

CITY OF SANTA ROSA

PERSONNEL RULES AND REGULATIONS

INTRODUCTION

Every organization has a basic set of policies addressing the administration of the employment relationship. For the City of Santa Rosa, these policies are contained in these Personnel Rules and Regulations. These are policies which apply to employees across departments and bargaining units. Through these rules and regulations, managers, supervisors and employees can be aware of how the City addresses employment related situations in the areas of hiring, transfers, probationary periods, reinstatement, employment standards, salary administration, the filing and processing of grievances and the disciplinary process.

These rules have been created through extensive discussions involving managers and employee representatives from throughout the City. They are a product of the collaborative culture the City strives to foster among its workforce and with the community.

Over time, the needs of the employees and managers of the City will change. The demands on the City, in the form of service requirements of our citizens, or of new legal requirements on the City as an employer and provider of municipal services, will require that these rules be reviewed and updated. It is intended that these rules be a living document, one which is revised to meet the needs of the organization over time. To that effect, the City intends to initiate a process to review and update these rules, as needed, in every even numbered year.

CITY OF SANTA ROSA
PERSONNEL RULES AND REGULATIONS

TABLE OF CONTENTS

DEFINITION OF TERMS	1
RULE 1 - RECRUITMENT & EXAMINATION	6
Introduction	6
Section 1 - Recruitment Types	6
Section 2 - Human Resources Department Responsibilities	6
Section 3 - Continuous Recruitment	7
Section 4 - Recruitment Announcement	7
Section 5 - Disqualification	7
Section 6 - Applicant Notification	7
Section 7 - Completion of Examination Process	7
Section 8 - Candidate Lists	8
Section 9 - End of Consideration	8
Section 10 - Filling Vacant Positions	8
Section 11 - Eligibility for Veteran's Preference	9
Section 12 - Selection	9
Section 13 - Appointment	9
Section 14 - Limited Term Appointments	10
Section 15 - Background Investigation	10
Section 16 - Public Safety Promotional Recruitment, Examination and Certification	10

RULE 2 - TRANSFERS, VOLUNTARY DEMOTIONS, AND OUT-OF-CLASS ASSIGNMENTS	13
Section 1 - General Provisions	13
Section 2 - Trial Period	14
Section 3 - Temporary Out-of-Class Assignments	14
RULE 3 - PROBATIONARY PERIOD	15
Section 1 - Purpose	15
Section 2 - Duration	15
Section 3 - Extension	15
Section 4 -Status Changes	15
Section 5 -Permanent Appointment	16
Section 6 -Promotion During Probationary Period	16
Section 7 -Failure to Complete Probationary Period	16
RULE 4 - REINSTATEMENT, REINSTATEMENT FROM MILITARY LEAVE, LAYOFF, & RESIGNATION	17
Section 1 - Reinstatement	17
Section 2 - Reinstatement from Military Leave	17
Section 3 - Layoff	18
Section 4 - Resignation	18
RULE 5 - EMPLOYMENT PRACTICES	19
Section 1 - Employment Conditions	19
1 - United States Citizenship	19
2 - Physical Examinations	19

3 - Criminal Record	19
4 - Employment of Relatives/Domestic Partners	19
5 - Loyalty Oaths or Affirmations	20
6 - Outside Employment	20
7 - Re-employment Following Dismissal	20
8 - Retirement	20
Section 2 - Hours of Work	20
Section 3 - Anniversary Dates and Salary Increases	20
Section 4 - Performance Evaluation	22
Section 5 - Vacation	22
Section 6 - Sick Leave	22
Section 7 - Leaves of Absence without Pay	22
RULE 6 - GRIEVANCE PROCEDURES	23
Section 1 - Policy Statement	23
Section 2 - Grievance Procedures in MOUs	23
Section 3 - Definition, Scope and Right to File	23
Section 4 - General Conditions	23
Section 5 - Informal Grievance Procedures	24
Section 6 - Formal Grievance Procedure	24
1 - Department Review	24
2 - City Manager Review	25
Section 7 - Appeal to the Personnel Board	25

Section 8 - Non-Reprisal	25
Section 9 - Informal Complaint Procedure for Probationary Employees	25
RULE 7 - DISCIPLINARY PROCEDURE	27
Section 1 - Policy Statement	27
Section 2 - Discipline Procedures in MOUs	27
Section 3 - Causes for Disciplinary Action	27
Section 4 - Disciplinary Actions	29
1 - Written Reprimand	29
2 - Suspension	29
3 - Reduction in Salary	29
4 - Disciplinary Demotion	29
5 - Dismissal or Discharge	30
Section 5 - Review and Removal of Written Reprimands	30
1 - Review of Written Reprimands	30
2 - Removal of Written Reprimands	30
Section 6 - Discipline Procedures	31
1 - Initial Investigation	31
2 - Management Review	31
3 - Department Head Review	31
4 - Human Resources Review	32
5 - Notice of Proposed Discipline	32
6 - Proposed Discipline Deferred	32

7 - Pre-disciplinary (Skelly) Hearing	32
8 - Findings of Fact	33
9 - Human Resources Final Review	33
10 - Imposition of Discipline	33
Section 7 - Right of Appeal	33
Section 8 - Immediate Removal	33
Section 9 - Extension of Time Limits	34
Section 10 - Right to Representation	34
RULE 8 - PERSONNEL BOARD HEARINGS	35
Section 1 - Mediation	35
Section 2 - Request for Hearing	35
Section 3 - Conduct of Hearings	35
Section 4 - City Manager Action	36
ALPHABETICAL INDEX	37

DEFINITION OF TERMS

The following definitions apply throughout these rules unless the context specifies another meaning.

ALLOCATION: The assignment of a single position to a class in accordance with the duties performed, and the authority and responsibilities exercised.

APPLICANT: A person who has filed an application for employment with the City.

APPOINTING AUTHORITY: The officers authorized by the City Charter or given delegated authority to make appointments. The head of each department is the appointing authority for that department.

APPOINTMENT: The offer and candidate acceptance of a position in the Classified Service through selection from a candidate list or an eligible list.

CALENDAR DAYS: Calendar days are actual days, including Saturdays, Sundays and holidays.

CANDIDATE LIST: A list of candidates who have successfully completed the competitive process to determine their eligibility for further consideration for appointment to a classification.

CERTIFICATION: The furnishing of names to a hiring department by the Personnel Officer of eligible, available candidates for employment from a candidate list or an eligible list in the manner prescribed in these Rules.

CLASSIFICATION: A group of positions similar as to duties performed, degree of supervision and responsibility exercised or required, minimum requirements of education, experience, skill and such other qualifications, so that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

CLASSIFIED SERVICE: The group of employees of the City of Santa Rosa who hold permanent or limited term positions, as defined by these Rules. Employees hired in temporary or at-will positions are not part of the classified service. Employment in the classified service is subject to these Rules and Regulations.

CONFLICT OF INTEREST: A situation or activity that is incompatible with the employee's position with the City.

CONTINUOUS RECRUITMENT: An open-competitive recruitment which is conducted periodically, application for which is continuously accepted.

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

DISCIPLINARY ACTIONS: Actions taken with the objective of obtaining employee compliance with rules, orders, procedures, standards of conduct and/or expected job performance when non-disciplinary corrective actions do not achieve compliance, or a particular event is serious enough to warrant disciplinary action on its own. These actions are intended to be corrective and progressive in nature. Disciplinary actions under these rules include written reprimands, suspensions, reductions in salary, demotion or dismissal.

DISMISSAL: Termination of employment for cause by the appointing authority.

DOMESTIC PARTNER: An adult of the same or opposite gender engaged in an ongoing and committed spouse-like relationship with a City employee. This relationship includes residing together and being jointly responsible for each other's common welfare and financial obligations. To be eligible for benefits the relationship must be recognized as determined by the City.

ELIGIBLE LIST: A list of names of persons who have taken an examination for a classification in the classified service and have qualified.

EMPLOYEE: Any person holding a position with the City.

GRIEVANCE: A claimed violation, misinterpretation, inequitable application or non-compliance with a memorandum of understanding, City ordinance, resolution, rule or regulation affecting working conditions.

HUMAN RESOURCES DIRECTOR: The person selected by the City Manager to manage the human resources function of the City, or a person designated by the Human Resources Director to act in his or her place. The Human Resources Director fulfills the role of Personnel Officer established in the City Code.

LEAVE OF ABSENCE WITHOUT PAY: Time away from work which the employee has requested and the department head or City Manager has approved, for which the employee is not paid.

MEDIATION: An optional step in the grievance and discipline processes where an impartial facilitator helps the employee and the City explore their differences and similarities with the goal of assisting the parties to reach a mutually acceptable outcome.

MEDICAL PROVIDER'S STATEMENT: Document signed by a registered health professional certifying the employee's fitness or unfitness for work.

MERIT INCREASE: An increase in pay within the established salary range which may be granted to an employee.

MERIT SYSTEM PRINCIPLES: The principles that guide the City in meeting the public's expectations of a system that is efficient, effective, fair, free from political influence, and staffed by competent employees. Principles include:

1. Recruit qualified individuals from all segments of society, and select and advance employees on the basis of merit and fair competition.
2. Treat applicants for employment and promotion fairly and equitably, without regard to political affiliation, race, color, religion, national origin, marital status, sexual orientation, age or disability.
3. Maintain high standards of integrity, conduct and concern for the public interest.

MINIMUM QUALIFICATIONS: The baseline level of skill, education, abilities, licensure, certification, and/or experience necessary in order to successfully carry out the essential functions of a job classification.

NON-DISCIPLINARY CORRECTIVE ACTIONS: Actions taken to communicate expectations concerning job performance to employees, such as corrective interviews, counseling memos, corrective work plans, special evaluations, and oral reprimands.

PARENT CLASS: The job classification of the budgeted, allocated position which is underfilled with a Trainee incumbent.

PERMANENT APPOINTMENT: An appointment to a permanent position after satisfactory completion of probationary periods as required by these rules.

PERSONAL DECLARATION: An employee's voluntary written certification on a form provided by Risk Management that a given absence was for legitimate medical reasons.

PERSONNEL BOARD: The body appointed by the City Council to act in an advisory capacity to the City Manager on matters concerning personnel administration and as an appeal board to hear appeals by classified employees relative to grievances and disciplinary actions. The authority of the Personnel Board is established in City Code.

POSITION: A specific office or employment provided by the budget, whether occupied or vacant, calling for the performance of certain duties. Positions in the City of Santa Rosa may be allocated on a permanent, limited term, temporary or at-will basis, as defined below:

PERMANENT POSITION: Budgeted, full or part-time positions, the duties of which do not terminate at any stated time.

LIMITED TERM POSITIONS - Budgeted full or part-time positions allocated by the City Council for a limited and specified time period, e.g., two years, with benefits as negotiated by the bargaining unit which represents the classification. Limited term positions are part of the classified service and incumbents are subject to these Rules and Regulations.

TEMPORARY POSITIONS - Established for a period of time to meet a specified need. Temporary positions are not allocated by the City Council, nor part of the classified service, and incumbents are not subject to these Rules and Regulations.

AT-WILL POSITIONS - Budgeted full or part-time positions allocated by the City Council for an indefinite time period where the employee serves at the will of the appointing authority. Employment may be terminated at any time by either party without cause. At-will employees are not subject to these Rules and Regulations. Employment in an at-will status is limited to employees in the City's Executive Management group, the Assistant Director of Community Development - Chief Building Official, and other classifications as may be designated by the City Council.

PRE-DISCIPLINARY (SKELLY) HEARING: A meeting which a department head must offer an employee who has been given written notice of proposed formal disciplinary action. At this meeting, the employee has the opportunity to present information relevant to the discipline recommendation.

PROBATIONARY PERIOD: A test period during which an employee is required to demonstrate fitness by satisfactory performance of the duties of the position to which the employee has been appointed or promoted.

PROMOTION: The movement of a qualified employee from a position in one classification to a vacant position having a higher maximum rate of pay. Promotion occurs through the competitive examination process or through completion of prescribed criteria for promotion in a classification that is flexibly staffed. General salary adjustments are not considered promotions.

RECLASSIFICATION: A change in the allocation of an individual position to its appropriate classification based upon a comparative analysis and evaluation of the job content, difficulty and responsibility. Reclassification may involve raising the position to a higher classification, reducing it to a lower classification or reallocating the position to another classification at the same pay level. Such action shall not be construed as a promotion or demotion.

REINSTATEMENT: The return to permanent employment of a former permanent employee who left the City in good standing.

REINSTATEMENT LIST: A list of former permanent employees eligible for reinstatement to City employment without competitive examination.

RESIGNATION: The voluntary termination of employment of any employee.

SALARY: An employee's base pay as approved by the City Council in the Classification and Salary Plan, computed on either an hourly or monthly basis.

SPECIAL EVALUATION: A formal evaluation which is scheduled and conducted on a more frequent basis than the regular evaluation cycle as a means of more closely monitoring an employee's performance and providing timely feedback on satisfactory attainment of established performance goals.

SUSPENSION: The temporary removal of an employee from the workforce without pay for disciplinary purposes.

TEMPORARY APPOINTMENT: An appointment to any position in the Classified Service that is temporary or seasonal in nature.

TERMINATION: Separation from City employment.

TRANSFER: A change from one position to another in the same class involving movement from one department to another; or a change from a position in one class to a position in a comparable but different class.

TRANSFER LIST: A list of employees eligible for transfer to a position equivalent to their current classification without further competitive examination.

WORKING DAYS: Monday through Friday, excluding official City holidays or other such days when the City is not officially open for business.

RULE 1

RECRUITMENT AND EXAMINATION

INTRODUCTION

The City of Santa Rosa recruits to fill vacant positions in a manner which is fair, efficient, and results in a list of the most qualified candidates for departmental consideration. All recruitment and examination activities shall be designed to assess the job-related qualifications of each applicant and ensure that these activities are consistent with merit system principles.

SECTION 1 - Recruitment Types

Recruitments may utilize a variety of techniques depending on the type of position, availability of qualified candidates, economic climate, and other considerations which may exist.

The Human Resources Department, in cooperation with the hiring department, shall determine what type of recruitment will be conducted. A recruitment may be conducted on a “promotional” basis, including probationary and permanent employees; on a “limited” basis, including current probationary, permanent, and temporary personnel; and/or on an “open” basis, including all City personnel and the public. Prior to conducting a promotional and/or limited recruitment, it shall be determined by the Human Resources Department whether there is a sufficient number of qualified individuals to result in a competitive examination. Prior to conducting a limited recruitment the Director of Human Resources shall consult with the hiring department and the bargaining unit representing the vacant position to determine if a limited recruitment will be conducted.

SECTION 2 - Human Resources Department Responsibilities

The Human Resources Department shall:

1. Coordinate a recruitment and examination process when it is determined that there is a need to establish a candidate list.
2. Conduct and design all recruitment and examination activities in a competitive, fair, valid and impartial manner. Tests used shall measure job-related knowledge, skills and abilities. The security of test materials will be safeguarded throughout their development and/or administration.
3. Oversee the recruitment, perform or oversee the initial screening, conduct or oversee testing, and certify the most qualified candidates to the hiring department(s).
4. Oversee recruitments which are contracted to private personnel search firms.

SECTION 3 - Continuous Recruitment

A continuous recruitment may be administered for any classification deemed appropriate by the Human Resources Department in cooperation with the hiring department(s). Individuals may apply one time per recruitment.

SECTION 4 - Recruitment Announcement

When an open recruitment is conducted, notices shall be posted and/or distributed in a manner that is likely to provide for a qualified applicant pool. When a promotional or limited recruitment is conducted, notices shall be posted for a minimum of two weeks. All recruitment announcements shall describe the available position(s) and indicate steps a prospective applicant must take in order to be considered.

SECTION 5 - Disqualification

The Human Resources Department may disqualify the scores given by any individual examiner involved in the process or nullify a recruitment or any part or all of an examination process if it is determined that any individual examiner involved in the process has compromised the requirement to be fair, and/or it is determined that any individual examiner made job-related decisions that are inconsistent with merit system principles.

The Human Resources Department may disqualify any applicant for a position if it is determined that the application is late, incomplete or if the applicant does not meet the requirements for the job.

The Human Resources Department may disqualify any applicant for a position if it is determined that the applicant has been convicted of a crime involving moral turpitude, or a crime which has a nexus to the duties of the position sought.

SECTION 6 - Applicant Notification

All applicants shall be advised of their status in a recruitment process as soon as practical. Information regarding the next step(s) in the process shall be included as appropriate.

SECTION 7 - Completion of Examination Process

An examination shall be considered complete when the results have been finalized, issued, and the list of the most qualified candidates has been established by the Human Resources Department and made available to the hiring department for consideration.

SECTION 8 - Candidate Lists

Candidates who successfully complete the testing process shall be placed on a candidate list either designated as eligible for referral, or in ranks based on the scores attained through the

testing process. The method to be used for placing candidates on a candidate list shall be determined by the Human Resources Department. A candidate list shall remain in effect for a length of time determined by the Human Resources Department, in consultation with the hiring department(s).

SECTION 9 - End of Consideration

A candidate shall no longer be considered when any of the following occurs:

1. The Human Resources Director determines that the candidate's name was placed on the candidate list due at least in part to representations of the candidate's education, experience, certification, training or background which are, or were, inaccurate or fraudulent or which, based on new job-related information, render the candidate no longer qualified for the position.
2. Any representative of the City is unable to contact the candidate by reasonable means to participate further in the selection process.
3. The candidate does not appear for a scheduled portion of an examination, except when other arrangements have been agreed upon with the Human Resources Department.
4. Following an interview from an open candidate list, the hiring department, in consultation with the Human Resources Department, determines a candidate should not be considered further; in that case, that candidate shall not be referred to that department again from that candidate list.

SECTION 10 - Filling Vacant Positions

To fill a position in the classified service, a hiring department must request a candidate list for that same class, or for a related class at the same or higher salary range, from the Human Resources Department. As part of that request, the hiring department, in consultation with the Human Resources Department, shall provide the criteria for consideration for the vacancy. This criteria may include special skills needed for the position, test scores or ranks on a candidate list, and/or the number of candidates to be considered.

1. The Human Resources Department shall forward to the hiring department the names and applications of all candidates for that classification who have been determined to meet the criteria for consideration identified by the hiring department.
2. Once a hiring department has interviewed candidates from a candidate list, they may also consider those candidates for subsequent openings in that classification.
3. The names of candidates on transfer and reinstatement lists for the classification requested may also be certified.

4. The names of candidates eligible for Veteran's Preference in the rank or group below the lowest rank or group certified under the criteria listed above shall also be certified.

SECTION 11 - Eligibility for Veteran's Preference

Veteran's Preference is available only to applicants who have been placed on a candidate list. Individuals who currently hold a permanent position with the City of Santa Rosa are not eligible for Veteran's Preference. Candidates shall be eligible for Veteran's Preference when all of the following conditions are met:

1. Candidate served in the United States armed forces for at least 18 consecutive months, or for less than 18 consecutive months if discharged due to a service related injury or illness, and was discharged from military service under conditions other than dishonorable.
2. The request for Veteran's Preference is received prior to the establishment of the candidate list.
3. A copy of the candidate's DD214 discharge papers is included with the request for Veteran's Preference.

SECTION 12 - Selection

The hiring department shall make its selection based on job-related factors. To operate in a manner consistent with merit system principles, it is important that appointments to positions with the City are free from undue personal or financial influence. Relationships between candidates for employment and current City employees, supervisors or managers that raise the possibility of a conflict of interest or the perception of undue influence in the hiring decision must be called to the attention of the Human Resources Director prior to a job offer being made.

SECTION 13 - Appointment

Initial appointments to or promotions within the classified service are made on a probationary basis as described in Rule 3.

Temporary appointments do not constitute appointment to the classified service. A temporary employee does not serve a probationary period and the appointment may be ended at any time without cause. In order to be appointed to a position in the classified service, temporary employees must successfully participate in a competitive, merit-based selection process. Time served in a temporary appointment will not be counted as part of the probationary period if a temporary employee is appointed to a position in the classified service.

SECTION 14 - Limited Term Appointments

Additional provisions governing limited term appointments include:

1. If a permanent employee is promoted or transferred to a limited term position within their own department, the department head is thereby guaranteeing that, at the end of the limited term, the employee will be returned to a position at no less than their previous classification level.
2. In order for an employee to promote or transfer to a limited term position across department lines, either the employee's original department head or the new department head must provide a written guarantee that, at the end of the limited term, the employee will be returned to a position at no less than their previous classification level.
3. If a permanent employee receives merit increases during the limited term appointment and is then returned to the former class at the end of the term, any merit increases received during the limited term appointment will be applied on a step for step basis, or, if the employee is returning to a class with a range, as the same percentage of the salary in the original class, up to the top of the salary range.

SECTION 15 - Background Investigation

Prior to employment, all candidates are subject to a background investigation. The extent of the investigation varies by classification and type of appointment, and inquiry is limited to collection of the job-related information necessary to make an employment decision for a position in the class.

SECTION 16 - Public Safety Promotional Recruitment, Examination and Certification

This section of the Rules and Regulations shall apply to all promotional recruitments conducted for public safety positions within the Police and Fire Departments. Whenever practical, vacancies shall be filled by promotion. Individuals holding permanent and probationary positions shall be eligible to compete. Recruitment, examination, and certification shall include:

1. The Human Resources Department, in cooperation with the hiring department, shall determine when a recruitment shall commence.
2. Recruitment notices announcing the promotional opportunity shall be printed and posted on official bulletin boards within the hiring department, and may be advertised by any other means deemed appropriate by the Human Resources Department.
3. Applications for the announced position shall be accepted for at least fifteen (15) calendar days following notice of the recruitment.

4. Recruitment notices shall contain the following information:
 - a. The title and rate of pay for the position to be filled;
 - b. Some typical duties expected of the position;
 - c. Minimum qualifications;
 - d. Methods of securing application forms and final dates on which applications will be accepted;
 - e. Method of scoring;
 - f. The relative weights assigned to the various parts of the examination; and
 - g. The minimum passing score(s).
5. Applicants taking an examination shall be notified of their test scores as soon as practical.
6. Failure to appear for any scheduled portion of an examination shall constitute failure of the examination.
7. The final examination score for each candidate shall be a whole number, or points, not to exceed 100. For this purpose, each score shall be rounded in accordance with standard rounding procedures.
8. Upon completion of an examination, the Human Resources Department shall prepare an eligible list consisting of the names of candidates who passed the examination, in numerical order by their final examination score.
9. If two or more candidates attain the same final score in any examination for the same classification, their names shall be placed in the same standing on the eligible list.
10. Whenever a candidate is rejected, notice of such rejection with reason therefore shall be given to the candidate in writing.
11. Names from the established eligible list shall be certified to the hiring department utilizing the "Rule of 3". That is, the number of ranks certified shall exceed by two (2) the number of position vacancies indicated by the hiring department.
12. The hiring department may select for appointment any eligible candidate from among those certified. The hiring department shall notify the Human Resources Department as to whether or not a candidate was selected.
13. The Human Resources Department shall remove the name of a candidate from the eligible list if the candidate has been certified and not selected four (4) times by the hiring department.

14. Eligible lists shall remain in effect for six (6) months from the date of publication, and may be extended up to one (1) additional year by the Human Resources Department. Extensions may be made in increments of one (1) month.
15. In the event an eligible list contains fewer than three (3) names, the hiring department shall interview the remaining candidates prior to requesting a new recruitment.

RULE 2

TRANSFERS, VOLUNTARY DEMOTIONS, AND OUT-OF-CLASS ASSIGNMENTS

SECTION 1 - General Provisions

1. The Human Resources Department may authorize the transfer of an employee from one position to another in the same class but in a different department.
2. The Human Resources Department may authorize the transfer of an employee from a position in one class to a position in another comparable classification of work when the following conditions are met:
 - a. The top of the salary range of the comparable classification is within $\pm 3\%$ of the top of the salary range of the employee's current class;
 - b. The employee possesses the minimum qualifications for the comparable classification;
 - c. The same general qualifications are examined for entrance to the comparable classification; or, if different qualifications are examined, when the employee takes and passes the examination for the comparable classification.
3. With the written request or concurrence of the employee, the Human Resources Department may authorize the voluntary demotion without examination of an employee to a position in a classification with a lower salary range for which s/he meets the requirements of 2-b and 2-c, above.
4. Transfers or voluntary demotions without examination are not permitted to Trainee classifications, only to the parent class.
5. Transfers or voluntary demotions from one department to another shall be made only with the consent of both department heads involved, unless a transfer is ordered by the City Manager for purposes of economy or efficiency.
6. Upon transfer or voluntary demotion, a probationary employee shall be required to complete only the balance of his/her initial probationary period; however, this initial probationary period may be extended in accordance with these rules. A new probationary period shall not be required of a permanent employee, unless such transfer or demotion is made to underfill a position on a Trainee basis. Employees transferring or demoting to underfill a position as a Trainee will serve on a probationary basis during their training period.
7. An employee may be reassigned to a position in the same class and within the same department at the discretion of the department head.

SECTION 2 - Trial Period

With the agreement of both of the affected departments and the employee, a trial period of 30 to 90 days in length may be negotiated. The length of the trial period shall be specified in writing prior to the transfer taking place.

The employee may return to his or her former position prior to the end of the trial period at the request of either the receiving department or the employee.

The employee will assume permanent status in the new department either before or at the conclusion of the trial period if both the employee and the receiving department agree.

SECTION 3 - Temporary Out-of-Class Assignments

The Human Resources Department must be notified if an employee holding a classified position is to be temporarily assigned out-of-class duties or the duties of a higher level classification. Based upon the scope of duties and length of assignment, the employee may receive additional compensation for this assignment. This assignment may be made for a period not to exceed six months in any fiscal year.

If the department requests that the assignment be extended for longer than six months, the length of the assignment and the compensation shall be discussed and reviewed by the requesting department head, the Human Resources Director and the union/association representing the classification.

The assignment of out-of-class or additional duties as described in this section cannot be used as the sole basis for reclassification of the incumbent.

RULE 3

PROBATIONARY PERIOD

SECTION 1 - Purpose

After passing an examination and accepting appointment to a permanent position, all employees in the Classified Service shall serve a period of probation beginning on the date of appointment. Such period shall be for the purpose of determining the employee's ability to satisfactorily perform the duties prescribed for the position and to work with other employees.

SECTION 2 - Duration

The employee will serve the probationary period performing the duties of the classification for which the employee was hired. Probationary periods vary in length by classification, with a minimum of six (6) months duration for most classifications, the equivalent number of hours (1040) for classifications in the Transit unit, eighteen (18) months for public safety personnel, and a maximum of two (2) years duration for an employee underfilling a position on a Trainee basis. In addition, other probationary periods may be prescribed and/or modified in a collective bargaining agreement or job classification specification.

SECTION 3 - Extension

If additional time is needed in order to determine an employee's ability to satisfactorily perform his/her job duties, the probationary period may be extended by the department head for a period not to exceed an additional six (6) months; except Trainee appointments, which are limited to two (2) years unless modified by City Council resolution.

An absence or modified or transitional duty assignment during the probationary period which prevents an employee from performing the duties of the classification for which s/he was hired may result in the probationary period being extended until the required length of the probationary period is completed.

Extensions of probationary periods shall be approved in writing by the department head with proper and prompt notification to the employee and the Human Resources Department prior to the end of the probationary period.

SECTION 4 - Status Changes

The probationary period shall not include the time served under any temporary appointment.

SECTION 5 - Permanent Appointment

Permanent appointment shall begin with the day following the expiration date of the probationary period.

SECTION 6 - Promotion during Probationary Period

The serving of a probationary period shall not of itself prevent an employee from being promoted to a position in a higher class provided the employee is certified from the appropriate candidate list or eligible list for such higher class of position in accordance with these rules. If an employee is promoted in this way during a probationary period, the probationary period for the class of position to which the employee is promoted shall begin with the date of appointment to the promotional position.

SECTION 7 - Failure to Complete Probationary Period

1. Initial Appointment:

During the probationary period an employee may be released from service at any time by the appointing authority without the right of appeal.

On determining that a probationary employee's work is not satisfactory, the department head shall notify the City Manager and the Human Resources Director in writing of his/her intention to terminate the employee. On receiving approval from the City Manager, the department head shall notify the employee of his/her termination. Notification should occur as soon as possible after it becomes clear that the employee will not pass probation, and must occur no later than the last day of the employee's probationary period.

2. Promotional Probationary Period:

An employee who does not successfully pass a Trainee or promotional probationary period shall be returned to a vacant position comparable to his/her prior position. Upon return to a comparable vacant position, an employee shall assume his/her prior pay and status as a permanent employee or as a probationary employee. A probationary employee who is returned to a comparable vacant position shall be required to complete only the balance of the initial probationary period. If no comparable vacant position exists, the employee shall be returned to his/her prior position and displace the incumbent. However, if the cause for not passing the Trainee or promotional probationary period was sufficient grounds for dismissal, the employee shall be subject to dismissal without return to his/her previous position or a comparable vacant position.

RULE 4

REINSTATEMENT, REINSTATEMENT FROM MILITARY LEAVE, LAYOFF AND RESIGNATION

SECTION 1 - Reinstatement

Reinstatement is defined as the return to permanent employment of a former permanent employee who left the City in good standing.

A former employee may be reinstated without competitive examination within twelve (12) months of the date of separation to the position from which the employee was separated, or to any other position to which the employee would have been eligible to transfer.

All rights acquired by a permanent employee who has been separated shall be restored upon reinstatement, except for such accrued vacation or sick leave time for which the employee has already been paid.

The 12 month reinstatement period may be extended by the City Manager for employees whose separations were the result of layoff or military leave.

An employee who has been laid off may appeal the City's decision not to extend the reinstatement period to the Personnel Board.

The reinstatement period for employees who separate for reasons other than military leave may not be extended beyond the 12 month period.

Former permanent City employees returning to City service after the reinstatement period shall regain the prior years of service acquired as a permanent employee as it relates to their vacation accrual rate.

Temporary appointments shall not constitute a reinstatement.

SECTION 2 - Reinstatement from Military Leave

An employee who is granted a military leave of absence from City employment shall be reinstated as provided in the Military and Veterans Code of California and applicable federal laws.

If it is determined that a veteran returning from a military leave is not entitled to reinstatement to his/her former position as provided in the Military and Veterans Code because of a disability, and if it is also determined that the veteran is able to perform the essential duties of a vacant position of the same or lower classification in the same department or in another department, the City Manager may approve reinstatement to the vacant position provided the veteran

submits a written request to the Human Resources Department. A medical examination to determine limitations of duties shall be given at City expense.

In the event that the City determines that there is no vacant position to which the veteran with a disability can be reinstated, the veteran may appeal the City's decision to the Personnel Board.

SECTION 3 - Layoff

The City Manager may lay off, without prejudice, any permanent employee because of lack of appropriate funds or curtailment or lack of work. Such layoff shall take effect fifteen (15) days after the receipt by the employee of a notice in writing of the proposed layoff action. Personnel shall be laid off in reverse order of seniority, except that the City Manager, with the recommendation of the department head, may do otherwise in order to maintain a balanced department or work unit.

SECTION 4 - Resignation

An employee wishing to leave the classified service in good standing shall file with his or her supervisor at least two (2) weeks before leaving the service, a written resignation stating the effective date and reason for leaving. The resignation shall be forwarded by the employee's department to the Human Resources Department. An employee giving less than two (2) weeks notice due to unforeseen circumstances may still leave in good standing if it is mutually agreed to by the employee and the employee's department head. Failure of the employee to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment or reinstatement with the City.

RULE 5

EMPLOYMENT PRACTICES

SECTION 1 - Employment Conditions

Employees of the Classified Service shall be subject to the following provisions:

1. United States Citizenship:

All employees of the City, except as otherwise provided by the laws of the State of California, must be citizens of the United States or aliens authorized to work in the United States.

2. Physical Examination:

New employees of the City, except employees in non-permanent classifications, must submit to and pass a physical examination which shall be paid for by the City.

3. Criminal Record:

All persons employed by the City must be fingerprinted and law enforcement records checked for past criminal convictions. Any information thus obtained shall be confidential. Employment of and continuation of service of employees with a criminal conviction must have the approval of the City Manager.

4. Employment of Relatives/Domestic Partners:

Before a relative or domestic partner of an existing City employee may be employed, the relationship must be called to the attention of the Director of Human Resources for written consent. A relative is a person related to the employee by blood, marriage, domestic partnership or adoption.

- a. A relative or domestic partner of a City employee shall not be employed in a position where there is a direct supervisor/subordinate relationship between the two positions;
- b. The placement of a relative or domestic partner of a City employee in a position where one person has decision making authority over the other, such as the ability to make assignments or approve overtime, may be approved when the relationship does not create a conflict of interest or detrimentally impact operations.

5. Loyalty Oaths or Affirmations:

As required by the Constitution of the State of California, every employee of the City, before assuming his or her job duties, shall take the constitutional oath or affirmation, which shall then be filed with the Human Resources Department.

6. Outside Employment:

Before an employee of the City engages in any outside employment, the nature of the employment shall be reviewed by the department head and the Director of Human Resources to determine whether it will impair the employee's ability to perform her or his job and whether the outside employment creates a conflict of interest. If it is determined that there is a conflict or impairment of the employee's ability to perform the duties of the position, the outside employment will not be approved. A department head, in consultation with the Human Resources Department, may rescind approval of outside employment if it becomes evident that it is creating a conflict of interest or significant impairment of the employee's ability to perform the duties of her or his position.

7. Re-employment Following Dismissal:

A person dismissed and subsequently re-employed shall be considered a new employee.

8. Retirement:

Every permanent employee of the City shall be required to participate in the California Public Employees' Retirement System (PERS).

SECTION 2 - Hours of Work

The work week shall be considered as beginning at 12:00 midnight Saturday and ending at 12:00 midnight the next succeeding Saturday; however, the City Manager may change the work week. The impact of any such change is subject to meet and confer requirements of the Meyers-Milias-Brown Act.

Employees shall be in attendance at their work during the regular hours of work and shall not leave during working hours for any reason without prior approval of their supervisor or his or her designated representative.

SECTION 3 - Anniversary Dates and Salary Increases

1. Each employee shall have an anniversary date which shall be determined as provided below.

a. For a new employee, the first anniversary date shall occur one (1) year from the first day of employment in a particular job classification.

- b. For an employee who is promoted, the first anniversary date shall occur one (1) year from the effective date of employment in the new job classification.
 - c. For an employee who is demoted, the first anniversary date shall be one (1) year from the effective date of the demotion.
2. Anniversary dates of employees who are transferred to a job classification designated by the same salary range or whose job classification is reclassified from one salary range to another shall not be changed.
 3. For each employee whose merit increase is postponed or advanced by the appointing authority, the anniversary date for merit increase purposes shall be changed to the date to which the increase is postponed or advanced.
 4. Merit increases are subject to performance of the employee's duties in a satisfactory manner. An employee who does not perform his or her duties in a manner satisfactory to the department head may not receive a merit increase and may be subject to disciplinary action.
 5. Merit increases shall be made from each step to the next higher step within the limits of the appropriate salary range. Under special circumstances, an additional step increase may be awarded for extraordinary performance in accordance with guidelines set forth by the Human Resources Department. Merit increases shall be made on each anniversary date, except as otherwise provided in these rules and/or in applicable Memoranda of Understanding. No merit increase shall be granted without the written recommendation of the appointing authority.
 6. Any employee in a job which is reclassified with a different salary range shall be compensated at the point in the new salary range closest to their existing salary that does not result in a decrease in pay. Exceptions to salary reclassifications may be made only by the City Manager.
 7. Upon promotion, employees shall receive a salary increase of at least 5% beyond their base salary at the time of promotion, not to exceed the top of the new salary range.
 8. An employee who voluntarily demotes back to a classification in which s/he previously had completed probation shall be returned to no less than the same salary step or point in the range attained while employed in that class.
 9. An employee who is demoted shall have his or her salary set at a point designated by the department head and reviewed and approved by Human Resources.
 10. In case of transfer of an employee from one position to another in the same salary range, the employee shall continue in the same salary step or point in the range.

SECTION 4 - Performance Evaluation

1. Except for employees serving their probationary period, all employees in the Classified Service shall have their performance evaluated at least annually by the department head or by the supervisor designated for this purpose. The department head or designee shall review the findings of the evaluation and sign the evaluation report before forwarding it to the Human Resources Department for inclusion in the employee's personnel file.
2. Employees serving their probationary period shall have their performance evaluated in accordance with the frequency standards established for the classification and maintained by the Human Resources Department.

SECTION 5 - Vacation

Vacation time is to be taken upon the approval of the department head or his or her designee, with regard for the needs of the employee and particular regard for the needs of the department.

SECTION 6 - Sick Leave

1. The City Manager or department head may require a medical provider's statement or personal declaration for any absence due to illness. A personal declaration must be made on the form provided by Risk Management.
2. No penalties shall be imposed on an employee for taking justifiable sick leave.

SECTION 7 - Leaves of Absence Without Pay

1. Employees may request a Leave of Absence from work without pay by filing a written request with the department head on forms provided by the Human Resources Department. The Human Resources Department will maintain the policy for the efficient administration of Leaves of Absence.
2. The appointing authority may require an employee returning after a Leave of Absence for reasons of health, or for a period of time in excess of sixty (60) days for any reason, to pass a medical examination to verify fitness for duty.
3. Upon the expiration of any approved leave of absence, the employee shall be returned to the same class of position, or to any other class to which the employee had been eligible to transfer at the time the leave of absence was granted.

RULE 6

GRIEVANCE PROCEDURES

SECTION 1 - Policy Statement

The City of Santa Rosa's grievance procedures provide a means of resolving workplace disputes that involves the parties in considering and attempting to meet their mutual and separate interests in order to promote improved workplace relationships. This grievance procedure provides an orderly process to resolve grievances promptly, if possible at the organizational level of origin, and insures freedom from reprisal for using the grievance procedure.

SECTION 2 - Grievance Procedures in MOUs

If the procedures for resolution of grievances are incorporated into a Memorandum of Understanding (MOU), the MOU procedure shall be used for resolution of grievances filed by employees covered by that MOU.

SECTION 3 - Definition, Scope and Right to File

A grievance may be filed by an individual employee, or jointly by a group of employees, or by an employee organization. Grievances may be processed and appeals may be filed on behalf of an employee who has completed the required initial probationary period and attained permanent status.

All grievances shall be filed in accordance with this procedure. A grievance is a claimed violation, misinterpretation, inequitable application or non-compliance with a memorandum of understanding, City ordinance, resolution, rule or regulation affecting working conditions. Disputes over individual disciplinary actions are not considered grievances and are addressed in Rule 7.

SECTION 4 - General Conditions

1. The Human Resources Department shall act as a central repository for all grievance records. Grievance records are filed separately and are not a part of any employee's personnel file.
2. Time limits may be extended by mutual agreement in writing or by the City Manager where a written request for such an extension is submitted prior to the expiration of the applicable time period. If a City representative does not respond within the required time limits and the time limits have not been extended, then the grievance shall be advanced to the next step.
3. An aggrieved employee may be represented by any person or organization of choice at any stage of the proceedings. A representative of an organization certified to represent

a majority of employees in a representation unit in which an aggrieved employee is included, upon prior request of the grievant, is entitled to be present at all meetings, conferences, and hearings.

4. In situations where there are disputes which do not fall under this chapter, due to the dispute not meeting the definition of a grievance, or a deadline being missed, the parties to the dispute are encouraged to continue to address the issue, including seeking mediation.

SECTION 5 - Informal Grievance Procedure

As soon as possible, but within 14 calendar days of the discovery of an event giving rise to a grievance, the grievant or representative shall present the grievance clearly and succinctly, either verbally or in writing, to the supervisor, except in situations where the grievance involves the relationship with the supervisor; in those situations, the grievance shall be submitted to the next higher level of supervision within the same time frame. The parties are encouraged to seek mediation to resolve the dispute. Mediation services are available through the Human Resources Department or from other City mediators to assist in bringing the grievance to a resolution. The grievant and supervisor have a mutual responsibility to have the matter resolved, if possible, at the organizational level of origin.

The supervisor shall provide the grievant with a written response to the grievance within seven (7) calendar days of the last meeting with the employee regarding the grievance. Presentation of an informal grievance shall be necessary prior to the filing of a formal grievance.

SECTION 6 - Formal Grievance Procedure

If the issue grieved was not resolved informally, a formal written grievance shall be filed within 14 calendar days after receipt of the supervisor's response to the informal grievance. The grievance will include a clear statement of the nature of the grievance, citing the applicable language of any ordinance, rule, regulation, memorandum of understanding, or other pertinent document involved, the date on which the grievance occurred and a proposed solution to the grievance. A formal grievance shall only be initiated by completing a form provided by the Human Resources Department.

1. Department Review:

Within 14 calendar days after the formal grievance is filed, the department head or designated representative shall investigate the grievance, confer with the grievant, attempt to resolve the issue and make a decision in writing. The parties are encouraged to seek mediation to resolve the dispute.

If the grievance is not resolved to the satisfaction of the grievant, the grievant may, within seven (7) calendar days after notification of the department head's decision,

request the City Manager or designee to consider the decision rendered by the department head. Such request shall be in writing and filed with the Human Resources Director.

2. City Manager Review

Within 14 calendar days after receipt of the written request, the City Manager or designee shall investigate the grievance, confer with persons affected and their representatives to the extent deemed necessary, offer to seek mediation and render a decision in writing.

If the decision of the City Manager or designee resolves the grievance to the satisfaction of the grievant, it shall be final and binding.

If the decision of the City Manager or designee does not resolve the grievance to the satisfaction of the grievant, the grievant may file a request for a hearing before the Personnel Board. The request for a hearing shall be made in writing within seven (7) calendar days from the date of receipt of the decision of the City Manager or designee.

SECTION 7 - Appeal to the Personnel Board

Appeals to the Personnel Board will be conducted in accordance with Rule 8, Personnel Board Hearings, of these rules and any rules or procedures established by the Personnel Board.

SECTION 8 - Non-Reprisal

Every employee subject to this procedure shall be guaranteed the free and complete right to process a grievance pursuant to this procedure. No City official, department head, or any other person or body shall harass, coerce, intimidate, or threaten an employee, group of employees, or employee organizations because of the exercise of their rights under this procedure.

SECTION 9 - Informal Complaint Procedure for Probationary Employees

Probationary employees shall have access to an informal complaint procedure only for issues limited to misapplication or misinterpretation of the MOU or City policies or procedures. Probationary employees should immediately bring complaints regarding these issues to their supervisor. This informal complaint procedure is not available for disciplinary actions or decisions to end employment during the probationary period. If additional assistance is needed in resolving the dispute, the parties are encouraged to seek mediation. Mediation services are available from the Human Resources Department. If the issue is not resolved, the employee may discuss the issue with the Department Head or the Director of Human Resources.

RULE 7

DISCIPLINARY PROCEDURE

SECTION 1 - Policy Statement

Disciplinary actions are intended to be corrective and progressive in nature, unless a single infraction, on its own, warrants significant discipline. The objective of disciplinary action is to obtain compliance with rules, orders, procedures, standards of conduct and/or expected job performance. Violations of the rules, orders, procedures, etc., will be viewed from the perspective that the corrective or disciplinary action taken should be commensurate with the alleged infraction(s). The City shall determine appropriate disciplinary action to be taken. Mediation is available at any stage of the discipline process by the mutual consent of the parties involved.

Any employee may be disciplined for cause provided the rules and provisions described in this chapter are followed. However, only those employees holding permanent status in the Classified Service have the right to appeal discipline as described in this chapter. All disciplinary actions shall become a part of the employee's official personnel record which is maintained by the Human Resources Department.

In addition to the steps outlined in this chapter, supervisors may communicate their expectations concerning job performance to employees through a variety of non-disciplinary tools, such as corrective interviews, counseling memos, special evaluations, corrective work plans and oral reprimands.

SECTION 2 - Discipline Procedures in MOUs

If any discipline procedures are incorporated into a Memorandum of Understanding (MOU), the MOU procedures shall be used for administration of discipline involving employees covered by that MOU.

SECTION 3 - Causes for Disciplinary Action

The following shall be deemed sufficient cause to warrant disciplinary action, but such action need not be limited to these causes:

1. Fraud in securing appointment;
2. Failure to meet expected performance standards;
3. Neglecting to perform expected job duties;

4. Inability to perform the essential duties of the job, with or without reasonable accommodation.
5. Insubordination or willful disobedience;
6. Dishonesty;
7. Unauthorized possession of alcohol, controlled substances or drugs during duty hours;
8. Unauthorized use of narcotics, drugs, or other controlled substances, or use of alcohol during duty hours;
9. Any use of narcotics, drugs, alcohol, or other substances, whether during or outside of duty hours, causing an impairment which prevents an employee from performing the duties of her or his job, or would endanger the health and safety of the employee or other individuals;
10. Absence without approved leave;
11. Conviction of a crime which relates to the qualifications, functions, or duties of the employee's position, or which otherwise adversely impacts the ability of the employee to perform the job;
12. Inappropriate treatment of the public or other employees;
13. Improper political activity as defined by the City Charter and Government Code;
14. Misuse of City owned property;
15. Behavior, either during or outside of duty hours, which is of such a nature that it causes discredit to the City;
16. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment;
17. Violation of any of the provisions of these rules and regulations, departmental rules and regulations, or City policies;
18. Failure to abide by reasonable safety precautions;
19. Failure to maintain required licenses, credentials, certificates or other conditions for employment in the assigned classification, or failure to meet legal requirements for retention in the class.

SECTION 4 - Disciplinary Actions

The following are appropriate disciplinary actions that may be taken as corrective measures.

1. **Written Reprimand**

With department head approval, a supervisor may reprimand an employee by providing a written statement which outlines the problem; the specific policies, rules, or legal provisions violated; constructive assistance toward correction; and an indication that more serious disciplinary action could occur should the unsatisfactory conduct continue or recur. A letter of written reprimand shall be provided to the employee and made a part of the employee's personnel record. The reprimand shall not be subject to appeal; however, the employee has the right to meet with the department head before a written reprimand is placed in the employee's personnel file, as outlined in Section 5-1, Review of Written Reprimands. The employee also has the right of rebuttal by providing a written statement which will be included in the personnel record along with the written reprimand.

2. **Suspension**

A department head may suspend the employment of an employee without pay for not more than two hundred and forty (240) working hours in any one year. Suspensions are subject to the procedures outlined in Section 6, Discipline Procedures, which include the right of appeal.

3. **Reduction in Salary**

A department head may reduce the salary of an employee for disciplinary reasons, provided that such reduction shall be to a step or percentage within the salary range of the classification held by the employee. A new anniversary date shall be established in accordance with these rules, unless the reduction is for a specified period of time, in which case the anniversary date would not change, or unless otherwise recommended by the department head and approved by the City Manager or designee. Reductions in salary are subject to the procedures outlined in Section 6, Discipline Procedures, which include the right of appeal.

4. **Disciplinary Demotion**

A department head may demote an employee for disciplinary reasons, to any classification with a lower salary, provided the employee meets the minimum qualifications for the lower-level class. The employee shall not be eligible for promotion for a period of six (6) months unless otherwise recommended by the department head and approved by the City Manager or designee. Disciplinary demotions are subject to

the procedures outlined in Section 6, Discipline Procedures, which include the right of appeal.

5. Dismissal

A department head may dismiss an employee for cause. Dismissals are subject to the procedures outlined in Section 6, Discipline Procedures, which include the right of appeal.

SECTION 5 - Review and Removal of Written Reprimands

1. Review of Written Reprimands:

- a. All written reprimands shall be reviewed and approved by the department head prior to being provided to the employee.
- b. The employee has three (3) working days to notify the department head that s/he will respond to the written reprimand in writing and/or orally at an informal meeting with the department head. The department head shall allow the employee seven (7) working days following the receipt of the written reprimand to prepare the written and/or oral response. This time may be extended by the department head. The department head shall consider the employee's response prior to taking final action. The decision of the department head shall be final and is not subject to appeal through these discipline and grievance rules.
- c. Written reprimands shall not be placed in the employee's personnel file until the meeting with the department head is held or the three (3) day period for requesting a meeting has passed without a meeting request.
- d. Written reprimands resulting from vehicle accidents which are reviewed by the City's Accident Review Committee and determined to be preventable are exempt from the requirement for department head review described in paragraph b, above.
- e. An employee may place a written reply or rebuttal to a written reprimand in the personnel file at any time.

2. Removal of Written Reprimands

- a. An employee may make a written request to his or her department head that a written reprimand be removed from the employee's personnel file if no other written reprimand or disciplinary action has occurred during the previous 5 years.

- b. The department head will review the request and make a decision as to whether or not to approve it based on the employee's current performance and overall work record. If the department head does not approve the request, the employee will be provided an explanation for the denial in writing. The department head's decision not to remove a written reprimand shall be final and not subject to appeal through these discipline and grievance rules.
- c. If a request to remove a written reprimand is denied, the employee may again request that it be removed one year following the initial denial.
- d. Written reprimands for vehicle accidents deemed preventable by the City's Accident Review Committee and for violations of City policies related to harassment and discrimination shall not be removed from the employee's file.

SECTION 6 - Discipline Procedures.

The following steps shall be taken to investigate, review and appeal behavior which results in a disciplinary action being taken.

1. Initial Investigation

An alleged violation of policy, procedure, rules, regulations, directives, orders or laws shall be investigated by the employee's supervisor, department head or designee. The investigator shall complete a written report of the investigation including the employee's statement, the specific violations, all available facts related to the alleged violations, and statements of witnesses. The above information shall be forwarded to the appropriate manager within ten (10) working days of the discovery of the alleged violation.

2. Management Review

The appropriate manager shall review all written documents and other information related to the alleged violation and may investigate further to insure that all facts are adequately documented. The appropriate manager shall, within five (5) working days, forward to the department head the entire investigation with a recommendation for discipline to be considered.

3. Department Head Review

Upon receipt of such recommendation, the department head or designee shall review and indicate concurrence or modification of the recommended disciplinary action within five (5) working days. If the discipline recommended is a suspension, reduction in salary, demotion or dismissal, the department head shall obtain approval of the intended discipline from the Human Resources Director or designee.

4. Human Resources Review

The Human Resources Director or designee shall review the recommendations of the disciplinary action proposed within five (5) working days of receipt.

5. Notice of Proposed Discipline

Following the approval of the Human Resources Director or designee, a written notice of proposed discipline specifying the recommended discipline and the reason for the discipline shall, within three (3) working days, be forwarded by the department head to the employee and the Human Resources Department.

The notice of proposed discipline shall contain the following:

- a. A statement which clearly defines the intent to take action and the specific action to be taken.
- b. A statement of the rule(s) or regulation(s) that has (have) allegedly been violated;
- c. A statement of the specific action or charges upon which the proposed discipline is based;
- d. The records and documents upon which the proposed action is based, including witness names and identifying information, except where there is a significant safety reason not to provide this information.
- e. A statement that upon receipt of the notice of proposed discipline, the employee shall be allowed ten (10) working days from the date of receipt to respond either orally or in writing. Failure to respond within the prescribed time period following receipt of the notice of proposed discipline shall forfeit all further rights of the employee, and the proposed discipline will be imposed.

6. Proposed Discipline Deferred

If the employee or designated representative requests the right to respond either orally or in writing to the department head, imposition of proposed discipline shall be deferred until after a pre-disciplinary (Skelly) hearing.

7. Pre-disciplinary (Skelly) Hearing

Where a written or oral response has been elected, the department head shall schedule, coordinate and conduct a pre-disciplinary hearing within ten (10) working days of the employee's request. The purpose of the hearing is for the employee to provide additional information and facts relevant to the alleged violation in order for the department head to have all the facts prior to making a final decision regarding the discipline. The employee may elect to have representation at the hearing. All appeal

rights are forfeited if the employee fails to provide a written response or statement, or to appear for the pre-disciplinary hearing.

8. Findings of Fact

The department head's responsibility includes making findings of fact and forwarding recommendation(s) for disciplinary action to the Human Resources Director within three (3) working days after the hearing.

9. Human Resources Final Review

The Human Resources Director shall consider the findings of fact and recommendation(s) of the department head and authorize appropriate disciplinary action. The Human Resources Director's determination of appropriate disciplinary action shall be forwarded to the department head within three (3) working days.

10. Imposition of Discipline

Within three (3) working days, the department head shall serve the employee with a written notice of disciplinary action authorized by the Human Resources Director specifying the date(s) upon which the disciplinary action shall be imposed. The notice of disciplinary action shall also inform the employee of the right to appeal and shall further inform the employee of any time limitations within which the notice of appeal must be filed.

Disciplinary actions may be imposed prior to the appeal hearing.

SECTION 7 - Right of Appeal

An employee who has received a notice of disciplinary action may, within ten (10) working days of its receipt, request a hearing before the Personnel Board in accordance with this procedure. Appeals to the Personnel Board shall be conducted in accordance with Rule 8, Personnel Board Hearings, of these rules and any rules or procedures established by the Personnel Board. An employee in a unit with binding arbitration of discipline in his/her MOU must follow the provisions of that MOU to appeal a disciplinary action.

SECTION 8 - Immediate Removal

An employee may be placed on Administrative Leave with Pay without notice or hearing where the continued presence of the employee would be a clear and present hazard or disruption to other employees, the public, or the City. An Administrative Leave with Pay pending an investigation requires the approval of the Human Resources Director and is not subject to appeal. When an employee is placed on an Administrative Leave with Pay and disciplinary

action follows, the employee shall be assured of all due process in accordance with the Personnel Rules and Regulations. The Department Head may direct the employee's activities during the employee's regularly scheduled work hours during an Administrative Leave with Pay.

SECTION 9 - Extension of Time Limits

Time limits may be extended by mutual agreement in writing between the parties. If mutual agreement cannot be reached, a written request for such an extension may be submitted to the Human Resources Director prior to the expiration of the applicable time period. In instances where the Human Resources Director grants a time extension, all parties shall be notified of the length of the extension.

SECTION 10 - Right to Representation

An employee subject to a meeting or an investigation that may result in disciplinary action has the right, upon request, to be represented by an employee representative, or by an attorney retained by the employee at the employee's expense.

RULE 8

PERSONNEL BOARD HEARINGS

SECTION 1 - Mediation

After a hearing before the Personnel Board has been requested, but prior to preparation and delivery of the hearing documents, the Human Resources Director shall schedule a mediation between the two parties, if the parties agree. The mediator shall be someone acceptable to both parties. If the parties resolve the dispute, no hearing is held and no further action is taken.

SECTION 2 - Request for Hearing

When it is determined that a Personnel Board hearing is required, the Human Resources Director shall schedule a hearing at the earliest possible time which is agreeable to the Board and the parties to the hearing. The request for a hearing before the Personnel Board must include:

1. The specific issue(s) appealed and
2. The information to be considered by the Personnel Board

All information to be considered by the Personnel Board, including but not limited to printed material, physical evidence, and lists of witnesses, shall be submitted to the Human Resources Department by both parties at least eleven (11) working days prior to the scheduled hearing. This information shall be forwarded to members of the Personnel Board by the Human Resources Department.

SECTION 3 - Conduct of Hearings

The Personnel Board may adopt procedures relating to the conduct of appeal hearings and may change the procedures as they deem appropriate.

At least three working days before a Personnel Board hearing, the employee, and/or his or her representative, and representatives from the City, shall meet with the board Chairperson and the attorney for the Personnel Board to endeavor to reach agreements concerning factual issues. In addition, if appropriate, the parties will try to resolve legal issues and what evidence will be presented at the hearing. If agreements are reached, they shall be reported by the attorney for the Personnel Board at the commencement of the hearing.

The Human Resources Director shall coordinate and schedule the appeal hearing and forward the appropriate notices to interested parties. The Board's responsibility includes making findings of fact and forwarding recommendation(s) to the City Manager. The findings of fact

and recommendations of the Personnel Board shall be forwarded within five (5) working days of the completion of the hearing.

SECTION 4 - City Manager Action

The City Manager shall consider the findings of fact and recommendations of the Personnel Board and impose or authorize the action the City Manager deems appropriate. The action as determined by the City Manager, and the findings of fact and recommendation of the Personnel Board, shall be forwarded to the department head, employee, and/or designated representative within five (5) working days.

The decision of the City Manager shall be final and binding.

Resolution No.	8855 - 12/31/68	- Adopting Personnel Rules & Regulations
	9205 - 01/06/70	- Amending Rule 5, Section 14 and adding Sections 56 and 57 to Rule I
	11265 - 02/04/75	- Amending Rule I, Section 43 and Rule IX, Section 2
	11545 - 07/29/75	- Amending Rule IV, Section 2
	11603 - 09/02/75	- Amending Rule III, Section 2.1
	13102 - 03/14/78	- Repealing and Reenacting Rule VIII
	24870 - 06/19/01	- Repeal Rules II, III, IV and V and Reenact Rule II
	25510 - 12/17/02	- Revision and Renumbering of all Rules

ALPHABETICAL INDEX

Anniversary Dates and Salary Increases - Employment Practices	20
Appeal to the Personnel Board - Grievance Procedures	25
Applicant Notification - Recruitment & Examination	7
Appointment- Recruitment & Examination	9
Background Investigation - Recruitment & Examination	10
Candidate Lists - Recruitment & Examination	8
Causes for Disciplinary Action - Disciplinary Procedure	27
City Manager Action - Personnel Board Hearings	36
City Manager Review - Grievance Procedures	25
Completion of Examination Process - Recruitment & Examination	7
Conduct of Hearings - Personnel Board Hearings	35
Continuous Recruitment - Recruitment & Examination	7
Criminal Record - Employment Practices	19
Definition of Terms	1
Definition, Scope and Right to File - Grievance Procedures	23
Department Head Review - Disciplinary Procedure	31
Department Review - Grievance Procedures	24
Disciplinary Actions - Disciplinary Procedure	26
Disciplinary Demotion - Disciplinary Procedure	29
Disciplinary Procedure - Rule 7	27
Discipline Procedures in MOUs - Disciplinary Procedure	32
Discipline Procedures - Disciplinary Procedure	31
Dismissal or Discharge - Disciplinary Procedure	30
Disqualification - Recruitment & Examination	7
Duration - Probationary Period	15
Eligibility for Veteran's Preference	9
Employment Conditions - Employment Practices	19
Employment of Relatives/Domestic Partners - Employment Practices	19
Employment Practices - Rule 5	19
End of Consideration - Recruitment & Examination	8
Extension of Probationary Period	15
Extension of Time Limits - Disciplinary Procedure	34
Failure to Complete Promotional Probationary Period - Probationary Period	16
Filling Vacant Positions - Recruitment & Examination	8
Findings of Fact - Disciplinary Procedure	33
Formal Grievance Procedure - Grievance Procedures	24
General Conditions - Grievance Procedures	23
General Provisions - Transfers	13
Grievance Procedures - Rule 6	23
Grievance Procedures in MOUs - Grievance Procedures	25
Hours of Work - Employment Practices	20

Human Resources Department Responsibilities - Recruitment & Examination	6
Human Resources Final Review - Disciplinary Procedure	33
Human Resources Review - Disciplinary Procedure	32
Immediate Removal - Disciplinary Procedure	33
Imposition of Discipline - Disciplinary Procedure	33
Informal Complaint Procedure for Probationary Employees - Grievance Procedures	25
Informal Grievance Procedures - Grievance Procedures	24
Initial Investigation - Disciplinary Procedure	31
Introduction - Recruitment & Examination	6
Layoff	18
Leaves of Absence without Pay - Employment Practices	22
Limited Term Appointments - Recruitment and Examination	10
Loyalty Oaths or Affirmations - Employment Practices	20
Management Review - Disciplinary Procedure	31
Mediation - Personnel Board Hearings	33
Non-Reprisal - Grievance Procedures	25
Notice of Proposed Discipline - Disciplinary Procedure	32
Out-of-Class Assignments	12
Outside Employment - Employment Practices	20
Performance Evaluation - Employment Practices	22
Permanent Appointment - Probationary Period	16
Personnel Board Hearings - Rule 8	35
Physical Examinations - Employment Practices	19
Policy Statement - Disciplinary Procedure	27
Policy Statement - Grievance Procedures	23
Pre-disciplinary (Skelly) Hearing - Disciplinary Procedure	32
Probationary Period - Rule 3	15
Promotion during Probationary Period	16
Proposed Discipline - Disciplinary Procedure	29
Proposed Discipline Deferred - Disciplinary Procedure	32
Public Safety Promotional Recruitment, Examination and Certification - Recruitment & Examination	10
Purpose - Probationary Period	15
Recruitment & Examination - Rule 1	6
Recruitment Announcement - Recruitment & Examination	7
Recruitment Types - Recruitment & Examination	6
Reduction in Salary - Disciplinary Procedure	29
Re-employment Following Dismissal - Employment Practices	20
Reinstatement	17
Reinstatement from Military Leave	17
Reinstatement, Reinstatement from Military Leave, Layoff, & Resignation - Rule 4	17
Rejection - Probationary Period	15
Request for Hearing - Personnel Board Hearings	35
Resignation	18
Retirement - Employment Practices	20

Review and Removal of Written Reprimands - Disciplinary Procedure 30

Right of Appeal - Disciplinary Procedure 33

Right to Representation - Disciplinary Procedure 34

Selection - Recruitment & Examination 9

Sick Leave - Employment Practices 22

Status Changes - Probationary Period 15

Suspension - Disciplinary Procedure 29

Temporary Out-of-Class Assignments 14

Transfers - Rule 2 13

Trial Period - Transfers 14

United States Citizenship - Employment Practices 19

Vacation - Employment Practices 22

Written Reprimand - Disciplinary Procedure 29

G:\PERS\PP\G\Rules&Regs Final Version 12-17-02.wpd