



CITY OF NATIONAL CITY

CIVIL SERVICE RULES

Adopted by:

THE CITY COUNCIL OF NATIONAL CITY

and

THE CIVIL SERVICE COMMISSION

As amended:

MARCH 20, 2018

National City, California



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CIVIL SERVICE RULES

RULE I
DEFINITION OF TERMS

SECTION 101 - GENERAL TERMS: Whenever used, the masculine noun or pronoun shall include the feminine. The singular shall include the plural, and the plural the singular. The word "shall" will be construed as mandatory, and the word "may" as permissive or discretionary. The present tense includes the past and future tenses; and the future, the present. Unless the context requires otherwise, the terms used in these rules shall be defined as set forth in Section 102 of Rule I. (11/21/72)

SECTION 102 - SPECIFIC TERMS:

ACTIVE SERVICE - shall mean actual time worked, other paid time, leaves of absence without pay not to exceed fourteen (14) calendar days annually and leaves of absence without pay not to exceed one (1) year for which Workmen's Compensation is paid. It shall also include Saturdays and Sundays, or other regular days off which are immediately preceded or immediately followed by other time worked.

ADVANCEMENT - shall mean a salary increase within a range of compensation provided for each position, which is conditioned upon a given minimum term of meritorious service in the same position and which is made without examination.

ANNIVERSARY DATE - shall mean the date that the employee completes twelve (12) calendar months of service from the date of appointment. Under normal circumstances, when an employee receives a promotion to a new classification, the promotion date will become the new anniversary date for the employee.

APPEAL - shall mean a request for hearing of a disciplinary action submitted to the Commission by the affected employee or his/her representative.

APPOINTING AUTHORITY - shall mean the City Council, the City Manager and any other person or body to whom the power to appoint personnel to positions in the Classified Service may be delegated.

Civil Service Rule I – Definition of Terms

APPOINTMENT - shall mean the offer to and acceptance by a person of a position either on a career, non-career or conditional basis

CALENDAR YEAR - shall mean a twelve (12) month period beginning January 1 and ending December 31.

CAREER ADVANCEMENT – shall mean a position classified at or below journey-level in a classification series and may be underfilled at any of the lower level classes in the same series. (10/06/09))

CAREER POSITION - shall mean a specific office, whether occupied or vacant, carrying responsibilities and calling for the performance of certain duties by one individual on a regular full-time basis. This position shall be included in the classified service and generally is expected to continue into successive budget years.

CAREER STATUS - shall mean the condition of an employee who has been appointed to a regular career position and has successfully completed the required probationary period and has achieved career status. The term "career" is analogous with the term "permanent" for the purpose of these rules except that it does not imply a guaranteed term, but rather is expected to continue for an indefinite period within a given classification, not a specific position.

CIVIL SERVICE RULES - means rules adopted by the Civil Service Commission and approved by the Council. The term is synonymous with “Personnel Rules” referred to in these rules and the municipal code.

The Civil Service Rules are the official rules of the City and shall take precedence over any other conflicting rules, policies or practices not specifically approved by the City Council. (10/03/95)

CLASS - shall mean a position or a group of positions sufficiently similar in respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class that the same minimum qualifications may be required and the same salary range may be made to apply with equity.

CLASS SPECIFICATION - shall mean a written description of a class consisting of a class title, a general statement of the level of work and distinguishing features of work, examples of duties and the desirable qualifications for the class.

Civil Service Rule I – Definition of Terms

CLASSIFIED SERVICE - shall mean all regular career positions, within the City's authority to appoint as defined by these rules, except those positions specifically excluded by City of National City Ordinance No. 1076. Positions in the classified service are subject to the rules and regulations of the Civil Service Commission. This term is interchangeable with the term "competitive service" and "civil service".

COMMISSION - shall mean the Civil Service Commission of the City of National City.

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

COMPENSATION PLAN - shall mean the official schedule of pay approved by the City Council assigning one or more rates of pay to each class title.

COMPENSATORY LEAVE - shall mean time off from work in lieu of monetary payment for overtime worked.

CONTINUOUS SERVICE - shall mean employment in the City service uninterrupted by separation, and applies to the time a person has been employed on a career basis, or to the continuation of employment from non-career to a career, without any break in service.

DEMOTION - shall mean the involuntary reduction in classification of an employee for purposes of discipline from one position to another position having a lower maximum salary rate.

DEPARTMENT - shall mean an organizational unit of the City charged with specific functions under the direction of a management official known as department director and recognized as such in the official budgetary document.

DISMISSAL - shall mean separation from the City Service for disciplinary purposes pursuant to Civil Service rules and regulations.

DOWNGRADE - shall mean the voluntary reduction in classification of an employee to a lower classification and salary rate in order to accommodate the employee's wishes or to avoid lay-off.

ELIGIBLE LIST - shall mean the listing of candidates who have satisfied all Civil Service, legal and administrative requirements for entry, re-entry, transfer or promotion in the Classified Service pursuant to these rules.

Civil Service Rule I – Definition of Terms

FAMILY - shall mean those relations living in the employee's household or grandparents, parents, siblings, and children of employee and his/her spouse, either by blood or marriage.

LAY-OFF - shall mean the involuntary, non-disciplinary separation of an employee from a position resulting from lack of work, lack of funds or abolishment of a position.

NON-CAREER STATUS - shall mean the condition of employee appointed to any position not included in career service. Employees in this status are considered as temporary by nature and outside the scope of these rules except as specifically cited in these rules. A person hired into non-career status from an eligible list shall maintain that eligibility for the entire period of non-career employment or the term of the eligibility list whichever is longer.

PERSONNEL DIRECTOR - shall mean the person appointed by the City Manager to act as Secretary to the Civil Service Commission, to direct and administer the activities of the Personnel Department and to generally administer the employment policies of the City and the Civil Service Commission. May also be referred to as the Personnel Officer.

POSITION - shall mean any specific office within a given classification, whether occupied or vacant, carrying certain responsibilities and calling for the performance of certain duties by one individual, either on a full-time basis or part-time basis.

PROBATIONARY PERIOD - shall mean the working test period during which is an extension of the examination where the appointee is required to demonstrate fitness for the position by actual performance of duties and responsibilities assigned prior to earning career status.

PROBATIONARY STATUS - shall mean the condition wherein an employee must successfully complete a trial period in order to achieve career status in a position with rights and obligations under these rules. There is a distinction between the initial probation into career status and promotional probation, where the employee retains certain rights under these rules. Appointees in the initial probationary period may be released without right of appeal for failure to meet departmental expectations. Appointees in the promotional probationary period may be released without right of appeal for this reason, but have the right to return to their former position.

PROMOTION - shall mean appointment of a City employee holding a position in one class to a position in another class having a maximum salary rate more than five (5) percent higher than that of the previous class.

PROVISIONAL APPOINTMENT - shall mean the temporary appointment of a candidate who possesses the minimum qualifications for a particular classification for which there is no valid eligible list available.

Civil Service Rule I – Definition of Terms

RE-EMPLOYMENT - shall mean the appointment without further examination of a former career status employee who resigned without prejudice and in good standing and has been approved for re-entry into the classified service.

RESIGNATION - shall mean the voluntary separation of an employee from City position with or without prejudice for re-employment.

RULES - shall mean the Civil Service Rules adopted by the Civil Service Commission and approved by the City Council.

SALARY RANGE OR BAND - shall mean the established minimum and maximum compensation allotted by the Council for that particular classification, which may include regular or irregular intervals for periodic advancement.

SENIORITY - shall mean the length of continuous paid full-time service since initial probationary appointment to a career position funded solely by the City where service time in the current classification, then service time in the current department, and then service time with the City in that order of priority determines seniority for purpose of layoff, longevity and benefits. Unauthorized breaks in service, such as resignation without re-employment within thirty (30) calendar days, shall negate all previously earned seniority. Authorized leaves of absence without pay in excess of thirty (30) calendar days and layoffs shall not accrue additional seniority, however, previously earned seniority will be restored upon return to work. (10/03/95)

SUSPENSION - shall mean an involuntary temporary leave of absence without pay for disciplinary purposes.

TEMPORARY STATUS - shall mean the condition of an employee appointed to a position of a non-career nature for a limited time and without the rights provided in these rules. (07/01/92)

CIVIL SERVICE RULES

RULE II
CLASSIFICATION OF POSITIONS

SECTION 201 - THE CLASSIFICATION PLAN: The Commission shall adopt, revise as necessary and maintain for official and public reference a Classification Plan.

The Classification Plan shall consist of a list of titles of the classes to which all positions in the Classified Service are to be allocated, and a written class specification describing each class. Each class specification shall outline the main characteristics and desirable qualifications required of positions allocated to the class and shall give examples of duties which employees holding such positions may properly be required to perform.

The class specification is descriptive and explanatory, but not restrictive or inclusive of all duties performed. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character, or of lesser skills.

Desirable qualifications may include such pre-entry requirements of education, experience, training, occupational certificates, licenses, skills, abilities, or personal aptitudes required to assure reasonable work performance in the class of position. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and for use in determining the relative value of positions in one class with positions in other classes.

Qualifications commonly required of all employees, such as freedom from disabling defects, either U.S. citizenship or possession of a work permit from the U.S. Immigration and Naturalization Service, honesty, sobriety and industry shall be implied as requirements for each class, even though they may not be specifically mentioned in the specification.

The Commission shall be the final authority in the interpretation of such specifications. A waiver of any provision in any class specification previously adopted by the Commission may be granted only under exceptionally compelling circumstances by a majority vote of the Commission. All such requests shall be made in writing to the Commission, stating in full the justification for such action. The decision of the Commission shall be so noted in the official minutes of their meeting.
(07/21/87)

Civil Service Rule II – Classification of Positions

SECTION 202 - BASIS FOR CLASSES OF POSITIONS: All positions in the Classified Service shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training experience, knowledge, skills, personal qualities and the same salary range may be made to apply with equity to all positions in the same class.

Factors to be considered in the establishment of classes shall include the kind of duties to be performed, the degree of difficulty and complexity of duties to be performed, the level of proficiency required, the degree of responsibility of the position and the corresponding fundamental qualification such as skills, knowledge and abilities required to perform the work. (11/21/72)

SECTION 203 - ALLOCATION OF POSITIONS TO CLASSES: The Commission shall allocate to a class or reallocate as necessary, every position in the Classified Service, in accordance with the class specifications.

- A. When a position necessarily includes duties and responsibilities of two (2) or more classes, the Commission may in its discretion:
- (1) Allocate the position in accordance with the duties and responsibilities which occupy the major part of the working time; or
 - (2) Allocate the position in accordance with the highest essential group of duties and responsibilities of the position; or
 - (3) With the concurrence of the City Manager divide the position into two (2) or more part-time positions.
- B. The Personnel Director shall conduct an investigation prior to the reallocation of any position from one class to another class. Such reallocation may be considered by the Commission whenever a change in duties and responsibilities of a position makes the class to which the position was previously allocated no longer applicable. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned and his/her department head and shall take into consideration the following factors: kinds of duties to be performed, the degree of difficulty and complexity of the duties, the level of responsibility of the position, and the basic skills, knowledge and abilities required to perform the work.

Civil Service Rule II – Classification of Positions

- C. The personal qualifications, ability or performance of an employee occupying a position shall not be a criterion for reallocating his/her position. Nor shall the reallocation of any position be permitted for the purpose of avoiding the requirements of these rules regarding either demotions or promotions, or any requirements of a Civil Service examination.
- D. The Commission shall determine the status of an employee whose position is reallocated to another class consistent with the following policies:
- (1) If the position is reallocated to a class at the same salary range or one no more than five (5) percent higher in maximum salary, the incumbent shall have the same status permanent or probationary in the new class that he/she had in the old.
 - (2) If the position is reallocated to a class more than five (5) percent higher in maximum salary than his/her current class, he/she must compete through an open or promotional examination to be placed in the higher classification and, if selected, must serve a new probationary period. However, if he/she has occupied the position for at least one (1) year immediately prior to the effective date of reallocation, the Commission may promote the employee without competitive examination or a new probationary period. (03/14/91)
 - (3) If the position is reallocated to a classification in a salary range with a maximum step lower than that of the previous class, then the status of the employee shall be determined by lay-off and demotion provisions of Sections 503, 1006, 1007 and 1008 of these rules. (07/21/87)

SECTION 204 - CLASS TITLES: Official class titles approved by the Commission are to be used in all personnel, accounting, budget and financial records. No person will be appointed to or employed in a position in the Classified Service under a title not included in the Classification Plan.

Class titles shall be similar to ordinary occupational titles in private employment as nearly as possible. Nomenclature in the titles shall be descriptive of level, grade and relationship of one class to another.

Other job or working titles may be used in the course of departmental routine to indicate authority, status in the organization or administrative rank. (11/21/72)

Civil Service Rule II – Classification of Positions

SECTION 205 - ADMINISTRATION OF THE CLASSIFICATION PLAN: The Commission shall periodically review the duties and responsibilities of all positions in order to assure proper allocation of positions to classes. The Commission shall also review the specifications for any class or allocation of any position on request of the incumbent, the appointing officer, the City Manager or other responsible official. (11/21/72)

SECTION 206 – CAREER ADVANCEMENT: In an effort to provide for the recruitment, advancement and retention of capable employees, it shall be the policy of the Civil Service Commission to provide for appropriate classifications to implement “career advancement” training programs.

Through the career advancement program, when vacancies occur at or below journey-level in a career advanceable series, the Personnel Director shall have the authority to recruit and underfill the position at any of the lower level classes within the series. Upon gaining the experience and skills required for advancement, an incumbent underfilling a position shall become eligible for promotion to the higher levels in the series in succession until reaching the classified level of the position.

The career advancement program and applicable procedure will apply only to recognized career advancement classifications listed in the Addendum to this section of the Civil Service Rules. (10/06/09)

Civil Service Rule II – Classification of Positions

ADDENDUM TO CIVIL SERVICE RULE II**SECTION 206A – CAREER ADVANCEMENT****CAREER ADVANCEABLE SERIES****Entry Level Classification****Promotional Opportunity****Engineering**

Junior Engineer – Civil

→

Assistant Engineer – Civil

Fiscal

Accountant Trainee

→

Accountant

Payroll Technician I

→

Payroll Technician II

Inspection

Code Conformance Officer I

→

Code Conformance Officer II

Management

Management Analyst Trainee

→

Management Analyst I/II

(03/20/18)

CIVIL SERVICE RULES

RULE III
APPLICATIONS, EXAMINATIONS AND ELIGIBLE LISTS

SECTION 301 - ANNOUNCEMENT OF RECRUITMENT: The Personnel Director shall publish and post announcements of recruitment and examination to fill vacancies in the classified service. These announcements shall be posted on public bulletin boards and circulated in such other manner as deemed appropriate and necessary to attract qualified candidates and provide equal opportunity for application. The Personnel Director shall determine whether a recruitment shall be promotional, open to the general public, limited to non-career employees or any combination thereof.

The announcement of recruitment and examination shall state:

- (a) the title, nature of work and the rate of pay;
- (b) the time, dates, place and manner of making application provided that filing periods may not be less than five (5) working days;
- (c) the desirable qualifications and requirements for application as established by the Civil Service Commission;
- (d) the general nature of the examination process and scoring criteria; and
- (e) such other information deemed appropriate by the Personnel Director.

The announcement does not constitute an expressed or implied contract. Any provision contained in an announcement may be modified or revoked without notice. The Personnel Director may cancel, modify or extend recruitment periods and examination processes as necessary. (11/12/91)

SECTION 302 - FILING OF APPLICATIONS: No person shall be admitted to an open or promotional examination unless he/she shall have prepared and filed an application for said examination upon the prescribed form(s). The applicant shall certify to the correctness of all statements made in his/her application.

Civil Service Rule III – Applications, Examinations and Eligible Lists

Applications must be filed with the Personnel Office no later than the final filing date stated in the public notice of the examination. The date of receipt of applications by the Personnel Office shall be endorsed thereon. The names of applicants shall not be disclosed to the public without the express permission of the Commission. No applications, whether accepted or rejected, shall be returned. Minor defects or omissions in an application on file may be corrected or supplied only after special permission is granted by the Personnel Director. (07/21/87)

SECTION 303 - COMPETITION:

- A. All persons who have filed proper application forms and who meet the minimum requirements as set forth in the examination announcement shall be granted the opportunity of competing in any examination, provided that they are not barred for cause by the provisions of these rules.

No person, after having once failed a portion of any examination, will be permitted to be an applicant for the same classification within a six (6) month period after the date of his/her failure, except for Police Department positions where the period of ineligibility will be two (2) years, unless otherwise authorized by official action of the Commission. (03-14-96)

- B. There shall be no discrimination against any applicant due to ethnic background, race, religion, national origin, political affiliation, sexual orientation or marital status. In addition the sex, age, disability, place of residence or relationship to current City employees or officials may not be considered in employment or promotional decisions except under the following conditions:
- (1) The sex or age of an applicant may be taken into consideration as allowed by Federal and/or State law, but only to the extent where limitations are based upon bonafide occupational qualifications as determined by the Personnel Director subject to final approval of the Commission.
 - (2) Physical or mental disabilities as defined by Federal and State laws may not be considered except when there is a disabling defect as defined in these rules. It is the responsibility of the appointing authority to make reasonable accommodations to a successful applicant's disability when feasible. Final determination of the impact of the disability on safe and successful job performance would be based on medical or other professional evaluations.

Civil Service Rule III – Applications, Examinations and Eligible Lists

- (3) No restrictions on place of residence may be imposed on applicants for employment or promotion. However, the appointing authority may implement reasonable restrictions which are based solely on emergency call-out needs to protect the public health and safety.
- (4) No member of the family of a current employee or any elected or appointed official may be appointed or promoted to or occupy a classified position where such employee or elected or appointed official is in such a position to substantially influence the appointment, promotion, supervision, discipline or working conditions of such family member. Determination of potential conflicts shall be made by the Commission.
- (5) Notwithstanding the limitations indicated above concerning the use of age as a selection criterion, no person may be employed while receiving a retirement allowance under the Public Employees' Retirement System except for short-term appointments consistent with these rules and the rules of the Public Employees' Retirement System. (07/01/92)

SECTION 304 - SPECIAL QUALIFICATIONS: In applications for examinations for positions which are scientific, professional or technical, or for positions, the duties of which require special qualifications, the Commission may demand evidence of a satisfactory degree of education, training or experience, and may demand certificates of competency, or the possession of such license as the law may provide as necessary for the practice of the profession, art or trade involved and may exclude applicants who fail to give such evidence or certificates, or who do not possess such licenses.

All such requirements or evidence of education or license shall be prescribed in the public notice of the examination. (11/21/72)

SECTION 305 - DISQUALIFICATION: The Personnel Director on behalf of the Commission may disqualify any applicant for up to a period of two (2) years for all the below listed causes, who:

- (a) is found to lack any of the established preliminary requirements for the classification for which he/she applies; or

Civil Service Rule III – Applications, Examinations and Eligible Lists

- (b) is physically or mentally impaired or so disabled and, after consideration of any reasonable accommodation when required by law, unable to perform the essential duties of the position to which he/she seeks appointment; or
- (c) uses alcoholic beverages to excess; or uses morphine, cocaine, or other dangerous drugs or controlled substances, as defined by law, without proper authorization; or
- (d) has been convicted of a felony, without regard to subsequent disposition of the case by suspension of sentence, probation, or otherwise; or
- (e) has been previously dismissed for good cause from any military or public service; or
- (f) has used or attempted to use any personal or political influence to further his/her eligibility or appointment; or
- (g) has failed to notify the Personnel Office of a change of address and cannot be located with reasonable effort after filing an application; or
- (h) has intentionally made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud in his/her application or examination; or in securing his/her eligibility or appointment; or
- (i) has failed to comply with application procedures within the established deadlines. This includes omissions or illegibility in providing requested information.

Any of the foregoing disqualifications shall be deemed sufficient cause to exclude such applicant from examination, provided, however, that whenever any applicant is excluded from any examination, or his/her application is rejected for any of the causes enumerated in this rule, he/she shall be so notified in writing and may, by petition within five (5) working days of the date of his/her receipt of the written notice, make a statement of the facts involved and ask for appropriate action by the Commission; and the Commission shall investigate the petition and enter in its Minutes a finding thereon at their next scheduled meeting. (03/19/98)

SECTION 306 - SPECIAL EXAMINERS: All examinations shall be conducted under the direction of the Personnel Director, and he may designate and appoint special examiners to personally conduct any part of an examination. (11/21/72)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 307 - EXAMINATION CONTENT: Examinations shall be practical in their character, and shall relate as closely as possible to such matters as will test fairly and practically the ability of each applicant to fulfill the requirements of the classification to which he/she seeks to be appointed. An examination may be in any one of the following forms or any combination thereof:

- (a) Written examinations to evaluate aptitudes, mental fitness or knowledge of the work.
- (b) Oral examinations to evaluate education, training, experience, or other personal qualifications.
- (c) Performance tests of any requisite skill and/or physical fitness to demonstrate skill and ability in performing actual work.
- (d) Physical agility tests to evaluate strength and fitness.
- (e) Personal interview.
- (f) Appraisal of qualifications based on investigation or statement of applicants.

No questions relating to race, family status, national origin, political affiliation, religious faith, sex or sexual orientation shall be asked of any applicant as part of the selection process.

In rating and evaluating experience in any examination, no more consideration shall be given to the experience which any applicant may have obtained while holding a provisional appointment to any position in the Classified Service, than is allowed to persons who have had equally valuable experience in some like employment elsewhere. (07/21/87)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 308 - PROMOTIONAL EXAMINATIONS: Promotional examinations shall be open only to employees in the Classified Service who have successfully passed a probationary period and have achieved permanent status without a subsequent break in service. All applicants for promotional examinations shall be required to file an application consistent with published deadlines. The application shall contain the same information as that required of applicants for open competitive examinations.

Promotional examinations shall be competitive; but this requirement shall not be construed to require that there be more than one person eligible to take the examination. Candidates who attain the required standard in a promotional examination shall have their names placed on an eligible list, and appointments therefrom shall be made in the same manner as original appointments, except as otherwise provided herein.

When experience in a given department or class is regarded by the Commission as essential to the proper performance of the duties of the position to be filled, the Commission may limit competition to applicants who possess the requisite experience.

In the event that there are five (5) or fewer applicants who in the judgment of the Personnel Director meet the published qualifications for an examination, the Personnel Director may waive the examination and give all qualified applicants a passing score of seventy (70).

The provisions of Section 305 of Rule III shall apply to promotional examinations. (03/19/98)

SECTION 309 - SERIES EXAMINATIONS: A series of open examinations for the same class of positions may be announced by a single notice as provided in Section 301 of this rule. Such examinations may be administered from time to time as applicants are available or as appointments are necessary. (11/21/72)

SECTION 310 - ORAL EXAMINATION BOARDS: Whenever a Civil Service Examination includes as a part thereof, an oral examination, the Personnel Director shall be charged with the responsibility of organizing and convening such a board of examiners for this purpose. This board shall be selected on the basis of their impartiality and their knowledge of the position for which the examination is conducted. Preferably, the oral examination should be conducted at a time most convenient to the majority of candidates. Ratings of the candidates by the oral board members shall be on the prescribed forms.

Civil Service Rule III – Applications, Examinations and Eligible Lists

Employees of the City of National City may be appointed to serve on such boards. In cases where there are more than five (5) qualified candidates for a position, said employees shall not constitute the sole membership of any such board except for entry-level Police and Fire Department safety positions. No employee who is an officer or employee in the same department as any other City employee who is a candidate for promotion shall serve on the oral board.

No member of the Civil Service Commission, or the City Council, nor any member of his/her household, nor any partner of a Council member shall be appointed to serve upon such examining board. (03/19/98)

SECTION 311 - EXAMINATION SCORING: A minimum of 70 percentage points on a standard scale of 100 shall be the passing point for all components of the examination process unless a review of the scoring indicates an adjustment can be justified, wherein the Personnel Director may adjust scoring or the pass point to minimize the adverse effect.

In examinations composed of several tests which are graded independently, weights shall be assigned by the Personnel Director to each test representing its relative value in ascertaining the fitness of the applicant; this weight shall be multiplied by the applicant's grade in that subject; the sum of the resulting product shall be divided by the total weight of all subjects in the examination and the resulting quotient shall be the general average which shall be used in determining the order in which the name of the applicant shall appear on the eligible list.

An applicant who has failed in any one portion or test in the examination process may be considered as having failed in the entire examination. Examination papers and score sheets of persons included on an eligibility list shall be kept on file in the Personnel Office during the period of validity of the list. Examination papers of applicants may be destroyed two (2) years after the date of the examination unless longer maintenance of such records is required by Federal or State law. (11/12/91)

SECTION 312 - PROMOTIONAL CREDIT:

DELETED (04/05/88)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 313 - VETERAN'S PREFERENCE: In every open competitive examination, the Civil Service Commission will give a credit of five percent (5%) of the maximum rating prescribed for the examination to any applicant who has been engaged in any branch of the of the United States Armed Forces, including services in any uniformed auxiliary, and who has been honorably discharged or retired from such service within five years of his or her application for the examination.

The 5% credit in open examinations will also be given to the spouse of any person who has been engaged in military service and has a service-connected disability of 100%. The 5% credit in open examinations will also be given to the spouse of any person who died while engaged in military service so long as the spouse does not remarry. Eligibility for this credit will be for life.

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

Any applicant seeking the benefits of this section must first attain a passing grade in the examination in order to receive any credits. Any applicant seeking the benefits of this section must submit proof of his or her eligibility for the credit at the time of application. (10/15/13)

SECTION 314 - BILINGUAL CREDIT:

DELETED (07/21/87)

SECTION 315 - NOTICE OF RESULTS OF EXAMINATIONS: When the grading of an examination has been completed and the eligible list established, each applicant shall be notified by mail of the result of his/her examination including whether or not he/she has been placed on eligible list and the certification procedures for final selection. (07/01/92)

SECTION 316 - ESTABLISHMENT OF ELIGIBLE LISTS: Upon the completion of all phases of the examination process, an eligible list shall be established by placing the names of all candidates who have completed all phases of the examination in rank order by final score and according to priority status afforded in Section 316.1. The effective date of the eligible list is the date attested by the Personnel Director. The eligible list is confidential and shall not be available to the hiring department except as authorized by the certification rules. The eligible list will be used to develop a certified list for departmental use. (11/12/91)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 316.1 - TYPE, TERM AND PRIORITY OF USE OF ELIGIBLE LISTS:

Following are the types of eligible lists with their term of eligibility and priority of use as assigned by the Civil Service Commission:

- (a) **Recall List**. This list consists of former City employees who have held career positions in the classified service and who have been laid off or downgraded pursuant to the lay-off procedure contained herein. (Section 1006)

Upon the occurrence of a vacancy in or re-establishment of any career position which the laid off or downgraded employee had previously held, the most recently laid off former employee shall be certified for reinstatement to his/her former classification. If he/she declines reinstatement, his/her name shall be removed from the list. In case of such declination, the next most recently laid off or downgraded employee shall be certified and reinstated, and so on. The order of the recall list shall be determined by reverse order of lay-off in the classification with the employee most recently laid off being ranked first. The term of a recall list is three (3) years from the effective day of lay-off. Recall list will be used first and exclusively for filling positions in the affected classification(s) until the list is exhausted by reinstatement, declination or expiration of term of eligibility.

- (b) **Promotional List**. This list consists of current classified career employees who have successfully completed the promotional process and have completed the required probationary period within the City. The term of promotional lists is two (2) years, except police safety promotional lists which have a term of one (1) year, from the establishment of the list. The promotional list certifications shall be given preference over all other lists, except the recall list, and may be used in combination with other lists so as to satisfy certification rule requirements. Names of successful promotional candidates will be listed in rank order, and by seniority in the case of tie scores.

- (c) **Transfer List**. This list consists of career classified employees who have requested in writing and receive approval from the Personnel Director for placement on a transfer list from one department to another in the same, lower or comparable classification for which they possess the minimum qualifications. Names will be listed in order by time on the transfer list, with the longest time listed first. The term of a transfer list is for one (1) year from the initial placement of name on the list and may not be renewed until twelve (12) months after expiration of eligibility has elapsed. Transfer lists may take preference over re-employment and open eligible lists at the option of the receptive department director.

Civil Service Rule III – Applications, Examinations and Eligible Lists

- (d) **Re-Employment List**. This list consists of former employees who previously held classified career positions and who resigned in good standing (without prejudice). These former employees may request in writing within twelve (12) months of the effective date of their resignation, placement on a re-employment list for the same, lower or comparable classification for which they possess the minimum qualifications, provided that the Personnel Director approves the request. The term of a re-employment list is one (1) year after placement on this list. Names on the re-employment list shall be listed in order by lengths of previous service from longest to shortest service with the City. Re-employment list shall have preference over the open eligible list or may be used in combination with other lists deemed appropriate to satisfy certification requirements.
- (e) **Open Eligible List**. This list consists of persons who are not currently employed within the City, and have successfully achieved a qualifying total score in the competitive process. The term of this list is one (1) year, unless the Civil Service Commission establishes such shorter or longer period as it may deem appropriate. Open eligible lists shall be certified whenever there are insufficient candidates available from preferred lists to satisfy certification requirements. (11/12/91)

SECTION 316.2 - REMOVAL OF NAMES FROM ELIGIBLE LISTS: Names of eligibles may be removed from any eligible list by the Personnel Director for any of the following reasons:

- (a) Any cause set forth in Section 305.
- (b) Failure to accept appointment when certified from a recall or re-employment list within fourteen (14) calendar days of notice of such certification.
- (c) Inability of postal authorities to deliver any notice to the eligible candidates within seven (7) calendar days or if notice is returned undeliverable.
- (d) Failure to report for selection interview or work as directed by department/division director.

Civil Service Rule III – Applications, Examinations and Eligible Lists

- (e) Failure to successfully meet standards of a background investigation, medical or psychological examinations, driving and criminal record checks, and other such investigations as may be required. Upon notice from the Personnel Director, the department director shall terminate a candidate's employment if commenced prior to completion and findings of such investigations, when it is found that the candidate does not meet a standard or requirement. Candidates for entry level positions removed under this Section shall not be permitted to apply for any City positions for a period of two (2) years after removal.
- (f) Termination of City employment in the case of candidates on promotional and transfer lists.
- (g) Career appointment to a classified position for which the list exists or any equal or higher pay level classified position with the City. (03/19/98)

SECTION 316.3 - RESTORATION OF NAMES TO ELIGIBILITY LISTS: Names which have been removed from eligible lists may be restored upon a showing of good cause for the remainder of the term of the eligibility list. (11/12/91)

SECTION 316.4 - EXTENSION OF THE TERM OF THE ELIGIBILITY LIST: The term of the eligibility lists may be extended once for a period of up to one (1) year by the Personnel Director, when such extension is initiated prior to the expiration of the current term of eligibility. (11/12/91)

SECTION 316.5 - MERGING OF ELIGIBILITY LISTS: It may become desirable during the term of an eligible list to increase the number of qualified candidates by conducting another recruitment and examination. The Personnel Director shall review that necessity and may authorize a new recruitment and examination. Names from the new examination will be merged with names on existing lists for that classification, in order of final scores for purposes of certification. (11/12/91)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 317 - REVIEW AND APPEAL:

- (a) **Review of Written Examination.** Except in the situation where a commercial standardized test is used or an examination booklet is obtained from some other personnel agency, candidates shall be notified at the time of taking a written test that they may appear at the Personnel Office during a designated period of at least two (2) work days for the purpose of reviewing the answer key which will be used to score their performance. No notes may be taken. They may, at that time register objections to any questions and answers they believe to be unfair or incorrect. The Personnel Director may remove such questions or make such alterations in the key as he/she deems justified.

Within fifteen (15) calendar days after notice of results of his/her examination were mailed to him/her, any candidate may review his/her examination papers to determine if there were any errors in the scoring of his/her answer sheet. The rating of the applicant may be adjusted accordingly by the Personnel Director subject to the approval of the Commission. However, certification of eligibles and appointments from the list shall not be delayed or canceled as a result of the review process.

- (b) **Appeal of Examination Results.** Candidates may appeal to the Commission their score on any phase of an examination including written, oral or performance examination, appraisal of qualifications, or rejection for consideration for candidacy upon the grounds of illegal discrimination, substantive irregularity, fraud or error. Candidates' judgment of the suitability or appropriateness of the examination are not grounds for appeal.

A candidate's appeal must be submitted in writing to the Personnel Director no later than fifteen (15) calendar days after the examination results were mailed to him/her. The written appeal must contain the following information:

1. Name, address and phone number of the candidate.
2. Title of the examination and date of the letter informing him/her of the results.
3. Specific provisions of the Civil Service Ordinance (Ordinance 1076) or the Civil Service Rules of the City of National City that it is alleged were violated or error that was made.

Within five (5) working days after the meeting, the Personnel Director shall prepare a written response to the appeal which shall be transmitted to the appellant and the Civil Service Commission.

Civil Service Rule III – Applications, Examinations and Eligible Lists

If the appellant wishes to appeal the decision of the Personnel Director, he/she may do so by written request to the Commission which must be postmarked or received by the Personnel Office within five (5) working days after either the response was mailed to him/her or the deadline for the Personnel Director's response expired. If the appellant does not comply with the time limit or fails to meet with the Personnel Director, the appeal will be considered settled. The decision of the Commission shall be final. Appointments legally made from an appropriate list resulting from an examination shall not be invalidated if the eligible list is subsequently amended as a result of scoring or grading changes made by the Civil Service Commission. (04/05/88)

SECTION 318 - MEDICAL EXAMINATIONS: The Commission shall establish the guidelines and procedures to determine the medical and psychological fitness of candidates in relation to the essential duties of a position in the Classified Service.

Each conditionally appointed candidate shall be required to meet the mental and physical requirements established by the Commission and may be required to take a medical and psychological examination to determine whether or not he/she meets such requirements; provided, however, that the Personnel Director may allow appointment without such examination or prior to such examination in the case of temporary employment or in the event it is impractical for the City to provide such examination. The Personnel Director shall designate the physicians to make such examinations.

If the conditionally appointed candidate is found by the Personnel Director, upon the recommendation of a designated physician, not to meet the prescribed requirements, the Personnel Director may:

- (a) remove the candidate from the eligible list; or,
- (b) withdraw conditional appointment and certification until the eligible does meet the established requirements unless a waiver or accommodation of the medical and physical requirements is granted by the Personnel Director.

At the direction of the appointing authority, City Manager or Personnel Director, a medical or psychological re-examination may be required of any temporary or permanent employee to determine whether they possess the required physical or mental fitness for the essential duties of the classification. (01-14-93)

Civil Service Rule III – Applications, Examinations and Eligible Lists

SECTION 319 - MILITARY SERVICE COUNTED AS EXPERIENCE: Any officer or employee who resigned or was granted a military leave of absence from City service in order to engage in the performance of ordered military service may apply to the Civil Service Commission to have such military service counted as experience in the class of position he/she left for military duty. The Commission may in its discretion allow a part or none of such military service to be so counted as experience for the purpose of meeting entrance requirements for an examination. (11/21/72)

SECTION 320 - GRANT-FUNDED POSITIONS:

DELETED (11/12/91)

CIVIL SERVICE RULES

**RULE IV
CERTIFICATION AND APPOINTMENT**

SECTION 401 - REQUIREMENTS FOR APPOINTMENTS: Unless specific approval is granted by the City Manager, no employee may commence employment until the Personnel Director signs the certification document indicating that all requirements of these Rules and other legal requirements have been met. (07-01-92)

SECTION 402 - CERTIFICATION PROCEDURES: Certification is the process by which available candidates on eligibility lists are referred by the Personnel Office to the department for hiring consideration to career classified positions. The department director shall submit a written request for certification which shall contain all information necessary for the proper and prompt filling of vacancies. Upon receipt of a written request for certification, the Personnel Director shall ascertain the availability of employable persons from all appropriate lists and shall certify the top five (5) individuals by priority and score. Names shall be certified in rank order without score. Actual test scores are confidential and shall not be provided on the certification list to the departments unless specifically so authorized by the Civil Service Commission. Prior to the recruitment of any classification, the maximum or minimum number to be certified may be modified by the Civil Service Commission for individual classifications based on equal opportunity and other administrative considerations.

- (a) **Certification from Eligible List:** In the event that there are fewer than five (5) persons from all lists available for certification, the Personnel Director may certify fewer than five (5) persons, provided that the department director may reject its use. All eligibles with identical final scores to the last candidate to be certified shall be certified regardless of the maximum number stated for that certification. Two (2) additional names will be certified for each additional vacancy. The certified list shall be valid for sixty (60) calendar days from the date of issuance.
- (b) **When No Eligible List Exists:** Whenever an eligibility list does not exist for a particular classification, eligible candidates may be certified from a comparable classification list determined to be similar in requirements and duties. (11/12/91)

Civil Service Rule IV – Certification and Appointment

SECTION 402.1 - LIMITED CERTIFICATION: Candidates on eligible lists for certain classifications may be selectively certified to a specific position in that classification based on bona fide occupational qualifications, such as working schedules and conditions, specific talents, or other reasons as may be determined appropriate by the Personnel Director, based on written justification by hiring department. (11/12/91)

SECTION 403 - NOTIFYING ELIGIBLES OF CERTIFICATION: Whenever the name of an eligible is certified to an appointing authority, candidates shall be notified by sending notice to the address as it appears on the application, stating the fact of certification, the title of the position, the compensation schedule applying to the class, the organizational unit, and the name and address of the appointing authority.

Such notification shall also state that unless the eligible reports to the appointing authority for an interview within three (3) working days after receipt of such notice, he/she will be considered as having declined the position in which the vacancy exists. (07/21/87)

SECTION 404 - WAIVER OF CERTIFICATION: Any candidate may request not to certify his/her name for a specified period of time or waive certification of his/her name for employment consideration for any particular vacancy by submitting a written request to the Personnel Director containing the reasons for such waiver before the scheduled certification process. Candidates may waive certification only once and thereafter be removed from said eligibility list if candidate again waives or refuses interviews and/or appointments. (11/12/91)

SECTION 405 - ACCEPTANCE OF POSITIONS IN LOWER CLASS: An eligible candidate on an eligible list may, with the approval of the Personnel Director, accept certification to a class of position lower than that for which he/she was examined, provided such position is one having similar duties and responsibilities and for which there is no existing eligible list. The acceptance of such a position by an eligible shall not forfeit his/her rights to be certified to the class of position for which he/she was originally examined. (07/01/92)

SECTION 406 - OBJECTION AND SUBSTITUTION: An appointing authority may object to certification of an eligible candidate by setting forth his/her objections in writing and presenting them to the Personnel Director. If the Personnel Director approves the objection to certification as being reasonable and in accord with the merit principle, he/she shall withdraw certification of the eligible candidate. The next highest name on the eligible list shall be certified. (07/01/92)

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SECTION 407 - DEPARTMENTAL SELECTION PROCESS: All vacancies in the classified service shall be filled from eligibles certified by the Personnel Director. Upon receipt of a certified list, the department director, or on request, the Personnel Department shall notify each candidate in writing of the date, time, place and method of the selection process. The department director shall be responsible for conducting the selection consistent with merit principles and equal opportunity, and shall report the results of the selection process to the Personnel Office. No offer of classified employment or promotion is final or official until such recommended appointment has written approval by the Personnel Director and the City Manager.

However, the department director may offer a conditional appointment, subject to additional investigations and final approvals, so as to initiate the process. (11/12/91)

SECTION 407.1 - TYPES OF INITIAL APPOINTMENTS: The following are the types of appointments for entry into the classified service:

- A. **CAREER APPOINTMENTS:** An appointment shall be deemed a classified career appointment, when the position is ongoing and is subject to the conditions of probation, and thereafter subject to removal only by the procedures established by these rules. The categories of career appointments are:
1. **Regular/Career Appointment.** Appointment to a classification which has been established and funded by action of the Mayor and Council as a regular/career, full time position and is expected to continue in successive budget years.
 2. **Part-Time/Career Appointment.** Appointment to a classification which has been established and funded by action of the Mayor and Council and is expected to continue in successive budget years, but normally requires less than thirty (30) hours of work per week average over the fiscal year.
 3. **Limited Term/Career Appointment.** An appointment to a classification for a specified duration of time and/or under circumstances that are anticipated to be temporary. Employees appointed to these positions, after more than one (1) year of full-time work, shall have the same Civil Service rights afforded to other career employees except permanency under layoff procedures. Limited Term/Career Appointments may be made under the following conditions:

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- (a) For positions funded for a specific period, except appointments to fire safety classifications on the operational staff which may not exceed six (6) consecutive months, for a special project, grant, or program where there is a clear understanding in writing that rights to employment are contingent upon availability of funds or continuation of the program.
- (b) For career positions that have been temporarily vacated as the result of approved long term leave, defined as a period of one (1) year or more, the City Manager at his/her discretion may appoint an eligible candidate to fill the position for a period of time up to the duration of temporary vacancy. Upon the return to duty of the Regular/Career incumbent, the Limited Term/Career employee shall vacate the position. Individuals promoted to Limited Term/Career Appointments shall demote back down to the last classification held in a career status with no automatic or vested right to re-employment at the higher level. If it is determined that the Regular/Career incumbent will not return to duty, the status of the Limited Term/Career incumbent performing at the level of Satisfactory or above shall be amended to Regular/Career without competitive process. (07/08/2010)

B. **NON-CAREER APPOINTMENTS:** An appointment to a non-career position shall be made as prescribed by the Civil Service Commission. An appointment shall be deemed non-career and, therefore, have no appeal rights under Civil Service Rules when it is defined by one of the following categories:

1. **On-Call Appointment.** An appointment to a position requiring the employee to be available for work but assigned to duty only when there is a need for his/her service such as when an incumbent is absent from duty. An employee may remain in this status for a period of twenty-four (24) consecutive calendar months from initial appointment and may not be reappointed to this status for a period of two (2) years from the termination of employment.
2. **Temporary Appointment.** An appointment to a position determined to be of a specific continuous duration not exceeding the full-time equivalent of six (6) months in any fiscal year based on emergency situations, seasonal work, unusual work load demands, special short-term programs or other like reasons. Appointees to these positions, except those appointees to fire safety positions on the operational staff, may be extended on the approval of the Personnel Director and subsequent ratification by the Commission at their next meeting.

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Employees serving a temporary status, except those employees in fire safety positions on the operational staff, may be re-appointed from time to time after breaks in service of at least 30 days for additional periods. (03/19/98)

3. **Part-Time Appointment.** An appointment to a position where the work schedule calls for less than an average of thirty (30) hours per week and is limited to a maximum of twelve (12) months continuous service. Appointees to these positions may be reappointed to the same classification from time to time without additional testing.

4. **Intern Appointment.** An appointment to a position where the primary purpose is to provide training and work experience to students currently enrolled, continuing, or have recently completed high school, college, or a recognized formal training program. Appointments are limited to twelve (12) months duration and are discretionary by Department Directors. One-time appointments may be made by notice to and approval from the Personnel Director.

5. **Crossing Guard Appointment.** An appointment to a part-time position which provides school crossing safety services during the school term. Crossing Guards may be terminated and reappointed from time to time at the discretion of the department director and approval of the Personnel Director. (11/12/91)

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SECTION 407.2 - PROMOTIONAL APPOINTMENTS: Vacant positions in the classified service above the lowest rank in any classification series shall be filled as far as practicable by the promotion of City employees in the classified service. In each case, the Personnel Director shall determine whether a promotional recruitment will best serve the interests of the service in providing sufficient well-qualified candidates and ensuring merit principles. Whenever such promotional examination is to be held, notice of the examination shall be published and posted in prominent locations at appropriate work sites.

Promotional appointments will be limited to career employees in the classified service who have successfully completed an initial probationary period and possess the minimum requirements for that position by the established filing deadline. (11/12/91)

SECTION 407.3 - PROVISIONAL APPOINTMENTS: When a vacancy exists and in the absence of an appropriate eligible list, the Personnel Director may approve the provisional appointment of a person who meets all minimum qualifications pending establishment of an eligible list. Provisional appointments shall be limited to initial appointment to vacant classified positions with the City and not to effect a promotion of current employees. In no case shall provisional appointments exceed one hundred eighty (180) calendar days nor exceed thirty (30) calendar days after the establishment of the eligible list whichever occurs first, unless extended by the Civil Service Commission. Provisional appointments are temporary in nature and employees in this status gain no rights, seniority, or preference from the provisional status. Immediate recruitment and testing shall be initiated to establish an eligible list upon notice of such appointment. (11/12/91)

SECTION 407.4 - EMERGENCY APPOINTMENTS: Notwithstanding any other provision of these rules, the department directors may employ such persons as may be needed to meet an emergency created by an extraordinary occurrence which threatens life or property. Such appointments may not exceed fifteen (15) working days and shall be reported to the Personnel Director as soon as the emergency conditions permit. (11/12/91)

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SECTION 407.5 - ACTING ASSIGNMENTS: Upon approval of the City Manager and the Personnel Director, department directors may assign, for a period not to exceed ninety (90) calendar days, any employee in their department to a position in a higher classification or rank during the absence of the incumbent thereof or during a vacancy in the position. The department director shall assign a person from the names of those persons certified from an appropriate eligible list, provided that at the time of the initial assignment such a list exists for the position to which the assignment is made; provided further that such requirement may be waived by the Personnel Director for good cause when there is evidence that it would cause hardship or danger to, or inefficiency in departmental operations or performance of duties. Such assignment may be extended by the Personnel Director for additional periods of ninety (90) calendar days as necessary. Each acting assignment shall terminate upon a promotion, appointment or return of the incumbent to the position. The person assigned to the acting higher position shall not acquire any advantage or right by reason of the assignment, except as hereinbefore set forth. (11/12/91)

SECTION 407.6 - RECLASSIFICATION: When department director believes that a classified position under his or her jurisdiction may be improperly classified, or that the duties and responsibilities have changed significantly, he/she may request a classification study under the supervision of the Personnel Director of that position. An employee, through his/her group representative, may request in writing to the Personnel Director that a classification study should be conducted when the Department Director fails to act or disagrees with the employee's contention that he/she is working at a higher classification. The request must clearly state all relevant facts for that contention. When a position in the classified service is reclassified, the incumbent of that position shall be also reclassified provided he or she meets the minimum qualifications required of that classification and provided that the Civil Service Commission approves the action. However, if it is found that the intent of the reclassification request is to bypass merit principles and normal procedures for promotion or demotion, the reclassification of the incumbent shall not be approved by the Civil Service Commission. (11/12/91)

SECTION 407.7 - TITLE CHANGE ONLY: The title of any position or classification may be changed by the Civil Service Commission by recommendation from the Personnel Director provided there is no significant change in the nature of duties, pay or status for a classified incumbent. (11/12/91)

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SECTION 407.8 - LATERAL ENTRY: The Civil Service Commission may designate certain entry-level classifications for entry into the classified service without competitive testing. For classifications designated for Lateral Entry, the department director shall submit to the Personnel Director a recommendation to hire a candidate along with that candidate's application. The Personnel Director shall ensure that the candidate meets minimum qualifications and any other conditions that the Civil Service Commission may impose, and certify that candidate for appointment at the top of the open eligible list. Lateral Entry candidates may remain on the eligible list for a maximum of ninety (90) calendar days. (11/12/91)

SECTION 408 - PROBATIONARY PERIOD: All persons receiving an appointment, either initial or promotional, to any classification in the Civil Service System shall serve a probationary period of twelve (12) months commencing the first day of service under such appointment. The twelve (12) month probationary period shall apply to all persons except Police Officers who have not completed a California P.O.S.T. approved basic police academy prior to appointment. The probationary period for people in this category shall be eighteen (18) months from the date of appointment.

No period of absence exceeding a total of fifteen (15) working days shall be credited toward the completion of the probationary period. At the discretion of the Department Head and with the approval of the City Manager and the Civil Service Commission, a probationary period may be completed in six (6) months for promotional candidates or employees having over 12 months previous experience with the City in that classification. (03/19/98)

It shall be the duty of the appointing authority, during the probationary period of each employee in the Classified Service, to investigate thoroughly the conduct, capacity, responsibility and integrity of such employee and to determine whether the employee is fully qualified for employment in the class to which he/she has been appointed. If the conduct, capacity, responsibility or integrity of the probationer is found to be unsatisfactory by the appointing authority, it shall be the duty of the appointing authority to release the probationer from the City service.

If, after a thorough investigation during the probationary period, the appointing authority shall find the probationer to be fully qualified for permanent status, he or she shall so notify the Personnel Director on forms prescribed for that purpose. Time served in a non-career status may be counted toward the completion of a career probationary period upon approval of the Commission.

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An initial probationer may be released by the appointing authority at any time within the probationary period without a hearing or the right of appeal. Any employee released during the probationary period following a promotional appointment shall be returned to the classification from which he/she was promoted, unless he/she is discharged for cause in the manner provided in these Rules. (07/01/92)

SECTION 409 - PERMANENT STATUS:

DELETED (11/12/91)

SECTION 410 - CHANGE IN STATUS: Upon request of the appointing authority, the Personnel Director may approve a change from non-career status to career status when the employee has continuously served competently in the non-career status for the full-time equivalent of six (6) months and when appointment to the non-career status was from an appropriate eligible list. The time served in non-career status may be credited toward the completion of the probationary period. A person hired into non-career status from an eligible list maintains that eligibility for the entire period at non-career employment or the term of eligibility whichever is longer. (07/01/92)

SECTION 411 - TRANSFERS: No employee shall be transferred to a position, either on a temporary or permanent basis, for which he/she does not possess the minimum qualifications. Transfers shall not be used to effectuate a promotion or demotion each of which may be accomplished only as provided in these Rules.

The Personnel Director, with the approval of the City Manager, may transfer any employee from one department to another department, in the same or comparable class. For transfer purposes, comparable classes are ones with the same maximum salary or maximum salaries five (5) percent or less different involving the performance of similar duties and requiring substantially the same basic qualifications.

Civil Service Rule IV – Certification and Appointment

Transfers are defined as follows:

1. **Interdepartmental Transfers**. The transfer of an employee from a position in one department to a position in the same or comparable class in another department shall be called an "Interdepartmental Transfer", and may be made upon written request of the prospective appointing authority or by an employee with the approval of the prospective appointing authority; provided, however, that whenever the Personnel Director certifies that a career employee must be transferred from one department to another to avoid an officially approved layoff under the provisions of Rule X, the appointing authority who has a vacancy in said employee's class shall appoint said employee to said vacancy.

The transfer is considered voluntary when requested by the employee. The employee's name will be placed on a transfer list by the Personnel Director if that employee meets minimum qualifications. A transferred employee has no right to reinstatement to the previous position once that position is filled on a career basis.

The transfer is considered involuntary or forced when ordered by the City Council due to transfer of function or reorganization and may be made by the department director from which the employee is being transferred without consent of the employee, provided there is no substantial change in duties of the position or pay status. No probationary period will be required for such involuntary transfers. (07/01/92)

2. **Class Transfer**. The transfer of an employee from a position in one class to a position in another class shall be called a "Class Transfer", and may be made under the same conditions as provided for in "Interdepartmental Transfer".
3. **Transfer for Temporary Work**. Transfers for temporary or emergency work may be made after first obtaining the consent of the City Manager.
4. **Transfer for Reasons of Economy or Efficiency**. The City Manager may effect the transfer of personnel from one department to another department on either a temporary or permanent basis, for critical financial or operational purposes.

No employee may be transferred under the provisions of this section to a position in a class with a lower maximum salary unless such transfer is voluntary on the part of the employee. (07/21/87)

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SECTION 412 - DOWNGRADE: Upon the approval of the City Manager, the appointing authority may downgrade an employee at the employee's request or in the event of lay-off:

- (a) If employees having regular career status are downgraded through no fault of their own, they shall have their names placed on the recall list for the higher class.
- (b) Upon request of the employee and with the consent of the prospective appointing authority, a downgrade may be made to a vacant position. Such downgrade request must be made in writing and shall be considered voluntary and non-disciplinary in nature.

No employees shall be downgraded to positions for which they do not possess the minimum qualifications. Written notice of the downgrade shall be given to the employees at least three (3) days before the effective date of the downgrade, and a copy filed with the Personnel Office. (07/01/92)

SECTION 413.1 – CAREER ADVANCEMENT APPOINTMENTS: The Personnel Director, with the approval of the City Manager, shall establish and maintain a list of recognized career advancement classes for the guidance and direction of departments and employees. As vacancies occur within career advancement series, eligible candidates may be certified for any list within the series that is at or below the classification of the vacancy.

- (a) When an employee underfills a career advancement position, no vacancy exists for the higher level class(es) in that series for that specific position.
- (b) When an employee underfills a career advancement position, advancement to higher levels in the career series (up to position's classified level) shall be based on his/her development of knowledge, skills and abilities required for the higher class and job performance in the current class.
- (c) Vacant positions in a career advancement series will be filled through the competitive examination process or other means.
- (d) Appointments made in accordance with career advancement provisions are not acting assignments, and employees are not eligible for extra compensation. (10/06/09)

Civil Service Rule IV – Certification and Appointment

413.2 – CAREER ADVANCEMENT PROMOTION:

1. **Eligibility.** An employee underfilling a career advancement position may be eligible for promotion to a higher level class in the same series, up to but not higher than the level at which the position is properly classified upon meeting the following conditions:
 - (a) Present employment in a position which is properly classified at a higher level in the career advancement series and in a class of that series.
 - (b) At least six months of continuous City service immediately preceding the application date.
 - (c) Completion of the minimum qualifications for the class, as indicated in the job announcement.
 - (d) Satisfactory (or higher) performance in the currently held classification.
 - (e) Recommendation by the appropriate Department Head indicating the incumbent's job performance reflects the development of the knowledge, skills, and abilities needed for advancement to the more difficult and complex duties of the higher class.

2. **Career Advancement Examination.** Incumbents may apply for career advancement at or after such time as they have met the requirements of the higher class. A noticed application filing period is not required for purposes of career advancement promotions. Eligibles will be evaluated and certified in accordance with the provisions contained herein. No positions which are vacant will be filled from a career advancement eligible list.
 - (a) The employee shall complete a Career Advancement Application. Copies of licenses, certificates, etc. required for the higher class should be attached.
 - (b) The completed application must be submitted directly to the incumbent's Department Director who will complete the appointing authority section of the application after reviewing the incumbent's job performance, development, and readiness for promotion to the higher class.

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If the incumbent is not recommended for promotion, specific job related reasons for the recommendation must be noted on the form before it is forwarded to the Personnel Director. If the Department Director recommends that the incumbent be eligible for career advancement promotion, the “Request for Certification” section for the Career Advancement Application form should be completed. (10/06/09)

- (c) The incumbent’s application shall then be forwarded to the Personnel Director regardless of whatever the department recommendation is for or against career advancement.
- (d) The Personnel Director will review the application to verify that the incumbent has met all of the career advancement eligibility requirements for the higher class.
- (e) If the incumbent meets all career advancement eligibility requirements, he/she shall be placed on the eligible list and immediately certified to the appropriate department. The effective date of the career advancement will be within ten (10) working days of the date on which the employee signs and dates the application and has met all of the eligibility requirements.
- (f) Employees will be notified of their career advancement eligibility by the Personnel Department.

An incumbent not meeting the eligibility requirements shall have a right of appeal to the Civil Service Commission; provided, however, that any appeal on the basis of failure to gain the recommendation of the Department Director shall be limited to whether or not the Department Director followed the procedure provided for in this Civil Service Rule Section in making a recommendation.

- (g) Either the incumbent or the Department Director (or designee) shall apply for career advancement of the employee no later than one (1) year from the date the incumbent enters the career advancement position.

If the incumbent is not recommended for promotion by the Department Director after one (1) year in the position, an application must be submitted by the incumbent or the Department Director every six (6) months thereafter. In no case shall an incumbent continue to underfill a career advanceable position for more than two (2) years without the written consent of the Personnel Director. (10/06/09)

CIVIL SERVICE RULES

**RULE V
COMPENSATION**

SECTION 501 - THE COMPENSATION PLAN: The Compensation Plan of the City of National City provides a salary range or band for each job classification. Each class designated as Mid-Management is assigned to a salary band. All other classes are assigned to salary ranges.

1. Each salary range consists of five (5) steps.
2. The increase from one step to the next step in each salary range is approximately five (5%) percent.
3. A difference of approximately one (1%) percent exists between each salary range.
 - (a) Normally, each salary range consists of five (5) steps with the first step being the normal hiring rate. Advancement to subsequent steps on the range shall be consistent with the Memorandum of Understanding or if there is no Memorandum of Understanding with City Council Resolution governing the affected classification.
 - (b) Salary bands do not have steps. Employees may be paid any amount within the band for their classification subject to final approval of the City Manager.
 - (c) Salary advancement for each employee shall not be automatic, but shall depend upon the increased value of an employee to the City, as reflected by the evaluations and recommendations of his/her supervisor and his/her department head, and all other pertinent evidence. The success of the Compensation Plan depends upon incentives which will encourage employees to put forth increasing efforts as they advance through the salary range or band.

Civil Service Rule V – Compensation

- (d) All rates shown, on the approved salary schedule and conditions set forth herein, are in full payment for services rendered and are intended to cover full payment for the number of hours now regularly worked in each class. Employees engaged for less than full time should be paid a proportionate part of these salaries, or by an hourly rate of pay that falls within the appropriate range or band.

Each promotion shall carry with it a salary increase and the procedure covering the normal minimum hiring rate indicated above shall not necessarily apply.

- (e) The provisions of this rule are based upon the salary schedules adopted by the City Council. (01/19/88)

SECTION 502 - REVISION OF THE COMPENSATION PLAN: In the absence of any contrary orders by the City Council for reasons of economy, the following method shall be observed in determining the step or rate at which each employee shall be paid beginning the effective date of a change of the maximum salary for his/her class of position.

- (a) If the maximum of a salary range is raised, the step at which the employee will be paid shall not be affected thereby. For example, an employee who was on "C" step of the old range shall be on "C" step of the new range with no change in the date for which he/she is eligible for advancement to Step "D".
- (b) For those classes on salary bands, increases in salary bands shall not necessarily result in increases in salary for incumbents of those classes. However, if an employee's salary is less than the new minimum of the salary band, then he/she shall automatically receive a salary increase to an amount that is no lower than the new minimum of the salary band.
- (c) If the maximum salary is lowered, the employee shall be paid at the rate in the new range or band which is the same as the rate at which he/she was paid in the former range or band. The employee shall be eligible for future salary advancement on the new range or band consistent with the provisions of Section 501 of these Rules. If the maximum rate of the new range or band is lower than the employee's salary in the former range or band, he/she may pursuant to Section 503, be paid at the "Y" rate. (01/19/88)

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SECTION 503 - "Y" RATE: A "Y" Rate is a salary in excess of the top of the established salary range or band. For any class on a salary range, Step Y is hereby defined as any rate of pay in excess of Step "E" of the range for the class.

1. An employee shall be paid at a "Y" Rate solely under one of the following two conditions:
 - (a) Upon the reduction of the maximum salary rate for a class, an employee having permanent or probationary status who immediately prior to such time was paid at a higher rate for such class than the new maximum rate shall in the absence of any contrary orders by the City Council for economy reasons, continue to be paid at the former rate.
 - (b) Any employee who, as a result of his/her position being reclassified, is moved from a class in which he/she has acquired permanent status to a class with a lower maximum rate of pay who immediately prior to such time was paid at a higher rate than the maximum rate for the new class, shall in the absence of any contrary orders by the City Council for economy reasons, continue to be paid at the former rate.
2. In the event of an increase in the maximum salary rate applicable to a class, regardless of the method by which such increase is accomplished, any employee who immediately prior thereto has been paid at a "Y" Rate shall receive no increase unless the increased maximum salary for the class exceeds the salary already being paid to him/her. In such case, an employee in a class on a salary range shall automatically be placed on Step "E" of the new range. (01/19/88)

SECTION 504 - NEW APPOINTMENTS: All new appointments to positions which are in classes on salary ranges shall be made at Step "A" of the salary range prescribed for the class, with the following exceptions:

- (a) **Prescribed Entrance Steps:** The first salary step shall normally be at the hiring rate. The City Manager may authorize appointments to be made to other than the normal entering salary step upon the written recommendation of the department head when it is decided that such action is in the best interest of the City.

Civil Service Rule V – Compensation

Determination of such hiring rate shall take into consideration the salaries being paid to those persons presently employed in the same classification in which the new employee is to work; the present salary of the person being considered for employment; the training, work experience, knowledge, abilities and skills the employee will bring to the job; the recruitment problems of the particular job; and such other pertinent factors as related to the individual problems.

The recommendation of the department head together with his/her reasons therefore, shall be in written form and a copy shall be filed with the Civil Service Commission and placed in the employee's personnel jacket.

- (b) **Promotion**: If the regular entrance salary of a class to which an employee is promoted does not represent a raise in salary for him/her, he/she shall be paid at a salary rate above that at which he/she would have been paid if he/she had remained in his/her former class. No person who is receiving compensation at a "Y" rate immediately prior to such promotion shall have his/her salary reduced by reason of his/her appointment to the new class.
- (c) **Different Class at Same Level**: Upon appointment to class which has the same maximum salary rate as the class in which/she is already employed, an appointee may on the recommendation of the appointing authority and with the approval of the City Manager be paid at the same salary rate as that at which he/she would have been paid if he/she had remained in his/her former class.
- (d) **From Re-Employment List**: An employee who is appointed from a re-employment list after having been laid off through no fault of his/her own because of lack of work or funds shall be paid at the step at which he/she would have been paid at the end of his/her former employment.
- (e) **Demotion**: In all cases of demotion, whether voluntary, disciplinary, or in lieu of layoff, the City Manager shall prescribe the salary rate to be paid.
- (f) **Former Non-Permanent or Interim Employees**: The salary step for any person newly appointed from an eligible list who has within the immediately preceding two (2) year period served in the same or equivalent class under any appointment other than a permanent appointment may be paid at the step at which he/she was most recently paid, subject to the exceptions and conditions prescribed in Section 506 of this Rule and subject to approval by the City Manager. (01/19/88)

Civil Service Rule V – Compensation

SECTION 505 - NORMAL ADVANCEMENT WITHIN RANGE:

- (a) Normal advancement to the next step of the salary range shall occur on the first day of a pay period consistent with the appropriate Memorandum of Understanding or Council Action in absence of a Memorandum of Understanding.
- (b) If said salary step increase is not granted at the normal interval, a period of time not to exceed two (2) months shall elapse when said increase shall be reviewed and granted or appropriate action, within the confines of these Rules, shall be taken by the appointing authority.
- (c) The City Manager may, at his discretion, permit time served in a class at a lower range than the current appointment, prescribed pursuant to Section 504 of this Rule, to count as service at the current entrance step. All service at the same or higher rate of pay since the preceding salary advancement shall be included in computing the time credited towards the next advancement.
- (d) Service shall include active service, periods of any paid leave of absence, periods of unpaid leave of absence for which Workman's Compensation is paid, and military leave without pay.
- (e) The following periods of time shall be disregarded and not counted; all leaves of absence without pay and lay-offs in excess of thirty-one (31) days; all period of service performed with a service rating equivalent to less than "Standard or Satisfactory"; all service prior to resignation after permanent appointment; all service in a class prior to removal for unsatisfactory service in such class.
- (f) Upon the approval of the City Manager, other periods of employment as service for the purpose of this section, provided that the following shall not be credited toward advancement in salary step:
 - 1. All service prior to removal for unsatisfactory services;
 - 2. All service prior to resignation after permanent appointment.
- (g) Except for the provisions related to recommendations by the appointing authority, this rule shall apply only to persons entering, being promoted to a new position, or being reinstated to employment with the City. (01/19/88)

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SECTION 506 - SPECIAL ADVANCEMENT WITHIN RANGE: Under exceptionally compelling circumstances, upon recommendation of the appointing authority and the approval of the City Manager, an employee may be granted a special advancement in salary step beyond the step specified or sooner than specified in Section 505. (11/21/72)

SECTION 507 - TEMPORARY EMPLOYMENT ABOVE REGULAR ENTRANCE STEP: Upon request of the appointing authority, the City Manager may authorize the payment of a non-permanent or an interim appointee at any step within the salary range for the class. (11/21/72)

SECTION 508 - COMPUTATION OF SALARY EARNED:

DELETED (01/19/88)

SECTION 509 - WORK WEEK: All compensation prescribed herein is based on the full-time pay period with a normal work week of forty (40) hours for the Police Department and general service employees and a fifty-six (56) hour work week for Fire Department employees.

Fire Department employees assigned to fire company suppression duties shall work twenty-four (24) hour shifts. Those on-duty shifts shall alternate with periods of off-duty time and shall not exceed an average of more than fifty-six (56) hours per week.

The appointing authority may require employees to work special hours or a split shift to meet departmental operating requirements without securing approval from higher authority as long as the number of hours worked do not exceed the normal work week. Standard hours of work shall be subject to such change as may be required by law. (01/19/88)

SECTION 510 - EXTENDED WORK WEEK:

DELETED (01/19/88)

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SECTION 511 - OVERTIME:

DELETED (01/19/88)

SECTION 512 - LONGEVITY PAY: Except as otherwise indicated by a Memorandum of Understanding or City Council resolution, in addition to other compensation paid for the services of employees, longevity pay shall be paid to all officers and employees of the City of National City on the following basis:

- (a) After five (5) years of continuous and uninterrupted service the sum of \$10.00 per month;
- (b) After ten (10) years of continuous and uninterrupted service the sum of \$15.00 per month;
- (c) After fifteen (15) years of continuous and uninterrupted service the sum of \$20.00 per month;
- (d) After twenty (20) years of continuous and uninterrupted service the sum of \$25.00 per month;
- (e) After twenty-five (25) years of continuous and uninterrupted service the sum of \$30.00 per month, which shall be the maximum payable.

Vacations, sick leave, military leave and absence authorized by the City Council of National City shall not be considered as interruption of service.

In the event an officer or employee ceases to be employed by National City for a reason other than military service or lay-off, all rights to longevity pay shall be forfeited and expire, and if said officer or employee subsequently re-employed by the City he/she shall not be entitled to any longevity pay by reason of any prior employment. (01/19/88)

SECTION 513 - EDUCATIONAL INCENTIVE PAY:

DELETED (01/19/88)

CIVIL SERVICE RULES

RULE VI
HOLIDAYS AND LEAVES OF ABSENCE

SECTION 601 - LEAVE ELIGIBILITY AND PROCEDURE: Consistent with Memoranda of Understanding and Council Actions, eligible employees shall be entitled to holidays and annual vacation, and shall be allowed sick, injury, emergency, and social leaves of absence as hereinafter in this rule provided. All requests for leaves of absence, whether with or without pay, shall be submitted in writing on prescribed forms, except as hereinafter provided in the case of Compulsory Leave and Court Leave, must meet the approval of the appointing authority.

Except in the case of sick, emergency, or military leave, the time during which any leave of absence shall be taken by an employee shall be designated by the appointing authority, and the request for such leave, signed by the employee and the appointing authority, should be forwarded to the Personnel Office at least one (1) week in advance of the beginning date of the leave requested. Each leave of absence shall be granted for a specific period of time and a specific cause, and if such cause shall cease to exist prior to the expiration of the period for which the leave is granted, such leave shall thereafter be invalid.

Leaves of absence shall be indicated on the payroll timesheets submitted to the Director of Finance for checking and certification. Failure of an employee to report at the expiration of leave shall separate the employee from City service and shall be considered, in effect, a resignation; provided, however, an appointing authority may cancel such separation if he/she determines circumstances warrant such cancellation.

Leaves of absence must contain a time certain for termination of the leave and the reason for granting the leave. A copy of a written order granting a leave of absence must be filed with the City Manager and with the Civil Service Commission. No post dated leave of any kind may be granted to any employee in the classified service.

Civil Service Rule VI – Holidays and Leaves of Absence

Upon recommendations of the appointing authority and approval of the Civil Service Commission and a showing that due to extreme emergency such as an incapacitating disability the employee was prevented from requesting the leave on a timely basis, a leave may be granted on a retroactive basis. However, notwithstanding the provisions of these rules, the employee granted retroactive leave may not displace anyone employed during his/her leave. If there is no vacancy in the class from which/she was granted the retroactive leave, the employee shall be placed on the Re-employment List for that class. (01/19/88)

SECTION 602 - EVIDENCE OF CAUSE OF ABSENCE: In all cases of absence because of sickness or injury of the employee, or illness or death in his/her family, the employee may be required to furnish to the appointing authority satisfactory evidence substantiating the facts justifying such leave. Failure to furnish such evidence upon request shall be sufficient reason for denying the leave of absence with pay. (01/19/88)

SECTION 603 - HOLIDAYS WITH PAY: Subject to the terms of the appropriate Memorandum of Understanding, an eligible employee shall be entitled without loss of pay to the holidays defined or to other paid time-off. Those employees not covered by a Memorandum of Understanding shall have their eligibility and benefits determined by Council Action.

If one of the holidays, as defined above, falls on an employee's regular day off and the employee is not required to work, he/she shall be granted a floating holiday. (01/19/88)

SECTION 604 - ANNUAL VACATION LEAVE: The purpose of Annual Vacation Leave is to enable each eligible employee annually to return to his/her work mentally refreshed.

- (a) All employees in the competitive service shall be entitled to annual vacation leave with pay.
- (b) Each employee shall be governed by the vacation accrual rates in the appropriate Memorandum of Understanding. Those employees not covered by a Memorandum of Understanding shall have their eligibility and benefits determined by Council Action.

Civil Service Rule VI – Holidays and Leaves of Absence

- (c) Vacation schedules shall be arranged by the appointing authority with particular regard to the needs of the service and, as far as possible with the wishes of the employee. Vacation shall not be deemed authorized until the employee's eligibility is verified by the Finance Director. If the requirements of his/her services are such that the employee cannot take part or all of his/her annual vacation in a particular calendar year, such vacation shall be taken during the following calendar year.
- (d) An eligible employee may take earned vacation in any increment of fifteen (15) minutes or more with the consent of the Department Head.
- (e) An eligible employee may accumulate vacation to a maximum of two (2) years earnings. Vacation leave is credited as earned and the amount of vacation leave accumulated shall not exceed two (2) years earnings on the employee's anniversary date.
- (f) Except in the case of terminal vacation leave, paid holidays immediately preceding, immediately following or wholly within the vacation period shall not be regarded as part of the vacation.
- (g) Employees who terminate employment shall be paid in a lump sum for all accrued annual vacation leave prior to the effective date of termination. Terminal vacation pay shall include payment for all unused vacation leave based upon the employee's records in the Finance Department. (07/01/92)

SECTION 605 - TERMINAL VACATION PAY: If, in the case of retirement, the employee elects to place himself/herself on terminal vacation leave, the period of terminal vacation leave shall be considered in computing currently earned vacation. (01/19/88)

SECTION 606 - SICK LEAVE WITH PAY: The intent of this Section is to provide a continuity of full salary to those employees who are unable because of illness or injury to perform the duties of their positions or who could expose fellow workers or the public to contagious diseases and are thereby forced to be absent from employment, and to provide necessary time off from work for medical and dental care, subject to administrative regulations designed to prevent malingering or abuse of these privileges.

Civil Service Rule VI – Holidays and Leaves of Absence

- (a) **Sick Leave Definition.** Sick leave is defined as the necessary absence from duty of an employee because of illness, injury or exposure to contagious disease suffered by the employee, or the serious disability of the employee while on a scheduled vacation, or absence authorized for medical or dental care.
- (b) **Sick Leave Provisions.** Subject to the terms of the appropriate Memorandum of Understanding, an eligible employee shall be entitled to paid sick leave. Those employees not covered by a Memorandum of Understanding shall have their eligibility and benefits determined by Council Action.

Subject to the terms of the appropriate Memorandum of Understanding, an eligible employee shall be entitled to paid sick leave. Those employees not covered by a Memorandum of Understanding shall have their eligibility and benefits determined by Council Action.

- (c) **Minimum Time Chargeable to Sick Leave.** No person shall be entitled to sick leave with pay while absent from duty on account of any of the following causes:
1. Disability arising from any sickness or injury purposely self-inflicted or caused by any willful misconduct.
 2. Sickness or disability sustained while on leave of absence other than his/her regular vacation.

No paid sick leave shall be granted in excess of the employee's sick leave credit. An employee may be granted sick leave with pay only for illness, injury or exposure to contagious disease which incapacitates him/her for work. Absence that is chargeable to sick leave in accordance with these provisions shall be charged in an amount not smaller than one (1) hour. Members of the Fire Department working a 24-hour shift shall be charged sick leave in an amount not smaller than four (4) hours.

- (d) **Sick Leave Compensation.** In order to receive compensation while on sick leave, the employee shall notify his/her immediate supervisor or the appointing authority, or in the event of the unavailability of either, the senior representative available, prior to or not later than the beginning of the work day in that department. The appointing authority may waive the above requirement if in his/her opinion an emergency or other exceptional circumstance so warrants. Computation of sick leave shall not include regular days off or holidays provided these are not in conflict with the established work schedule within each department.

Civil Service Rule VI – Holidays and Leaves of Absence

- (e) **Physician's Statement Required.** When absence is for more than three (3) consecutive working days, the department director may require the employee to furnish a certificate or statement from a regular licensed and practicing physician, at his/her own expense, whose license will be honored by the County Health Officer, indicating the nature and duration of his/her incapacity, or other adequate evidence if the employee was not examined by a physician. The appointing authority may require evidence of incapacity in cases of short periods of absence.
- (f) **Separation from City Service.** All eligibility for sick leave with pay shall be canceled upon separation of the employee from the City service, provided that if such separation is by lay-off his/her accumulated eligibility may be restored to him/her in whole or in part by the Civil Service Commission upon re-employment.
- (g) **Illness During Vacation Leave.** An employee who becomes incapacitated for work due to his/her illness or injury for more than three (3) consecutive calendar days while on paid vacation may substitute his/her sick leave credits for vacation provided his/her request for sick leave substitution is accompanied by a doctor's statement or other evidence satisfactory to the Personnel Director verifying the incapacity.
- (h) **Holidays During Sick Leave.** Paid holidays immediately preceding, immediately following, or wholly within the period for which sick leave is granted shall not be regarded as part of such period of sick leave.
- (i) **Sick Leave Reporting for Payroll Purposes.** Reports of absences of employees must be made to the Finance Director at the same time the department director files his/her payroll report. The department director who fails to report the absence of an employee from duty and thus enables the employee to receive pay in excess of the amount to which he/she is legally entitled shall be held liable to the City for the amount illegally paid. (07/01/92)

Civil Service Rule VI – Holidays and Leaves of Absence

SECTION 607 - COMPULSORY LEAVE: If in the opinion of the appointing authority, an employee is incapacitated for work on account of illness or injury, such employee may be required, for a period not to exceed two (2) workdays, to absent himself/herself from duty. If said incapacity may reasonably be expected to extend beyond two (2) workdays, the department director shall require the employee to submit himself/herself for examination by a physician designated or approved by the City Manager. If the report of the physician shows the employee to be in an unfit condition to work, the appointing authority shall have the right, subject to Commission approval, to compel such employee to take sufficient leave of absence, not to exceed one (1) year of leave without pay, and subject to the provisions of Section 610 of this Rule, so as to fit himself/herself for the proper performance of assigned duties.

It is the responsibility of the appointing authority to make reasonable accommodations to the disability of the employee. Reasonable accommodations do not require the hiring of additional personnel or significant increases in overtime costs. However, they may involve shifting of job functions or modifications in the physical conditions of the employee's work station. Accommodation is not "reasonable" if it significantly lowers the efficiency or service of the employee's department or exposes the employee or others to health or safety hazards. (01/19/88)

SECTION 608 - SICK LEAVE - WORKER'S COMPENSATION: Those employees who are absent from duty because of a temporary disability which is defined as industrial under the Worker's Compensation Act may use sick leave; provided however, that any such employee who receives temporary disability allowance, as provided under the Worker's Compensation Law, must reimburse the Finance Department in the amount of the authorized compensation, in which case, only that amount of his/her accumulated sick leave credits as when added to said disability allowance will result in a payment to him/her of not more than his/her full salary or wages shall be charged against said accumulated sick leave credits.

For purpose of clarification, the Worker's Compensation Law provides that:

- (a) All medical expenses connected with an industrial related injury will be paid by the employer.
- (b) Full salary will be paid to the injured employee by the employer from the first day of injury if the employee is an in-patient in a hospital or is incapacitated for more than twenty-one (21) consecutive days.

Civil Service Rule VI – Holidays and Leaves of Absence

- (c) If the injured employee does not meet the requirements of paragraph (b) above, full benefits will be paid to the employee by the employer beginning with the fourth day of leave of absence.

Public safety employees in the Police and Fire Departments are exempt from the waiting period provisions of this Section under the laws of the State of California. (01/19/88)

SECTION 609 - SPECIAL LEAVE WITH PAY: The intent of this Section is to allow the limited use of sick leave credits by an employee who is confronted with the need to be absent from work as a result of illness, injury or death to members of his/her family. The utilization of this benefit is subject to the terms of the appropriate Memorandum of Understanding. Those employees not covered by a Memorandum of Understanding shall have their eligibility and benefits determined by Council Action.

Requests for usage of sick leave credits for this purpose must be submitted for approval to the appointing authority, who may require documentation consistent with Section 606. (01/19/88)

SECTION 610 - SPECIAL LEAVE WITHOUT PAY: A regular, career employee who is mentally or physically incapacitated to perform his/her duties, or who desires to engage in a course of study such as will increase his/her usefulness to the City or who, for any reason considered good by the appointing authority and the City Manager, desires to secure leave from his/her regular duties, may be granted special leave of absence without pay for a period not exceeding one (1) year, upon approval of the appointing authority and the City Manager.

An employee asking for special leave without pay, shall submit his/her request in writing, stating his/her reasons in detail. The appointing authority who endorses such request shall recommend, and the Commission shall determine, whether the employee may be entitled to return to his/her former classification on his/her return from such leave, and the period of said entitlement, or whether his/her name may be placed on the reinstatement list for the class, subject to passing the prescribed City medical examination, if appropriate.

A. Physical and Mental Fitness:

- (1) If, in the opinion of the City Manager, an employee, because of physical or mental disability, is incapacitated for proper performance of his/her duties, he/she shall take a physical examination by a physician provided by the City.

Civil Service Rule VI – Holidays and Leaves of Absence

- (2) If the physician finds the employee unfit to return to work consistent with Section 607 of these Rules, the employee may submit a written request to the Personnel Director within five (5) working days to receive a second examination by another physician provided by the City. Such request, if timely, shall be honored and the results of the second physician's examination shall prevail.
- (3) Based upon the findings of the first examination, the City Manager may require the employee to be off duty pending the outcome of the second examination. However, if the second physician finds that the employee was able to return to work consistent with Section 607 of these Rules, the employee shall receive either backpay for time off, or if paid leave was used, have that leave time restored back to the date that the employee was able to work.
- (4) If, in the opinion of the City Manager, sufficient information has been received in connection with the employee's illness and/or absence from duty, the City Manager, with the consent of the employee, may waive the requirement of the physical examination by a physician.

If the employee is returned to duty by the physician to serve in a limited capacity only, he/she shall be assigned to appropriate duties, if available, with proper adjustment in grade and salary or be placed on special leave without pay, in either event for a period of six (6) months at which time he/she will take another physical examination. If the physician certifies him/her again for limited service, he/she will be continued on limited service, if available, or on special leave without pay status for six (6) months longer at which time he/she will take another physical examination. At this time, unless returned to full duty he/she will:

- (a) Be assigned to appropriate duties, if available, with proper adjustment in grade and salary; or
- (b) If eligible and he/she so requests, he/she will be placed on retirement status.

If the employee refuses either of the two above alternates, he/she shall be separated from the competitive service and may have his/her name placed on a re-instatement list.

Civil Service Rule VI – Holidays and Leaves of Absence

If the physician certifies the employee to be mentally or physically unable to perform any duties but recommends a period for rehabilitation and return to duty, the employee shall, after the expiration of his/her accumulated annual and sick leave, be placed on leave without pay for a period not to exceed one (1) year. If certified for limited duty by the physician at any time during the period of leave without pay, he/she may be returned to limited duty under the provisions of this Section. No period for rehabilitation, whether in leave without pay status or light duty status or a combination of the two, shall be in excess of one (1) year.

If, after the expiration of one (1) year for rehabilitation the employee does not or cannot return to full duty, the options of Section A, Subsections (a) (b) must be exercised or the employee will be separated from the competitive service.

Notwithstanding any of the provisions above, consistent with Section 607 of these Rules, it is the responsibility of the appointing authority to make such reasonable accommodations as may be possible to continue the employment status of the disabled employee.

- B. **Course of Study**. An employee who desires to engage in a course of study such as will increase his/her usefulness on his/her return to duty in the City Service, or has other good reason, may be granted a special leave of absence without pay upon the recommendation of the department/ and the approval of the City Manager. Any such leave in excess of six (6) months shall be approved by the City Manager and the Commission. In no case shall the leave of absence under this Rule be for a period of more than one (1) year. (01/19/88)

SECTION 611 - INJURY LEAVE: The intent of this Section is to provide a continuity of full salary in lieu of the Worker's Compensation benefits established by the State and the sick leave provisions of this Rule for any permanent employee who, is temporarily and totally incapacitated from performing productive City work by reason of injury or illness suffered while properly performing the duties of his/her position and arising out of his/her employment, provided he/she is expected to be able to return to work with the City in his/her regular position, or a different position which has been approved by the City Manager, following a reasonable period of recuperation.

Civil Service Rule VI – Holidays and Leaves of Absence

The provisions herein shall not be applicable when disability retirement is indicated because of the permanent and stationary nature of the disability, as determined by the City Manager and department head based upon authoritative medical and safety advice.

- (a) **Injury Leave Definition.** Injury Leave is hereby defined as the necessary absence from duty of a permanent employee because of an injury or illness suffered during the proper performance of the duties of his/her position.
- (b) **Injury Leave Granting.** Any permanent employee who is compelled to be absent from duty because of an injury or illness as defined above, shall be granted leave of absence with full pay consistent with provisions of this Section.
- (c) **Injury Leave Duration.** The duration of such injury leave with pay shall be that which recommended by the department head and approved by the City Manager, but shall not exceed three (3) calendar days for each injury, including any recurrence. Injury leave shall be terminated at any time the injury is determined to be permanent and stationary in character.
- (d) **Injury Leave Conditions:**
 - 1. No injury leave may be granted unless the injury is accepted as compensable by the City's Worker's Compensation Adjusting Agency, and the employee has a waiting period before he/she is eligible for Worker's Compensation temporary disability benefits.
 - 2. An employee who sustains disabilities arising out of employment but who fails to meet the requirements for injury leave may use his/her sick leave credits, pursuant to the sick leave provisions of this Rule.
- (e) **Injury Leave - Worker's Compensation.** Any employee granted injury leave and who receives compensation as authorized under the injury leave provisions of this Section, shall reimburse the Finance Department in the amount of the authorized temporary disability allowance as provided under the Worker's Compensation Law.

An employee shall not receive injury leave pursuant to the Worker's Compensation laws during a period of time the employee is also eligible for retirement.
(01/19/88)

Civil Service Rule VI – Holidays and Leaves of Absence

SECTION 612 - SPECIAL MEETINGS: Officers and employees may be granted special permission, without loss of pay, to attend professional or technical institutes or conferences, or other meetings as may contribute to the effectiveness of their service to the City. Such special permission is subject to the approval of the appointing authority or the City Council whichever is applicable. Officers and employees granted said special permission shall be considered to be on duty status.

Special Meetings, as related to activities of employee organizations, refer to meetings with representatives of the City as an officially designated representative of a recognized employee organization. (01/19/88)

SECTION 613 - COURT LEAVE: An employee, other than one paid on an hourly or daily basis, who is required by court order to serve as a juror, or as a witness who is not a party to a court action, shall be granted leave for such purpose upon presentation of proof of the period of his/her required attendance to the appointing authority. Request for such leave shall be made upon leave of absence forms.

It is the responsibility of the employee to report for work if his/her attendance at court is not required for a full day. However, the appointing authority may excuse the employee from reporting to work for a minor portion of the day, if in his/her judgment opportunity to do productive work in the available period of time, is minimal. In most instances, a minor portion of the day shall be considered to mean less than two (2) hours that the employee will be available and ready to work.

The employee shall receive full pay for the time he/she serves on court duty, provided the money which he/she receives as a juror or witness is deposited with the Finance Department for credit to the proper fund. However, the employee is not required to submit to the City money received for expenses. (04/05/88)

SECTION 614 - MILITARY LEAVE: In addition to the leaves of absence provided in this Rule, City officers or employees who are also members of the armed services or militia or organized reserves of this State or Nation, shall be entitled to the leaves of absence and the employment rights and privileges provided by the Military and Veterans' Code of the State of California.

Civil Service Rule VI – Holidays and Leaves of Absence

The term "military service" as used herein shall signify service on active duty with any branch of service above mentioned, as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which such officer or employee while in military service is absent from duty on account of sickness, wounds, leave or other lawful cause. No employees serving under a permanent appointment in the Classified service shall be subjected by any person directly or indirectly by reason of his absence on military leave to any loss or diminution of vacation, holiday, insurance, pension retirement, or other privilege or benefit now offered or conferred by law, or be prejudiced by reason of such leave with reference to promotion, continuance in office or employment, re-appointment or re-employment.

When military leave is granted to an employee in the Classified Service pursuant to this section, the position held by such employee shall be filled temporarily only during his absence except in the event of his death while on leave and he/she shall be entitled to be restored to such position, or to a position of like seniority, status and pay, upon his return from such leave, provided he/she is still mentally and physically qualified for re-employment within ninety (90) days after he/she is relieved from such military service.

During absence on military leave, any employee in the Classified Service who has been employed continuously for a period of not less than one (1) year prior to the date upon which such absence begins, shall receive his/her salary or compensation as such employee for a period of not to exceed thirty (30) calendar days in any one fiscal year. For the purposes of this Section, all service of said employee in the recognized military service shall be counted as employment in the Classified Service. (11/21/72)

SECTION 615 - MATERNITY/PATERNITY LEAVE: Subject to doctor's verification, an employee who is disabled from employment as a result of pregnancy-related health conditions is entitled to an unpaid leave for up to 120 days. No employee may be required to absent herself from work except under the conditions indicated under Section 607 and 610 of these Rules. However, such provisions shall apply both to the employee and her unborn child. Other benefits and conditions related to maternity/paternity leave are subject to other leave provisions of these Rules and the appropriate Memorandum of Understanding or Council Actions for those employees not covered by a Memorandum of Understanding. (01/19/88)

SECTION 616 - TRANSFER OF LEAVE CREDITS: When an employee moves from one department or major division to another by transfer, promotion or demotion, his/her accrued vacation and sick leave credits shall be assumed by the receiving department or division. (11/21/72)

CIVIL SERVICE RULES

RULE VII
EMPLOYEE PERFORMANCE REPORTS

SECTION 701 - PERFORMANCE REPORT OBJECTIVES: The purpose of the rating is to help develop a better City service and improve its employees through periodic evaluation and recording of the employee's performance on the basis of consistent standards. Its objective is to let management and the employee know how the employee is getting along, his/her strong points as well as those that are weak, giving recognition for good work and providing a guide for improvement.

A performance report may be used to help determine eligibility for promotion, as well as the order of lay-off and re-instatement. Ratings may also be taken into consideration in matters relating to transfer, and such disciplinary matters as suspension, demotion and separation. The rating should assist the supervisor to analyze the employee's performance and provide an opportunity to convert indefinite daily impressions into a more objective history of work performance, followed by open-minded discussion of the performance with the employee. (11/21/72)

SECTION 702 - SUBMISSION OF PERFORMANCE REPORTS: To insure the timely evaluation of all employees in the competitive service during the probationary period, the Personnel Office shall provide notice to the department director of the required evaluation thirty (30) days prior to the expiration of the first six (6) months of the probation period, and again prior to the end of the probationary period. (The department may require additional evaluations during the probationary period.) The department director shall be responsible for the timely completion of the evaluations and adherence to the City's procedures and guidelines for effective evaluations.

Thereafter, annual performance ratings are to be conducted for all employees in the competitive service covering the previous twelve (12) months of service. These performance ratings shall be completed by the department director or designated supervisor on the date assigned by the Personnel Director which will usually be the employee's regularly scheduled merit step date or anniversary date. The department director is responsible for adherence to the City's evaluation procedures, guidelines and schedules, and shall transmit such evaluations to the Personnel Department on a timely basis for recordation in the employee's official personnel file. (03-11-93)

Civil Service Rule VII – Employee Performance Reports

SECTION 703 - DEGREES OF PERFORMANCE: For the purpose of this rule, the following general definitions shall apply:

- (a) **"OUTSTANDING"** is actual performance well beyond that required for the position. It is exceptional or signal performance, definitely superior or extraordinary.
- (b) **"ABOVE STANDARD"** represents performance which is better than that expected of a fully competent employee. It is superior to that which is expected, but is not of such signal or rare nature as to warrant "outstanding".
- (c) **"STANDARD"** is the performance expected of a fully competent employee. It means thoroughly satisfactory and meeting the standards required for the position.
- (d) **"BELOW STANDARD"** is a level of performance less than expected of a fully competent employee. It must be thoroughly discussed with the employee. Goals for improvement should be recorded on the rating.
- (e) **"UNSATISFACTORY"** performance is definitely inferior to the standards required for the position. It is very inadequate or undesirable performance which should not be tolerated.

With the approval of the Commission, other degrees of performance and definitions may be used if judged by the department to better accomplish the objectives of this rule. (03-11-93)

SECTION 704 - RESPONSIBILITY FOR ORIGINATING PERFORMANCE REPORTS:

The Personnel Office originates rating notices or forms for probation reports and for all regular annual rating reports. The annual rating date for each employee is keyed to the employee's completion of probation date in his/her current classification, or other date assigned by the Personnel Director for administrative purposes.

An employee achieves career status by being retained in a regular position for more than the length of the probation period. This may happen even though the employee's performance report is recorded as unsatisfactory. The responsibility for separating a probationary employee before the expiration of his/her probation period rests with the employee's appointing authority.

Rating periods shown on the forms during probation may require correction to extend the probation period because of absences as indicated in Section 408 of these rules.

Civil Service Rule VII – Employee Performance Reports

Special ratings may be originated by a department whenever it is believed to be warranted and based on a change in performance that should be documented since the last rating and it is inappropriate to wait until the next scheduled rating. Special ratings shall be identified at the top of the form approved by Personnel Department with rating period dates from the last rating to the date the special report is made.

A special annual rating report shall also be initiated by the appointing authority within sixty (60) days of an unsatisfactory report or when a merit step is denied unless the next regular rating period is within ninety (90) days of the filing of the unsatisfactory report, in which case the regular rating will be used only. (03-11-93)

SECTION 705 - PERFORMANCE RATING PROCEDURE: A performance evaluation procedure and rating form for all Civil Service classifications, except Mid-Management and Firefighting positions which shall use forms developed by the City Manager and Fire Chief respectively, shall be developed by the Personnel Director and approved by the Civil Service Commission, which shall be adhered to by all department directors. (03-11-93)

SECTION 706 - EMPLOYEE GUIDANCE: Prior to the filing of a completed performance report with the Personnel Office, the person who prepared the report shall discuss openly and frankly the employee's performance with him/her, pointing out any aspects of performance which could be improved as well as those worthy of commendation. The primary purpose of an objective discussion of the Employee Performance Report with the employee is that it gives the supervisor an opportunity to analyze and evaluate his/her own attitudes and practices in the light of his/her employee's views. It also offers an excellent opportunity to guide and counsel the employee as well as getting his/her participation in analyzing and improving job performance. The success of such discussion is dependent upon a constructive attitude on the part of both supervisor and employee. (11/21/72)

SECTION 707 - FILING OF PERFORMANCE REPORTS: Completed performance reports shall be filed with the Personnel Office within fourteen (14) calendar days following the period covered by the reports. (11/21/72)

CIVIL SERVICE RULES

**RULE VIII
DISCIPLINARY ACTIONS**

SECTION 801 - TYPES OF DISCIPLINARY ACTIONS: For purposes of these Rules, disciplinary action shall mean any action undertaken by the authority to deprive an individual employee of compensation or monetary benefit for cause and includes:

- (a) Salary reduction or loss of monetary benefit applied on an individual basis for cause.
- (b) Suspension from duty without pay. Suspensions shall not aggregate more than ninety (90) working days in any twelve (12) month period for any one employee.
- (c) Involuntary demotion to a lower classification.
- (d) Dismissal from City employment.

(07/01/92)

SECTION 802 - CAUSE FOR DISCIPLINARY ACTION: City employees may be disciplined for any just cause including, but not limited to, the following forms of conduct:

- (a) Violation of or failure to adhere to City or department written policies and procedures, Civil Service Rules, Council Ordinances and Resolutions, or applicable law.
- (b) Insubordination, willful disobedience, neglect of duty or failure to obey any lawful and reasonable direction given by a supervisor.
- (c) Any form of dishonesty, fraud or misrepresentation in securing employment or when acting as a City employee.
- (d) Incompetence, inefficiency or ineffectiveness in the performance of duty.
- (e) Unauthorized use, consumption, possession or sale of an alcoholic beverage, illegal substances or drugs while on duty.

Civil Service Rule VIII – Disciplinary Actions

- (f) Unauthorized possession or use of City equipment, facilities, or property.
- (g) Conviction of a felony, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to effectively and efficiently discharge the duties of the position or adversely affect the City's public image.
- (h) Failure to perform at expected level or standard in a responsible and timely manner.
- (i) Excessive tardiness or absence from duty.
- (j) Unauthorized absence without leave or failure to return from authorized leave.
- (k) Discourteous treatment of the public or other City employees when acting within the scope of City employment.
- (l) Misconduct or any failure of good behavior during or outside of duty hours which tends to discredit the public service.
- (m) Political activities prohibited by the California Government Code.
- (n) Outside employment that has not been expressly approved by the Department Director or is incompatible with City employment.
- (o) Soliciting or accepting for personal use a fee, gift or other item of value in the course of City work or in connection with it when such fee, gift or other item of value so solicited or is given by any person in the hope or expectation of receiving any advantage, a favor or better treatment than that accorded other persons.
- (p) Unlawful discrimination, including harassment, on the basis of race, religions, creed, color, national origin, ancestry, mental or physical disability, marital status, sex or age against the public or other employees while acting in the capacity of a City employee.

Any complaint filed by any citizen against any City employee shall be in writing under the penalty of perjury. (07/01/92)

Civil Service Rule VIII – Disciplinary Actions

SECTION 803 - NOTICE TO EMPLOYEES: If the work behavior of an employee with permanent status is in some respect unsatisfactory and it becomes known to the employee's supervisor, it shall be the duty of the supervisor or appointing authority to so advise the employee and to counsel that employee explaining the expectations by which the employee is being judged in order to provide a reasonable opportunity to attain or exceed such expectations. Should continuation of the unsatisfactory work or behavior warrant any disciplinary action, the employee shall be given written warning of that fact. Omission of such warning shall not prevent the appointing authority from taking disciplinary action but such omission may be taken into consideration if a request is made to review the disciplinary action as provided in these Rules. The employee may submit a written rebuttal to the warning if the facts are disputed. (07/01/92)

SECTION 804 - PRE-DISCIPLINE PROCEDURES: The following procedures are required prior to implementing the following disciplinary actions: Dismissal, suspension without pay, involuntary demotion, or reduction in salary or monetary benefit. A release during probation is not considered a disciplinary action.

- (1) A written notice of intention to impose disciplinary action shall be given directly to the employee or mailed by first class mail to the most recent mailing address which has been provided by the employee to the Personnel Department. The notice shall state and include:
 - (a) a statement of the type of disciplinary action intended to be taken;
 - (b) a statement of the specific grounds and particular facts upon which the action is based;
 - (c) the date(s) when the disciplinary action is intended to be taken;
 - (d) a statement advising the employee of the right to review under this rule;
 - (e) copies of any supportive written materials, reports and documents upon which the action is based.
- (2) Within ten (10) working days after the notice of intent to discipline has been mailed or given to the employee, the employee shall have the right and choice to appeal orally or in writing to the designated reviewing officer at the time for such interview.

Civil Service Rule VIII – Disciplinary Actions

- (3) The reviewing officer shall have the authority to affirm, modify, or revoke the intended disciplinary action, and shall render a written decision and findings within five (5) working days after the date of the completion of the review, if such review is conducted. If the employee fails to request a hearing by the reviewing officer at or before the appointed time for review, the intended action shall be final as stated in the notice of intention.
- (4) The designated reviewing officer shall not have been personally embroiled in the controversy surrounding the proposed action.

Notwithstanding the above provisions, the appointing authority, with the approval of the City Manager, may place an employee on administrative leave with pay if it is judged to be in the best interests of the City to do so. Such administrative leave with pay shall not be considered disciplinary in nature.

In addition to the rights enumerated in this Section, law enforcement officers and supervisors shall have all protections provided under the Public Safety Officer Procedural Bill of Rights Act (Government Code Section 3300-3311). (07/01/92)

SECTION 805 - NOTICE OF DISCIPLINARY ACTION: After the pre-disciplinary review is completed, the designated reviewing officer shall effectuate any decision to discipline the employee by providing a written notice of the action to be taken and the effective date(s) of such action to the employee on forms approved and provided by the Personnel Director. Such notice shall be personally served or mailed first class to the employees mailing address of record in the Personnel Department, and a copy thereof immediately filed and date stamped in the Personnel Department. Such notice shall also contain:

- (a) Copy of notice of discipline with all attachments, including the date of personal service or the date of mailing and the appeal filing deadline.
- (b) Copy of the designated reviewing officer's findings and decision, including the date(s) of any pre-disciplinary meeting(s).
- (c) Statement of Appeal Rights to Civil Service Commission available under Civil Service Rules, if applicable. (10/03/95)

Civil Service Rule VIII – Disciplinary Actions

SECTION 806 - RIGHT TO A CIVIL SERVICE COMMISSION'S REVIEW OF DISCIPLINARY ACTION: Any regular career employee who has successfully completed the initial probationary period shall have the right to appeal a disciplinary action taken against him/her to the Commission except when such discipline takes the form of a written reprimand or an equivalent monetary loss to a suspension from duty without pay for cumulative forty (40) regular scheduled working hours or less for each instance or cumulative 240 regularly working hours or less for multiple instances within a twelve-month (12) period.

However, any sworn officer who has successfully completed the initial probationary period shall have broader rights to appeal a disciplinary action taken against them to the Commission for any disciplinary action above a written reprimand. (02/16/2010)

The appointing authority may, for disciplinary purposes only and without right of hearing before the Civil Service Commission, suspend without salary an officer or employee holding a position in the Classified Service for a period of time not to exceed the above limit or take other disciplinary action not to exceed an equivalent monetary loss of forty (40) hours of salary for each instance of discipline.

Where an appeal is taken to the Civil Service Commission on an action from dismissal, the vacancy in the position shall be considered a temporary vacancy pending decision by the Civil Service Commission and/or the City Council and may be filled only by a temporary appointment.

An appointing authority's dismissal of, or disciplinary action against, any employee in initial probationary period or other non-career status shall be final and not subject to review and decision of the Commission. (10/03/95)

SECTION 807 - APPEAL FOR REVIEW OF DISCIPLINARY ACTION: The employee must be advised of his/her rights of appeal at the time he/she is given notice of a disciplinary action. Such advice may consist of directing employee's attention to the existence of the Personnel Rule that contains provisions for appeal of disciplinary actions.

Within ten (10) calendar days after the personal service of the notice to the employee or within fifteen (15) calendar days after the mail deposit by first class to the employee of the notice of disciplinary action, the employee may file a written appeal with the Personnel Director. Such appeal shall include the employee's request for Commission review of the disciplinary action and shall specify whether he/she desires to have a review by means of closed hearing or by means of open hearing and a list of any witness/witnesses requested to be subpoenaed.

Civil Service Rule VIII – Disciplinary Actions

Any employee disciplined pursuant to the provisions of the Civil Service Rules and who does not exercise his/her right of appeal, or who has appealed and whose appeal is not sustained, shall have such disciplinary action recorded as part of his/her personnel record. (10/03/95)

SECTION 808 - DISCIPLINARY INVESTIGATION: In any review of disciplinary action conducted by means of investigation, by a reviewing officer, the employee and appointing authority each shall be required to set forth in writing the nature, purpose and location of all available evidence on which their respective cases are based.

SECTION 809 - DISCIPLINARY HEARING: The hearing by the Commission may be informal and the Rules of evidence need not apply. The Commission shall, without delay, fully hear and determine the matter, and either affirm, modify or revoke such discipline. The hearing shall commence within forty-five (45) days from the filing of an appeal with the Personnel Director, unless extended by mutual agreement of the parties involved or by the Chair of the Commission.

Whenever a disciplinary hearing is held, the Personnel Director shall notify the employee and the appointing authority of the date, time and place of hearing, and, if the hearing is open, shall publicly post notices.

The employee and the department official shall be entitled to appear personally, and produce evidence and question witnesses who appear. Each may be represented by counsel or other designated representatives. Both the employee's and the appointing authority's representative shall have the right to cross examine.

The Commission, through the Personnel Director, may conduct such investigations as it deems appropriate and take the results thereof into account in reaching its findings and decision. Matters disclosed by the investigation and regarded by the Commission as significant shall be reported to the employee and the appointing authority at the hearing and each shall have the right to offer evidence pertaining thereto.

In any such investigation or hearing, the Commission shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served. Refusal of a person to attend or to testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the Council in response to a subpoena issued by the Council.

Civil Service Rule VIII – Disciplinary Actions

Subpoenas must be served upon the witnesses at least five (5) calendar days prior to the compelled attendance in order to be valid. Each member of the Commission shall have the power to administer oaths to witnesses. (10/03/95)

SECTION 810 - FINDINGS AND DECISION: Upon conclusion of a review of the disciplinary action, the findings and decision of the Commission shall be set forth in writing and shall state as to each charge whether or not such charge is sustained and whether the sustained charges warrant the discipline taken, or a modified form. The Commission may also set forth in writing any recommendations it may have based upon such findings. Within ten (10) working days after concluding the hearing, the Commission Chairperson shall certify the written findings, conclusions and recommendations and provide a copy of such written document to each Commissioner. A copy of the findings and decision shall be thereafter mailed to the employee, the appointing authority, and the City Council.

The decision of the Commission shall be final unless a written request for Council review is filed with the Personnel Director by either the employee or the appointing authority within fifteen (15) calendar days from the date of the mail deposit of the Commission's certified findings and decision. Upon receipt of the request for Council review, the Personnel Director shall have a transcript of hearing prepared and distributed to the members of the Council.

Within sixty (60) days after the submittal of a written request for Council review, the Council shall affirm, revoke, or modify the Commission's action. Such Council action is final and conclusive. (10/03/95)

CIVIL SERVICE RULES

**RULE IX
EMPLOYEE GRIEVANCE PROCEDURE**

SECTION 901 - PURPOSE OF GRIEVANCE PROCEDURE: The purpose and objectives of the Grievance Procedure of the City of National City are:

- (a) To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
- (b) To assure fair and equitable treatment of all employees and promote harmonious relations among employees, supervisors and management.
- (c) To encourage the settlement of disagreements informally at the employee-supervisor level and provide an orderly procedure to handle grievances throughout the several supervisory levels where necessary.
- (d) To provide that complaints shall be conducted as informally as possible.
- (e) To resolve grievances as quickly as possible and correct, if possible, the cause of grievances, thereby reducing the number of grievances and future similar complaints.

This grievance procedure is applicable to all employees in the Competitive Service of the City of National City. (01/19/88)

SECTION 902 - IDENTIFICATION OF PARTICIPANTS: For the purpose of this grievance procedure, the following definitions shall apply:

- (a) **City Manager**: The City Manager or his authorized representative.
- (b) **Department**: An office, department or institution of the City.
- (c) **Department Head or Head of a Department**: The chief executive officer of a department.
- (d) **Personnel Director**: The Personnel Director or his/her authorized representative.

Civil Service Rule IX – Employee Grievance Procedure

- (e) **Employee or City Employee**: Any officer or employee in the Competitive Service of the City.
- (f) **Employee Representative**: An individual who appears on behalf of the employee.
- (g) **Grievance**: A complaint of an employee or a group of employees arising out of the application or interpretation of existing Rules, regulations, or policies which come under the control of a department head.
- (h) **Immediate Supervisor**: The individual who assigns, reviews, or directs the work of an employee.
- (i) **Superior**: The individual to whom an immediate supervisor reports.
- (j) **Management Employee**:
 - 1. Any employee having significant responsibilities for formulating and administering City policies and programs, including but not limited to the chief executive officer and department heads; and
 - 2. Any employee having authority to exercise independent judgment to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (01/19/88)

SECTION 903 - REVIEWABLE AND NON-REVIEWABLE GRIEVANCES:

- A. A grievance is reviewable under these rules when and only when:
 - 1. the grievant is directly and adversely affected by an action that has actually occurred as result of an action or omission by management or supervision; and
 - 2. the action affects a working condition and allegedly violates a specific written policy, rule or regulation which action could be changed by management of the City without Council action, such as illegal discrimination or harassment.

Civil Service Rule IX – Employee Grievance Procedure

- B. A grievance is not reviewable under these rules when:
1. It seeks a resolution which would require “meet and confer/consult” with an appropriate bargaining unit or employee group;
 2. It is reviewable under some other administrative procedure or another rule of the Civil Service Commission, such as disciplinary actions, appeals of examinations, etc.; or
 3. It would require Council action to modify the rule, regulation or policy, or the requested resolution would conflict with any enacted law, policy, or official action by a legislative body; or
 4. It seeks to change a work performance evaluation or a job classification.

A department director or the grievant may request in writing a determination of a grievance’s reviewability from the Personnel Director, who shall deny the use of the grievance procedure if it is determined to be a non-reviewable grievance. (10/03/95)

SECTION 904 - SPECIAL PROVISIONS OF THE GRIEVANCE PROCEDURE:

- (a) **Procedure for Presentation.** In presenting his/her grievance the grievant shall follow the sequence and the procedure outlined in Section 905 of this Rule.
- (b) **Prescribed Form.** The written grievance shall be submitted on a form prescribed by the Personnel Director for this purpose. At each step in the procedure, the grievant shall submit the original of the form to the designated reviewer and a copy to the Personnel Director.
- (c) **Statement of Grievance.** The grievance shall contain a statement of:
 1. The specific situation, act or acts complained of as being unfair;
 2. The inequity or damage suffered by the employee; and
 3. The relief sought.

Civil Service Rule IX – Employee Grievance Procedure

- (d) **Employee Representative.** The grievant may choose someone to represent him at any step in the procedure. No person hearing a grievance need recognize more than one representative for any grievant at any one time unless he/she so desires. The name of the representative shall be indicated on the form.
- (e) **Handled During Hours.** Whenever possible, grievances will be handled during the regularly scheduled working hours of the parties involved.
- (f) **Extension of Time.** The time limits within which action must be taken or a decision made as specified in this procedure may be extended by mutual written consent of the parties involved. A statement of the duration of such extension of time must be signed by both parties involved at the step to be extended.
- (g) If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances shall be handled as a single grievance.
- (h) **Settlement.** Any grievance shall be considered settled at the completion of any step if all parties are satisfied or if the grievant does not present the matter to a higher authority within the prescribed time. No reviewer may offer or agree to a settlement that is outside his/her level and scope of authority.
- (i) **Reprisal.** The grievance procedure is intended to assure a grieving employee the right to present his/her grievance without fear of disciplinary action or reprisal by his/her supervisor, superior or department head. (04/05/88)

SECTION 905 - GRIEVANCE PROCEDURE STEPS: The procedure below shall be followed by an employee who wishes to submit a grievance.

- (a) **Discussion with Supervisor.** The employee shall discuss the grievance with his/her immediate supervisor within ten (10) working days of the act or omission of management causing the grievance. Within five (5) calendar days, the supervisor shall give his/her decision to the employee verbally.

Civil Service Rule IX – Employee Grievance Procedure

- (b) **Written Grievance to Superior.** If the employee and the supervisor are unable to reach an agreement as to a solution of the grievance or the employee has not received a decision within five (5) calendar days limit, the employee may within five (5) calendar days present his/her grievance in writing on forms provided by the Personnel Department to his/her superior within two (2) calendar days. The superior shall hear the grievance within ten (10) calendar days after receipt of the grievance and give his/her written decision to the employee within five (5) calendar days after receiving the grievance.
- (c) **Grievance to Department Director.** If the employee and superior are unable to reach an agreement as to a solution of the grievance or the employee has not received a written decision within the five (5) calendar days limit, the employee may within five (5) calendar days present his/her grievance in writing to his/her department director. The department director shall hear the grievance within ten (10) calendar days after receipt of the grievance and give his/her written decision to the employee within five (5) calendar days after receiving the grievance.
- (d) **Grievance to City Manager.** If the grievance is determined to be reviewable and the grievant and the appropriate department director are unable to reach an agreement which resolves the grievance to the satisfaction of both parties, the grievant within five (5) calendar days of receiving the department director's decision may submit the grievance to the City Manager. The City Manager may within fifteen (15) calendar days after receipt of the grievance, review, investigate and hear the grievance and render a written decision within five (5) calendar days of the hearing, or notify the grievant in writing that the matter has been referred to the Civil Commission for decision.
- (e) **Grievance to Civil Service Commission.** If the grievant is not satisfied by the decision rendered by the City Manager and wishes to pursue the grievance or the grievance has been deferred by the City Manager, the grievant may submit the written grievance within ten (10) calendar days to the Secretary to the Civil Service Commission and the Commission shall review the grievance at their next regularly scheduled meeting and render a final decision within ten (10) calendar days of the Commission's review. The decision of the Commission may not conflict with any policy, regulation or resolution duly adopted by the City Council, and must cite the specific policy, regulation or resolution that was violated. The decision of the Commission shall be final and binding. (10/03/95)

CIVIL SERVICE RULES

RULE X
SEPARATION AND RE-EMPLOYMENT

SECTION 1001 - RESIGNATION: A regular career employee in the Classified Service who desires to resign in good standing and without prejudice, shall give written notice to the appointing authority at least two (2) weeks in advance of the last day of actual work, unless the appointing authority consents to shorter notice. Such notice, when approved by the appointing authority, shall be effective on date indicated and immediately forwarded to the Personnel Office. A written resignation is final on the date it is accepted by appointing authority and may only be withdrawn upon the written approval of the appointing authority. (07/01/92)

SECTION 1002 - AUTOMATIC RESIGNATION: Any employee who is absent from duty for three (3) consecutive working days without having secured an approved leave of absence shall automatically be considered to have resigned. Similarly, any employee who fails to return within three (3) working days following the expiration of an approved leave of absence without notification of the appointing authority of the reasons shall automatically be considered to have resigned.

Automatic resignations are with prejudice. In the event of exceptional circumstances, where an automatic resignation appears to be a miscarriage of justice, the appointing authority may set aside the resignation and restore the employee to the position, or allow the employee to resign in good standing and without prejudice at the option of the appointing authority. (07/01/92)

SECTION 1003 - RE-EMPLOYMENT AFTER RESIGNATION: Any regular career person who has resigned without prejudice and in good standing after having attained career status in a class may, within one (1) year, request approval from the Personnel Director for placement of his/her name on the re-employment list. Placement shall be determined by length of previous City service in the class for which the re-employment list shall be used. (07/01/92)

Civil Service Rule X – Separation and Re-Employment

Eligibility on such re-employment list shall continue for a period of twelve (12) months. Such resigned employees shall be placed on the re-employment list as of the date the Personnel Director approves of request. The names of resigned employees on a re-employment list shall be certified to department directors in manner provided in Section 316.1(d).

Any former employee who was discharged for cause or who resigned with prejudice, shall not be eligible for re-employment to any classified position with the City of National City. (07/01/92)

SECTION 1004 - RELEASE DURING PROBATIONARY PERIOD: Any employee who is released while serving an initial probationary period has no right to appeal to the Civil Service Commission for review of such action. A promotional probationer, who had career status immediately prior to accepting promotion to the position in which he/she is serving his/her probationary period, shall have the right to return to his/her previous classification.

A probationary employee who, without fault or delinquency on his/her part, has been separated from the service or reduced in rank because of lack of work or funds, or because the class has been abolished, shall have his/her name returned for one (1) year to the re-employment list for the classification from which he/she was last certified for employment. (07/01/92)

SECTION 1005 - RELEASE AFTER TRANSFER OR PROMOTION: In case of release on during probation of an employee who immediately prior to his/her current appointment from transfer or promotion had career status in another class in the Classified Service, the employee's rights shall be as follows:

- (a) The right to return to previous classification of promoted career employee shall be as indicated in Section 408 of these Rules.
- (b) An employee who transferred to a position in a different class which required a new probationary period, may upon request, be returned to a position in his/her former class if approved by the prospective department director and the Personnel Director provided it is not necessary to lay-off or downgrade any employee with probationary or career status. This right would not be granted if the employee is terminated for cause consistent with Sections 801-810 of these Rules.

Civil Service Rule X – Separation and Re-Employment

The employee so returned shall not be required to serve another probationary period but shall forthwith resume career status. In the event the employee is not restored to his/her former class of position, he/she may, request approval of the Commission, to be placed on the re-employment list for such former class. (07/01/92)

SECTION 1006 - LAYOFF: Whenever in the judgment of the City Council, it becomes necessary to abolish or reduce the number of positions, due to lack of work, lack of funds or other economic or organizational reasons, the City Council may authorize layoffs of employees without disciplinary action or right of appeal, except as provided herein. As required by Section 45100 of the California Government Code, seniority shall be observed in effecting such a reduction in personnel and the layoffs shall be made in the following order: (Refer to Rule I for definition of seniority.)

1. All non-career (temporary) employees in the affected classifications in the same department shall be separated prior to the layoff of an acting, probationary or regular career (permanent) employee in the same classification and department. Separation in these categories of employees does not require formal layoff procedures.
2. All acting and probationary employees in the affected classifications in the same department shall be separated, transferred or downgraded as appropriate prior to the separation, transfer or downgrade of any career status employee in the same classification and department.
3. Career status employees in the affected classification shall be laid off last and according to reverse order of seniority in their career classification; if seniority in the classification is equal, total seniority in their current department shall determine the order of layoff; if seniority is still equal, total seniority in career status with the City will determine the order of layoff; if seniority is still equal, the department director will determine the order of layoff based on merit as documented in performance evaluations. Career employees subject to layoff have the right to downgrade as provided in Rule X, Section 1007.
4. A career status employee may not appeal the decision to layoff a position, but may appeal the application of this rule through the grievance procedure directly to the Civil Service Commission.

Civil Service Rule X – Separation and Re-Employment

5. Whenever the City Council authorizes a layoff of a career position in the competitive service, the incumbent employee(s) affected by this action shall be formally noticed in writing at least thirty (30) calendar days prior to the effective date of layoff.

6. Career employees who are laid off shall be placed on a recall list and shall be reinstated as funded vacancies occur according to Section 1008 below. An employee so re-instated within twelve (12) months of the layoff shall have restored any unused sick leave previously accumulated, as well as previously earned seniority. (10/03/95)

SECTION 1007 - TRANSFER OR DOWNGRADE IN LIEU OF LAYOFF: A probationary or career employee subject to layoff upon his/her written request within ten (10) calendar days of notice of layoff shall request in writing and be allowed transfer to any vacant funded position in any department for which said employee possesses the qualifications of the vacant position as determined by the affected department director and Personnel Director, provided that the employee has the most seniority according to Rule X, Section 1006, paragraph (3).

A probationary or career employee subject to lay-off upon his/her written request within ten (10) calendar days of notice of layoff shall be allowed downgrade to any lower position which the employee previously held in permanent status with the City, regardless of the seniority of the incumbents in the lower classification, and shall become the most senior employee in the lower classification for purposes of this rule. If this action displaces an employee in the lower class, the displaced employee will have the same rights to transfer and downgrade as provided herein. (10/03/95)

SECTION 1008 - RECALL AFTER LAYOFF: All probationary and career employees who have been laid off, downgraded or transferred shall have their names placed on a recall list for the classification from which they were laid off in reverse order of the order of layoff, where the last person in that class to be laid off would be the first person to be re-hired. A laid off employee on a recall list may also be offered a probationary appointment to any vacant position not previously held, which in the opinion of the director of the department where the vacancy exists, the laid off employee meets the qualifications of said position.

Civil Service Rule X – Separation and Re-Employment

Recall lists shall be maintained for a maximum of two (2) years from the date of layoff, transfer or downgrade. Certification from the recall list shall be the exclusive method of appointment until such list is exhausted by appointment, declination or term of the list. (10/03/95)

An employee who is laid off from his/her position may, if re-appointed within twelve (12) months have available for his/her necessary use any unused sick leave existing at the time of his/her lay-off. (07/01/92)

SECTION 1009 - RE-EMPLOYMENT LISTS FOR SEASONAL WORK:

DELETED (04/05/88)

SECTION 1010 - RE-EMPLOYMENT OF CANDIDATES FOR PUBLIC OFFICE: An employee may request approval of the Commission for placement on re-employment list after such employee has resigned from the Classified Service to become a candidate for or accept the nomination for a public office, and shall remain upon such re-employment list for a period of six (6) months after the date of such resignation; provided, however, if the employee is elected to public office, the Commission may, upon request of the employee, retain the name of the employee upon such re-employment list for additional periods of one (1) year each for a total period of not more than four (4) years from taking such public office. (07/01/92)

CIVIL SERVICE RULES

**RULE XI
ADMINISTRATION**

SECTION 1101 - REGULAR MEETINGS: Regular meetings of the Civil Service Commission shall be held at least once every other month starting in January of each year in the National City Civic Center or other facility convenient to the public on the second Thursday of that month and at the hour prescribed by the Commission. The Personnel Director shall publicly post notice of the meeting and the agenda in the Civic Center at least seventy two (72) hours in advance of the time of the meeting. (05/06/97)

SECTION 1102 - SPECIAL MEETINGS: Special meetings may be called by the Chairperson upon the recommendation of the Personnel Director to consider matters requiring a timely resolution in accordance with the Ralph M. Brown Act (Government Code Section 54950, et. Seq.). (05/06/97)

SECTION 1103 - MEETINGS TO BE PUBLIC: The meetings of the Civil Service Commission shall be open to the public. Closed sessions may be allowed only when in conformance with the provisions of the Ralph M. Brown Act of the State of California, or other applicable State or Federal laws. (11/21/72)

SECTION 1104 - QUORUM: Three (3) or more members of the Commission shall constitute a quorum and the concurrence of the majority of members present shall be required for any action. (11/21/72)

SECTION 1105 - MINUTES: The Secretary of the Civil Service Commission shall record in the minutes, the time and place of each meeting of the Commission, the names of the Commissioners present, all official acts of the Commission, the votes given by the Commissioners except when the action is unanimous, and when requested, a Commissioner's dissent together with his/her reasons therefor.

Civil Service Rule XI – Administration

The minutes of the open session shall be written forthwith and presented for approval or amendment at the next regular meeting. The minutes, or a true copy thereof, certified by the Chairperson of the Commission, or the presiding Commissioner, shall be open to public inspection. (11/21/72)

SECTION 1106 - RULES OF ORDER: Robert's Rules of Order (revised), except as otherwise provided herein, shall guide the Commission in its proceedings. The order of business shall be:

1. Roll Call
2. Approval of the Minutes
3. Hearings and Appeals (subject to closed session considerations)
4. Reports for File
5. Unfinished Business (subject to closed session considerations)
6. New Business (subject to closed session considerations)
7. Closed Session (when required)
8. Communications
9. Adjournment

During the Communications portion of the meeting, time shall be allotted for public oral communications at which time members of the public and staff may have a maximum of five (5) minutes to speak on items of interest to the general public.

No action may be taken by the Commission on items not on the posted agenda except as provided for under the provisions of the Ralph M. Brown Act as amended. Closed sessions will be conducted on individual personnel actions when required, in accordance with Government Code Section 54957. (05/06/97)

Civil Service Rule XI – Administration

SECTION 1107 - DUTIES OF THE PERSONNEL DIRECTOR: The Personnel Director shall, subject to the direction and approval of the Commission, act as...

- (a) **Secretary of the Commission.** He/She shall prepare an agenda for each meeting of the Commission presenting all matters requiring action or attention by that body, record and prepare the minutes of each meeting, conduct correspondence and prepare reports required by the Commission.
- (b) **Custodian of Records.** He/She shall have charge of and be responsible for the upkeep and safekeeping of Commission and personnel records, files, documents, books and other official papers.
- (c) **Official Representative of the Commission.** The Civil Service Commission hereby delegates to the Personnel Director the authority to administer, interpret and enforce these Rules and other formal policies of the Commission. Any action or decision relating to the interpretation of these Rules made by the Personnel Director may be appealed to the Civil Service Commission within ten (10) working days of the effective date of said action or decision. (11/12/91)
- (d) **Certification Official.** He/She shall certify to the appointing authority the names of persons eligible for appointment to any vacant position in the Classified Service.
- (e) **Participation at Meetings.** He/She shall have the right to participate in all discussions of the Commission, but shall have no vote.
- (f) **Examinations.** He/She shall determine which examinations are needed, and shall prepare and execute a schedule of dates for holding such examinations, and shall have charge of all matters pertaining to the preparation and conduct of examinations.
- (g) **Personnel Program.** He/She shall administer a broad program including recruitment and examination of applicants, classification of positions, salary determination, employee information and counseling, in-service training, service ratings, leaves of absence, and maintenance and development of other varied personnel standards and programs.

Civil Service Rule XI – Administration

- (h) **Forms.** He/She shall provide such forms as may be necessary to carry out the provisions of the Civil Service Rules and Civil Service Ordinance No. 1076.
- (i) **Additional Duties.** He/She shall perform any other duties assigned to him by the Civil Service Commission. (11/12/72)

SECTION 1108 - ELECTION OF OFFICERS: The Civil Service Commission shall elect one of their members to each of the offices of Chairman and Vice-Chairman in December of each year to serve a term of one (1) year.

In the event of vacancy or unavailability, the duties of the Chairman may be performed by the Vice-Chairman. In the event of vacancy or unavailability, the duties of Vice-Chairman may be performed by the most senior member of the Commission available to carryout those duties. (04/05/88)

SECTION 1109 - PERSONNEL RECORDS: Official employment records of all permanent, part-time and seasonal personnel shall be located in the Personnel Department and it shall be the responsibility of the Personnel Director to maintain these records in a current and up-to-date manner. All such employment records shall be confidential and shall not be open to public inspection or review, except as specifically authorized by the Personnel Director. Only the following information regarding any City employee may be divulged or confirmed upon request by a concerned organization, and a record of such request and its date will be placed in the employee's personnel jacket:

1. Date of Employment
2. Date of Termination
3. Position Held
4. Rate of Pay

Notwithstanding the above provisions, the Personnel Director is authorized to release any information in employment records upon written authorization by the employee in question or if required to do so by Federal or State law. (04/05/88)

CIVIL SERVICE RULES

RULE XII
RULES AND REGULATIONS

SECTION 1201 - AMENDMENT TO THE RULES: After at least five (5) calendar days notice, and after a public hearing, amendments to these Rules may be made at any meeting of the Commission. All Rules and amendments thereto shall become effective upon the date of their approval by the City Council and shall, upon such approval and adoption, be reproduced for distribution and made available for public inspection.

- (a) Amendments to the Rules of the Civil Service Commission shall be proposed in writing.
- (b) Amendments to the Rules may be proposed by any member of the Civil Service Commission, any member of the City Council, the Personnel Director, a department head, or any employee in the competitive service.
- (c) The Civil Service Commission shall notify each department of the City, the City Council, and all recognized employee associations of the time and date when consideration will be given to the proposed amendment to the Rules. (11/21/72)

SECTION 1202 - REGULATIONS AND PROCEDURES: The Commission may from time to time adopt and record in its minutes, regulations and procedures to be followed in the administration of these Rules. All such regulations and procedures shall be effective upon adoption by the Civil Service Commission. The Commission shall promptly notify persons concerned when any regulation is adopted, revised, rescinded, or suspended. A copy of the regulations shall be available for public inspection in the Personnel Office. (11/21/72)

Civil Service Rule XII – Rules & Regulations

SECTION 1203 - PRECEDENCE AND LIMITATIONS OF THESE RULES: The authority for these Rules is Section 3.08.030 of the Municipal Code of the City of National City.

These Rules are subject to all future and current applicable Federal or State laws and regulations. Also, any memorandum of understanding between a recognized employee organization and the City which is approved by the City Council shall take precedence with regard to the affected employees if in direct conflict with these Rules and within the scope of bargaining as defined under Government Code Sections 3500-3510 commonly referred to as the Meyers-Milias Brown Act.

If any part of these Rules is in conflict with the above provisions of Federal or State laws or regulations or is otherwise held to be invalid or unenforceable by a final decision of any tribunal of competent jurisdiction, such part or provision shall be suspended and superseded by such applicable law or action and the remainder of these Rules shall not be affected. (07/21/87)

The Civil Service Commission may waive provisions of these Rules on an exception basis when it appears that application of these Rules to a particular instance or situation does not serve the intent of merit principles. (07/01/92)