Extra help appointments are not to replace regular budgeted positions within the City service and shall not exceed six (6) months without the approval of the City Manager.
4. Extra help appointments are at-will employees of the department manager and are not entitled to Civil Service protection as described in the City Charter or these Rules.

g) *Part-Time Appointment*

Part time positions are those positions approved in a department budget subject to the following restrictions:

1. Part time appointments shall not exceed an average of twenty (20) hours per week over a four week period or 1,000 hours within the fiscal year unless otherwise approved by the City Manager.

2. Should the City Manager approve a part time appointment to exceed 1,000 hours in any fiscal year, pro-rata sick leave,, holiday, vacation benefits, and P.E.R.S. retirement benefits may be provided as determined by State and/or Federal laws and regulations, or as approved by the City Manager.
3. Part time appointments are at will employees and are not entitled to Civil Service protection under the City Charter or these Rules.
4. The Personnel Manager shall provide qualified candidates to departments which have budget authorization for part time positions and may prepare and maintain eligibility lists for such positions at the discretion of the Personnel Manager.

h) Report of Appointments

All appointments to the classified service shall be promptly reported by the City Manager to the Human Resources Department on the forms and manner prescribed by the Civil Service Commission.

RULE 7

PROBATIONARY PERIOD

PART A. Purpose

The probation period shall be the final phase of the examination process and shall be used by the appointing authority for effective adjustment of the new employee and for the separation of any probationary employee who does not meet the minimum performance required.

PART B. Duration

All original and promotional appointments from officially promulgated lists shall be subject to a probationary period of six (6) months, which period may be extended for an additional six months or less upon the recommendation of the appointing authority and notification of the Commission, except for police and fire appointments which shall be for a period of one (1) year.

PART C. Requisite to Regular Appointment

The permanent appointment of a probationary employee shall begin the day following the end of the probationary period provided the Human Resources Department has received from the appointing authority a statement in writing that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for permanent appointment. The appointing authority shall provide said probationary report to the Human Resources Department at least four (4) weeks prior to the end of the probationary period. In case the appointing authority fails to return the probationary report by the required time, the Personnel Manager shall immediately make such investigations as he/she deems necessary to determine whether the subject employee should acquire permanent status.

PART D. Separation of Probationer

A probationary employee may be separated at any time during the probationary period when it is determined by the department manager that the employee is not suitable for appointment to regular status. The Department Manager shall notify the Personnel Manager upon making the determination to separate a probationary employee and shall submit copies of all written notification to the employee.

PART E. Appeal Rights

1. Probationary employees have no rights to appeal a separation from the City service due to a failure to satisfactorily complete the probationary period.
2. The Civil Service Commission may, upon receipt of a request for review of a probationary rejection from an employee with existing permanent status in the classified service and following review of all pertinent records, conduct a hearing consistent with other provisions of the Charter and the Civil Service Commission Rules. The findings following such hearing shall be forwarded to the appointing authority for action as he/she sees fit. The Civil Service Commission's findings are advisory only and do not bind the appointing authority.

3. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted unless charges are filed and he/she is discharged as provided in the City Charter and these rules.

RULE 8
TRANSFER

PART A. Definition

A transfer is the reassignment of a regular employee in the classified service from one department to another in the same or similar class.

PART B. Origination

1. A transfer of an employee from one department to another within the same class or similar class may be originated by the City Manager to meet the operational needs of the City.
2. A transfer to the same or similar class in another department may be originated by the employee under the following conditions:
 - a) The employee shall request the transfer, in writing, to the Personnel Manager.
 - b) The employee must have regular status.
 - c) The affected Department Managers and the Personnel Manager shall agree to the transfer prior to the appointment.
 - d) If an eligibility list exists, the requesting employee's name shall be included with the names certified to the Department Manager with the vacancy in addition to the eligibles certified pursuant to Rule 6.

PART C. Restrictions

1. Transfers shall not be used to effect a/an promotion, involuntary demotion, advancement, or reduction of the status of the employee.
2. The position shall be in the same class, or if a different class, the employee shall have been determined to meet the minimum qualifications for the position.

PART D. Probation

An employee voluntarily transferred to another position in a different class shall be considered a probationary employee in the new class and shall be governed by the same rules applicable to promotees pursuant to Rule 7 of these Rules.

PART E. Exclusion

The appointing authority may change, at any time and without approval, an employee from one position to another position in the same class and in the same department.

RULE 9

ATTENDANCE AND LEAVES

PART A. Sick Leave

The purpose of sick leave is to provide for time off without loss of pay when an employee is unable to attend work due to illness, injury, medical treatment, family care or death of a family member.

Every employee should use sick leave with respect for the intent of the policy and the impact on your fellow employees. All employees, including supervisors, department managers, and the Personnel Manager are responsible for the proper administration of the sick leave provision.

1. Accrual

Sick leave with pay shall accrue to employees in the classified service at the rate of one work day for each calendar month of service, with the exception of fire shift employees who shall accrue sick leave at a rate proportional to other employees based on the number of hours worked per year or as according to current Memoranda of Understanding and Agreements. Sick leave credits shall accrue only while an employee is in paid status with the City.

2. Administration

An employee who cannot attend work due to illness, injury, medical treatment, family care, or death of a family member shall notify his/her immediate supervisor or department manager prior to, or within the first two (2) hours of his/her absence, or in a manner prescribed by the department manager. When such notification cannot be accomplished due to physical incapacity or similar serious circumstances, notification shall be made at the earliest possible time. Employee absence without notification shall cause an investigation by the affected department to determine the employee's status and availability. The City may require a physician's certificate for absences due to illness of more than three working days or when the employee has been put on notice of being suspected of sick leave abuse and that future absences will require a physician's certificate (see section 5). The physician's certificate shall be requested at the earliest possible time and prior to the employees' return to work, whenever possible.

- a) Any employee may be required by the department manager or Personnel Manager to submit to an examination by a licensed physician or psychologist at any time, subject to sufficient cause existing, by the City at its expense in order to determine the state of the employee's health and fitness to perform assigned tasks.
- b) If the employee is found to be psychologically unfit for duty and the psychologist recommends the employee see a licensed physician for examination in order to determine if any medical or physical condition exists which may be causing or contributing to the psychological condition, the City shall pay the cost of such an examination. If an employee is found to be

physically unfit for duty and the licensed physician recommends the employee see a psychologist in order to determine if any psychological condition exists which may be causing or contributing to the physical condition, the City shall pay the cost of such an examination.

3. Approved Sick Leave

Sick leave shall be granted to eligible employees for the following reasons:

- a) Personal illness or incapacity resulting from causes beyond the employee's control.
- b) Illness of a member of an employee's immediate family defined as father, mother, sister, brother, spouse, or children, and of sufficient nature to require personal care and attention and only until other adequate arrangements can be made. For purposes of this section children will include step-children, adopted, and foster children living with the employee.
- c) Death of a member of an employee's immediate family defined as above and to include mother-in-law, father-in-law, all children, and grandparents and grandchildren.
- d) Enforced quarantine of the employee in accordance with community health regulations.
- e) Preventive medical, dental and optical examinations where appointments are unavailable or impractical during non-working hours.
- f) Sick leave may be used if an employee is unable to perform the duties of her position due to any complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom and is certified to by a licensed physician.

4. Time Limitations

Sick leave with pay for family illness or death of a family member shall be limited to five (5) consecutive work days within a consecutive (7) day calendar period for each occurrence or as specified in the appropriate MOU.

5. Sick Leave Abuse

When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has or is abusing the sick leave privilege, the department manager may after concurrence with the City Manager cause such disciplinary action to occur as deemed appropriate to deter future abuse. Any such disciplinary action shall be progressive and governed by the policies and procedures set forth in these rules. If it is found that the claim for sick leave was fraudulent the claim for sick leave will not be paid.

Supervisory personnel are charged with the responsibility of reviewing and evaluating sick leave usage. Potential indicators of abuse are set forth below and generally are the use of sick leave for reasons other than as already defined:

- a. A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
- b. Refusal or inability to provide medical substantiation when requested.
- c. Frequent absences with vague or questionable substantiation.
- d. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
- e. Other evidence of employee activity which is inconsistent with the legitimate use of sick leave, such as usage higher than the City average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.

6. Accrual Incentive

Upon retirement the City will reimburse unused sick leave as provided for by Memorandum of Understanding or Agreement.

PART B. Vacation Leave

1. Accrual

In accordance with the appropriate Memorandum of Understanding, vacation leave shall accrue to employees in the classified service.

2. Eligibility

Eligibility to take accrued vacation leave shall be limited to probationary, regular or temporary employees who have had more than six (6) months of continuous employment provided that public safety employees may be required to take vacation leave prior to accrual for purposes of adequate scheduling.

3. Administration

- a. Department managers shall have the authority to schedule vacation leave according to the needs of the service and the wishes of the employee in that order.
- b. An employee's request for vacation leave shall generally be made no later than three (3) work days prior to the date of commencement. The department manager, however, may grant an employee vacation leave at any time for a legitimate personal emergency or as staffing will allow.
- c. An employee may be required to defer all or part of their vacation leave to the following calendar year, where emergency needs of the service require.

- d. Accumulation maximums shall be governed by existing Memorandum of Understanding or Agreement.
- e. If a municipal holiday occurs during a vacation leave, the holiday off shall not be charged against vacation.
- f. Eligible employees separated from City service shall be paid a lump sum for all vacation properly accrued before separation.

PART C. Holidays

1. Holidays Recognized

The City of Napa recognizes holidays for employees as designated by City policy and current MOU's.

In general, except as provided in MOU's or agreements, the following provisions apply:

- a. When a holiday falls on Sunday, the following Monday shall be observed.
- b. When a holiday falls on Saturday, the preceding Friday shall be observed.
- c. When an employee's regular day off falls on the regular day granted as a holiday, another day between the holiday and the end of the year shall be granted on an individual basis. Department managers shall have the authority to schedule such "floating" days according to the needs of the service and the wishes of the employee in that order.
- d. The holiday of twelve o'clock noon to closing hour the last working day before Christmas shall not be recognized when Christmas falls on Saturday, Sunday, or Monday provided that Friday for Saturday is observed.
- e. The observance of the employee's birthday shall occur on its date or a day within the same calendar month subject to concurrence between the City and the employee.

PART D. Military Leave

1. Active Duty

Any full-time employee in the classified service who is required to serve as a member of any branch of the Armed Forces, or who volunteers for such service, shall be granted a military leave for the period of such service as provided in the Military and Veterans Code as amended. Upon termination of such service or upon his/her discharge, he/she shall be entitled to return to

his/her position or similar position in the classified service, provided such position still exists and he/she is otherwise qualified, without loss of standing of any kind as provided in the Military and Veterans Code as amended.

2. Temporary Military Leave (Compensation)

Pursuant to Section 395.01 of the Military and Veterans Code, and as may be amended:

- a. Any regular employee who is a member of any branch of the Armed Forces Reserve or National Guard shall be entitled to military leave with full pay and benefits up to thirty (30) calendar days per fiscal year provided that the employee has been in the City service for not less than one (1) year immediately preceding the first day of leave.
- b. Military leave with pay is for periods of active duty and only upon receipt of official orders from the Commanding Officer. Scheduled reserve drills are not included or eligible for leave with pay and do not count towards the thirty (30) day period.
- c. The City shall grant any regular employee time off from work without prejudice to meet his/her Reserve obligation regardless of pay status for up to 180 calendar days per fiscal year.

PART E Leave of Absence

1. Administrative Leave with Pay

A leave of absence with pay of up to thirty (30) calendar days may be granted to an employee by the City Manager upon the advance written request of the employee and the recommendation of the affected department manager. Such leave may be extended for up to one (1) calendar year by action of the City Council.

A leave of absence with pay may only be granted after an employee has exhausted all accumulated leave, unless otherwise approved by the City Manager.

2. Administrative Leave Without Pay

A leave of absence without pay of up to thirty (30) calendar days may be granted by the City Manager upon the advance written request of an employee and recommendation by the department manager. Such leave may be extended up to one (1) calendar year by action of the City Council.

No benefits are accrued while on leave without pay status. (e.g. sick leave, vacation, time in service.)

No benefits shall be paid by the employer for the period of time while a person is on without pay status. (e.g. health insurance, life insurance, dental insurance, holiday.)

An employee on leave without pay status for a period of more than one (1) month shall compensate the City of Napa on a pro rata basis for any pre-paid benefits (health insurance, life insurance, dental insurance); provided, however, such compensation need not be made where the leave without pay status was for a period less than thirty (30) consecutive calendar days. This may be modified by existing Memorandum of Understanding or agreement.

Leave without pay cannot be approved until the employee has exhausted eligible vacation and management leave.

No leave without pay shall be authorized to persons with probationary status.

Leave without pay shall be taken in increments of not less than one hour.

If the leave without pay status includes or precedes a holiday, the employee will not receive compensation for the holiday.

3. Leave of Absence Pending Disciplinary Action or Administrative Review

A department manager may place an employee on an administrative leave with pay pending a serious disciplinary action, administrative review of an employee involved incident, or employee rehabilitation in the best interest of the City with the approval of the City Manager.

Administrative leaves of absence for this purpose may be for a period not to exceed thirty (30) calendar days without City Council approval.

4. Notification

The Finance Department shall notify the employee of the number of hours and benefits lost on an approved leave without pay.

5. Failure to Return

Any employee who fails to return, upon expiration of leave, shall be deemed in violation of these rules.

6. Cancellation of Leave

If for any reason a leave of absence is cancelled, no less than five (5) working days notice shall be furnished the employee prior to such cancellation unless the reason for cancellation is an emergency situation as defined in Section 62 of the City Charter in which case no prior notice is required. Failure to return upon receipt of such notice shall be deemed a violation of these rules.

7. Return Before Expiration

If for any reason an employee desires to return prior to expiration of leave, he/she shall notify the department manager in writing no less than five (5) working days before his return, approval of early return shall not cause shift or schedule changes previously implemented.

PART F. Leave for Compensable Disability

In the event of injury to a regular employee in the course of his/her employment, no deduction from his/her salary will be made in the first sixty (60) calendar days of absence from work; provided, however, that Workers' Compensation payments made to the employee shall be deducted from his/her salary during said sixty (60) days, unless such payments are endorsed to the City. Public Safety employees shall be compensated in accordance with existing provisions of the Labor Code. The above may be modified by appropriate MOU.

Any employee who is absent beyond the period of City compensation, including available sick leave and vacation accruals set forth in this rule, may apply for a leave of absence without pay as provided in these rules.

An employee shall report to the City designated or approved doctor for the first examination to qualify for Workers' Compensation benefits.

An employee may use a physician of his or her choice in lieu of the City Physician for treatment, but must designate the preferred qualified treating physician, in writing, to the Personnel Manager prior to the injury.

'Personal physician' means a doctor of medicine, a doctor of osteopathy, or a doctor of chiropractic, who prior to the injury has directed the medical treatment of the employee and who retains the employee's medical records and medical history. 'Personal physician' includes a corporation, partnership or association of such doctors of medicine, osteopathy, or chiropractic."

PART G. Limited Duty

The City of Napa may, in its sole discretion, return an employee to work in a temporary limited duty assignment when an injury or illness temporarily prevents the employee from performing all of the job duties of his/her normal position. Medical clearance must be provided prior to assigning the employee to limited duty. The limited duty assignment may be in the employee's department or in the same or another classification in another department provided the employee meets the minimum qualifications of the position. During the limited duty assignment, the employee will receive his/her normal salary and benefits. In cases of dispute, the City Manager shall make the final determination.

PART H. Jury Duty

In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse all payments for jury duty to the City.

PART I. Witness Duty

In the event an employee is subpoenaed to appear as a witness in a trial for which the employee is not a party of interest, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the City.

PART J. Attendance

The absence of an employee who has not followed applicable procedures and received proper authorization shall be deemed on absence without leave. An absence without leave shall be grounds for disciplinary action. Any employee who is absent without leave for more than three working days shall be deemed to have voluntarily resigned his/her employment. Any absence without leave shall not be considered as time worked and the employee shall not receive pay or benefits for any unauthorized leave. Hours of operation shall be determined by the department manager responsible for the service and shall be based on the most economical use of personnel, provided the regular work week does not exceed forty (40) hours, except as may be defined in the job specification or appropriate MOU or agreement.

RULE 10

DISCIPLINE, SEPARATION, APPEALS, and HEARING PROCEDURES

PART A. Administrative Policy

It is the policy of the City of Napa to maintain the highest degree of ethics, discipline, and conformance to established standards of performance in its work force. Except in cases of serious, overt, or willful violations of law or City rules, the procedures contained herein should only be used after steps have been taken to educate and counsel an employee on how individual conduct or performance should be modified in order to comply with acceptable standards. The City will follow the principles of progressive discipline.

PART B. Forms of Discipline

For purposes of this rule, "disciplinary action" shall include dismissal, suspension, demotion, reduction in rank or compensation, or formal written reprimand. A formal written reprimand is defined herein as a written notice from a department manager or his/her designee which specifies the unacceptable performance or behavior and provides a warning that additional disciplinary action will be taken if the unacceptable performance or behavior is continued or repeated. A formal written reprimand shall be filed in the employee's permanent personnel file in the Human Resources Department.

PART C. Causes for Discipline

Causes to initiate disciplinary action should be reasonably related to the employees' position in the City and shall include but not be limited to the following:

1. Fraud in Securing Employment
2. Falsification of Official Documents
3. Dishonesty
4. Theft
5. Unlawful Conduct Including Conviction by Plea of Nolo Contendere
6. Being Under the Influence or Possessing or Using Alcohol or Illegal Drugs While on Duty
7. Fighting Between Employees
8. Dangerous Conduct
9. Unsafe Acts
10. Incompetency/Inefficiency/Inability to Perform
11. Neglect of Duty

12. Negligence
13. Insubordination
14. Discourteousness
15. Illegal Discrimination
16. Unexcused Absence Without Leave
17. Breach of Confidentiality
18. Violation of Written Departmental Rules and Regulations
19. Violations of Rules or Contracts
20. Improper Political Activity
21. Conduct Unbecoming an Employee in the Public Service

PART D. General Provisions

1. A disciplinary action shall be effective upon filing of signed written charges with the Personnel Manager, but shall not become final until completion of administrative appeals, if required.
2. The employee is entitled to representation at all stages of disciplinary proceedings and the employer shall so advise the employee.
3. The City Manager may suspend an employee without pay for a period not to exceed five (5) working days. The City Council may suspend an employee without pay for a period not to exceed thirty (30) working days. For purposes of this section, a working day shall generally be defined as eight (8) hours.
4. If the employee fails to appear at any hearing without showing good cause for such failure to appear, disciplinary action may be affirmed without further proceedings.
5. Notwithstanding anything to the contrary herein, the department manager may effect an immediate suspension where in the department manager's opinion there is a genuine emergency situation and immediate removal is essential to avert harm to the City of Napa or the public health, safety and welfare. In such cases, the City Manager will review the department manager's action at the earliest possible time and will either uphold or reverse such action. If upheld by the City Manager, the employee shall be given the items set forth in Part E., subsection 2.) within two (2) working days of the suspension.

PART E. Pre-disciplinary Procedures

No regular officer or employee in the classified service may be subject to dismissal, suspension, reduction in rank or compensation as a result of disciplinary action except as set forth herein.

1. Signed written charges specific as to time, place, and circumstances of the violation shall be prepared by the department manager or his/her designee.
2. Before discipline can become effective, the employee must receive the following:
 - a. Notice of proposed disciplinary action and effective date;
 - b. The reasons for the proposed disciplinary action;
 - c. A copy of all charges and the materials upon which the charges are based; and
 - d. The right to respond orally and/or in writing and the time within which to respond.
3. If the employee elects to respond to the charges, he/she shall present oral and/or written arguments as to why the proposed action should not be taken. The employee is entitled to representation during the pre-disciplinary review process.
4. In all cases of discipline up to and including a suspension of five (5) calendar days, the reviewing officer shall be the department manager or other management personnel designated to act in their absence. Within fifteen (15) calendar days of the pre-disciplinary review meeting, the reviewing officer shall give written notice of his or her recommended decision to the City manager or designee to affirm, amend, modify or revoke any and all charges. Within ten (10) calendar days of receipt of the reviewing officer's recommended decision, the City Manager or designee shall give written notice of his or her decision imposing discipline to the employee personally or by return receipt requested mail at the employee's last known address.
5. In cases of discipline involving suspensions of more than five (5) calendar or dismissal, the reviewing officer shall be the City Manager. Within fifteen (15) calendar days of the pre-disciplinary review meeting, the reviewing officer shall give written notice of his or her decision to affirm, amend, modify or revoke any and all charges to the employee personally or by return receipt requested mail at the employee's last known address.

PART F. Order of Appeal/Hearing and Subpoenas

Within (10) calendar days of receiving written decision of the City Manager or designee, or other action penalizing the employee, including written reprimand, the employee may file a written appeal with the Personnel Manager. In the written appeal, the employee must 1.) elect to have a formal or informal hearing and 2.) have an open or closed hearing. The Personnel Manager shall refer the appeal to the Civil Service Commission at the Commission's next regularly scheduled meeting.

Hearings on the appeal shall commence within thirty (30) calendar days after said regularly-scheduled meeting.

For purposes of this part, the term “file” shall mean and require that the written appeal actually be received by the Personnel Manager within the ten (10) calendar day appeal period. An appeal under this part may be sent to the Personnel Manager by mail; provided, however, that to be timely “filed” for purposes of this part, any such appeal which is sent to the Personnel Manager by mail must actually be received by the Personnel Manager, and not merely postmarked or deposited in the mail, within the ten-day appeal period.

A notice of receipt of appeal, copy of the charges, date, time, and place of hearing shall be given to the employee personally or shall be mailed to him or her by return receipt requested mail at his or her last known address by the Personnel Manager not later than twenty (20) calendar days before any hearing.²

The Personnel Manager shall sign subpoenas and subpoenas duces tecum for either requesting party. The Personnel Manager, on behalf of the Commission, may issue subpoenas for peace officers pursuant to Government Code Sections 68097.1 through 68097.2 and pursuant to Government Code Section 31110.2 as to all other witnesses.

PART G. Hearing Procedure

1. Any employee has the option on any hearing matter before the Civil Service Commission of having a formal or informal hearing and an open or closed hearing; provided, however, that nothing in its procedures shall be construed to require an employee to waive his or her rights pursuant to the City Charter, or these rules. Strict rules of evidence shall not apply to any hearings before the Commission.

2. Informal Hearing Procedure

- a) The Commission may or may not have legal representation, at its discretion.
- b) The proceedings will not be recorded.
- c) Witnesses, if any, before the Commission shall not be sworn.
- d) The employee has the right to be represented by a person of his or her own choosing.
- e) The decision of the Commission is final and not subject to appeal.

3. Formal Hearing Procedure

- a) The Commission shall have legal representation at all formal appeal hearings.
- b) All formal appeal hearings before the Commission shall be recorded. All participants shall be identified for the record.

- c) All witnesses before the Commission shall be sworn.
- d) The employee has the right to be represented by a person of his or her own choosing.

4. General Hearing Provisions

- a) In all matters of discipline, the burden of proof is on the City. In all other matters, the burden of proof shall be on the moving participant.
- b) At least five (5) days before the hearing, the participants and/or their representatives shall meet and endeavor to stipulate as to which exhibits may be received by the Commission and as to the statement of the contested issues.
- c) Exhibits not agreed to as stated in Part G., 4b.) above, may be offered and argued at the hearing. The Chair shall rule on the admissibility of any contested exhibits, evidence, or testimony unless contrary motion is passed by the majority of the Commission.
- d) It shall be the responsibility of the participants to introduce evidence and provide eight (8) copies of all documents introduced at the hearing.
- e) At the option of the participants, opening statements may be made prior to the taking of evidence.
- f) The participants bearing the burden of proof shall be first to give opening and closing statements, introduce evidence, or call witnesses.
- g) Each witness may be cross examined by either counsel or Commissioners.
- h) Following the resting of the moving participant's case, the opposing counsel, or participant, shall be given the opportunity to present evidence or call witnesses.
- i) During the course of the hearing, all procedural questions, objections, motions, or questions shall be ruled upon by the Chair. The Chair may seek an opinion from Commission's counsel. All rulings of the Chair shall be the order unless contrary motion is passed by the majority of the Commission.
- j) At such time as both participants have rested, the Commission shall take the appeal under consideration and deliberate in closed session immediately, or set a date to decide the matter and continue the hearing for such purposes.

- k) Decisions rendered by the Civil Service Commission, including any dissenting written opinions, shall be forwarded to both City and employee representatives and to the Napa City Council.
- l) The Commission shall be the sole judge of granting of any continuance.

PART H. Findings and Decisions

1. The Commission shall, within ten (10) days after the conclusion of a formal hearing, certify its findings to the City Council. Certification shall take the form of a written decision that the imposing authority's decision is affirmed, modified, or revoked, and shall specify a finding as to each ground or reason charged. The written decision shall be given to the employee personally or shall be mailed to him or her by return receipt requested mail at his or her last known address within two (2) working days of the decision.
2. The decision of the Commission is final unless the employee appeals the finding to the City Council as provided in 3.) below.
3. The employee must notify the City Council in writing to the City Clerk, within five (5) days of the Commission's issuance of its certification of findings, of the employee's intent to appeal the Commission's findings to the City Council. Appeal may only be based on a claim of bad faith or lack of evidence. If desired by the Council, the employee shall provide a check in the amount of one half the estimated cost for preparation of one copy of the written transcript of the Civil Service Commission hearing. Such check shall be provided by the employee within five (5) days of the Council's request.
4. Upon receipt of the check and the written notification of intent to appeal, the City Clerk shall order a copy of the transcript and shall deliver it to the City Council. All additional copies of the transcript shall be paid for by the requesting party.
5. Within twenty (20) days from receipt of the written transcript, the employee shall file a written statement containing the following:
 - a) The facts evidencing bad faith or lack of evidence in the Commission's findings with, whenever possible, specific citations and references to the transcript.
 - b) A request for an open or closed appeal before the Council.
 - c) If desired by the appellant, points and authorities and/or any other pertinent material relevant to the appeal.
6. The City representative shall be served with all materials pertaining to the appeal and shall have an opportunity to respond to the argument contained therein within fifteen (15) days of receipt of the materials.
7. Upon receipt of the written transcript, statement of cause as described in 5., a.), b.), and c.), and any rebuttal arguments as stated in 6.) above, the Clerk

shall calendar a closed session at the earliest possible time of the City Council pursuant to Government Code Section 54957 for review of the appeal.

At that meeting, or at a subsequent meeting, if continued for due cause, the City Council shall render one of the following decisions:

- a) A prima facie case of bad faith or lack of evidence does not exist and the appeal will not be heard.
 - b) A prima facie case of bad faith or lack of evidence was established in the appeal and oral arguments will be heard.
8. If the Council decides to hear an appeal, it shall set the date for same to commence no later than forty-five (45) calendar days from the date of the decision.
 9. In any appeal before the Council, the burden of proof to establish a case of bad faith or lack of evidence is on the appellant.
 10. The appellant or his/her representative may also offer oral arguments before the Council, however, no direct witness testimony will be heard or introduced except as requested by the Council, provided however that the employee appellant may address the Council directly in his/her own behalf. At the close of the appellant's appeal the City representative or his/her designee will be allowed to submit written and oral rebuttal arguments in support of the Commission's findings.
 11. The Council shall render its decision within ten (10) days after concluding the hearing. The Council may sustain, modify, remand, or overturn the Commission's findings. Should the Council uphold the Commission's findings in whole or in part, the Council shall impose the discipline it deems appropriate for the sustained count and charges, or the Council may remand the matter back to the Commission with instructions. In no case may the Council impose a more severe discipline than was upheld by the Commission. The decision of the City Council shall be final with no further right of administrative appeal.

PART I. Implementation of the Public Safety Officers Procedural Bill of Rights

The procedures set forth above in Part B. through H. inclusively shall constitute the administrative appeals process for those public safety officers entitled to such rights under Government Code Section 3304.

PART J. Implementation of the Firefighters Procedural Bill of Rights

The Civil Service Commission shall comply with the provisions of the Firefighters Procedural Bill of Rights Act (Government Code Section 325 et seq.) in connection with the appeal of any Firefighter entitled to such rights. Hearings on such appeals shall be heard by the Civil Service Commission sitting with an Administrative Law Judge in accordance with Government Code Sections 11512 (b) and 11517 (b).

RULE 11

GENERAL PROVISIONS

PART A. Civil Service Commission

1. Duties and Responsibilities

- a. To make, amend and repeal rules and regulations for the classified service.
- b. To act in an administrative capacity to the City Council on problems concerning personnel administration.
- c. To hear appeals relative to any situation connected with employment status or condition of employment.
- d. To make recommendations on the adoption and revision of the position classification plan.
- e. To recommend all salaries and ranges for new classifications in the classified service.
- f. To keep minutes of its proceedings, a roster of City employees and such other records as are desirable and necessary to administer the personnel system.
- g. All actions of the Civil Service Commission will be consistent and applicable with all State and Federal laws.

2. Election of Officers

At its first meeting in July of each calendar year, the Commission shall elect one (1) of its members Chairman and another Vice-Chairman who shall hold office until a successor shall be elected.

3. Quorum

Three (3) members of the Commission shall constitute a quorum.

4. Meetings

All meetings of the Commission shall be conducted in accordance with the "Brown Act" (California Government Code Sections 54950, *et seq.*). Regular meetings of the Commission shall be held on the third Monday of each month, commencing at a time specified by the resolution of the Commission, at City Hall Council Chambers, 955 School Street, Napa, California, unless modified by resolution of the Commission. Special meetings of the Commission may be called at any time by the Commission Chairman, or by a majority of the

members of the Commission, in accordance with Government Code Section 54956.

5. **Order of Business**

Business of regular Commission meetings shall be as follows:

- a. Reading of the minutes.
- b. Public comments.
- c. Reports.
- d. Communications.
- e. Unfinished Business.
- f. New Business.

PART B. Personnel Manager

1. **Appointment**

- a. The Personnel Manager shall be appointed by the Human Resources Director as a classified employee consistent with these rules.
- b. Up to two individual members of the Civil Service Commission will be provided with an opportunity to provide advisory input as part of the examination for the Personnel Manager, prior to the establishment of the eligibility list. The method of this participation will be determined by the Human Resources Director.

2. **Duties and Responsibilities**

The Personnel Manager shall be the Executive Officer of the Commission and under policy direction of the Commission shall:

- a. Be the custodian of all personnel records and shall be the officer upon or with whom all notices, requests for hearings, complaints and other official documents related to the implementation of this section shall be served and filed.
- b. Administer all provisions of the rules established hereunder, not specifically reserved to the City Council or the Civil Service Commission.
- c. Manage and coordinate staff support to the Civil Service Commission; and prepare agendas and minutes for, and attend all meetings of the Civil Service Commission.
- d. Prepare rules and amendments thereof, for the consideration of said Civil Service Commission and City Council.

- e. Prepare a classification plan and class specifications, salary schedules and revisions thereof, for the consideration of said Civil Service Commission and City Council.
- f. Generally conduct the correspondence of the Commission and perform such other appropriate duties as it may assign to the Personnel Manager.
- g. Prepares, maintains, and monitors the City's Affirmative Action Plan in conformance with applicable State and Federal statutes.

PART C. Commission Records

Minutes of meetings, the classification plan, actions of appointment, dismissal and suspension, and these rules shall be considered public record. The personnel records of individual applicants and employees shall be treated as confidential City records, and they shall not be released to any person unless the Personnel Manager determines that the release is necessary to implement the procedures authorized by these Rules, or (after conferring with the City Attorney) otherwise required by law. The public records of Commission actions, as well as the confidential personnel records of individual applicants and employees, shall be maintained by the City in accordance with the City's Records Management Program Policy (Council Policy Resolution No. 18).

PART D. Forms

Any action involving an appointment, change in status or evaluation of an employee required for administration of Charter Section 76.1 shall be reported in a manner and on such forms as prescribed by the City. Any such action shall be reviewed by the Personnel Manager and be certified as to compliance with these rules before becoming effective. All employment application forms shall be approved by the Commission before use by the City.

PART E. Cooperation

Every officer and employee shall cooperate with the Commission and Personnel Manager in order to completely fulfill the purpose and objectives of the City Charter and these rules.

PART F. Training

The development of training programs for the purpose of increasing the effectiveness, efficiency, and knowledge of City employees shall be accomplished through joint effort of the City Manager, Personnel Manager and department managers and subject to the budgetary process. The Commission may review and recommend training programs to department managers and may grant examination credits for participation in and completion of authorized training programs.

PART G. Political Activity

No employee in the classified service shall be in any way deprived of his/her privilege of voting and privately expressing his views as a citizen. Nor shall he/she be deprived

of the right to take part in political activities in support of or in opposition to ballot measures touching upon or concerning employment rights, privileges or benefits.

No officer or employee shall be prevented from becoming or continuing to be a member of a political club or organization, from attendance at a political meeting, or from seeking or accepting election or appointment to a public office, save and excepting as is otherwise specifically prohibited by law.

PART H. Solicitation of Contributions

No person in the classified service of the City shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, while on duty, from anyone on an employment list or holding any position under the provisions of Section 76.1 of the City Charter.

PART I. Non-Discrimination

The City of Napa is an equal employment opportunity employer. No applicant or employee will be illegally discriminated against on the basis of race, color, national origin, ancestry, sex, gender, gender identification, religion, age (over 40), pregnancy, marital status, sexual orientation, or disability/medical condition or, association with or perception that an individual has one of these characteristics. The City will comply with all applicable federal and state laws designed to ensure equal employment opportunity.

RULE 12

APPLICATION, AMENDMENT AND REVISIONS OF RULES

All rules, regulations, amendments or additions thereof pertinent to the City of Napa Personnel System shall be adopted by the Commission as recommendations to the City Council and may be proposed at any meeting of the Commission for action at a subsequent meeting and shall be effective when adopted by the City Council.

1. **Compliance with Law**

Application and interpretations of these Rules shall be consistent and in compliance with all applicable local, state and federal laws. To the extent that any provision of these Rules conflicts with applicable local, state or federal law, the applicable law will prevail.

2. **Compliance with Memoranda of Understanding**

To the extent that any provision of these Rules conflicts with a provision of an applicable memorandum of understanding, the provision of the memorandum of understanding will prevail.

3. **Application of Rules to Fair Labor Standards Act Exempt Employees**

Where application of any provision of these Rules would result in a FLSA exempt employee losing his/her exempt status, the conflicting provision of these Rules will not be applied to that employee.

RULE 13

REPLACEMENT

When the term of service of a member of the Commission elected by the Classified employees terminates for any reason and there results a vacancy in the membership of said Commission, the Commission or its remaining membership, through the City Clerk, shall arrange for the election of a successor, either immediately before or within thirty (30) days thereafter.

Candidates for said vacancy shall be nominated by the classified employees in meeting duly assembled, prior to the time of balloting on candidates or by petition signed by not less than five (5) employees. All employees as to whom Section 76.1 of the City Charter, or by the terms of same, is made to apply shall, for the purpose of this rule, be deemed classified employees.

The name or names of such candidate or candidates for the office of Commission member to be filled shall be certified by the officers of the employees' meeting, such certification to be made to the City Clerk at any time prior to the time set for the election of aforesaid successor, and such name or names shall be conspicuously posted in the balloting place prior to and during the entire time of the balloting.

The balloting at such election shall be had by secret ballot at such time or times or such place or places as shall be fixed in each instance by the City Clerk not less than five (5) days prior to the ballot. Classified employees who will not be able to cast their ballots at the time or place fixed by the City Clerk because of illness or because they will be out of town may obtain an absentee ballot by signing an application for same from the City Clerk.

The candidate receiving a majority of all votes cast shall be deemed and declared elected as a member of the Commission to serve for a complete term as employees' representative, or for a lesser unexpired term, as the case may be. If upon any ballot no candidate receives a majority of all votes cast, subsequent balloting shall be had under the direction of the Commission, acting through the City Clerk, at intervals of one (1) week until a candidate does receive a majority, at which subsequent balloting the only candidates in nomination shall be the two (2) candidates receiving the highest number of votes at the prior balloting, except however, that in cases wherein but one (1) candidate receives the highest number of votes and there is a tie between or among those receiving next to the highest number of votes, in that event the nominated candidates shall consist of the one (1) having received the highest number of votes at the prior balloting and those tied candidates who received next to the highest votes. Subsequent balloting at intervals of one (1) week, in the event same be necessary, shall be had in accordance with this rule until a candidate receives a majority of all votes cast.

RULE 14

LAYOFF PROCEDURE

PART A. Need for Layoff

Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the Civil Service Commission shall abolish any position in the classification plan.

PART B. Procedure

Layoff shall be by job classification within a department according to reverse order of seniority commencing with the most recent date of hire. Time spent on leave of absence without pay shall not affect an employee's seniority. In the event two (2) or more employees scheduled for layoff have the same amount of seniority, the employee to be laid off shall be determined, by rank on their original eligibility list and then by lottery. Probationary, temporary (including temporary services), extra-help, and part-time positions within the classification within the department, whose incumbents perform work normally performed by City employees, shall be eliminated before any permanent positions within the classification are eliminated.

Employees who are in positions requiring special qualifications or requirements shall be considered in a separate classification for purposes of layoff. However, such qualification or requirement shall be considered only if it has already been approved by the Civil Service Commission. This provision shall apply to positions that necessitate a bilingual speaking employee or to such other position which, in the determination of the Department Head are necessary to the operation of the City because of special or required license or certification; provided, however, that the provisions of this paragraph shall not apply in the event there is another employee in the department who possesses both the special qualifications required to perform the job and greater City seniority than the specially certified employee.

PART C. Notice of Layoff

An employee to be laid off shall be given not less than thirty (30) calendar days advance written notice of the effective date of such layoff by the City, such notice being either personally delivered to the employee or sent by certified mail, return receipt requested, to be deemed served on the date it is personally delivered to the employee or received by certified mail to the employee's home address on file with the City. The notice shall be deemed served on the date it is personally delivered to the employee or received by certified mail to the employee's home address on file with the City.

PART D. Layoff Option

An employee who has received written notice of layoff shall have the option, in lieu of layoff, to displace an employee having the least City seniority in (a) the same job classification in another department, or (b) the last job classification, if any, previously occupied by the employee, provided the job classification still exists and

is authorized to be filled, (c) a limited term position in the same classification in the department, or (d) a lower class in the same job series within the same department; provided, however, that the employee must meet the minimum qualifications for any position occupied in lieu of layoff. If the previously held job classification has been retitled but contains substantially the same job duties, the employee may displace an employee with the least City seniority if the displacing employee still meets the minimum qualifications for the position. The Department Head will determine whether the duties are substantially the same in the retitled classification; provided, however, that the employee may appeal that determination to the Civil Service Commission.

An employee who has received written notice of layoff shall notify the City in writing within five (5) working days if the employee chooses to exercise the option to displace another employee in accordance with the above. Failure to notify the City will result in the employee's layoff.

The salary for an employee who displaces another employee in lieu of layoff shall be at the step closest to the salary step occupied by the displacing employee in the employee's former position providing that the foregoing shall not result in the employee being paid at a higher salary rate.

PART E. Recall From Layoff

Employees who are laid off shall be eligible for recall to City employment for periods specified in the Civil Service Rules. Recall shall be to the classification occupied prior to layoff in accordance with City seniority.

Employees to be recalled shall be notified by certified mail, return receipt requested, as soon as possible, but at least fourteen (14) calendar days in advance of the date they are to return to work. Notice shall be sent to the last address on file with the City, it being the employee's responsibility to keep the City informed of the employee's current mailing address. The recalled employee must notify the City within seven (7) calendar days of receipt of recall notice of the employee's decision to accept the recall. Employees who fail to respond to a recall notice shall lose their right to recall, and the next most senior employee shall be recalled.

PART F. Benefits

Employees who are laid off shall be paid for all accrued but unused vacation and for unused compensatory time off. Additionally, such employees shall have the option to convert three (3) days sick leave to one (1) vacation day, to a maximum increase of five (5) vacation days, and be paid for such vacation.

While on lay off, employees shall not accrue or be eligible for any benefits, including but not limited to, vacation, any form of leave of absence, sick leave, holidays or health and welfare benefits. Notwithstanding the above, employees are entitled to COBRA benefits, at their expense.

Employees who are recalled shall be restored the sick leave hours which were accrued prior to layoff, less those sick leave hours converted to vacation and paid as vacation, as provided above.

A recalled employee shall be reinstated at the same step previously held prior to layoff, and shall maintain his/her original date of hire and level of benefits that pertain to such date. Time spent on layoff shall not be counted towards seniority.

Rules Established: July 1, 1993

Amended: January 2, 1995
Rule 10, Part F, Paragraphs 2 and 3

Amended: January 7, 1997
Rule 10, Part E, Paragraphs 4 and 5
Rule 10, Part F, Paragraph 1

Amended: June 1, 1999
Rule 6, Part B, (2) Paragraph 2

Amended: July 1, 2002
Rule 6, Part B, (2), Paragraph 2

Amended: May 2, 2006
Rule 11, Part I added

Amended: February 17, 2009
Rule 3, Part F, Paragraph 1
Rule 4, Part A, Paragraph 1, (3), added: Renumbered Paragraphs 4 – 12
Rule 5, Part A, Paragraphs 1 and 2
Rule 5, Part B, (2) and (3), Paragraph 1
Rule 5, Part C, (8)
Rule 6, Part B, (1)
Rule 6, Part B, (4)
Rule 6, Part C, (e)(2), (e)(3)

Amended: March 17, 2009 – R2009-38
Rule 10, Part J added

Amended: January 4, 2011 – R2011-5
Rule 11, Part B (1)(c)
Rule 11, Part D

Amended: February 21, 2012 – R2012-17
Rule 4, Part A, Paragraph 1, #2
Rule 4, Part A, Paragraph 1, moved #9, 10, and 12. Renumbered #1-9
Rule 4, Part C, Paragraph 1, #1 – 3 added
Rule 5, Part A, Paragraph 1, #2
Rule 11, Part A, (4) replaced

Amended: December 16, 2014 – R2014-193
References to “Personnel Director” changed to “Personnel Manager”
References to the “Director” changed to “Personnel Manager”
References to the “Personnel Department” as a location changed to “Human Resources Department”
References to the “Personnel Department” as an action are changed to “Personnel Manager”
References to “Personnel” are changed to “Human Resources Department”

References to the “Office of the Civil Service Commission” as a location are changed to “Human Resources Department” and as an action are changed to “Personnel Manager”.

Rule 1, amended definition of “Appointing Authority”, removed definition of “Director”, added definitions of “Human Resources Department”, “Human Resources Director”, and “Personnel Manager”

Rule 2, Part A

Rule 2, Part C (2)

Rule 4, Part G Paragraph 1

Rule 5, Part A (4)

Rule 11, Part A (1)(g) and (h)

Rule 11, Part B (1) becomes Rule 11, Part B (2)

Rule 11, Part B (1) new language

Rule 11, Part B (2)(a) old language removed

Rule 11, Part B (2)(a) and (b) becomes (f) and (g)

Rule 11, Part B (2)(a) thru (e), new language

Rule 11, Part C