

CITY OF CORONADO
RULES OF THE
CIVIL SERVICE COMMISSION

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RULE I DEFINITION OF TERMS

SECTION: 1
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SECTION 1 – GENERAL TERMS

Wherever used the masculine noun or pronoun shall include the feminine. The singular shall include the plural, and the plural the singular. The word “shall” shall 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 2 of Rule 1.

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SECTION 2 – SPECIFIC TERMS

ACTIVE SERVICE – shall mean actual time worked, holidays with pay, leaves with pay, leaves without pay not to exceed fourteen (14) calendar days annually, and leaves without pay not to exceed one (1) year for which Workers' 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.

ALLOCATION – shall mean the assignment of a position to its appropriate class in relation to duties performed.

ANNIVERSARY DATE – shall mean the first of the month after the employee completes twelve (12) calendar months of service. Under normal circumstances when an employee receives a promotion, the promotion date will become the new anniversary date for the employee.

ANNUAL LEAVE – compensated leave for those eligible employees who are absent from duty because of illness, injury, death in the family, medical or dental care appointments, personal business or personal vacation. Combines the former categories of annual vacation and sick leave.

APPEAL – shall mean an application for review of a disciplinary action or dismissal submitted to the Commission by the concerned employee or his representative.

APPLICANT – shall mean a person who has filed an application to take a civil service examination.

APPOINTING AUTHORITY – shall mean the City Manager of the City of Coronado, and any other person or body to whom the City Manager may delegate the authority to appoint personnel to positions in the classified service.

APPOINTMENT – shall mean the offer to and acceptance by a person of a position either on a permanent or temporary basis. Appointment may be made by the head of the department in which they are employed subject to confirmation by the City Manager.

APPROPRIATE UNIT – shall mean a unit established pursuant to Section 7 of Rule XIII.

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

CERTIFICATION – shall mean providing to an appointing authority the names of persons who are legally qualified for consideration for appointment to a vacant position.

CITY – shall mean the City of Coronado, a municipal corporation, and where appropriate herein, “City” refers to the City Council, the governing body of said City or any duly authorized management employee as herein defined.

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 class consisting of a class title, a general statement of the level of work, of the distinguishing features of work, examples of duties, and the desirable qualifications for the class.

CLASSIFICATION PLAN – shall mean the official or approved system of grouping positions into appropriate classes.

CLASSIFIED SERVICE – shall mean all positions in the service of the City of Coronado, which are subject to the provisions of the Civil Service Ordinance creating the Civil Service System and the Rules of the Civil Service Commission.

COMMISSION – shall mean the Civil Service Commission of the City of Coronado.

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 TIME OFF (CTO) – shall mean time off from work in lieu of monetary payment for overtime work.

CONSULT OR CONSULTATION IN GOOD FAITH – shall mean to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.

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CONTINUOUS EXAMINATION – shall mean an examination which is open for filing for an indefinite period of time and which is held on a periodic basis.

CONTINUOUS SERVICE – as used in computing leaves, applies to the time a person has been employed on a permanent or limited basis, or to the continuation of employment from temporary to a permanent appointment without any break in service.

CTO – See Compensatory Time Off

DEMOTION – shall mean the appointment of an employee holding a position in one class to a position in another class having a lower maximum salary rate, or to a lower step within the same class.

DEPARTMENT – shall mean an administrative branch including a group of employees under the immediate charge of a chief executive officer of a department of the City government, which latter officer shall be known as the department head.

DISMISSAL – shall mean permanent separation from the competitive service, pursuant to all the rules and regulations of the Civil Service Commission.

ELIGIBLE INDIVIDUAL – shall mean a person who has attained a passing grade in a civil service examination and whose name appears on a current eligibility list.

ELIGIBILITY LIST – shall mean the ranking of individuals on a list of individuals established for a class, exclusive of reemployment or reinstatement lists.

EMPLOYEE – shall mean any person regularly employed by the City except those persons elected by popular vote.

EMPLOYEE, CONFIDENTIAL – shall mean an employee who is privy to decisions of City management affecting employer-employee relations.

EMPLOYEE, MANAGEMENT – shall mean:

- (a) Any employee having significant responsibilities for formulating and administering City policies and program, including but not limited to the chief executive officer and department heads; and
- (b) Any employee having authority to exercise independent judgment to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or having

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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.

EMPLOYEE, PROFESSIONAL – shall mean employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of physical, chemical, and biological scientists.

EMPLOYEE ORGANIZATION – shall mean any organization which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City.

EMPLOYER – EMPLOYEE RELATIONS – shall mean the relationship between the City and its employees and their employee organization, or when used in a general sense, the relationship between City management and employees or employee organizations.

EXAMINATION – shall mean a series of questions or problems designed to determine knowledge or intelligence and/or relative capacity of candidates to discharge the responsibilities of the class in which they are seeking employment.

EXEMPT EMPLOYEE – shall mean an employee who is exempted or who occupies a position exempted from the provisions of the Civil Service Rules.

FAIR EMPLOYMENT – shall mean that no question in any test, or in any application form, or by any appointing authority, shall be so framed as to attempt to elicit information concerning race, color, sex, ancestry, national origin, political or religious opinions or affiliations of an applicant. No appointment to or removal from a position in the competitive service shall be affected or influenced in any manner by any consideration of race, color, gender, ancestry, national origin, political or religious opinion or affiliation.

GRIEVANCE – a grievance is any dispute concerning the interpretation or application of these Rules, or of other rules or regulations governing personnel practices or working conditions or of the practical consequences of a City rights decision on wages, hours, and other terms and conditions of employment.

IMMEDIATE FAMILY – shall include the husband, wife, mother and father of both husband and wife, son, daughter, brother and sister of the employee.

IMPASSE – shall mean a deadlock in the annual (or periodic) discussions between a majority representative and the City over any matters concerning which they are required to meet and

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confer in good faith, or over the scope of such subject matter; or any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the Municipal Employee Relations Officer made pursuant to Section 10 of Rule XIII.

INTERIM APPOINTMENT - shall mean a short-term appointment made from an eligibility list.

INTERMITTENT SERVICE – shall mean City service interrupted by separation.

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

LEAVE – shall mean an approved type of absence from work as provided for by these Rules.

LONG-TERM DISABILITY (LTD) - an extended period of time during which an employee is totally disabled and unable to work as a result of an accident, injury, illness or pregnancy.

MAJORITY REPRESENTATIVE – shall mean an employee organization, or its duly authorized representative, that has been granted formal recognition by the Municipal Employee Relations Officer as representing the majority of employees in an appropriate unit.

MEDIATION OR CONCILIATION – shall mean the efforts of an impartial third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.

MEET AND CONFER IN GOOD FAITH (sometimes referred to herein as "meet and confer" or "meeting and conferring") – shall mean performance by duly authorized City representatives and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation, as defined herein, in an effort to: (a) reach agreement on those matters within the authority of such representatives, and (b) reach agreement on what will be recommended to the City Council on those matters within the decision making authority of the City Council. This does not require either party to agree to a proposal or to make a concession.

MUNICIPAL EMPLOYEE RELATIONS OFFICER – shall mean the City's principal representative in all matters of employer-employee relations designated pursuant to Section 9 of Rule XIII or his duly authorized representative.

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OPEN COMPETITIVE EXAMINATION – shall mean any examination which is open to all persons, whether employed by the City or not, who meet the qualifications and comply with prescribed requirements for admission thereto.

PEACE OFFICER - shall mean any person who comes within the provisions of Chapter 4.5 of the California State Penal code and who otherwise meets all standards imposed by law.

PERFORMANCE TEST – shall mean a test consisting of a standard task or series of tasks used to measure the relative skill or abilities of candidates required for successful performance for the duties of the classification.

PERMANENT STATUS - shall mean the satisfactory completion of one (1) year of probationary service and continuing permanent appointment.

PERSONNEL OFFICER - shall mean the person appointed by the City Manager to act as Secretary to the Civil Service Commission, to administer the activities of the Personnel Department and to exercise general supervision over the employment policy of the City subject to the direction of the Commission.

PHYSICAL AGILITY TEST – shall mean a test used to measure the strength, stamina, or dexterity of candidates required for successful performance for the duties of the classification.

POLICE RESERVE CLOSED COMPETITIVE EXAMINATION – shall mean an examination which is available only to City of Coronado Level I Reserve Police Officers and given for the purpose of establishing a list for Police Officers from which to certify individuals.

POSITION – shall mean any specific office or employment, 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 an employee is required to demonstrate his fitness by the actual performance of the duties and responsibilities of his position and during which he may be terminated without right of appeal to the Civil Service Commission.

PROBATIONARY STATUS - shall mean service under permanent appointment prior to completion of one (1) year of probationary service.

PROBATIONER - shall mean any employee in the Classified Service who is serving a probationary period after permanent appointment.

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PROMOTION – shall mean appointment of a City employee holding a position in one class to a position in another class having a higher maximum salary.

PROMOTIONAL EXAMINATION – (closed, promotional) – shall mean a competitive examination which is available only to the employees of the City and given for the purpose of establishing a list or a designated list from which to certify individuals for promotion.

PROVISIONAL APPOINTMENT – shall mean an appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of an available reemployment, reinstatement or eligibility list; any non-permanent appointment, other than a seasonal, part-time or emergency appointment, which is not made from a reemployment, reinstatement or eligibility list.

PUBLIC NOTICE – shall mean giving notice either by posting or by publication or both. If notice is given by posting, then posting the notice in the City Hall of the City of Coronado at some location accessible to the public during business hours shall be sufficient. If notice is given by publication, then one (1) insertion of the notice in a newspaper of general circulation printed and published in the county shall be sufficient.

RECOGNIZED EMPLOYEE ORGANIZATION – shall mean an employee organization which has been acknowledged by the Municipal Employee Relations Officer as an employee organization that represents employees of the City. The rights accompanying recognition are either:

- (a) Formal Recognition – which is the right to meet and confer in good faith as the majority representative in an appropriate unit; or
- (b) Informal recognition – which is the right to consultation in good faith by all recognized employee organizations.

REEMPLOYMENT LIST – shall mean a list of former employees who, upon resignation, request placement on said list.

REEMPLOYMENT LIST, SEASONAL – shall mean a list of former employees who have served satisfactorily in a seasonal position.

REINSTATEMENT LIST – shall mean a list of former permanent employees who were laid off or demoted in lieu of being laid off.

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RESIGNATION – shall mean the voluntary separation, other than by retirement, of an employee from his position.

RESOLUTION – shall mean, unless the context indicates otherwise, the Employer-Employee relations Resolution of the City of Coronado.

REVERSION – shall mean the change of an employee from one class to another class in which he formerly had a permanent appointment.

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

SALARY RANGE – shall mean one (1) or more, but commonly five (5) specific pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class.

SALARY RATE – shall mean a specific dollar amount, expressed as either an annual rate, a monthly rate, a semi-monthly rate, a bi-weekly rate, or an hourly rate, as shown in the compensation plan of the City.

SALARY STEP – shall mean the location of salary rate within a salary range, as identified by a letter of the alphabet.

SEASONAL POSITION – shall mean any position in the classified service which requires or is likely to require the services of an incumbent during certain parts of each year, or recurring annually or other periods.

SEPARATION – shall mean voluntary or involuntary termination of employment in the Classified Service.

SCOPE OF REPRESENTATION – shall mean all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment. Rule XIII, (Section 2) – CITY RIGHTS are excluded from the scope of representation except to the extent the exercise of such rights impact any matter within the scope of representation.

SUSPENSION – shall mean a temporary enforced leave with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

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TEMPORARY APPOINTMENT – shall mean an interim or non-permanent appointment made for short-term employment.

TIME EMPLOYED – shall mean actual time worked, holidays with pay, leaves with pay, and leave without pay not to exceed one (1) year for which Workers' Compensation is paid. It shall also include Saturdays, Sundays or other regular days off which are immediately preceded or immediately followed by other time worked.

TRANSFER – shall mean the appointment of an employee in a class from one department to another department in the City.

UNIT – FIRE UNIT – shall mean the appropriate unit, which has been established to represent the employees in classifications in the City's fire service pursuant to Section 7 of Rule XIII.
MID-MANAGEMENT UNIT – shall mean the appropriate unit, which has been established to represent employees in mid-management classifications pursuant to Section 7 of Rule XIII.
POLICE UNIT – shall mean the appropriate unit, which has been established to represent the employees in classifications in the City's police service pursuant to Section 7 of Rule XIII.
PUBLIC WORKS AND GOLF UNIT – shall mean the appropriate unit, which has been established to represent employees in classification of the Public Works and Golf Course pursuant to Section 7 of Rule XIII.

UNCLASSIFIED SERVICE – shall mean the positions as set forth in Rule II, Section 4, which are exempt from the provisions of the Civil Service Rules unless provision is made to the contrary by the City Council.

UNREPRESENTED EMPLOYEE – relates to those employees who are not represented in an employee group, which has been formally or informally recognized by the City of Coronado.

WORK DAY – shall mean the scheduled number of hours an employee is required to work per day.

CIVIL SERVICE RULES

RULE II CLASSIFICATION OF POSTIONS

SECTION: 1

Revision Date: February, 1983

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SECTION 1 – 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 of all duties performed. The listing of particular examples of duties do not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and for use in determining the relative value of positions in one class with positions in other classes.

Qualifications commonly required of all employees, such as good physical condition, freedom from disabling defects, citizenship, 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.

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RULE II CLASSIFICATION OF POSTIONS

SECTION: 2

Revision Date: February, 1983

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SECTION 2 – 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 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 qualifications such as skills, knowledge and abilities required to perform the work.

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RULE II CLASSIFICATION OF POSTIONS

SECTION: 3

Revision Date: February, 1983

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SECTION 3 – ALLOCATION OF POSITION 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.

When a position necessarily includes duties and responsibilities of two (2) or more classes, the Commission may in its discretion:

- (a) Allocate the position in accordance with the duties and responsibilities which occupy the major part of the working time; or
- (b) Allocate the position in accordance with the highest essential group of duties and responsibilities of the position; or
- (c) With the concurrence of the appointing authority divide the position into two (2) or more part-time positions.

The Personnel Officer 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 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.

The personal qualification, ability or performance of an employee occupying a position shall not be a criterion for classifying his 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.

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RULE II CLASSIFICATION OF POSTIONS

SECTION: 4

Revision Date: September, 1997

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SECTION 4 – EXEMPT POSITIONS

The provisions of the Civil Service Rules shall apply to all employees in the Classified Service. All unclassified positions as delineated in the Salary Resolution are exempt from the provisions of the Civil Service Rules, unless provision is made to the contrary by the City Council, shall be considered as non-classified employees.

The City Attorney, members of appointed Boards, Commissions and Committees, persons engaged under contract to supply expert, professional, technical or other services for a limited period of time and persons employed by the City on a part-time/hourly basis are also exempt from provisions of the Civil Service Rules.

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RULE II CLASSIFICATION OF POSTIONS

SECTION: 5

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SECTION 5 – 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. Other job or working titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

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RULE II CLASSIFICATION OF POSTIONS

SECTION: 6

Revision Date: September, 1997

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SECTION 6 – 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 request for review of a class specification or allocation of a position by request of the incumbent shall be made to the appointing authority. The appointing authority may deny the request or make a written recommendation to the City Manager for review and decision. The decision by the City Manager will be final. The City Manager may, but need not refer the issue to the Commission.

CIVIL SERVICE RULES

RULE III COMPENSATION

SECTION: 1

Revision Date: May, 1990

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SECTION 1 – THE COMPENSATION PLAN

The Compensation Plan of the City of Coronado has the following characteristics:

- (a) Each salary range consists of five (5) or more steps.
- (b) The increase from one step to the next step in each salary range is five (5) percent.

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 recommendations of his/her supervisor and 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 steps of the salary range.

The steps of the salary range shall be interpreted and applied as follows in conjunction with Section 5 of this rule. Salary steps are incentive adjustments to encourage an employee to continue to improve his/her work:

- (1) The "A" step is the minimum rate for most of the classifications and will normally be the hiring rate. Some classifications may have an expanded salary range with the minimum rate lower than Step "A." These classifications shall be so noted in the annual compensation plan and an explanation shall be provided indicating the time period of satisfactory service that is required prior to advancement within the range.

Appointment may be made to other than the normal entering salary step upon recommendation of the department head and upon the approval of the City Manager, when it is decided that such action is in the best interests of the City as set forth in Section 4 of this Rule.

- (2) The "B" Step: Six (6) months or 1,040 hours of satisfactory service normally shall make an employee eligible for consideration for this salary advancement. This salary advancement shall be made only if recommended by the department head and if approved by the City Manager.
- (3) The "C" Step: Six (6) months or 1,040 hours of satisfactory service at the second salary step normally shall make an employee eligible for consideration for this salary advancement. This salary advancement shall be made only if recommended by the department head and if approved by the City Manager.

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- (4) The "D" Step: One (1) year or 2,080 hours of satisfactory service at the third step normally shall make an employee eligible for consideration for this salary advancement. This salary advancement shall be made only if recommended by the department head and if approved by the City Manager.
- (5) The "E" Step: One (1) year or 2,080 hours of satisfactory service at the fourth step normally shall make an employee eligible for consideration of this salary advancement. This salary advancement shall be made only if recommended by the department head and if approved by the City Manager.

All rates shown, 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 these ranges.

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

The provisions of this rule are based upon the salary schedules adopted by the City Council.

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SECTION 2 – 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 at which each employee shall be paid beginning the effective date of a change of the salary range for his/her class or position:

- (a) If the salary range is raised, the step at which the employee will be paid shall not be affected thereby.
- (b) If the salary range is lowered, the employee shall be paid at the rate in the new range which is the same as the rate at which he/she was paid in the former range. However, if no rate is the same, he/she shall be paid the next higher rate in the salary range. If the maximum rate of the new range is lower than the employee's salary in the former range, he/she may, pursuant to Section 3, be paid at the "Y" rate.

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SECTION 3 – "Y" RATE

Step Y of the salary range for any class is hereby defined as any rate of pay in excess of Step E of the range for the class. An employee shall be paid at Step Y solely under one of the following two conditions:

- (a) Upon the reduction of the salary range for a class, an employee having other than provisional status who immediately prior to the reduction of the salary range was paid at a higher rate for such class, then 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 is reclassified from a class in which he/she has acquired permanent status to a class with a lower salary range may at the discretion of the Commission continue to receive the same rate of pay or may have his/her salary reduced.

In the event of an increase in the salary range applicable to a class, any employee who immediately prior to the increase has been paid at Step Y shall receive no increase unless the increased salary for employees at Step E for the class exceeds the salary being paid to him/her, in which case he/she shall be paid at Step E.

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SECTION 4 – NEW APPOINTMENTS

All new appointments shall be made at Step A of the salary range prescribed for the class, with the following exceptions:

- (a) Prescribed Entrance Steps: The first step shall normally be at the hiring rate. Appointments may be made to other than the normal entering salary step upon the recommendation of the department head and upon the approval of the City Manager, when it is decided that such action is in the best interest of the City. 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; and the hiring problems of the particular job.
- (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 the salary rate next above that at which he/she would have 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 appointment to the new class.
- (c) Different Class at Same Level: Upon appointment to a class which has the same salary range as the class in which he/she is already employed, an appointee may on recommendation of the department head and with the approval of the City Manager be paid at the same salary as that at which he/she would have been paid if he/she had remained in his/her former class.
- (d) From Reemployment List: An employee who is appointed from a reemployment list may on the recommendation of the department head 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 position.
- (e) From Reinstatement List: An employee who is appointed from a reinstatement 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 if his/her lay-off had been postponed thirty-two (32) days.
- (f) Former Non-Permanent or Temporary Employees: The salary step for any person newly appointed from an eligibility 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 6 of this Rule and subject to approval by the City Manager.

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SECTION 5 – NORMAL ADVANCEMENT WITHIN RANGE

Permanent or Permanent Part-Time Appointments

(a) Every employee who holds a permanent, part-time appointment to a full time or part-time position upon written recommendation of the appointing authority, subject to approval of the City Manager, shall advance to the next step within the salary range for his/her class on the first day of the succeeding pay period after completion of:

Six (6) months or 1,040 hours at Step A, or

Six (6) months or 1,040 hours at Step B, or completion of probationary period (whichever occurs later), or

Twelve (12) months or 2,080 hours at Step C, or

Twelve (12) months or 2,080 hours at Step D, or

Twelve (12) months or 2,080 hours at Step E, if the classification is eligible as provided in the salary resolution for Step F, or

Twelve (12) months or 2,080 hours at Step F, if the classification is eligible as provided in the salary resolution for Step G.

An employee who enters at other than the entrance step shall complete his/her probationary period prior to being eligible for a step increase in salary.

If said salary step increase is not granted at the designated time, a period of time not to exceed two (2) months shall elapse when said increase shall be reviewed.

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 the employ of the City.

(b) The Commission may in its discretion permit time served in a class at a lower range than the current appointment, prescribed pursuant to Section 4 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.

(c) Service shall include active service, periods of any paid leave, periods of unpaid leave for which Workers' Compensation is paid, and military leave with or without pay.

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- (d) The following periods of time shall be disregarded and not counted: all leaves without pay and layoffs in excess of thirty-one (31) days; all periods of service prior to resignation after permanent appointment; all service in a class prior to removal for unsatisfactory service in such class.
- (e) On recommendation of the City Manager, the Commission may approve other periods of employment as service for the purpose of this section.
- (f) An employee who is promoted shall receive no less than five (5) percent increase in base vs. actual pay.

Seasonal and Temporary Hourly Appointments

Every employee who holds a seasonal, or temporary hourly appointment to a full-time or part-time position upon written recommendation of the appointing authority, subject to the approval of the City Manager, shall advance to the next step within the salary range for his/her class on the first day of the succeeding pay period after completion of:

Six (6) months cumulative service and 390 hours at Step A, or
Six (6) months cumulative service and 390 hours at Step B, or
Twelve (12) months cumulative service and 780 hours at Step C, or
Twelve (12) months cumulative service and 780 hours at Step D, or
Twelve (12) months cumulative service and 780 hours at Step E, or
Twelve (12) months cumulative service and 780 hours at Step F.

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SECTION 6 – SPECIAL ADVANCEMENT WITHIN RANGE

Under exceptionally compelling circumstances, and upon recommendation of the appointing authority and the approval of the City Manager an employee may be granted a special advancement to a salary step beyond the step specified or sooner than specified in Section 5 of this Rule. The Civil Service Commission shall be notified of the compelling reasons any time a special advancement within a range is given.

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SECTION 7 – TEMPORARY EMPLOYMENT ABOVE REGULAR ENTRANCE STEP

Upon request of the appointing authority, the City Manager may authorize the payment of a non-permanent or a temporary appointee at any step within the salary range for the class. The Commission will be notified anytime a temporary employee is hired above the regular entrance step.

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SECTION 8 – COMPUTATION OF SALARY EARNED

(a) Pay period as referred to in these rules is defined as a period of fourteen (14) days commencing on a Saturday morning and ending on a Friday night. The rate for a pay period shall be computed from the monthly salary specified in the salary resolution as follows:

(1) Multiply the monthly rate of pay by 12;

(2) Divide the result by 26 to arrive at the bi-weekly pay rate.

(b) The amount of salary earned for less than a complete pay period shall be computed as follows:

(1) Divide the bi-weekly pay rate by the scheduled bi-weekly hours. This provides an hourly rate of pay and such computation shall be carried out to the fourth decimal place.

(2) Multiply the hourly rate by the hours worked during the pay period.

For the purpose of the computation in this section, "hours worked" shall include legal holidays; periods of leave with pay; and time off in compensation for overtime worked.

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RULE III COMPENSATION

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Revision Date: May, 1990

SECTION 9 – WORK WEEK

All compensation prescribed herein is based on the full-time month 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.

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RULE III COMPENSATION

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SECTION 10 – EXTENDED WORK WEEK

When the needs of the City require it, and upon the advance request of the appointing authority and recommendation of the City Manager and approval of the City Council, full-time employees, other than those paid at special salary rates, or department heads who are required to work an extended work week for a period of thirty (30) days or more, may be compensated at the rate of one (1) salary range above that set for the class for every two (2) hours a week they are required to work in excess of their normal work week. The monthly salary rate of any employee regularly paid at Step Y shall, during employment on an extended work week basis, remain unchanged or shall be the rate he would receive if his regular salary were at Step E, whichever is higher.

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RULE III COMPENSATION

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Revision Date: January, 1996

SECTION 11 – OVERTIME

The smallest unit of time credited as overtime shall be one-quarter of an hour. Overtime worked that is less than one-quarter of an hour shall be credited as one-quarter of an hour. All overtime worked shall be rounded upward to the nearest quarter of an hour. The overtime credit must be for work definitely ordered or approved by the appointing authority or his/her designated representative. The department head shall provide the Personnel Officer with a record of each instance of authorized overtime worked, stating the reason therefore and by whom authorized; and also the date and duration of each instance when overtime is allowed.

Overtime shall be compensated for in the following manner for Self-Represented employees:

- (a) Time and one-half for all overtime actually worked in excess of forty (40) hours in a work week. In calculating overtime, actually worked hours includes hours for paid holidays as defined by Civil Service Rule VI, Section 3, but does not include floating holidays. All overtime shall be payable in cash or compensatory time off at the request of the employee and with the approval of the appointing authority.
- (b) The appointing authority may order an employee to perform emergency overtime work following completion of a regular shift. All employees who are so ordered to perform emergency overtime work and who have been called back to duty after the completion of a regular work shift shall be paid at one and one-half times their base rate for a minimum of two (2) hours, provided that there does not exist a state of emergency proclaimed by the City Council or the Mayor. The two (2) hour minimum will not apply when the emergency overtime is worked as an extension of the regular work shift. Records of all such overtime shall be submitted concurrently with the affected pay period. Records of authorized overtime worked and reimbursement shall be maintained by the Personnel Officer.
- (c) All represented employees shall be compensated for overtime required to be performed per Memorandums of Understanding between the City of Coronado and their respective associations.

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RULE III COMPENSATION

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Revision Date: May, 1990

SECTION 12 – LONGEVITY PAY

Employees with twenty (20) years service uninterrupted by a break in service shall be granted a five (5) percent step increase at the discretion of the department head and with the approval of the City Manager. Such five (5) percent increase may be withdrawn in the interests of the City at the discretion of the City Manager. For the purpose of this section, "service" shall be defined in Rule III, Section 5 (c).

Employees employed in classification represented by the Fire Unit shall be eligible for longevity pay under this rule only if the employee has attained fifteen (15) or more years of continuous, active service as of June 30, 1977.

Employees employed in classifications represented by the *Mid-Management Unit shall be eligible for longevity pay under this rule only if the employee has attained fifteen (15) or more years of continuous active service by June 30, 1977.

- * Administrative Assistant
- Assistant Fire Chief
- Fire Marshall
- Golf Course Supervisor
- Assistant to the Public Works Director
- Public Works Superintendent
- Public Works Supervisor/Maintenance
- Public Works Supervisor/Parks
- Public Works Supervisor/Services

Employees employed in classifications represented by the Police Unit who are hired after July 1, 1978, shall not be eligible for longevity pay.

Employees employed in classifications represented by the Public Works and Golf Unit and general unrepresented employees shall not be eligible for longevity pay under this rule excepting those employees who are eligible for it on August 1, 1977.

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RULE III COMPENSATION

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Revision Date: May, 1990

SECTION 13 – NEEDS IMPROVEMENT SERVICE RATING

An employee that has not been designated as a professional or middle-management employee in the annual compensation plan receiving a "Needs Improvement" service rating for any of the following: quantity, quality, work habits, job knowledge, personal traits, adaptability or supervisory ability may be subject to reduction in compensation upon the recommendation of the appointing authority and the City Manager and upon the approval of the Civil Service Commission, or similarly, may be subject to dismissal from the classified service pursuant to the Rules of the Civil Service Commission. The salary of a designated professional or middle-management employee shall be determined by the method prescribed in Section 1 of this Rule.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 1
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Revision Date: June, 1988

SECTION 1 – EXAMINATION ANNOUNCEMENT

The Personnel Officer shall call for open competitive, closed promotional examinations, or Police Reserve Closed Competitive examinations to fill vacancies in the Classified Service or to provide eligibility lists for classes of positions where vacancies are likely to occur in the near future. Any determination that an examination with promotional potential is to be open shall be reviewable, upon request by the affected individuals, by the Civil Service Commission. A request by the affected individuals must be made at the time the Personnel Officer presents to the Commission his decision with regard to the examination.

The Personnel Officer shall issue an examination announcement which shall include:

- (a) The title, class description, and rate of pay; and
- (b) The period during which applications may be officially received by City, such period to be for at least ten (10) calendar days in the case of open examinations; and
- (c) A statement of the type of examination to be given and the relative weights of the major portions of the examination; and
- (d) Any special medical or physical requirements or any specific qualifications as to education, training, and experience or any licenses, certificates or other evidence of training or competency which may be required of applicants; and
- (e) The restrictions as to previous service in the case of promotional examinations, and as to age, sex or residence (if there be such restriction) in the case of open examinations, and as to other qualifications if there be such.

Such examination announcement shall be publicly posted during the entire period that applications for the examination are being accepted. The Personnel Officer shall make an effort to bring the announcement to the attention of interested and qualified persons.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 2
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Revision Date: February, 1983

SECTION 2 – FILING OF APPLICATIONS

No person shall be admitted to an open or promotional examination unless he shall have prepared and filed an application for said examination upon the prescribed form. The applicant shall certify to the correctness of all statements made in his application. Applications must be filed with the Personnel Officer not later than the final filing date stated in the public notice of the examination. The date of receipt of applications by the Personnel Officer shall be endorsed thereon. The names of applicants shall not be disclosed to the public without the express permission of the Commission. All applications, whether accepted or rejected, shall not 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 Officer.

- (a) RESIDENCE – No requirement or Rule shall be adopted by the Civil Service Commission, the City Council, or any appointing authority, either written or unwritten, as a qualification for competing in any open or promotional examination in the Classified Service, nor shall any residence restrictions of any type of kind be placed on any employee subsequent to his appointment to a position in the Classified Service.
- (b) AGE - No requirement or Rule shall be adopted fixing either the minimum or maximum age limit for any Civil Service examination and no Rule shall declare that age shall be considered to be a minimum qualification for any City employee in the Classified Service. Any person possessing all of the minimum qualifications for the position shall be eligible to take any Civil Service examination, regardless of his age, and neither the Civil Service Commission, the City Council, nor any appointing authority shall adopt any rule, either written or unwritten, prohibiting the employment of any person in the Classified service solely because of his age, provided that he is otherwise qualified for such employment.

The provisions of this Rule are subject to the following exceptions:

- (1) This Rule does not authorize the employment of any person who has reached the retirement age prescribed by the Public Employees' Retirement System; and the employment of any person while he is receiving a retirement allowance under the Public Employees' Retirement System, by reason of prior City service, is hereby prohibited.
- (2) Nothing contained in this Rule shall prevent the Civil Service Commission from fixing the minimum and maximum age limits for the employment of Police Officers and Fire Fighters.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 3

Revision Date: May, 2001

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SECTION 3 – COMPETITION

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 open, competitive examination, provided that they are not barred for cause by the provision of these Rules.

No person, after having once failed a portion of any examination, will be permitted to be an applicant for the same position within a six (6) month period after the date of his or her failure, unless otherwise authorized by an official action of the Commission. Also, no applicant who has failed a Computerized Voice Stress Analyzer (CVSA), a polygraph, psychological or background test administered following an examination will be permitted to be an applicant for the same position within a twelve (12) month period after the date of his or her failure, unless authorized by official action of the Commission.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 4
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Revision Date: February, 1983

SECTION 4 – SPECIAL QUALIFICATIONS

In application for examinations for positions which are scientific, professional, or technical, or for positions, the duties of which require special qualifications, the Commission or Personnel Officer 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. The Personnel Officer 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 licenses may be prescribed in the public notice of the examination.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 5

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SECTION 5 – DISQUALIFICATION

The Personnel Officer may refuse to examine an applicant, or the Commission may, after examination, refuse to certify an individual on the eligibility list or reemployment or reinstatement list who:

- (a) Is found to lack any of the established preliminary requirements for the position for which he applies; or
- (b) Is unable to meet the physical, mental, or psychological qualifications for the position to which he seeks appointment; or
- (c) Is addicted to the habitual or excessive use of intoxicating beverages; or to the use of morphine, cocaine, or other addicting or hallucinating drugs as defined by the Federal Food and Drug Administration and/or State of California Statutes; or
- (d) Has been convicted of a criminal offense which either has frequency, recency or relevancy to the position; 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 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 application or examination; or in securing his eligibility or appointment; or
- (i) Has violated any provision of, Section 2.84.190, entitled "Fraud in Employment," of the Municipal Code of the City of Coronado.

Any of the foregoing disqualifications shall be deemed sufficient cause to exclude such applicant from examination, or to remove such individual from any eligibility, reemployment, or reinstatement list, or from the Classified Service after appointment; provided however, that whenever any applicant is excluded from any examination, or his application is rejected, or his name stricken or erased from any eligibility list for any of the causes enumerated in this Rule, he shall be so notified in writing and may, by petition within five (5) working days of the date of his 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 within thirty (30) calendar days.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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Revision Date: February, 1983

SECTION 6 – SPECIAL EXAMINERS

All examinations shall be conducted under the direction of the Personnel Officer, and he may designate and appoint special examiners to personally conduct any part of an examination. Notice of such appointment of special examiners shall be entered in the Minutes of the meeting of the Commission.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 7
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Revision Date: February, 1983

SECTION 7 – EXAMINATION CONTENT

Examinations shall be practical in their character, and shall relate to such matters as will test fairly and practically the ability of each applicant to fulfill the requirements of the position to which he seeks to be appointed. An examination may be in any one (1) 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 question relating to race or pertaining to political affiliation or religious faith shall be asked of any applicant.

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.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

SECTION: 8
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Revision Date: February, 1983

SECTION 8 – PROMOTIONAL EXAMINATIONS

Whenever an examination is to be held to establish an eligibility list for any class, the Personnel Officer shall determine whether it is to be a closed promotional or an open competitive examination. Any determination that an examination is to be open shall be reviewable, upon request by affected individuals, by the Commission. A request by affected individuals must be made at the time the Personnel Officer presents to the Commission his decision with regard to the examination. When a closed promotional examination is given it shall be open only to employees then employed in the classified services who have attained permanent status.

A closed promotional examination may be given when there are one (1) or more eligible candidates for the position. All closed promotional examinations must be comprehensive so as to adequately test the candidate's skills, knowledge and abilities for promotion to the higher class.

The provisions of Rule IV, Section 5 shall also apply to closed promotional examinations.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 9 –SERIES EXAMINATIONS

A series of open examinations for the same class of positions may be announced by a single notice as provided in Section 1 of this Rule.

Such examinations may be administered from time to time as applicants are available or as appointments are necessary. The names of all applicants who qualify in any examination of the series shall be placed on one (1) eligibility list in the order of their final grades regardless of the examination dates. Each name shall be removed from such eligibility list one (1) year after the date of promulgation by the Civil Service Commission unless the Commission, by unanimous vote, extends the period.

CIVIL SERVICE RULES

RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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Revision Date: February, 1983

SECTION 10 – ORAL EXAMINATION BOARDS

Whenever a Civil Service Examination includes as a part thereof, an oral examination, the Personnel Officer 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.

Employees of the City of Coronado may be appointed to serve on such boards, provided that said employees shall not constitute the sole membership of any such board, nor shall any such employee be an officer or employee in the same department as any other City employee who is a candidate for promotion through said examination.

No member of the Council nor any member of his household, nor any partner of a Council member shall be appointed to serve upon such examining board.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 11 – EXAMINATION GRADES

Unless otherwise provided in notices published prior to the holding of the examination, applicants shall be graded on a scale in which 100 represents the highest degree of competency which can reasonably be expected and 70 represents the lowest acceptable degree of competency. A minimum grade in any specifically named subject, below which any grade attained shall disqualify the applicant in the entire examination, may be established by announcing such required minimum grade in the examination notice.

In examinations composed of several tests which are graded independently, weights shall be assigned 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 products 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 eligibility list, except where additional credit is allowed veterans or City employees as may be prescribed by State Law, by Ordinance of the City Council, or by these Rules.

An applicant who has failed in any one (1) portion or test in the examination process shall be considered as having failed in the entire examination.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 12 – PROMOTIONAL CREDIT

Any employee in the Classified Service whose efficiency rating is satisfactory, who has attained permanent status therein and has not separated from the service thereafter, and who enters any competitive Civil Service examination shall be given a preferential credit of five (5) points, which credit shall be added to his final grade on such examination. Such preferential credits shall be applied only if the employee makes a passing grade in all parts of the examination, whether open or promotional.

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SECTION 13 – VETERANS' PREFERENCE

In every original or entrance level examination, the Civil Service Commission shall, in addition to all other credits, give credit of five (5) percent of the maximum rating prescribed for such examination to any applicant, male or female, who has attained a passing grade in such examination and who has within five (5) years prior to the date of establishment of the eligibility list been honorably discharged, released, or retired from active military service in the United States Armed Forces and whose last continuous period of such military service was at least in part during a war as now defined by Section 205 of the Revenue and Taxation Code of the State of California.

Such five (5) percent credit shall also be given to the spouse of any person who has been engaged in such service and has service-connected disability to such an extent as to prevent him from engaging in any remunerative occupation; and also to the widow of any person who has been engaged in such services, and to the surviving spouse of any person who dies while in such service.

An additional five (5) percent, or total of ten (10) percent credit shall be given in any such examination to any applicant, male or female, who has been engaged in such service and has been honorably discharged or retired therefrom if such applicant has service-connected disability which has either been duly established pursuant to Federal law as a ten (10) percent greater disability, or has resulted in a disability retirement.

Any applicant seeking the benefits of this section shall first attain a passing grade in such examination in order to receive any such credits. Any applicant seeking the benefits of this section must submit proof of his eligibility at the time of application or at a later date if the Personnel Officer shall find that the promulgation of the eligibility list will not be delayed thereby.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 14 – NOTICE OF RESULTS OF EXAMINATIONS

When the rating of an examination has been completed and the eligibility list established, each applicant shall be notified by mail of the result of his examination including, when successful, his final grade and his relative position upon the eligibility list.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 15 – ELIGIBILITY LISTS

- (a) Order of Names: Candidates who attain the required standard in an examination shall have their names placed on the applicable eligibility list in order of relative final grades.

Candidates may be placed on an eligibility list for training level job classes (Maintenance Worker I) on an unranked basis. In such instances, the Department Head will review the qualifications of all persons on the Eligibility List and select a group to interview for final consideration.

- (b) Promulgation: Promulgation of eligibility lists shall be by the Personnel Officer. In the event that it is the Personnel Officer's decision not to promulgate a list, he/she will advise the Civil Service Commission which may nullify or revise the eligibility list and, if it deems advisable, revoke any certification of those eligible or any appointment already made.
- (c) Duration of List: An eligibility list shall be in effect from the date on which it is promulgated and shall remain in force six (6) months. The Personnel Officer may extend the list for an additional six (6) months. The Civil Service Commission, upon the request of the Personnel Officer, may extend the eligibility list for an additional period not to exceed one (1) year.
- (d) Abolishing a List: The Commission may, by unanimous vote, abolish an eligibility, reemployment, or reinstatement list, upon finding that there has been fraud or collusion affecting the eligibility list, or for reason of unsuitability of examination. The reason for abolishing a list shall be specifically set forth in the minutes of the Commission.
- (e) Removal of a Name From List: The Personnel Officer may remove a name from an eligibility, reemployment, or reinstatement list for any reason set forth in Rule IV, Section 5, or failure to respond to notice of certification mailed to his/her last known address, and may remove a name for any other cause.

The reason for such action shall be set forth to the Commission. Any existing employee whose name is removed from a promotional or other eligibility list shall be entitled to appeal such action to the Commission, which may take such action as it deems appropriate. The Commission's action shall be final and binding. Any existing employee whose name is removed from a promotional or other eligibility list shall be notified by regular mail of such removal.

Upon resignation or discharge of an employee his/her name shall be removed automatically from any promotional eligibility list on which it may appear and all promotional credits granted shall be removed from any eligibility list on which his/her name appears. An

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employee who is discharged for cause, or who resigns under charges, shall have his/her name removed from any eligibility list on which it may appear.

A permanent City employee shall be allowed three (3) waivers before his/her name is removed from an eligibility list. An eligible individual's name shall be removed from an eligibility list if he/she waives appointment three (3) times. A non-employee shall be allowed one waiver before his/her name is removed from an eligibility list.

Failure of an eligible individual to reply to a certification notice shall result in his/her name being removed from the eligibility list. Such individual will not be given further consideration unless reasons presented for failure to comply with the requirements of this rule meet with the approval of the Commission.

- (f) Inactive Status: Any non-employee on a current eligibility list may become inactive by submitting a written request statement to the Personnel Officer requesting his/her name not be certified for a specified period of time not to exceed three (3) months. Permanent City employees may become inactive on a reinstatement, reemployment, or eligibility list by following this same procedure.
- (g) Change of Address: Applicants or former employees whose names are placed upon an eligibility list, reemployment, or reinstatement list shall notify the Personnel Officer of any change of address while their names are on such list, or while they are employed by the City. Failure on the part of an eligible individual to notify the Personnel Officer of any change in his/her name or address while his/her name remains on a list shall result in his/her name being removed from the list. Such individual will not be given further consideration unless reasons presented for failure to comply with the requirements of this rule meet with the approval of the Personnel Officer.
- (h) Series Examination: A series of open competitive examinations for the same class of positions may be announced by a single notice as provided in Section 1 of this Rule. Such examinations may be administered from time to time as applicants are available or as appointments are necessary. The names of all applicants who qualify in any examination of the series shall be placed on one (1) eligibility list in the order of their final grades regardless of examination dates. Names shall be removed from such eligibility list six (6) months after the dates of promulgation unless the Commission, by unanimous vote, extends the period not more than one (1) additional year.
- (i) Merging of Lists: Two (2) or more eligibility lists for a class may be merged by placing the names on such lists in the order of their final grades. Those eligible shall be notified of their standing on the merged lists.

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SECTION 16 – REVIEW AND APPEAL

Except in the situation where a commercial standardized test is used or an examination booklet 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 Officer 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. They may, at that time, register objections to any questions and answers they believe to be unfair or incorrect. The Personnel Officer may remove such questions or make such alterations in the key as he deems justified. Within ten (10) calendar days after receiving notice of results of his examination, any candidate may, with the approval of the Personnel Officer, review his examination papers to determine if there were any errors in the scoring of his answer sheet. The rating of the applicant may be adjusted accordingly by the Personnel Officer subject to the approval of the Commission.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 17 – MEDICAL EXAMINATIONS

The Commission may establish medical and physical standards for the various classes of positions in the Classified Service. Each applicant or eligible individual shall be required to meet the medical and physical standards prescribed by the Commission and shall be required to take a medical and physical examination to determine whether or not he meets such standards; provided, however, that the Personnel Officer 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 examinations. If the applicant or eligible individual is found by a designated physician not to meet the prescribed standards, his name shall be:

- (a) withheld from placement on the eligibility list by the Personnel Officer, or
- (b) removed from the eligibility list by the Personnel Officer, subject to the appeal rights described in Rule IV, Section 15, page 15, or
- (c) withheld from certification by the Personnel Officer until the eligible individual does meet the required standards unless waiver of medical and physical standards is granted by the Commission.

The City Manager or Personnel Officer may require re-examination of any temporary or permanent employee to determine whether they possess the required physical fitness for the present or prospective duties of their classification.

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RULE IV APPLICATIONS, EXAMINATIONS & ELIGIBILITY LISTS

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SECTION 18 – MILITARY SERVICE COUNTED AS EXPERIENCE

Any officer or employee who resigned or was granted a military leave 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 left for military duty. The Commission may in its discretion allow all, part or none of such military service to be so counted as experience for the purpose of meeting entrance requirements for an examination.

CIVIL SERVICE RULES

RULE V CERTIFICATION AND APPOINTMENT

SECTION: 1
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Revision Date: February, 1983

SECTION 1 – REQUEST FOR CERTIFICATION

Whenever an appointment is to be made, the appointing authority shall request certification of those eligible from the Personnel Officer. The certification request should specify the title of the position, the number of positions to be filled, date work is to commence, duration of employment, location of employment, and the name of the person, if any, last occupying the position.

CIVIL SERVICE RULES

RULE V CERTIFICATION AND APPOINTMENT

SECTION: 2

Revision Date: July, 1986

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SECTION 2 – CERTIFICATION PROCEDURES

The Personnel Officer shall certify eligible individuals by submitting their names to the appointing authority. The order of names certified shall be determined by their place on the reinstatement, reemployment, or eligibility list, commencing with the highest name on the appropriate list.

- (a) Certification from Reinstatement Lists: Upon receipt of a request for certification, the Personnel Officer shall first certify the names of persons on the reinstatement list, if any, for the class. The number of names certified shall equal the number of appointments made.
- (b) Certification from Reemployment Lists: Upon receipt of a request for certification, the names on the reemployment list shall be certified to an appointing authority in addition to the names usually certified from the examination eligibility list as noted below.
- (c) Certification from Examination Eligibility List: In the absence of a reinstatement list for the class, the Personnel Officer shall certify, from the eligibility list for the class, the top three (3) names for closed promotional examinations or the top five (5) names for open competitive examinations. In the instance of the third or fifth name, respectively, having the same score as names lower on the list, all names with that score shall be certified. If more than one (1) such list is in existence, certification shall be made from the list bearing the earliest promulgation date, supplemented by names from the next oldest list or lists, if necessary. The appointing authority shall not be required to make a permanent appointment until the prescribed number of names is certified to him.
- (d) When No Eligibility List Exists: In the absence of an eligibility list for a class, or if there are not sufficient names on the eligibility list, and upon approval of the appointing authority, supplementary names may be certified from a reasonably appropriate eligibility list for an equally high or higher class.
- (e) More Than One (1) Vacancy: Whenever an appointing authority request certification from more than one (1) vacancy in the same class:
 - (1) In the instance of a closed promotional examination, two (2) names in addition to the number of vacancies shall be certified.
 - (2) In the instance of an open competitive examination, four (4) names in addition to the number of vacancies shall be certified.

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RULE V CERTIFICATION AND APPOINTMENT

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SECTION 3 – NOTIFYING ELIGIBLE INDIVIDUALS OF CERTIFICATION

Whenever the name of an eligible individual is certified to an appointing authority, the Personnel Officer shall notify, by sending a notice to his address as it appears on his application, each person whose name is certified, stating the fact of certification, the title of the position, the compensation schedule applying to the class, the organization unit, and the name and address of the appointing authority.

Such notification shall also state that unless those eligible contact the appointing authority within three (3) days to schedule an interview after receipt of such notice, they will be considered as having declined the position in which the vacancy exists.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: October, 1989

SECTION 4 – WAIVERS

City employees may waive their right to certification or appointment within three (3) days from date of notification without detrimentally affecting their status on the reinstatement, reemployment, or eligibility list. However, after the third such waiver, the Personnel Officer will remove their name from the list. Any non-employee on a current eligibility list may waive certification one time or may become inactive by submitting a written statement to the Personnel Officer requesting his name not be certified for a specified period of time, not to exceed six (6) months. Permanent City employees may become inactive or a reinstatement, reemployment or eligibility list by following this same procedure.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: February, 1983

SECTION 5 – ACCEPTANCE OF POSITIONS IN LOWER CLASS

An individual on an eligibility list may, with the approval of the Personnel Officer accept certification to a class or position lower than that for which he was examined, provided such position is one having similar duties and responsibilities and for which there is no existing eligibility list. The acceptance of such a position by an individual on an eligibility list shall not forfeit his rights to be certified to the class or position for which he was originally examined.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: July, 1985

SECTION 6 – OBJECTION AND SUBSTITUTION

An appointing authority may object to certification of an individual on the eligibility list by setting forth reasons in writing and present them to the Personnel Officer. If the Personnel Officer approves the objection to certification as being reasonable and in accord with the merit principle, he shall withdraw certification of the individual. Such withdrawal of certification shall not affect the individual's place on the list. Any existing employee whose name is so withdrawn shall be so notified by regular mail of such withdrawal. The affected employee shall have the right to appeal said removal to the Commission, which shall take such action as it deems appropriate. The Commission's action shall be final and binding. Additional certification(s) shall be made, if necessary, in accordance with Rule V, Section 2. b.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: December, 1989

SECTION 7 – APPOINTMENTS

All appointments to the Classified Service shall be defined and identified with one of the following:

1. Permanent appointment to permanent positions:
 - (a) Permanent: A permanent appointment may be made from the appropriate eligibility list to any permanent position which is vacant and from which no one is on leave, provided that the employee shall not acquire permanent status in the class until satisfactory competition of the probationary period. A permanent position is one which exceeds six (6) months in duration and for which the work requirements are full time or less than full time for a minimum of twenty (20) hours weekly.
2. Temporary appointment to permanent positions:
 - (a) Provisional: When a temporary vacancy exists and three (3) or more department employees who occupy permanent positions are on an eligibility list for the job class, one of the three employees will be selected from the list to fill the temporary vacancy for the position. The appointment will not exceed six (6) months without the approval of the Civil Service Commission.
 - (b) Temporary: When a vacancy exists and less than three (3) department employees who occupy permanent positions are on an eligibility list for the job class, a part or full-time appointment on an hourly basis may be made to the position. This appointment need not be made from an eligibility list. The appointment will not exceed six (6) months without the approval of the Civil Service Commission.
3. Appointments to temporary nonpermanent positions:
 - (a) Hourly: An hourly appointment is the appointment of a person to a temporary, hourly nonpermanent position. An hourly appointment may be made to a position which is paid on an hourly basis where the work requirements are either part or full-time in nature, and the position is not subject to the Civil Service Rules except where specifically noted. An hourly appointment may continue on an hourly basis if it does not exceed one thousand (1,000) hours per fiscal year. All appointments to temporary, nonpermanent positions will be made on an hourly basis.

CIVIL SERVICE RULES

RULE V CERTIFICATION AND APPOINTMENT

SECTION: 8

Revision Date: July, 2011

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SECTION 8 – PROBATIONARY PERIOD

All persons, except Police Safety Personnel hired after July 1, 1988, shall serve an initial probationary period of twelve (12) months, commencing the first day of service under such appointment. All Police Dispatcher/Records Assistants hired after July 1, 2011 will serve an initial probationary period of eighteen (18) months. All Police Safety Personnel except Police Officer Recruits hired after July 1, 1988, shall serve an initial probationary period of eighteen (18) months. A Police Officer Recruit shall serve on probationary status until successful completion of a P.O.S.T. approved basic academy. Failure to successfully complete and graduate from the academy shall be deemed a failure to complete probation. A Police Officer Recruit who successfully completes the academy will be elevated to the position of Police Officer and will be required to complete the normal eighteen (18) month probationary period for that position. No periods of absence exceeding fifteen (15) working days shall be credited toward the completion of any probationary period.

Following promotion, the probationary period for all persons except Police Safety Personnel hired after July 1, 1988, shall be six (6) months; provided, however, the Department Head may extend such probation for a period not to exceed an additional six (6) months upon presentation to the employee of grounds and documentation for such extension. The probationary period for Police Safety Personnel hired after July 1, 1988, shall be twelve (12) months. This probation period may not be extended, but may be shortened at the discretion of the Director of Police Services. Any employee promoted to Police Dispatcher/Records Assistants after July 1, 2011 will serve an initial probationary period of eighteen (18) months.

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 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 dismiss 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 shall so notify the Personnel Officer on forms prescribed for that purpose. At the discretion of the appointing authority, with the approval of the City Manager, the probationary period may be extended up to six (6) months for employees other than Police Safety Personnel hired after July 1, 1988. At the discretion of the appointing authority, with the approval of the City Manager, the probationary period for Police Safety Personnel hired after July 1, 1988, may be shortened.

A probationer may be dismissed by the appointing authority any time within the probationary period without a hearing or the right of appeal, but unless charges are filed against such person as provided in these rules, such probationer may be retained upon the eligibility list at the discretion of the Commission and shall be eligible for certification to some other department.

C I V I L S E R V I C E R U L E S

RULE V CERTIFICATION AND APPOINTMENT

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Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged in the manner provided in these Rules. If a probationer who had permanent status immediately prior to accepting appointment to the position in which he is serving his probationary period is rejected during the probationary period, the Commission shall inquire into the facts of the case and determine whether he should be restored to his former position and status.

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RULE V CERTIFICATION AND APPOINTMENT

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SECTION 9 – PERMANENT STATUS

An employee is considered a permanent employee having permanent status when all conditions of permanent appointment have been met and on completion of the probationary period.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: February, 1983

SECTION 10 – CHANGE IN STATUS

Upon request of the appointing authority, the Commission may, by unanimous approval, change to permanent the status of an employee who has continuously served under an interim appointment for at least six (6) months, provided that such action is compatible with the spirit of the Civil Service Rules.

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: February, 1983

SECTION 11 – TRANSFERS

No person shall be transferred to a position, either on a temporary or permanent basis, for which he does not possess the minimum qualifications. Upon written notice to the Personnel Officer and approval of the City Manager, an employee may be transferred by the appointing authority or at the request of the employee with approval of the appointing authority, at any time, from one position to another position in the same or comparable class.

For transfer purposes, a comparable class is one with the same maximum salary, or less, involving the performance of similar duties and requiring substantially the same basic qualifications. If the transfer involves a change from one department to another, both department heads must consent to the transfer unless the City Manager orders the transfer made. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Rules.

- (1) Interdepartmental Transfers: The transfer of an employee from a position in one department or major division to a position in the same class in another department or major division shall be an "Interdepartmental Transfer." An interdepartmental transfer may be made upon written request of the appointing authorities and approval of the City Manager and/or Personnel Officer or by written request by an employee with the approval of the appointing authorities involved and the City Manager and/or Personnel Officer. An interdepartmental transfer may also be made whenever the Personnel Officer shall certify that a permanent employee must be transferred from one department to another as a result of an officially approved layoff under the provisions of Rule X. If, at any time within sixty (60) days from the time of transfer the services rendered by the employee in the position to which he has been transferred are not satisfactory, he shall be transferred back to his former department.
- (2) Class Transfer: The transfer of an employee from a position in one class to a position in another class for which the maximum rate of pay is the same, shall be called a "Class Transfer" and may be made under the same conditions as provided for in "Interdepartmental Transfer."

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RULE V CERTIFICATION AND APPOINTMENT

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Revision Date: July, 1986

SECTION 12 – DEMOTION

Upon the approval of the City Manager, the appointing authority may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes.

- (a) Demotions, other than disciplinary: If an employee having permanent status is demoted through no fault of his own, he shall have his name placed on the reinstatement list for the higher class.
- (b) Upon request of the employee and with consent of the prospective supervising officials, demotion may be made to a vacant position. Such demotion request must be made in writing. Such demotion is to be known as "Voluntary Demotion" and shall be so noted on official records.

No employee shall be demoted to a position for which he does not possess the minimum qualifications. Written notice of the demotion shall be given the employee three (3) days before the effective date of the demotion, and a copy filed with the Personnel Officer. Employees demoted on other than a voluntary basis shall have a copy of the action taken filed with the Civil Service Commission and in accordance with the procedure provided in these Rules.

CIVIL SERVICE RULES

RULE VI HOLIDAYS AND LEAVES

SECTION: 1
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Revision Date: February, 1983

SECTION 1 – LEAVE ELIGIBILITY AND PROCEDURE

Eligible salaried employees shall be entitled to holidays and annual vacation or annual leave, and shall be allowed sick, injury, emergency, and special leaves as hereinafter provided in this rule. All leaves, whether with or without pay, shall be submitted in writing on prescribed forms, and except as hereinafter provided in the case of Compulsory Leave, Court Leave, and Special Meetings, must meet the approval of the appointing authority.

Except in the case of sick, emergency, or military leave or annual leave for sickness, the time during which any leave 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 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 shall be indicated on the payroll time sheets submitted to the Personnel Officer for checking and certification. Failure to submit leave requests prior to the date on which pay warrants are released will result in withholding the warrants until such requests have been submitted and approved.

Failure of an employee to return or contact the City 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 determines circumstances warrant such cancellation.

The employees of the City of Coronado in the Unclassified Service are to be treated in the same manner and granted the same rights as employees in the Classified Service so far as this rule is concerned.

With the exception of the Workers' Compensation benefits as provided in Rule VI, Section 7, temporary employees are not entitled to benefits provided under this rule.

A newly hired employee eligible for sick leave must have completed a minimum of six (6) months service with the City of Coronado before he is entitled to the use of sick leave, but will accumulate sick leave from the date of appointment.

CIVIL SERVICE RULES

RULE VI HOLIDAYS AND LEAVES

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SECTION 2 – PERIOD OF EMPLOYMENT

For the purpose of this rule, the following definitions shall apply.

- (a) "Continuous Service" shall mean employment in the City Service uninterrupted by separation.
- (b) "Time Employed" includes actual time worked, holidays with pay, leaves with pay, ordered military leave, and leave without pay not to exceed one (1) year for which Workers' Compensation is paid. It shall also include Saturdays, Sundays or other regular days off which are immediately preceded or immediately followed by other time worked.
- (c) "Active Service" includes time worked and leave without pay not to exceed a total of fourteen (14) days in addition to leave without pay included in time worked as hereinabove defined.

CIVIL SERVICE RULES

RULE VI HOLIDAYS AND LEAVES

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Revision Date: August, 1989

SECTION 3 – HOLIDAYS WITH PAY

All eligible employees shall be entitled to those holidays specified below without loss of pay or leave time. All eligible employees shall be entitled to the same number of holidays.

(a) The following days shall be holidays with full pay for all eligible employees:

- (1) New Year's Day
- (2) Martin Luther King's Birthday (Third Monday in January)
- (3) President's Day (Third Monday in February)
- (4) Memorial Day (Last Monday in May)
- (5) Independence Day
- (6) Labor Day
- (7) Columbus Day (Second Monday in October)
- (8) Veteran's Day (11th of November)
- (9) Thanksgiving Day
- (10) The Day Following Thanksgiving Day
- (11) Christmas Day

In addition to the above specified holidays, employees in classifications represented by the Police and Fire Units shall receive Lincoln's Birthday as a paid holiday.

On July 1 of each fiscal year, mid-management, self-represented, and employees in classifications represented by the AFSCME unit who are employed in a permanent position will accrue a floating holiday. Floating holiday use is subject to the following conditions:

- (1) Must be used within the fiscal year earned (not cumulative).

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RULE VI HOLIDAYS AND LEAVES

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- (2) Must be scheduled and approved in advance to not interfere with normal department or City operations.
- (3) Submittal of requests for use of floating holiday leave shall conform to the same requirements for use of annual leave.
- (4) An employee shall be eligible to receive payment for eight (8) hours at straight-time in the first pay period in July after three (3) separate documented requests for floating holiday leave have been denied by the supervisor. It shall be the employees' responsibility to send a timely request for floating holiday pay to the department payroll clerk with appropriate documentation. Each request must be approved by the department head. The payroll clerk shall include floating holiday pay requests with the time sheet for the first pay period in July.

Employees who terminate on or before June 30 will be paid eight (8) hours straight-time for an unused floating holiday.

- (b) Employees may request time off to attend religious services or other religious activities on Good Friday or on other recognized religious holidays during the year; such time off shall be charged to the employee's annual accumulated leave, compensatory time off, floating holiday time, or such time off shall be without pay.
- (c) Employees who are required to work on a holiday or whose normal day off falls on a holiday shall be paid at the rate of time and one-half for one additional day payable in cash or compensatory time off at the request of the employee and upon approval by the appointing authority on the next regular pay day unless such holiday falls wholly within a period of absence or leave, except as follows:
 - (1) Employees in classifications represented by the Police Unit who are required to work on a holiday or whose normal day off falls on a holiday will be paid for one (1) additional day on the next regular pay day unless such holiday falls wholly within a period of absence on leave.
 - (2) Employees in classifications employed on a forty-eight (48) hour (or more) per week basis who are required to work on a holiday or whose normal day off falls on a holiday shall be paid a premium in lieu of holidays as prescribed in the salary resolution.

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RULE VI HOLIDAYS AND LEAVES

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- (d) When any employee is absent on annual leave, annual vacation, sick leave or compensatory time off, a holiday immediately preceding, immediately following, or wholly within such leave period shall be recorded as a holiday and not as a day of leave. Employees in classifications employed on a 48 hour (or more) per week basis shall have such absence recorded as a day of leave and not as a holiday.
- (e) If a holiday falls on Saturday, the preceding Friday will be observed as a holiday. If the holiday falls on a Sunday, the next following Monday will be observed as a holiday.
- (f) For purposes of this Section, compensatory time off is not considered a period of absence on leave.
- (g) Those positions designated as permanent part-time scheduled for twenty (20) hours per week or greater shall be eligible for holidays with pay beginning August, 1986. Pay for a holiday shall be the equivalent of the regularly scheduled hours per week divided by five (5).

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RULE VI HOLIDAYS AND LEAVES

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Revision Date: July, 1985

SECTION 4 – TERMINAL VACATION OR ANNUAL LEAVE PAY:

Upon separation from service for any cause, an eligible employee who has completed at least one (1) year of active service shall be entitled to pay in lieu for the number of accumulated vacation days or annual leave credited to his account under the provisions of this Rule. All vacation or annual leave granted upon completion of an employee's last day of work shall be a lump sum payment termed "terminal vacation or annual leave pay."

If, in the case of retirement, the employee elects to place himself on terminal leave, using vacation or annual leave, the period of terminal leave shall be considered in computing currently earned vacation or annual leave.

Election by an employee to be placed on terminal vacation or annual leave shall be irrevocable unless withdrawn by the mutual consent of the employee and the appointing authority. Upon the granting of terminal leave, the appointing authority may request certification of eligible replacement candidates in accordance with Rule V, Section 1.

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SECTION 5 – SICK LEAVE WITH PAY

The intent of this Section is to provide for those employees covered by 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 would expose fellow workers or the public to contagious disease and are thereby forced to be absent from employment, and to provide necessary time off from work for unexpected medical and dental care, subject to administrative regulations designed to prevent malingering or abuse of these privileges.

- (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.
- (b) Sick Leave Provisions: Employees represented by the Police Unit and the Fire Unit, while continuously employed shall earn eligibility for paid sick leave as follows:
 - (1) Employees on a five (5) day workweek shall earn eight (8) hours of sick leave for every thirty (30) day period of time worked, to a maximum eligibility of 1120 working hours sick leave. However, any employees who have an accumulation of sick leave above this maximum shall maintain that amount as their maximum until they drop below the established minimum, at which time they will not be allowed to go above 1120 hours.
 - (2) Employees in classifications employed on a forty-eight (48) hour (or more) per week basis, shall earn 11.17 hours of sick leave for each calendar month of time worked to a maximum eligibility of 1512 working hours of sick leave. However, any employees who have an accumulation of sick leave above this maximum shall maintain that amount as their maximum until they drop below the established maximum at which time they will not be allowed to go above 1512 hours.

Sick leave may only be used in quarter-hour increments. 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 for work.

Routine scheduled dental care and medical examinations shall not be cause for sick leave with pay for employees except for those employees represented by the Mid-Management Unit, the Public Works and Golf Unit and miscellaneous (non-represented) employees who will be allowed to use paid sick leave for routine dental and medical examinations up to a maximum of two (2) hours for each appointment. Any remaining time used shall be taken in Vacation, Compensatory Time Off or on Leave Without Pay.

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Pregnancy is a sickness warranting the granting of sick leave as defined in Section 12, Maternity Leave.

- (c) Employees Not Covered by Sick Leave: As of July 1, 1982, Unrepresented employees, members of the Public works and Golf Unit and the Mid-Management Unit shall not earn sick leave. Refer to Section 16, Annual Leave, and Section 17, Long-Term Disability for replacement coverage. Employees with sick leave balances as of July 1, 1982 may use sick leave in accordance with the provisions of this section until balances are exhausted.
- (d) Sick Leave Compensation: In order to receive compensation while on sick leave, the employee shall notify his 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 the department. An employee in the public safety activities shall notify as above at least two (2) hours prior to the time set for the beginning of his daily duties. The appointing authority may waive the above requirement if in his opinion an emergency or other exceptional circumstance so warrants.
- (e) Physician's Statement Required:
- (1) Absence for a period of more than three (3) days.
- When absent for a period of more than three (3) days, the employee shall be required to furnish a physician's statement on a form provided by the employer indicating the nature and the duration of incapacity in order to be eligible for sick leave benefits.
- (2) Suspected abuse of sick leave.
- The Personnel Officer or the appointing authority may require a physician's statement to be completed on a form provided by the employer at any time if an employee is suspected of abusing sick leave privileges.
- Sick leave with pay shall be authorized by the appointing authority subject to verification of the employee's eligibility by the Personnel Officer.
- (f) Separation from City Service: All eligibility for sick leave with pay shall be cancelled upon separation of the employee from the City Service, provided that if such separation is by "lay-off" his accumulated eligibility may be restored to him in whole or in part by the Civil Service Commission upon reinstatement.

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- (g) Illness During Vacation Leave: An employee who becomes incapacitated for work due to his illness or injury for more than three (3) consecutive calendar days while on paid vacation may substitute his sick leave credits for vacation provided his request for sick leave substitution is accompanied by a doctor's statement or other evidence satisfactory to the Personnel Officer 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. If employed on a forty-eight (48) hour (or more) per week basis, paid holidays immediately preceding, immediately following or wholly within the vacation period shall be regarded as part of such period of sick leave.
- (i) Vacation Credit for Sick Leave Accumulation: Vacation credit may be earned for sick leave accumulation by converting three (3) days of sick leave for one (1) day of vacation after accumulating seventy-five (75) percent of the maximum time allowed.

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SECTION 6 – SICK LEAVE – WORKERS' COMPENSATION

Those employees who are absent from duty because of a temporary disability which is defined as industrial under the Workers' Compensation act may use sick leave; provided, however, that any such employee who receives temporary disability allowance, as provided under the Workers' Compensation Law, must reimburse the City Treasurer in the amount of the authorized compensation, in which case, only that amount of his accumulated sick leave credits as when added to said disability allowance will result in a payment to him of not more than his full salary or wages shall be charged against said accumulated sick leave credits.

Public safety employees in the Police and Fire Department are exempt from the provisions of this section under the laws of the State of California.

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SECTION 7 – 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 serious emergency illness, injury, or death in his immediate family. An employee who is eligible for sick leave with pay may be granted special emergency leave with pay by the appointing authority, to be charged against such eligibility, in order to care for a member of his immediate family who is ill and requires his attendance, or in order to discharge the customary obligations arising from a death in his immediate family. Conditions in Section 6 of this Rule shall apply to special leave with pay.

- (a) Emergency leave is defined as the necessary absence from duty of an employee because of emergency illness of a member of his immediate family requiring the attendance of the employee upon said member until professional or other attendance can be obtained, or the absence from duty of an employee because of the death of a member of his immediate family.
- (b) An eligible employee may be granted emergency leave with pay chargeable to his accumulated sick leave credits not to exceed a total of five (5) workdays for each instance of emergency illness or death in his immediate family. In the case of illness followed by death, an employee may be granted a maximum of ten (10) consecutive workdays of emergency leave chargeable to his sick leave credits.

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SECTION 8 – SPECIAL LEAVE WITHOUT PAY

A regular, permanent employee who is mentally or physically incapacitated to perform his duties, or who desires to engage in a course of study such as will increase his usefulness to the City, or who, for any reason considered good by the appointing authority and the Commission, desires to secure leave from his regular duties, may be granted special leave without pay for a period not exceeding one (1) year, upon approval of the appointing authority, City Manager and/or the Personnel Officer, and the Commission. The leave may be extended upon the recommendation of the City Manager and/or Personnel Officer and approval of the Commission. When such leave is granted to enable an employee to take a position in the Unclassified Service, the Commission may, upon request, grant a leave for the period of actual service of the employee in such unclassified position.

An employee asking for special leave without pay shall submit his request in writing to the appointing authority, stating his reasons for the request and providing appropriate supporting documentation. The appointing authority who endorses such request shall recommend to the Personnel Officer whether such leave shall be granted. The approval of leave by the appointing authority, Personnel Officer and City Manager may not exceed a period of six months from the date of approval or the next regular Commission meeting, whichever comes first. If the appointing authority, the Personnel Officer and/or the City Manager deny the employee's request, the employee may appeal the denial to the Commission and the Commission shall determine whether the employee shall be entitled to his former position on his return from such leave, and the period of said entitlement, or whether his name shall be placed on the reemployment list for the class, subject to passing the prescribed City medical examination, if appropriate.

- (a) Physical Fitness: When a situation occurs where a physical or mental disability may exist which would incapacitate an employee or leave an employee unfit to properly perform his or her duties, the City Manager may require that said employee be examined by a physician designated by the City at City's expense.

If the employee is returned to duty by the physician to serve in a limited capacity only, he 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 will take another physical examination. If the physician certifies him again for limited service he will be continued on limited service, if available, or on special leave without pay status for six (6) months longer at which time he will take another physical examination. At this time, unless returned to full duty he will:

- (1) Be assigned to appropriate duties, if available, with proper adjustment in grade and salary, or

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- (2) If eligible and he so requests, he will be placed on retirement status, or
- (3) If the employee refuses either of the two (2) above alternates, he shall be separated from the service and may have his name placed on a reemployment list.

If the physician certifies the employee to be mentally or physically unable to perform any duties but recommends a period for rehabilitation and possible return to duty, the employee shall, after the expiration of his 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 may be returned to light 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 this section will apply.

- (b) Course of Study: An employee who desires to engage in a course of study such as will increase his usefulness on his return to duty in the City service or has other good reason, may be granted a special leave without pay. No such leave in excess of thirty (30) days shall be deemed authorized until approved by 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 under this rule be for a period of more than one (1) year.
- (c) Continuation of Benefits: In the event of a leave without pay beyond 30 days, the employee, at his option, may choose to continue or suspend health insurance and life insurance coverage. If the employee desires to continue coverage, he shall be required to contribute the cost of premiums for that coverage beginning 30 days after the authorized leave without pay begins.
 - (1) If the purpose of the leave involves a medical problem of the employee approved for leave, the City shall continue to contribute the cost of premiums for the provision of Long Term Disability Insurance on behalf of that employee qualifying to receive same.
 - (2) If the purpose of the leave does not involve a medical problem of the employee, that employee will have the option of continuing Long Term Disability Insurance. If he chooses to continue coverage he will be required to contribute the cost of premiums for that coverage.
 - (3) Arrangements for payment of insurance premiums will be made in advance with the Administrative Services Department.

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SECTION 9 – SPECIAL MEETINGS

Officers and employees may be granted special permission, without loss of pay, to attend professional or technical seminars or conferences, or other meetings as may contribute to the effectiveness of their service to the City. Such permission is subject to the approval of the appointing authority. Officers and employees granted said special permission shall be considered to be in duty status.

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SECTION 10 – 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 required attendance to the appointing authority and the Personnel Officer. The employee shall receive full pay for the time he serves on court duty. Request for such leave shall be made upon leave forms. This provision shall not include persons who serve in the capacity as a paid professional or paid expert witness.

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SECTION 11 – MILITARY LEAVE

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 required by the Military and Veteran's Code of the State of California, Attorney General Opinions, and court decisions.

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 employee 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, reinstatement or reemployment.

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 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 is still mentally and physically qualified to perform the duties of such position, and provided he makes application for reinstatement within ninety (90) days after he 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 salary or compensation as such employee for a period of not to exceed thirty (30) calendar days in any one (1) 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.

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SECTION 12 – MATERNITY LEAVE

Disabilities caused or contributed to by pregnancy, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such. Leave shall be based upon consideration of the employee's health and welfare in relation to the physical demands of the position, and the possible risk to the City for liability due to accident.

- (a) Incapacitation for work because of pregnancy warrants the granting of sick leave or annual leave and LTD with pay.
- (b) On the recommendation of the appointing authority, the Personnel Officer will approve the appropriate use of earned sick leave or annual leave and LTD pay under the following conditions:
 - (1) For prenatal care by the employee's physician.
 - (2) For illness caused or contributed to, directly or indirectly, by pregnancy.
 - (3) For childbirth and recovery therefrom.
- (c) An employee's continuation of employment beyond the sixth (6th) month of pregnancy shall be conditioned upon said employee's medical and physical suitability to perform normal work assignments. With the approval of the Personnel Officer, the appointing authority may permit the employee to continue employment providing a written statement from a license physician is presented at the beginning of each additional month worked. The statement must assure that the employee is physically capable of continuing her normal duties and assignments.
- (d) For reasons of safety, or the inability of the employee to perform her normal duties, the appointing authority may require the employee to cease work at any time.
- (e) Return to work shall be determined by the Personnel Officer based upon the written recommendation of the employee's physician and, when deemed necessary, the report of the City's examining physician.
- (f) Requests for leave without pay for maternity purposes are subject to the provisions of Civil Service Rule VI, Section 9, and are limited to a period not exceeding one (1) year.
 - (1) An employee granted maternity leave shall notify the appointing authority and the Personnel Office at least sixty (60) days prior to expiration of the leave whether the employee will return to work. Failure to provide such notice will allow the City to declare

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the position vacant and to proceed to fill the vacancy. The City shall notify the employee in writing upon initial application for maternity leave of this requirement.

- (2) The employee shall make preliminary arrangements for return to work with her appointing authority and the Personnel Officer at least two (2) weeks in advance of her intended return or the end of her leave, whichever is earlier.

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SECTION 13 – TRANSFER OF LEAVE CREDITS

When an employee moves from one department or major division to another by transfer, promotion, or demotion, accrued vacation and sick leave credits shall be assumed by the receiving department or division.

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SECTION 14 – EVIDENCE OF CAUSE OF ABSENCE

In all cases of leave because of sickness or injury of the employee, or illness or death in his immediate 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 with pay.

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SECTION 15 – ANNUAL LEAVE

Upon appointment to a permanent position employees shall be entitled to annual leave as specified below.

Self-represented and Mid-management Employees:

<u>Years of Service</u>	<u>Biweekly Accrual</u>	<u>Equivalent Hours Per Year</u>	<u>Equivalent Days Per Year</u>
Hire-5	5.54 Hours	144	18
6-10	7.08 Hours	184	23
11-19	8.00 Hours	208	26
20+	8.62 Hours	224	28

Members of AFSCME Unit:

<u>Years of Service</u>	<u>Biweekly Accrual</u>	<u>Equivalent Hours Per Year</u>	<u>Equivalent Days Per Year</u>
Hire-5	5.23 Hours	136	17
6-10	6.77 Hours	176	22
11-19	7.69 Hours	200	25
20+	8.31 Hours	216	27

Employees in the positions of City Manager, Assistant to the City Manager and all Department Heads shall enter City service with a biweekly accrual rate of 7.08 hours and progress to 8.62 hours upon completion of five (5) years of service.

Employees serving in a permanent position, listed in the annual budget as a part-time position and scheduled for twenty (20) hours a week or more shall be granted annual leave. The accrual rate shall be in the proportion that the hours worked bears to the full-time service for the class. Pay during time off shall not exceed the pay for regularly scheduled hours for the part-time position.

In the event an employee does not take all annual leave to which he is entitled, a balance not to exceed four hundred eighty (480) hours may be accumulated. No employee shall suffer a loss of annual leave accumulation or have his annual leave accumulation to reduce the accumulation.

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Except in the case of terminal leave, paid holidays immediately preceding, immediately following or wholly within annual leave period shall not be regarded as part of the annual leave. Use of the floating holiday as part of annual leave period must specifically be requested at time of request for leave.

Use of annual leave for personal vacation shall be subject to approval of the scheduling of the leave by the department head. In the scheduling of annual leave, the department head shall consider the operational needs of the department and, as far as practicable, the wishes of the employee. Annual leave shall not be deemed authorized until the employee's eligibility is verified by the Personnel Office.

Employees shall notify the department head or his designated representative as far in advance as possible of the use of annual leave for reasons other than personal vacation. Whenever possible, such use of annual leave shall be subject to the same scheduling constraints as annual leave used for personal vacation. If it is not possible to notify the department head in advance or otherwise schedule such leave, the employee shall nevertheless notify the department head or his designated representative as soon as reasonably practical. The department head may require the employee to furnish satisfactory evidence describing the use of unscheduled annual leave and the circumstances which precluded advance notice and scheduling approval.

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SECTION 16 – LONG-TERM DISABILITY

All employees qualifying for annual leave (see Section 16) are covered by the City self-insured long-term disability plan.

Any covered employee becomes eligible after an elimination (waiting) period of thirty (30) days after first becoming totally disabled. After the elimination period, the employee shall be paid sixty (60) percent of their basic monthly earnings, less any other income benefit while totally disabled. This coverage continues for one (1) full year from the expiration of the elimination period.

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SECTION 17 – ADMINISTRATIVE LEAVE

All department heads and Assistant City Manager shall be eligible to use up to ten (10) days of administrative leave each fiscal year. This leave may be used with the approval of the City Manager. Any unused balance at the end of each fiscal year may not be carried over to the next fiscal year.

The purpose of administrative leave is to provide partial compensation to department heads for the many hours of uncompensated overtime which is required in the course of performing their assigned areas or responsibility.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 1 – PERFORMANCE REPORT OBJECTIVES

The purpose of the rating is to help develop a better City service and better 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 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 reinstatement. 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 provides 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.

Middle Management and Professional Employees

The performance and appraisal plan to be utilized in developing goals and objectives for middle management and professional employees, so designated in the annual compensation plan, and in appraising their performance is prescribed in Sections 7 through 10 of this rule.

Employees Other Than Designated Middle Management or Professional Employees

The performance appraisal plan to be utilized in rating the performance of employees other than those designated as Middle Management or Professional in the annual compensation plan is prescribed in Sections 2 through 6 of this rule.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 2 – DEGREES OF PERFORMANCE

For the purpose of this rule, the following definitions shall apply:

- (a) Superior (S): Denotes performance which significantly exceeds that which is standard or required for the employee's job classification.
- (b) Competent (C): Meets the standard expected performance for the employee's job classification. A "C+" rating indicates performance on the high end of the Competent category which is not quite to the level of Superior. A "C-" rating indicates performance at the lower end of the acceptable performance level, but not so deficient as to require a rating of "NI."
- (c) Needs Improvement (NI) This rating indicates that the employee's performance during the evaluation period failed to meet minimum acceptable standards for the employee's job classification in those categories or subcategories in which that rating was given. This is substandard, less than Competent performance, and must be illustrated by specific examples in the narrative portion of the report. In addition, specific measures which the employee and the department must take to improve performance to a Competent level in the next review shall be stated in the narrative portion of the report.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 3 – RESPONSIBILITY FOR ORIGINATING PERFORMANCE REPORTS

The Personnel Office originates rating forms for quarterly and final probation reports and for all regular rating reports. The rating dates are keyed to the employee's starting date in his current position.

An employee achieves permanent status by being retained in a permanent position for more than the length of the probation period. This may happen even though the employee's performance report is recorded as "Needs Improvement." The responsibility for separating a probationary employee not meeting minimum acceptable standards before the expiration of his probation period rests with the employee's appointing authority.

Rating dates given on the probation period report may require correction to extend the probation period because of absences. Periods of absence exceeding fifteen (15) working days shall not count as service toward completion of probation; consequently, the actual end of the probation period may be a few days beyond the date given as the rating period.

The appointing authority is required to originate all other ratings. A department shall originate a rating whenever an employee receives a salary step increase or leaves a position through promotion, transfer, demotion or separation. It shall cover all service from the employee's starting date, or from the last date of the period rated on the previous performance report, whichever is most recent. These ratings shall be completed at the same time the other papers necessary to the transaction are processed.

Supplementary ratings may be originated by a department when significant changes that warrant special documentation have occurred in performance since the last rating and there is still considerable time before the next scheduled rating is due. Supplementary ratings shall be identified at the top of the form with the reason noted. The rating period dates shall be from the last rating to the date the supplemental report is made.

A special supplemental follow-up report shall be initiated by the appointing authority within ninety (90) days of an overall "Needs Improvement" rating if the next regular rating period is at least six (6) months hence.

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SECTION 4 – PERFORMANCE RATING PROCEDURE

The first-line supervisor most directly familiar with the employee's service during the rated period should be charged with the rating responsibility. If the employee has had more than one supervisor during the rating period, the other supervisors should be consulted by the rater before he makes his rating.

Steps to be followed in the rating procedures:

- (a) Personnel or department initiates a performance report form.
- (b) Report form is given to immediate supervisor.
- (c) Employee is given input sheet.
- (d) Employee returns input sheet.
- (e) Preliminary rating by the supervisor.
- (f) Forward form through channels to department head for review.
- (g) Return form to supervisor.
- (h) Employee and supervisor discuss the evaluation.
- (i) Employee is given feedback sheet at conclusion of meeting with supervisor. (Completion of feedback sheet is optional and can be removed from the personnel file at the employee's request.)
- (j) Performance Report is filed with Personnel Office.
- (k) Review and certification by Personnel Officer.
- (l) Report is filed in individual employee's personnel jacket.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 5 – EMPLOYEE GUIDANCE

Prior to the filing of a completed performance report with the Personnel Office, the evaluator who prepared the report shall discuss openly and frankly the employee's performance with him, 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 own attitudes and practices in the lights of his employee's views. It also offers an excellent opportunity to guide and counsel the employee as well as getting his 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.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 6 – 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.

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RULE VII EMPLOYEE PERFORMANCE REPORTS

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SECTION 7 – MIDDLE MANAGEMENT AND PROFESSIONAL EMPLOYEES

INTRODUCTION

The utilization of a performance appraisal system is essential to human resource development and the accomplishment of an organization's mission and specific objectives. This performance appraisal system for middle managers, supervisors, and professionals has been developed to accomplish the following:

- (a) provide a system which is objective and performance based (i.e. a management by objectives approach);
- (b) provide a simplified system that is not overly cumbersome to complete but facilitate frequent, specific discussion between a supervisor and employee regarding performance;
- (c) serve as a flexible tool which allows which allows for distinctions between different departments and job classes;
- (d) implement an evaluation schedule which bases evaluations on anniversary dates so that not all evaluations are due on the same date.

It is important to note that the performance evaluation is regarded as a regular, ongoing activity. The purpose of this tool is to facilitate regular, specific performance discussions between a supervisor and employee. It is recognized that any job related evaluation form which assures that this activity occur could be successful.

The performance appraisal system for middle managers is based on the implementation of the strategic plan and departmental objectives established yearly.

DEFINITIONS

- (1) Goals. Statements of intention. A goal is a statement of a desired future condition or result. For example, a goal of a city manager may be to provide the best public safety program in the State of California, or to provide recreational programs that suit the needs of all persons in the community.
- (2) Objectives. Short-term, time-bound, results-oriented, challenging and attainable targets. Thus, an objective is a measurable short-term result. For example a city manager may have as an objective "to increase" the utilization of a mass-transit system for senior citizens by ten (10) percent during the next twelve (12) month period.

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(3) Action Plans. Often called strategies or programs of action, action plans are a means by which an administrator can organize and allocate resources such as budget, personnel requirements, equipment, and materials to accomplish an intended objective. These action plans will contain checkpoints or milestones by which performance can be evaluated. Often the term "tactics" is used to describe the administrative performance that is required to accomplish milestones of strategy. In Coronado, action plans are summarized in the strategic plan and in the departmental objectives established yearly.

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SECTION 8 – PERFORMANCE STANDARDS AND OBJECTIVES PLAN (Middle Management):

DEVELOPMENT OF BASIS FOR EVALUATION

Establishment of Evaluation Criteria: Evaluation of middle managers will be in relation to pre-established performance objectives. The middle manager will prepare a draft of performance standards and objectives for submission to his/her supervisor and department head for the areas of General Responsibilities/Major Work Assignments, Special Projects, and any other area the evaluator and employee feel can be specifically addressed. The plan should be individually prepared, providing reasonable, realistic, and challenging performance expectations. Regular ongoing job responsibilities which comprise the majority of the employee work and citywide and departmental objectives as outlined in the strategic plan will also be considered. In addition, other objectives/projects the middle management employee can accomplish within the evaluation period should be included. No forms are provided for the performance standards and objective plans, but this plan should be outlined in a format which parallels the evaluation form. Plans should be developed within one month after employment, and one month prior to the due date of the coming scheduled evaluation for the next evaluation period.

Approval of Evaluation Criteria: The supervisor and department head will review the draft, and make necessary amendments prior to adoption. The plan may also be amended and/or updated by joint discussion between the supervisor/department head and employee during the review period as necessary.

AREAS OF EVALUATION

Prior to appraisal formulation, the appraiser will seek information, material or documentation necessary for the evaluation from the person being rated. Information will be provided by the employee on the Input Sheet. The performance evaluation will consist of the following areas:

General Responsibilities/Major Work Assignments: In this section, the duties relating to the major purpose of the position should be evaluated. Consider the following evaluation guidelines as appropriate:

- Major work assignment, tasks
- Special objectives related to major work duties (from pre-established criteria)
- Quality of work
- Quantity of work
- Technical knowledge
- Attendance

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Utilization of safety procedures
Adherence to City rules and regulations
Attitude
Plans and organizes work effectively
Meets timeframes
Initiates and follows-up on assignments
Works independently
Appropriate use of equipment, materials, supplies
Takes advantage of training opportunities related to position.

Communication: This field should consider both written and verbal communication skills. Consider the following:

Clarity of verbal communications
Asks follow-up questions to clarify needs/intents
Clarity of directions
Verbal skills show appropriate sensitivity/diplomacy – a) with other staff, and b) the public
Conducts effective meetings
Presentations are well organized and understandable
Interpretation of communications is appropriate
Avoids use of technical jargon
Good listening skills
Written communication uses proper grammar, sentence structure, punctuation
Written communication is brief, concise, well organized, and appropriate for the reader(s)

Community/Human Relations: This field is to evaluate how effectively the middle manager relates to other in the work environment. Consider the following:

Works effectively with management, employees, and the public
Presents information to the public effectively
Presents a warm, helpful, receptive, respectful, and friendly image
Demonstrates openness, receptiveness and approachability in formal and informal situations
Adaptable and flexible
Accepts constructive criticism and seeks to improve
Promptly responds to the concerns of others
Is sensitive, tactful, and polite

Supervisory/Management Skills: This field should evaluate the effectiveness with which the middle manager leads, directs, trains, and coordinates the work of staff. This section should be used only if applicable. Consider the following:

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Specific performance objectives
Demonstrates leadership skills
Emphasizes a team approach with staff
Provides guidance and direction to staff
Monitors and facilitates completion of tasks
Provides ongoing feedback to employees on performance
Encourages professional development
Creates an environment that encourages new ideas and solutions for projects/problems
Accessible/responsible to employees
Accurately communicates organization rules, regulations, procedures
Provides comprehensive department orientation to new employees
Creates an environment that encourages employees to work independently with minimum supervision
Motivates staff members with positive techniques
Recognizes and reinforces positive employee performance
Shows awareness/understanding of employee's work responsibilities

Budget Management: This aspect of the evaluation considers responsibility for development, recommendation, and implementation of the budget for any program areas for which the middle manager may be responsible. Consider the following:

Monitors revenues and controls expenditures within his/her responsibilities
Identifies methods to improve services and costs
Charges and collects appropriate fees
Anticipates and recommends plans to meet long-term budgetary needs
Maintains accurate budget records

Special Projects: This field is to evaluate the specific performance objectives/projects established at the beginning of the evaluation period. Consider whether objectives were met as established, and whether defined outcomes were achieved.

EVALUATION LEVELS

The following levels will be used in evaluating middle manager performance:

OUTSTANDING: Performance was consistently of the highest level for the evaluation period.

GOOD: Performance was above that which could be expected of most persons performing this position.

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MEETS STANDARDS: Performance meets expectations and standards established.

IMPROVEMENT NEEDED: Performance showed some effort but did not attain levels expected for the evaluation period.

UNACCEPTABLE: Little or no effort was demonstrated and tasks and responsibilities performed did not attain acceptable levels.

APPRAISAL FREQUENCY AND TIMING

All probationary professional, supervisory, and management employees shall receive an appraisal at least every three (3) months during the probationary period. These appraisals are due on the anniversary date of hire. All regular professional, supervisory, and management employees shall receive an appraisal twice per year, on the semi-annual anniversary date of hire. In addition, performance appraisals will be completed when one of the following occurs:

- (a) whenever an employee is promoted (the evaluation schedule will be changed to coincide with the anniversary date of the promotion);
- (b) whenever it is necessary to document outstanding or unacceptable performance.

APPRAISAL DISTRIBUTION AND FILING

The signed performance appraisal will be forwarded to the City Manager for review and approval. Once approved, the appraisal will be forwarded to the Administrative Services Department for inclusion in the personnel file. A copy of the appraisal will be retained by the department and employee.

APPEAL PROCESS

The performance appraisal is to serve as a record of the employee's performance, and therefore, it is not disciplinary in nature. Employees may provide feedback should they feel it is important to support and/or rebut the evaluation through the use of the Feedback Sheet.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 1

Revision Date: January, 1996

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SECTION 1 – TYPES OF DISCIPLINARY ACTIONS

Any officer or employee of the City in the Classified Service who has successfully completed the probationary period prescribed in accordance with these rules may be disciplined or removed from office or employment for cause by the appointing authority. An appointing authority may impose the following types of discipline:

(a) Discharge from City employment

(b) Demotion

(c) Suspension from duty without pay.

1. Any suspension invoked under this Rule against any one person in the Classified Service for one or more periods shall not aggregate more than ninety (90) days in one calendar year.

2. In lieu of leave without pay, suspension may be:

(a) Charged against an employee's accumulated leave, or (CTO); or

(b) Reflected in a reduction of five (5%) percent for one (1) or more pay periods, provided that such action is mutually agreeable to both the department head and the employee.

(d) Reduction of salary.

1. An employee's salary may be reduced one (1) or more steps within the range prescribed for his/her class for a period to be prescribed by the appointing authority.

(e) Letter of Reprimand.

1. A letter of reprimand constitutes a formal written warning regarding an employee's behavior and is placed in an employee's personnel file. After a two (2) year period, an employee may make a written request to the City Manager to remove the reprimand.

The City Manager shall have the discretion of either removing or retaining the reprimand in the employee's personnel file. If the reprimand is retained in the personnel file, the employee may, on an annual basis, make a request in writing to the City Manager to remove the reprimand.

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RULE VIII DISCIPLINARY ACTIONS

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(f) Last Chance Agreement.

1. A Last Chance Agreement is a written contract between the City and an employee which stipulates conditions of employment, typically as a result of an employee testing positive for alcohol or controlled substances specified in the City's Drug Free Workplace policy.

A Last Chance Agreement may be recommended, at the discretion of the appointing authority, as a form of discipline in lieu of discharge, or in conjunction with other forms of discipline.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 2

Revision Date: August, 1986

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SECTION 2 – CAUSE FOR DISCIPLINARY ACTION

Any of the following shall be deemed sufficient cause for disciplinary action against any employee with permanent status in the Classified Service. The following is not all inclusive:

- (a) Actions contrary to or in violation of these rules;
- (b) Inefficiency or incompetence in the performance of his duty;
- (c) Willful disobedience or insubordination, or violation of any lawful regulation, written procedure or policy, or order or failure to obey any lawful and reasonable direction given him by his supervisor;
- (d) Refusal, neglect or failure to perform in full duty capacity after being so qualified by physical examination;
- (e) Misuse of sick leave;
- (f) Dishonesty;
- (g) Alcoholic or drug intoxication while on duty;
- (h) Disorderly conduct;
- (i) Discourteous or offensive treatment of the public or other employees;
- (j) Absence without leave, or failure to report after leave has expires, or after such leave has been disapproved or revoked and cancelled by the Commission; provided, however, that is such absence or failure to report is excusable, the Personnel Officer may dismiss the charges;
- (k) Conviction of a felony, or conviction of a criminal offense involving moral turpitude, which shall be construed to mean any act of baseness, vileness or depravity; or any act contrary to justice, honesty, modesty or good morals; or any act done with deception, or through corrupt motives;
- (l) Neglect of duty;
- (m) Negligence or willful misconduct causing damage to public property or waste of public supplies;

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- (n) Solicitation or taking for personal use a fee, gift, or other valuable thing in the course of his work or in connection with it when such fee, gift or other valuable thing so solicited or given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons;
- (o) Failure to obey an order from the City Manager or other department head to terminate or desist from outside employment or enterprise that has been determined by the Civil Service Commission to be incompatible with City employment or detrimental to the efficiency of his regular City work;
- (p) Any conduct unbecoming an officer or employee of the City.

Charges filed by any citizen against any person in the Classified Service shall be in writing under penalty of perjury.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 3

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SECTION 3 – WARNING TO EMPLOYEES

If the work or behavior of an employee with permanent status is in some respect unsatisfactory, it shall be the duty of the supervisor or appointing authority to so advise the employee and to counsel him explaining the standards by which he is being judged in order that he shall have reasonable opportunity to attain such standards. Should continuation of the unsatisfactory work or behavior warrant any disciplinary action set forth in Section 1, the employee shall be so warned. Omission of warning shall not prevent the appointing authority from taking disciplinary action but such omission may be taken into consideration by the City Manager or the Civil Service Commission on review of the action.

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RULE VIII DISCIPLINARY ACTIONS

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SECTION 4 – INITIATING A PRE-DISCIPLINARY HEARING

If the employee's supervisor determines that disciplinary action against an employee with permanent status may be necessary, the supervisor shall notify the appointing authority. If the appointing authority concurs, he shall cause a NOTICE OF PROPOSED DISCIPLINARY ACTION to be personally served upon the employee or sent by registered mail to the employee's residence. The NOTICE OF PROPOSED DISCIPLINARY ACTION shall contain:

- (a) The disciplinary action proposed;
- (b) The cause or causes for the disciplinary action as detailed in Section 2, Rule VIII;
- (c) The description of the nature, purpose and location of evidence which supports the cause(s). All documents considered, whether relied upon or not, shall be either attached or specifically identified. The names of all persons consulted shall also be identified.
- (d) A date and time for the Pre-Disciplinary Hearing, allowing a reasonable opportunity for the employee to prepare and respond.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 4.1

Revision Date: August, 1986

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SECTION 4.1 – PRE-DISCIPLINARY INVESTIGATION OF PEACE OFFICERS

When any peace officer is under investigation and subject to interrogation by his commanding officer, or any other member of the Coronado Police Department, which would lead to disciplinary action, such interrogation shall be conducted under the provisions of this section.

This section shall not apply to any interrogation of a peace officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other peace officer, nor shall this section apply to an investigation concerned solely with and directly with alleged criminal activities:

- (a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the peace officer is on duty, or during the normal working hours for the peace officer, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the peace officer being interrogated, the peace officer shall be compensated for such off-duty time in accordance with regular department procedures.
- (b) The peace officer under investigation shall be informed prior to such interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the peace officer under interrogation shall be asked by and through no more than two (2) interrogators at one time.
- (c) The peace officer under investigation shall be informed of the nature of the investigation prior to any interrogation. The peace officer under investigation may be given a direct order to respond to questions. The officer shall be informed that information provided will not be used in any subsequent criminal proceeding. Failure to respond to questions can be the grounds for separate disciplinary action.
- (d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his own personal physical necessities.
- (e) The peace officer under investigation shall not be subjected to offensive language or threatened with punitive action, except the refusal to respond to questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the peace officer under interrogation to be subjected to visits by the press or news media without his express consent nor shall his home address or photograph be given to the press or news media without his express consent.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 4.1

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- (f) The complete interrogation of a peace officer may be recorded. If a tape recording is made of the interrogation, the peace officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The peace officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons; except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed confidential may be entered in the officer's personnel file. The peace officer being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.
- (g) If prior to or during the interrogation of a peace officer it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his constitutional rights.
- (h) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses upon matters which are likely to result in punitive action against any peace officer, that officer, at his request, shall have the right to be represented by a representative of his choice who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation.

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RULE VIII DISCIPLINARY ACTIONS

SECTION: 4.2

Revision Date: August, 1986

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SECTION 4.2 – INVESTIGATION OF PEACE OFFICERS

- (a) No peace officer shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a peace officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the peace officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the peace officer refused to take a polygraph examination.
- (b) No peace officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the City of Coronado.

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SECTION 5 – PRE-DISCIPLINARY HEARING

The employee may present to the Hearing Officer either a written or oral response to the NOTICE OF PROPOSED DISCIPLINARY ACTION. At the request of the employee, the date of the hearing may be delayed for a reasonable period of time. In no case shall the delay exceed thirty (30) calendar days from the original date of the hearing.

The Hearing Officer for the Pre-Disciplinary Hearing shall be the appointing authority, unless the appointing authority has been directly involved in the investigation and preparation of the charges. If the appointing authority has been directly involved in preparing the proposed disciplinary action, the City Manager shall conduct the Pre-Disciplinary Hearing and render a decision.

All testimony taken at the Pre-Disciplinary Hearing shall be either formally transcribed or recorded, unless foregone by mutual consent.

In response to the NOTICE OF PROPOSED DISCIPLINARY ACTION, the employee may present evidence and arguments in written and oral form.

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RULE VIII DISCIPLINARY ACTIONS

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SECTION 6 – NOTICE OF DISCIPLINARY ACTION

The Hearing Officer shall deliver a written NOTICE OF DISCIPLINARY ACTION to the employee, a copy of which shall be filed with the Director of Administrative Services. Such NOTICE shall be personally served on the employee or sent by registered mail to his residence, as reflected in his personnel file. In the case of an employee who has permanent status and who is administered any disciplinary action, the NOTICE shall contain the following:

- (a) The kind and effective date of disciplinary action.
- (b) The specific charges set forth with sufficient particularity as will enable the employee to understand the charges made against him and to answer them.
- (c) Approximate dates of warnings given pursuant to Section 3 regarding type of deficiency for which disciplinary action is taken, or reasons for necessity to take action without warning the employee.
- (d) Dates of Pre-Disciplinary Hearing.
- (e) Statement advising the employee of his right to appeal the imposition of the disciplinary action.

In cases where a LETTER OF REPRIMAND is issued, the NOTICE shall have attached a copy of the Letter and a statement that the Letter will be placed in the employee's personnel file five (5) working days hence unless an appeal is filed with the City Manager in accordance with Section 7 of this rule.

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SECTION 7

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SECTION 7 – APPEAL OF DISCIPLINARY ACTION

Within ten (10) working days after the presentation to him of the NOTICE OF DISCIPLINARY ACTION(S) the employee may file with the Administrative Services Department an APPEAL OF DISCIPLINARY ACTION to the Civil Service Commission. Failure on the part of an accused employee to file an APPEAL to the Commission within the time allowed shall cause judgment against said employee to be entered forthwith.

An APPEAL OF DISCIPLINARY ACTION shall include the employee's written request for Commission review of the disciplinary action, and shall specify whether he desires to have a Commission review by means of private hearing, or by means of public hearing. The written APPEAL must also set forth each and every ground for the appeal, and all arguments and evidence that support each ground of appeal.

Any employee who has been granted permanent status in a class shall have the right to appeal any disciplinary action to the Commission except for disciplinary action resulting in a Letter of Reprimand.

If an employee appeals a disciplinary action discharging him from City employment, the position held by the employee shall be considered a temporary vacancy pending final action on the employee's appeal. In the interim, the position may be filled only by a temporary or interim appointment.

Disciplinary action resulting in the discharge of an employee with probationary or other non-permanent employment status by an appointing authority shall be considered final if approved by the City Manager and shall not be subject to appeal to the Commission. Probationary employees who had per status immediately prior to accepting a promotional position for which they are now serving in a probationary status shall be entitled to reinstatement to the former permanent position unless charges are filed and the employee is discharged in the manner provided in these Rules.

After the filing of an APPEAL and prior to the Civil Service Commission Hearing, a meeting may be held at the discretion of the Director of Administrative Services or his designee to review and clarify with the employee (and his representative, if applicable) all grounds, arguments and evidence set forth in the employee's appeal.

APPEAL OF LETTERS OF REPRIMAND: Any employee who has been granted permanent status shall have the right to appeal to the City Manager the content of a Letter of Reprimand. The time frame for filing an APPEAL OF A LETTER OF REPRIMAND also shall be five (5) working days and shall be made in writing to the City Manager.

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RULE VIII DISCIPLINARY ACTIONS

SECTION 7.1

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Revision Date: August, 1986

SECTION 7.1 – PEACE OFFICER'S RIGHT TO REVIEW OF OTHER ACTION

- (a) No peace officer shall have any comment adverse to his interest entered in his personnel file or any other file used for any personnel purposes by his employer, without the peace officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment; except that such entry may be made if after reading such instrument, the peace officer refuses to sign, that fact shall be noted on that document, and signed or initialed by such officer.
- (b) A peace officer shall have thirty (30) days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.
- (c) In addition, a peace officer may appeal any comment in the same manner as a Letter of Reprimand may be appealed.

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RULE VIII DISCIPLINARY ACTIONS

SECTION 8

Revision Date: October, 2006

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SECTION 8 – DISCIPLINARY HEARING BY CIVIL SERVICE COMMISSION

- (a) Subject to availability of Commission members, the Commission shall commence a hearing within ten (10) working days from the filing of said appeal. This ten (10) day limit may be extended up to an additional 20 working days by mutual agreement of the parties.

Any party may request an extension of more than 30 working days from the date of the filing of the appeal or the scheduled date of the hearing, whichever is later, if approved by the Commission based on one or more of the following reasons:

- (i) unavailability of the parties or their respective representatives
- (ii) unavailability of appropriate facilities for the hearing
- (iii) unavailability of witnesses critical to the presentation or defense of the matter
- (iv) any other reason the denial of which would result in an injustice to any party

During the Commission's review of the request for an extension, no information regarding the specifics of the allegations that are the subject of the discipline shall be disclosed to the Commission except for such limited information that is necessary for the determination as to the granting or denying of the request for the extension.

- (b) Whenever a disciplinary hearing is held, the Personnel Officer shall notify the employee and the appointing authority of the date, time and place of hearing, and, if the hearing is public, shall publicly post notice in the City Hall.
- (c) The basis of the hearing shall consist of that material identified in the APPEAL OF DISCIPLINARY ACTION. There is a requirement for reciprocal discovery. The employee and the appointing authority shall be entitled to appear personally, submit documents, call persons to present personally oral information and ask questions of persons who present opposing information. The Rules of Evidence do not apply. Each may be represented by counsel to the extent of presenting summaries of their respective cases at the commencement and conclusion of the hearing, and any other function in the capacity of representation as the Commission may deem appropriate. The appointing authority may be represented by a subordinate supervisory employee.
- (d) Oral information shall be presented only under oath administered by the Personnel Officer.
- (e) The Commission may ask questions of persons submitting information, opening statements and concluding arguments. The Commission may compel attendance of persons or the production of documents by subpoenas issued in the name of the City by the City Clerk.
- (f) In reaching its decision, the Commission shall use the preponderance of evidence as the standard of proof. The Commission may affirm, modify or dismiss each action of the Hearing Officer, or may remand the matter for rehearing. The decision of the Commission shall be final.

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RULE VIII DISCIPLINARY ACTIONS

SECTION 9

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SECTION 9 – FINDINGS AND DECISION

Upon conclusion of the Civil Service Commission hearing, the findings and decision of the Commission shall be set forth in writing and shall state:

- (a) As to each charge whether or not such charge is sustained;
- (b) Whether the level of discipline is appropriate.

If the Commission sustains the Hearing Officer's decision regarding the charges, but does not affirm the level of discipline imposed, the Commission shall fix the level of discipline.

With ten (10) working days after concluding the hearing, the Commission shall certify its findings and conclusions. A certified copy of the findings and decision shall be furnished to the employee and the Hearing Officer.

The findings and conclusions of the Civil Service Commission shall be final and no appeal shall be taken therefrom.

CIVIL SERVICE RULES

RULE IX EMPLOYEE GRIEVANCE PROCEDURE

SECTION: 1
PAGE: 1 of 5

Revision Date: February, 1983

SECTION 1 – PURPOSE OF GRIEVANCE PROCEDURE

The purposes and objectives of the Grievance Procedure of the City of Coronado 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 appeals 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 each department of the City of Coronado.

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RULE IX EMPLOYEE GRIEVANCE PROCEDURE

SECTION: 2
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Revision Date: February, 1983

SECTION 2 – 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 Department: The chief executive officer of a department.
- (d) Personnel Officer: The Personnel Officer or his authorized representative.
- (e) Employee or City Employee: Any officer or employee of the City, except an elected official.
- (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) Civil Service Commission: There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council.

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RULE IX EMPLOYEE GRIEVANCE PROCEDURE

SECTION: 3

Revision Date: February, 1983

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SECTION 3 – REVIEWABLE AND NONREVIEWABLE GRIEVANCES

- (a) A grievance is any dispute concerning the interpretation or application of these Rules, or of other rules or regulations governing personnel practices or working conditions or of the practical consequences of a City rights decision on wages, hours and other terms and conditions of employment.
- (b) To be reviewable under this procedure, a grievance must:
 - (1) Concern matters or incidents that have occurred.
 - (2) Result from an act or omission by management regarding working conditions or other aspects of employer-employee relations over which the head of the department has control.
 - (3) Arise out of a specific situation, act or acts complained of as being unfair which result in inequity or damage to the employee.
 - (4) Specify the relief sought which relief must be within the power of the head of the department to grant in whole or in part.
- (c) A grievance is not Reviewable under this procedure if it is a matter which would require the modification of a policy established by the City Council or by law, or is reviewable under some other administrative procedure and/or rules of the Civil Service Commission such as:
 - (1) Applications for changes in title, job classification or salary;
 - (2) Appeals from formal disciplinary proceeding;
 - (3) Appeals arising out of Civil Service examinations;
 - (4) Appeals from work performance evaluations.

CIVIL SERVICE RULES

RULE IX EMPLOYEE GRIEVANCE PROCEDURE

SECTION: 4

Revision Date: February, 1983

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SECTION 4 – SPECIAL PROVISIONS OF THE GRIEVANCE PROCEDURE

- (a) Procedure for Presentation: In presenting his grievance the employee shall follow the sequence and the procedure outlined in Section 5 of this rule.
- (b) Prompt Presentation: The employee shall discuss his grievance with his immediate supervisor promptly after the act or omission of management causing the grievance.
- (c) Prescribed Form: The written grievance shall be submitted on a form prescribed by the Personnel Officer for this purpose.
- (d) 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.
- (e) Employee Representative: The employee may choose someone to represent him at any step in the procedure. No person hearing a grievance need recognize more than one (1) representative for any employee at any one time, unless he so desires.
- (f) Handled During Work Hours: Whenever possible, grievances will be handled during the regularly scheduled working hours of the parties involved.
- (g) 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.
- (h) Consolidation of Grievances: 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.
- (i) Settlement: Any grievance shall be considered settled at the completion of any step if all parties are satisfied or if neither party presents the matter to a higher authority within the prescribed time.
- (j) Reprisal: The grievance procedure is intended to assure a grieving employee the right to present his grievance without fear of disciplinary action or reprisal by his supervisor, superior or department head, provided he observes the provisions of this grievance procedure.

CIVIL SERVICE RULES

RULE IX EMPLOYEE GRIEVANCE PROCEDURE

SECTION: 5

Revision Date: February, 1983

PAGE: 5 of 5

SECTION 5 – GRIEVANCE PROCEDURES

The following procedure shall be followed by an employee submitting a grievance pursuant to policy:

- (a) Discussion with Supervisor: The employee shall discuss his grievance with his immediate supervisor informally. Within two (2) working days, the supervisor shall give his decision to the employee verbally.
- (b) Written Grievance to Superior: If the employee and supervisor cannot reach an agreement as to a solution of the grievance or the employee has not received a decision within the two (2) working days' limit, the employee may within two (2) working days present his grievance in writing to his supervisor who shall endorse his comments thereon and present it to his superior within two (2) working days. The superior shall hear the grievance and give his written decision to the employee within five (5) working days after receiving the grievance.
- (c) Grievance to Department Head: If the employee and superior cannot reach an agreement as to a solution of the grievance or the employee has not received a written decision within the five (5) working days' limit, the employee may within five (5) working days present his grievance in writing to his Department Head. The Department Head shall within ten (10) working days after receipt of the grievance hear the grievance and render a written decision.
- (d) Grievance to City Manager: If the employee and department head cannot reach an agreement as to a solution of the grievance or the employee has not received a decision within the five (5) working days' limit, the employee may within five (5) working days present his grievance in writing to the City Manager. The City Manager shall within ten (10) working days after receipt of the grievance hear the grievance and render a written decision.
- (e) Grievance to Civil Service Commission: If the employee is not satisfied with the decision or recommendation of the City Manager, he may within ten (10) working days appeal in writing to the Civil Service Commission. The Commission shall within thirty (30) days after receipt of the appeal hear the appeal and render a final decision.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 1
PAGE: 1 of 10

Revision Date: July, 1986

SECTION 1 – RESIGNATION IN GOOD STANDING

An employee in the Classified Service who desires to resign in good standing, shall give written notice to the appointing authority at least (2) two weeks in advance of the last day of actual work, unless the appointing authority consents to shorter notice. Such request, when approved by the appointing authority, shall be immediately forwarded to the Personnel Office.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 2
PAGE: 2 of 10

Revision Date: July, 1986

SECTION 2 – AUTOMATIC RESIGNATION

Any employee who is absent from duty for three (3) consecutive working days or, in the case of 24-hour shift employees, two (2) consecutive work shifts without first having secured leave or without notifying the appointing authority of the reasons for such 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 without notifying the appointing authority of the reasons shall automatically be considered to have resigned.

Automatic resignations are not with good standing. When the appointing authority determines that there are exceptional circumstances or that an automatic resignation would cause a miscarriage of justice, the appointing authority may set aside the resignation and restore the employee to his position, or allow the employee to resign in good standing.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 3
PAGE: 3 of 10

Revision Date: July, 1986

SECTION 3 – REEMPLOYMENT AFTER RESIGNATION

Any employee who has resigned after having attained permanent status in a classification and had last received a competent or higher performance evaluation may have his name placed on a reemployment list, for a period of two (2) years, within the classification from which he resigned. This list shall be kept separate from the eligibility list normally maintained as per these rules.

Upon receipt of a request for certification, the names on the reemployment list shall be certified to an appointing authority in addition to the names usually certified from the examination eligibility list, if any, per Rule V, Section 2.

Any former employee who was discharged, or who resigned under charges, shall not be eligible for placement on any reemployment list.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 4
PAGE: 4 of 10

Revision Date: July, 1986

SECTION 4 – DISMISSAL DURING PROBATIONARY PERIOD

Any employee who is dismissed while serving a probationary period has no right to appeal to the Civil Service Commission for review of such action. In the case of a probationer who had permanent status immediately prior to accepting appointment to the position in which he is serving his probationary period, the Commission shall inquire into the facts of the case and determine whether he should be restored to his former position and status.

A probationary employee who, without fault or delinquency on his part, has been separated from the service or reduced in rank because of lack of work or funds, or because his classification has been abolished, shall have his name returned for one (1) year to the top of the open eligibility list for the classification from which he was last certified for employment. Ties shall be broken first by performance ratings, and then by grades attained in the examination which resulted in certification to the classification.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 5
PAGE: 5 of 10

Revision Date: July, 1986

SECTION 5 – SEPARATION AFTER TRANSFER OR PROMOTION

In case any employee in the Classified Service has been promoted from a classification in which he had permanent status to a classification which carries a higher maximum salary, or has been appointed from an eligibility list to a position in another classification which carries the same maximum salary as the classification in which he had permanent status at the time of such appointment, or transferred, subject to a probationary period, and is separated from the service during the probationary period, the Commission may, in its discretion restore such employee to a position in his former classification and department, provided it will not be necessary to lay off an employee in permanent status in such former classification. The employee so restored shall not be required to serve another probationary period but shall forthwith resume his former permanent status. In the event the employee is not restored to his former classification or position, he may, on application and with approval of the Commission, be placed on the reemployment list for such former classification.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 6
PAGE: 6 of 10

Revision Date: July, 1986

SECTION 6 – LAY-OFF

Whenever it becomes necessary to reduce the number of employees in any classification within a department, the order of lay-off within the department shall be as follows:

- (a) Employees with provisional status;
- (b) Employees with interim status;
- (c) Employees with probationary status;
- (d) Employees with permanent status, in the inverse order of seniority, the employee with shortest service in the class to be laid off first.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 7
PAGE: 7 of 10

Revision Date: July, 1986

SECTION 7 – DEMOTION IN LIEU OF LAY-OFF

In lieu of lay-off, an employee with permanent status may, at the discretion of the appointing authority, be demoted to a position which he formerly held with permanent status, provided no such demotion shall in turn require the lay-off or demotion from such lower classification of any employee whose length of service in such class is more than the demoted employee's total, unbroken City service in the lower and the higher classification.

At the discretion of the appointing authority a probationary employee may be afforded the opportunity to accept a demotion within the same department to a position in a lower classification provided no such demotion shall in turn require the lay-off of any other employee. Such probationer shall not become permanent in the lower classification as a result of this action; however, the time served on probation in the higher classification shall be counted toward the probationary period for the lower classification.

C I V I L S E R V I C E R U L E S

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 8
PAGE: 8 of 10

Revision Date: July, 1986

SECTION 8 –REINSTATEMENT AFTER LAY-OFF

Any employee who has permanent status in a classification and who is laid off or who is demoted in lieu of being laid off, shall have his name placed on the reinstatement list for such classification. The order of names on a reinstatement list shall be according to date of lay-off, the last person laid off to be highest on the reinstatement list.

An employee laid off after acquiring permanent status shall, after reinstatement, regain the service credit he possessed at the time of lay-off.

Reinstatement lists shall be maintained for each classification. Such lists shall consist of the names of persons who have occupied a position in a classification and have been granted reinstatement privileges by provisions of these rules. Certification from reinstatement lists shall be made in the same manner as prescribed for certification from examination eligibility lists, provided that the order of certification shall be (1) names on reinstatement list; and (2) names on other eligibility lists.

CIVIL SERVICE RULES

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 9
PAGE: 9 of 10

Revision Date: July, 1986

SECTION 9 – REEMPLOYMENT LISTS FOR SEASONAL WORK

Employees who have served satisfactorily in seasonal employment shall have their names placed on the seasonal reemployment list for the classification or position in which they have served when their eligibility on the regular employment list for the classification has expired.

- (a) The order of names on the seasonal list shall be in accordance with the performance ratings received during the most recent season of service. If performance ratings are equal, ties shall be broken first by total length of service in the classification, and then by original examination grade.
- (b) Seasonal reemployment lists shall be revised at the beginning of each calendar year. If a seasonal individual fails to work for two (2) consecutive seasons, his name shall automatically be removed from the list.

C I V I L S E R V I C E R U L E S

RULE X SEPARATION, REINSTATEMENT AND REEMPLOYMENT

SECTION: 10
PAGE: 10 of 10

Revision Date: July, 1986

SECTION 10 – REEMPLOYMENT OF CANDIDATES FOR PUBLIC OFFICE

The name of an employee placed upon a reemployment list after such employee has resigned from the Classified Service to become a candidate for or accept the nomination for a public office, shall remain upon such reemployment list for a period of six (6) months from and after the date of such resignation; provided, however, if the employee takes office in the public office for which he has become a candidate or has accepted the nomination, the Commission may, upon request of the employee, retain the name of the employee upon such reemployment list for additional periods of one (1) year each for a total period of not more than six (6) years from and after the date of such resignation.

CIVIL SERVICE RULES

RULE XI ADMINISTRATION

SECTION: 1

Revision Date: November 2003

PAGE: 1 of 7

SECTION 1 – REGULAR MEETINGS

Regular meetings of the Civil Service Commission shall be held on the second Thursday of each month at the hour prescribed by the Commission; provided that the Commission may designate another time or place of meeting by publicly posting such notice in the City Hall at least 24 hours in advance of the time of the meeting.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 2

PAGE: 2 of 7

Revision Date: February, 1983

SECTION 2 – SPECIAL MEETINGS

Special meetings may be called by the Chairman or by any two (2) Commissioners, provided reasonable advance notice is given to each Commissioner.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 3

PAGE: 3 of 7

Revision Date: February, 1983

SECTION 3 – MEETINGS TO BE PUBLIC

The meetings of the Commission shall be open to the public.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 4

PAGE: 4 of 7

Revision Date: February, 1983

SECTION 4 – QUORUM

Three (3) members shall constitute a quorum and the concurrence of at least three (3) members shall be required for any action.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 5

Revision Date: February, 1983

PAGE: 5 of 7

SECTION 5 – MINUTES

The Secretary of the Commission shall record in the minutes the time and the 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 reasons therefore. The minutes 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 Chairman of the Commission, or the presiding Commissioner, shall be open to public inspection.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 6

PAGE: 6 of 7

Revision Date: February, 1983

SECTION 6 – RULES OF ORDER

Robert's Rules of Order, except as otherwise provided herein, shall guide the Commission in its proceedings. The order of business shall be:

- (1) Reading of the minutes.
- (2) Communications.
- (3) Consideration of reports.
- (4) Unfinished business.
- (5) New business.

A Commissioner may record in the minutes his approval of, or dissent from any act of the Commission, together with his reasons therefore.

CIVIL SERVICE RULES

RULE X1: ADMINISTRATION

SECTION: 7

Revision Date: February, 1983

PAGE: 7 of 7

SECTION 7 – DUTIES OF THE PERSONNEL OFFICER

The Personnel Officer shall, subject to the direction and approval of the Commission, act as:

- (a) Secretary of the Commission: Shall have charge of and be responsible for the upkeep and safekeeping of Commission and personnel records, files, documents, books and other official papers.
- (b) Official Representative of the Commission: Shall be the official upon whom all notices, requests for hearings, complaints and other official documents shall be served, or filed with, provided that in his absence such documents may be served on or filed with the City Clerk.
- (c) Certification Official: Shall certify to the appointing authority the names of persons eligible for appointment to any vacant position in the Classified Service.
- (d) Participation at Meetings: Shall have the right to participate in all discussions of the Commission, but shall have no vote.
- (e) Examinations: 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.
- (f) Personnel Program: Shall administer a broad program including recruitment and examination of applicants, classification of positions, employee information and counseling, in-service training, service ratings, leaves, and maintenance and development of other varied personnel standards and programs.
- (g) Additional Duties: Shall perform any other duties assigned to him by the Civil Service Commission.
- (h) Shall examine or cause to be examined payrolls or claims to determine whether the employees whose names appear thereon have been appointed, employed, promoted, demoted or their salaries increased or decreased in accordance with the provisions, rules and regulations prescribed in the Rules by the Civil Service Commission, or by ordinance or resolution of the City Council.

CIVIL SERVICE RULES

RULE XII RULES AND REGULATIONS

SECTION: 1
PAGE: 1 of 2

Revision Date: February, 1983

SECTION 1 – 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.

Any amendments to the Rules resulting from Memorandums of Understanding negotiated with employee organizations under the provisions of Rule XIII and approved by the City Council are considered final following adoption by the City Council.

CIVIL SERVICE RULES

RULE XII RULES AND REGULATIONS

SECTION: 2

Revision Date: February, 1983

PAGE: 2 of 2

SECTION 2 – REGULATIONS

The Commission may from time to time adopt and record in its minutes, regulations for the administration of these Rules. All such regulations shall be effective upon adoption by the 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.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 1
PAGE: 1 of 18

Revision Date: February, 1983

SECTION 1 – EMPLOYEE RIGHTS

Employees of the City shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including but not limited to wages, hours, and other terms and conditions of employment. Employees of the City also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any employee organization because of his exercise of these rights.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 2
PAGE: 2 of 18

Revision Date: February, 1983

SECTION 2 – CITY RIGHTS CLAUSE

- (1) The City reserves, retains, and is vested with, solely and exclusively, all rights of Management which have not been expressly abridged by specific provision of the Memorandums of Understanding or by law to manage the City, as such rights existed prior to the execution of the Memorandums of Understanding. The sole and exclusive rights of Management, as they are not abridged by the Agreements or by law, shall include but not be limited to the following rights:
- (a) To manage the City generally and to determine the issues of policy
 - (b) To determine the existence or non-existence of facts which are the basis of the Management decision.
 - (c) To determine the necessity of organization of any service or activity conducted by the City and to expand or diminish services.
 - (d) To determine the nature, manner, means, and technology, and extent of services to be provided to the public.
 - (e) Methods of financing.
 - (f) Types of equipment or technology to be used.
 - (g) To determine and/or change the facilities, methods, technology, means, and size of the work force by which the City operations are to be conducted.
 - (h) To determine and change the number of locations, relocations, and types of operations, processes, and materials to be used in carrying out all City functions including but not limited to the right to contract for or subcontract any work or operation of the City.
 - (i) To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments.
 - (j) To relieve employees from duties for lack of work or other legal non-disciplinary reasons.
 - (k) To establish and modify productivity and performance programs and standards.
 - (l) To discharge, suspend, demote, or otherwise discipline employees for proper cause in accordance with the provisions and procedures set forth in City disciplinary procedures.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 2

Revision Date: February, 1983

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- (m) To determine job classifications and to reclassify employees.
- (n) To hire, transfer, promote, and demote employees for legal non-disciplinary reasons in accordance with the Memorandums of Understanding.
- (o) To determine policies, procedures, and standards for selection, training, and promotion of employees.
- (p) To establish employee performance standards including but not limited to quality and quantity standards; and to require compliance therewith.
- (q) To maintain order and efficiency in its facilities and operations.
- (r) To establish and promulgate and/or modify rules and regulations to maintain order and safety in the City which are not in contravention with this Memorandum of Understanding.
- (s) To take any and all necessary action to carry out the mission of the City in emergencies.

Nothing in Section 1 is intended to abrogate or to conflict with the Civil Service Rules as approved by the Civil Service Commission and adopted by the City Council.

- (2) Except in emergencies, or where the City is required to make changes in its operations because of the requirements of law whenever the contemplated exercise of Management's rights shall impact on a significant number of employees in any division of the bargaining unit, the City agrees to meet and confer in good faith with representatives of the Unit regarding the impact of the contemplated exercise of such rights prior to exercising such rights, unless the matter of the exercise of such rights is provided for in the Memorandum of Understanding.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 3
PAGE: 4 of 18

Revision Date: February, 1983

SECTION 3 – MEET AND CONFER IN GOOD FAITH – SCOPE

- (a) The City, through its representatives, shall meet and confer in good faith with representatives of formally recognized employee organizations with majority representation rights regarding matters within the scope of representation including wages, hours and other terms and conditions of employment within the appropriate unit.
- (b) The City shall not be required to meet and confer in good faith on any subject preempted by Federal or State law.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 4
PAGE: 5 of 18

Revision Date: February, 1983

SECTION 4 – CONSULTATION IN GOOD FAITH – SCOPE

All matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. The City, through its representatives, shall consult in good faith with representatives of all recognized employee organizations on employer-employee relations matters which affect them. Advance notice on matters subject to consultation, but outside the scope of representation, is desirable but not mandatory.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 5

Revision Date: February, 1983

PAGE: 6 of 18

SECTION 5 – ADVANCE NOTICE

Reasonable written notice shall be given to each recognized employee Unit affected by any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council or by the Civil Service Commission of the City, and each shall be given the opportunity to meet and confer with representatives of the City prior to adoption and to appear before such body prior to adoption.

In case of emergency when the City Council or Civil Service Commission of the City determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or without the recognized employee organization appearing before the City Council or Civil Service Commission, the City shall provide such notice and opportunity to meet and confer with representatives of the City and appear at the earliest feasible time following the adoption of such ordinance, rule, resolution or regulation.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 6
PAGE: 7 of 18

Revision Date: February, 1983

SECTION 6 – PETITION FOR RECOGNITION

There are two (2) levels of employee organization recognition – formal and informal. The recognition requirements of each are set forth below.

- (a) FORMAL RECOGNITION – THE RIGHT TO MEET AND CONFER IN GOOD FAITH AS MAJORITY REPRESENTATIVE: An employee organization that seeks formal recognition for purposes of meeting and conferring in good faith as the majority representative of employees in an appropriate unit shall file a petition with the Municipal Employee Relations Officer containing the following information and documentation:
- (1) Name and address of the employee organization.
 - (2) Names and titles of officers.
 - (3) Names of employee organization representatives who are authorized to speak on behalf of its members.
 - (4) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.
 - (5) A statement whether the employee organization is a chapter or local of or affiliated directly or indirectly in any manner with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state or international organization.
 - (6) Certified copies of the employee organization's constitution and by-laws.
 - (7) A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
 - (8) A statement that the employee organization recognizes that the provisions of Section 923 of the Labor Code are not applicable to City employees.
 - (9) A statement that the employee organization has no restriction on membership based on race, color, creed, sex, or national origin.
 - (10) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 6

Revision Date: February, 1983

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- (11) A statement that the employee organization has in its possession written proof, dated within six (6) months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Municipal Employee Relations officer or to a mutually agreed upon disinterested third party.
 - (12) A request that the Municipal Employee Relations Officer recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.
- (b) INFORMAL RECOGNITION – THE RIGHT TO CONSULT IN GOOD FAITH: An employee organization that seeks recognition for purposes of consultation in good faith shall file a petition with the Municipal Employee Relations Officer containing the following information and documentation:
- (1) All of the information enumerated in (a) (1) through (9) of this Section inclusive.
 - (2) A statement that the employee organization has in its possession written proof, dated within six (6) months of the date upon which the petition is filed, to establish that employees have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Municipal Employee Relations Officer or to a mutually agreed upon disinterested third party.
 - (3) A request that the Municipal Employee Relations Officer recognize the employee organization for the purpose of consultation in good faith.
- (c) The petition, including all accompanying documents, shall be verified, under oath, by the Executive Officer and Secretary of the organization that the statements are true. All charges in such information shall be filed forthwith in like manner.
- (d) The Municipal Employee Relations Officer shall grant recognition, in writing, to all employee organizations who have complied with either Sections 6 (a) or (b) and (c). Employee organizations seeking formal recognition as majority representative must, in addition, establish to the satisfaction of the Municipal Employee Relations Officer that it represents a majority of the employees in the manner prescribed in Section 6 (a) of this Rule. No employee may be represented by more than one (1) recognized employee organization for the purposes of this Resolution.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 7
PAGE: 9 of 18

Revision Date: February, 1983

SECTION 7 – APPROPRIATE UNIT

- (1) The Municipal Employee Relations Officer, after reviewing the petition filed by an employee organization seeking formal recognition as majority representatives, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following factors, among others, are to be considered in making such determination:
 - (a) Which unit will assure employees the fullest freedom in the exercise of rights set forth under this Rule.
 - (b) The history of employee relations: (1) in the unit; (2) among other employees of the City; and (3) in similar public employment.
 - (c) The effect of the unit on the efficient operation of the City and sound employer-employee relations.
 - (d) The extent to which employees have common skills, working conditions, job duties or similar educational requirements.
 - (e) The effect on the existing classification structure of dividing a single classification among two or more units.

Provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

- (2) In the establishment of appropriate units, (1) professional employees shall not be denied the right to be represented separately from non-professional employees; and (2) management and confidential employees who are included in the same unit with non-management or non-confidential employees may not represent such employees on matters within the scope of representation.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 8
PAGE: 10 of 18

Revision Date: February, 1983

SECTION 8 – RECOGNITION OF EMPLOYEE ORGANIZATIONS AS MAJORITY REPRESENTATIVE – FORMAL RECOGNITION

- (1) The Municipal Employee Relations Officer shall:
 - (a) Determine the majority representative of City employees in an appropriate unit by arranging for a secret ballot election or by any other reasonable method which is based upon written proof, and is designed to ascertain the free choice of a majority of such employees. The employee organization found to represent a majority of the employees in an appropriate unit shall be granted formal recognition and is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit. This shall not preclude other recognized employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.
 - (b) Revoke the recognition rights of a majority representative, which has been found by secret ballot election no longer to be the majority representative.
- (2) The recognition rights of the majority representative designated in accordance with this Section shall not be subject to challenge for a period of not less than twelve (12) months following the date of such recognition.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 9
PAGE: 11 of 18

Revision Date: February, 1983

SECTION 9 – DESIGNATION OF MUNICIPAL EMPLOYEE RELATIONS OFFICER

The City Council shall designate, by Resolution, a Municipal Employee Relations Officer who shall be the City's principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation including wages, hours and other terms and conditions of employment.

The Municipal Employee Relations Officer so designated is authorized to delegate these duties and responsibilities.

CIVIL SERVICE RULES

RULE XIII EMPLOYER – EMPLOYEE RELATIONS

SECTION: 10
PAGE: 12 of 18

Revision Date: February, 1983

SECTION 10 – RESOLUTION OF IMPASSES

Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. The impasse procedures are as follows:

- (a) MEDIATION (OR CONCILIATION) (Defined in Rule I) – All mediation proceedings shall be private. The Mediator shall make no public recommendations nor take any public position concerning the issues.
- (b) A DETERMINATION BY THE CITY COUNCIL – After a hearing on the merits of the dispute.
- (c) Any other dispute resolving procedures to which the parties mutually agree or which the City Council may order.

Any party may initiate the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting may then be scheduled by the Municipal Employee Relations Officer forthwith after the date of filing of the written request for such meeting, with written notice to all parties affected. The purpose of such impasse meeting is twofold: (1) To permit a review of the position of all parties in a final effort to reach agreement on the disputed issues, and (2) if agreement is not concluded, to mutually select the specific impasse procedure to which the dispute may be submitted. In the absence of agreement between the parties on this point, the matter may be referred to the City Council.

The fees and expenses, if any, of mediators or of any other impasse procedure, shall be payable one-half by the City and one-half by the employee organization or employee organizations.

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SECTION 11 – MEMORANDUM OF UNDERSTANDING

When the meeting and conferring process is concluded between the City and a formally recognized employee organization representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized City and majority representatives.

As to those matters within the authority of the City Council, the memorandum of understanding shall be submitted to the City Council for determination.

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SECTION 12 – RULES AND REGULATIONS

The City Council may adopt such Rules and Regulations necessary or convenient to implement the provisions of this Rule and Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et seq.).

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SECTION 13 – CONSTRUCTION

- (a) Nothing in this Rule shall be construed to deny any person or employee the rights granted by Federal and State laws and the City Charter provisions.
- (b) The rights, powers and authority of the City Council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Rule.
- (c) The provisions of this Rule are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et seq.) as amended.

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SECTION 14 – SEPARABILITY

If any provision of this Rule, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Rule, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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SECTION 15 – REMOVAL OF STRIKING EMPLOYEES

No employee of the City of Coronado shall instigate, participate in, or afford leadership to a strike against the City of Coronado. No employee of the City of Coronado shall engage in any form of concerted action to withhold service, in whole or in part, from the City of Coronado. No employee of the City of Coronado shall engage in picketing activity in furtherance of a strike or a concerted action to withhold service from the City of Coronado.

It shall be the duty of the City Manager to ascertain the identity of any employee of the City who is in violation of any provision of this section and to initiate dismissal proceedings against such employee in accordance with the provisions of this section.

The City Manager shall cause a Notice of Proposed Dismissal to be personally served upon the employee or sent by registered mail to the employee's residence as indicated in the City's records. The Notice of Proposed Dismissal shall contain:

- (a) The charge or charges against the employee with a description of the nature, purpose and location of evidence which supports the charges;
- (b) A date and time no sooner than fourteen (14) days from the date of mailing or seven (7) days from the date of personal service, at which time the employee may present to the Civil Service Commission a response to the Notice of Proposed Dismissal.

The hearing shall be conducted before the Civil Service Commission at a regularly scheduled meeting or at such special meeting called by the Civil Service Commission or directed by the City Council.

After hearing, if the Civil Service Commission determines that the charges are supported by the evidence submitted and that the employee willfully violated a provision of this section, the employee shall be dismissed from employment.

A dismissed employee shall not be reinstated or returned to the City of Coronado employment except as a new employee. No officer, board or commission of the City, elected or appointed, shall have the power to grant amnesty to the persons found in violation of the provisions of this section.

In the event of any strike or concerted action to withhold service, the City Council shall not grant any improvement in wages, hours or working conditions beyond those in effect or last offered to a striking organization or employees represented by such organization by the City prior to the commencement of such strike or concerted activity until the commencement of meet and confer negotiations in the next subsequent calendar year at the time regularly scheduled for

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commencement of such negotiations unless the City of Coronado has been reimbursed in full for all costs and damages incurred as a result of such strike or concerted activity, to include without limitation overtime compensation, temporary employee compensation, legal services and professional consultant services.

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SECTION 1 – POLICY STATEMENT

It shall be the policy of the City of Coronado to provide equal employment opportunity without discrimination on the basis of race, color, religion, age, sex, physical handicap, or national origin. The City shall make every effort to insure nondiscrimination and Affirmative Action concepts will apply to all applicants for employee, and all City employees in administering hiring procedures, promotion, transfer, compensation, classification, training, termination of employment and other rights, conditions, and benefits of employments.

This Affirmative Action Program will provide specific procedures and goals to which the City of Coronado commits itself with the objective of increasing qualified and qualifiable minority and female representation at all levels of employee to achieve an employee balance which reasonably reflects the racial/ethnic and sex composition of the Standard Metropolitan Statistical Area (SMSA) population as a whole, and the availability of those with requisite skills and abilities.

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SECTION 2 – ASSIGNMENT OF RESPONSIBILITY

- (a) The City Manager is hereby designated as the Affirmative Action Officer of the City of Coronado.
- (b) The City Manager shall designate the head of the Administrative Services Department as the Affirmative Action Coordinator and such person shall be responsible for the implementation, coordination, and administration of the City's Affirmative Action Program. All department heads shall assume full responsibility for the progress and success of the Affirmative Action Program in their respective departments.

The duties of the Affirmative Action Coordinator shall include the following responsibilities:

- (1) To develop and recommend administrative policies and procedures to implement the affirmative action commitments, and make certain that all City employees are aware of such policies and procedures.
- (2) To develop and coordinate with City departments result-oriented affirmative action programs designed to eliminate problems and to attain established equal opportunity goals and objectives.
- (3) To assist department head in correcting deficiencies and arriving at solutions to equal opportunity problems.
- (4) To disseminate the Affirmative Action Program by maintaining communication with local community action groups, recruitment sources, minority organizations, and educational institutions.
- (5) To keep the City Manager and department heads informed of all developments in the equal employment opportunity area so as to ensure awareness of the need to update the City's Affirmative Action Program.
- (6) To identify problem areas (deficiencies) and indicate to the City Manager need for remedial action by department, division, and/or office, and job category.
- (7) To oversee records of referrals, turnover, placements, transfers, promotions, terminations, and other pertinent statistical data to ensure that equal opportunity policy is followed.
- (8) To serve as liaison between the City and State and Federal enforcement agencies in investigating complaints, seeking solutions through remedial action where necessary, and attempt to minimize the need to litigation where possible.

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- (9) To keep abreast of government regulations, legal interpretations and laws, Equal Employment legislation, and Affirmative Action laws, and inform the City Manager and department heads of significant changes or shifts of emphasis.
- (10) To provide reports to the City Manager as to the ethnic and sex makeup of all regular and newly-hired employees in the City workforce.
- (c) The City Manager shall actively and publicly affirm his support and commitment to the City's Affirmative Action Program, and will include a review of progress and problem areas in his regular meetings with department heads.
- (d) All department heads and supervisors are responsible for carrying out and supporting in good faith the City's Affirmative Action Program.
- (e) All department heads and supervisors are responsible for carrying out the City's Affirmative Action Program with respect to ethnic and sex equal opportunity.
- (f) All employees of the City of Coronado are responsible for supporting the Affirmative Action Program and its intent and for creating a work environment conducive to achieving equal employment opportunity goals.

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SECTION 3 – INTERNAL DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

The following internal communication procedures shall be utilized to communicate the City's Affirmative Action Program to City employees and the public.

- (a) Equal Employment/Affirmative Action policy statements shall be included in the orientation packets given new personnel.
- (b) All administrative and supervisory personnel shall be periodically informed of the intent of the Equal Employment Opportunity Policy and the Affirmative Action Program, and their individual responsibility for its implementation.
- (c) Equal Employment Opportunity Policy and the Affirmative Action Program implementation shall be discussed in orientation and management staff development meetings.
- (d) Progress reports of the City's Affirmative Action Program shall be made available to all department heads for discussion within their departments as significant activities are carried out.
- (e) The Equal Employment Opportunity clause statement, "The City of Coronado is an Equal Opportunity/Affirmative Action Employer," shall be placed in all vacancy announcements.
- (f) The Policy of Equal Employment Opportunity, and Federal and State notices of Equal Employment/Affirmative Action Opportunity shall be posted on the Administrative Services bulleting board and all department bulletin boards.
- (g) The City shall communicate the Affirmative Action Program to employee organizations and enlist their support in recruitment of minorities and women.

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SECTION 4 – EXTERNAL DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

The following procedures shall be utilized to ensure community awareness of the City's Equal Employment Opportunity Policy and Affirmative Action Program.

- (a) All recruiting sources used by the City shall be informed in writing of the City's Equal Employment Opportunity Policy and Affirmative Action Program.
- (b) Minority organizations, community agencies, community leaders, and other interested persons shall be notified of the City's Equal Employment Opportunity Policy and Affirmative Action Program.
- (c) The City shall periodically reaffirm its commitment to the Affirmative Action Program through news releases to local papers, including minority publications, and renotification to all concerned organizations and agencies.

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SECTION 5 – REQUIRED ACTION TO ACHIEVE EQUAL OPPORTUNITY

- (a) Implement and administer the Affirmative Action Program.
 - (1) Channel requests for filling all vacancies through the Administrative Services Department. Responsibility: All department heads.
 - (2) Communicate Affirmative Action goals and commitments to all employees. Responsibility: All departments.
 - (3) Give recognition to notable success in Affirmative Action. Responsibility: City Manager.
 - (4) Develop orientation information for all employees. Responsibility: Administrative Services Department.
 - (5) Conduct periodic meetings with department heads to monitor progress, assess problems, and generate new ideas. Responsibility: City Manager and Administrative Services Department.
- (b) Improve effectiveness of recruitment of qualified women and minorities.
 - (1) Publicly announce all position openings and bring to attention of women and minority individuals. Responsibility: Administrative Services Department.
 - (2) Post bulletins of job vacancies for a minimum of five (5) days. Responsibility: Administrative Services Department.
 - (3) Open all vacancies to both men and women. Responsibility: Administrative Services Department.
 - (4) Contact educational institutions and interested community agencies on position openings. Responsibility: Administrative Services Department.
 - (5) Remove every artificial barrier or invalid barrier on qualifications for appointment or advancement. Responsibility: Administrative Services Department.
 - (6) Certify at least three (3) qualified applicants, one (1) or more who is female or minority person, for every job opening, if possible. Responsibility: Administrative Services Department.
 - (7) Investigate and take corrective measures when a department has consistently not hired qualified minorities and women, or if a department has not reached a desirable level of

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employment for minorities and women. Responsibility: Administrative Services Department.

(8) Work with employee organizations to communicate Affirmative Action Program, and enlist support in recruitment of qualified minorities and women. Responsibility: Administrative Services Department.

(c) Improve selection methods and assist qualifiable employees for promotion.

(1) Encourage and expand promotional opportunities wherever possible. Responsibility: Administrative Services Department and all departments.

(2) Conduct validation studies of personnel tests. Responsibility: Administrative Services Department.

(3) Designate entry-level classification to be filled by Administrative Services Department. Responsibility: City Manager.

(4) Provide counseling to employees to assist in career advancement. Responsibility: Administrative Services Department.

(5) Conduct advancement workshops to acquaint employees with the testing and career development process. Responsibility: Administrative Services Department.

(d) Enhance advancement through in-service training.

(1) Provide training to management and supervisory personnel with respect to equal employment opportunities. Responsibility: Administrative Services Department.

(2) Establish in-service trainee and apprenticeship programs, particularly for qualifiable women and minority employees. Responsibility: Administrative Services Department.

(3) Encourage employees to take advantage of the GI Bill and other job-related education offered by local high schools and colleges. Responsibility: All departments.

(e) Ensure pay commensurate with duties of responsibilities, and no disparate treatment exists because of sex.

(1) Submit major shifts in duties or responsibilities to Administrative Services Department for review. Responsibility: All departments.

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- (2) Conduct classification studies to ensure that employees are properly classified. Responsibility: Administrative Services Department.
 - (3) Prepare class specifications in such a way that qualification requirements are realistic and valid. Responsibility: Administrative Services Department.
 - (4) Restructure jobs to provide career ladders. Responsibility: Administrative Services Department.
 - (5) Develop broad rather than narrow classifications. Responsibility: Administrative Services Department.
- (f) Establish controls to analyze effectiveness of Affirmative Action Program.
- (1) Furnish reports indicating progress of Affirmative Action for each department to Administrative Services Department. Responsibility: All departments.
 - (2) Compile progress reports on Affirmative Action for City Manager. Responsibility: Administrative Services Department.
 - (3) Investigate all complaints of discrimination and provide complainant with written notice concerning disposition of case. Responsibility: Administrative Services Department.
 - (4) Follow-up to ensure correction of condition which led to complaint and advise City Manager. Responsibility: Administrative Services Department.
- (g) Support community action programs to improve equal employment opportunity.
- (1) Encourage all management and supervisory personnel to serve on boards and committees of minority organizations, schools, and community groups to strengthen working relationships for Affirmative Action. Responsibility: All departments.
 - (2) Open channels of communication with community groups to encourage minorities and women to participate in academic, vocational, and technical training. Responsibility: All departments.
 - (3) Visit various minority community groups to stress equal opportunity in employment and recruitment, testing and hiring procedures. Responsibility: Administrative Services Department.

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SECTION 6 – INTERNAL AUDIT PROCEDURES

The Administrative Services Department shall be responsible for audit procedures according to the responsibilities as stated in Section 2, Assignment of Responsibility.

All departments shall cooperate with the Administrative Services Department in furnishing reports and monitoring the progress of Affirmative Action in their respective departments. The Administrative Services Department shall furnish progress reports to the City Manager.

Records of all new hires, transfers, promotions, and terminations shall be maintained by race, sex and age.

The City of Coronado shall conduct a utilization analysis of the City work force each year. The purpose of this analysis shall be to determine where minorities and women are not employed in proportion to their relative representation in the area and in the area labor force.

- (a) The annual utilization shall result in statistical tables which depict the number of employees of each ethnic group and sex in each occupational category and each salary level. The occupational categories and salary range groupings provided on the federally mandated EEO-4 Report Form shall be used for these purposes.
- (b) The City shall annually obtain the most current data reflecting the percentages of minorities in the area population and the percentage of women in the area labor force.
- (c) The City shall compare the current percentages of minorities and women in the area population and labor force with the percentages of minorities and women in the specified occupational and salary categories with the City work force. Those occupational and salary categories in which the representation of minorities and/or women is less than the representation of those groups in the population and labor market shall be considered areas of underutilization.
- (d) The extent of the underutilization present in each occupational category (determined by the number of positions by which minorities and/or women are underrepresented) shall serve as the basis for the Affirmative Action Officer's prioritizing planned analyses of and modifications to existing personnel policies, practices and processes. The Affirmative Action Officer shall consider as top priority for analysis and possible modification those personnel policies, practices, and processes which affect the selection of employees for those occupational categories in which it is determined minorities and/or women are most severely underutilized.
- (e) The utilization analysis tables in this document are the City's utilization analysis.

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SECTION 7 – SUPPORT OF COMMUNITY ACTION PROGRAMS

The City recognizes the critical part employment plays in the economic health of the community. For this reason, employment is regarded as a matter of municipal concern.

The City of Coronado will therefore provide active support and participate in community action programs which further the cause of equal opportunity/Affirmative Action. The City will take a leadership role in extending opportunities to qualified minorities and females throughout the community, as well as within the municipal organization.

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SECTION 8 – APPENDICES

(a) Analysis of Work Force and Community Resources by Work Category: The following are definitions for the various categories of employees as utilized by the Equal Employment Opportunity Commission in their State and local government information form (EEO-4).

OFFICIALS/ADMINISTRATORS – City Manager, Department Heads and Assistant Department Heads.

PROFESSIONALS – Assistant City Librarian, Librarian I, Planners, Associate Planner, Police Captains and Fire Captains.

TECHNICIANS – Engineering Technicians, Building Inspector, Planning Technician.

PROTECTIVE SERVICE – Police Officers and Firefighters.

PARA-PROFESSIONALS – Engineering Aides, Cost/Property Accountant, Division Foremen, Office Manager – Public Works.

SKILLED CRAFT – Electrician, Building Maintenance Worker III, Mechanics, Maintenance Worker III, Power Equipment Operator.

SERVICE/MAINTENANCE – Maintenance Worker I, Parking Meter Maintenance Worker.

CLERICAL – Clerk I, Dispatchers and Account Clerks.

(b) Legal Citations:

- (1) Civil Rights Act of 1964 as amended by Equal Employment Opportunity Act of 1972; Public Law 88-352.
- (2) Executive Order 11246, signed by the President in 1965, as amended by Executive Order 11375 signed in 1967. Amended Part I was superseded by Executive Order 11478 signed in 1969. Part II was amended to add sex as a prohibited basis of discrimination, effective 1968.
- (3) This encompasses the California Fair Employment Practices Commission Guidelines and Regulations, Sec. 1410 of the California Labor Code.
- (4) Griggs v. Duke Power company, vs. Supreme Court, 1971.

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(c) Ethnic Minority Definitions: The following ethnic categories are used for the City of Coronado job applicants and current employees:

- (1) Black: Includes persons of African descent and those identified as Jamaican, Trinidadian, and West Indian.
- (2) Spanish Surname: Includes all persons of Mexican, Puerto Rican, Cuban, Latin American, Spanish descent, and/or Spanish surname.
- (3) Other: Includes (a) Asian-Japanese, Chinese, Korean or Philipino descent; (b) American Indian.

(d) Summary of Equal Employment Opportunity Laws: FEDERAL LAWS

TITLE VII OF CIVIL RIGHTS ACT OF 1964: It shall be an unlawful employment practice for any employer to:

Fail or refuse to hire or to discharge any person, or otherwise to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin.

Limit, segregate, or classify his/her employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex, or national origin.

Discriminate against any of his/her employees or applicants because such employee or applicant has opposed any practice made an unlawful employment practice by this title.

Print or cause to be printed or published any notice or advertisement relating to employment by such an employer indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex or national origin when religion, sex or national origin is a bona fide occupational qualification for employment.

In addition, it is unlawful to discriminate because of race, creed, religion, color, sex or national origin in apprenticeship, training, or retraining programs.

Every employer, employment agency and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for

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employment and members are customarily posted a notice to be prepared or approved by the Equal Employment Opportunity Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

Exempted from coverage of the Civil Rights Act of 1964 are:

The Federal Government and its wholly owned corporations.

Religions corporations, associations, or societies employing individuals of a particular religion in all their activities, not just their religious activities.

Bona fide, tax-exempt private clubs, aliens working for American organizations outside the states, and Indian tribes in so far as they act as employers.

TITLE VI OF CIVIL RIGHTS ACT OF 1964:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972:

The Equal Employment Opportunity Act of 1972 amends the Civil Rights Act of 1964 to include state and local governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

CIVIL RIGHTS ACTS OF 1866, 1870, 1871:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

Every person who, under color or any statute, ordinance, regulation, custom or usage, or any State and Territory, subjects, or causes to be subjected thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

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U.S. CONSTITUTION: 14TH AMENDMENT

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive an person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

EXECUTIVE ORDER 11246

All Government contracting agencies shall include in every Government contract entered into the following provisions.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated without regard to their race, color, religion, sex, or national origin.

Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or terminations, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

EXECUTIVE ORDER 11375

Executive Order 11375 amends Executive Order 11246 to include women.

EXECUTIVE ORDER 11141

Contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employee advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age. Contractors and subcontractors shall not specify, in solicitations or advertisement for employees a maximum age limit for such employment.

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EXECUTIVE ORDER 11478

Prohibits discrimination in federal employment on account of race, color, religion, sex, or national origin.

TAFT ACT:

The National Labor Relations Board has held that the right of exclusive representation given a union under the Taft Act carries with it the duty to represent employees fairly without insidious discrimination that a union that practices racial discrimination against an employee it represents thereby violates the employee's rights under the Taft Act; and racial discrimination by employers also may be held to violate the Taft Act if it is found to inhibit employees in exercising their self-organizational rights under this right.

EQUAL PAY ACT:

The equal pay standard makes it unlawful for an employer to pay wages at a rate less than the rate at which he/she pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which require equal skill, effort, and responsibility, and which are performed under similar working conditions.

REHABILITATION ACT OF 1973:

Section 503 of the Rehabilitation Act of 1973 requires employers with federal contracts over \$2,500 to take Affirmative Action for the employment of handicapped people. Further, if the contract extends for more than 90 days, the contractor must prepare an Affirmative Action program and make it available to all employees. Moreover, if the value of a contract of more than 90 days is \$500,000 or more, the contractor must submit its Affirmative Action Program to the Department of Labor. Specific numerical hiring goals based on population figures need not be set.

(e) Glossary:

ADVERSE EFFECT – Refers to a total employee process or any of its components which results in a differential rate of selection (for hire, promotion, etc.) and work to the disadvantage of a protected class. The difference in the rate of selection must be statistically significant at the .05 level.

ARTIFICIAL BARRIERS – Refers to any or all aspects of a recruiting, selecting and hiring process which precludes the employment of or limits the full utilization of qualified members of classes protected by Title VII.

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BONA FIDE OCCUPATIONAL QUALIFICATIONS (BFOQ) – Title VII permits differentiation in employment when religion, sex, or national origin is reasonably necessary to the normal operation of a particular enterprise. The burden of proof is on the employer to prove a BFOQ and the EEOC interprets BFOQ's very narrowly.

BUSINESS NECESSITY – A very narrow interpretation by the Supreme Court requiring overriding evidence that a discriminatory practice is essential to safe and efficient operation of the business, and/or a showing of extreme adverse financial impact.

DISCRIMINATION – The use of any standard or test which adversely effects hiring, promotion, transfer or any other employment or membership opportunity of classes protected by Title VII unless:

- (1) The standard has been validated and evidences a high degree of utility.
- (2) Alternate procedures are unavailable. The purpose of this requirement is to prevent an employer from validating a number of selection procedures and using only those which have the greatest adverse effect. An employer is not required to validate all conceivable alternatives. However, if an employer has experience with two (2) or more equally valid tests or batteries of tests, assuming no other relevant information, such as differences in job performance measure or how intercorrelations, etc., the test which has the least adverse effect on minorities should be used.

JOB ANALYSIS – The process of obtaining information about a job by observation, interview, or other methods in order to gain familiarity with the job requirements and uncover those behaviors which are important and critical to successful job performance.

JOB RELATED – The degree to which the minimum qualifications for a particular job relate with the work elements of that job. In addition, the extent to which the qualifications are valid predictors of that successful job performance.

MERIT – The objective standard used to assess the applicant's suitability for a position. The evaluation of the applicant is restricted to characteristics which are related to successful job performance.

OVERT DISCRIMINATION – Refers to the conscious and deliberate actions of an employer against individuals, limiting their activity within the work force. This type of discriminatory action is expressly prohibited by the Civil Rights Act of 1964.

PROTECTED CLASSES – Members of groups who, by virtue of past discrimination, continue to suffer the present effects of that discrimination. Applicants or employees may be considered

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members of a protected class, whenever because of discrimination based on race, religion, sex, or national origin such employees were initially assigned to less desirable or lower paying jobs, were denied equal opportunity to advancement and were subject to layoff or displacement from their jobs.

SYSTEMIC DISCRIMINATION – Refers to neutral and unintentional employment policies and practices which continue to have a disparate effect upon the employment of members of protected classes.

TEST – Includes any objective well-defined selection instrument, process or procedure that is formal, scored or quantified, and used as a basis for any selection decision. The term “test” includes but is not limited to education requirements, height requirements, scored interviews, and scored application forms. All tests must be validated if they adversely effect the opportunities of protected groups even if they are used informally.

UNDERUTILIZED – Having few minorities or women in a particular job category than would reasonably be expected by their availability.

VALIDITY – Generally the technical term used to describe how well personnel selection procedures measure or predict the job performance of individuals. Further information can be obtained from the EEOC Selection Guidelines.

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RULE XV SUGGESTION AWARD PLAN AND COMMITTEE

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SECTION 1 – CREATION OF PLAN AND COMMITTEE

There is hereby created a Suggestion Award Plan, hereinafter referred to as Plan, and a Suggestion Award Committee, hereinafter referred to as Award Committee.

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SECTION 2 – SUGGESTION DEFINED

A suggestion is a constructive proposal for a new procedure or change in existing procedure in the operation of a City department whose employees are eligible for participation in this Plan which makes possible the reduction, elimination or avoidance of expenditures of public money or results in improvement in the operation of the functions of the City department. A suggester is one eligible for participation in the Plan who makes a suggestion.

All suggestions with the exception of those in Section 4 hereof, which accomplish or tend to accomplish, any of the following objectives shall be considered suggestions within the meaning of this rule:

- (a) The saving of time, labor, space, material or supplies;
- (b) The improvement of service to the public;
- (c) The improvement of methods and procedures resulting in increased output or efficiency, or both;
- (d) The improvement of safety conditions;
- (e) The improvement of tools and equipment;
- (f) The elimination of unnecessary procedures, records and forms.

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SECTION 3 – ELIGIBLE EMPLOYEES

The following shall be eligible for participation in the Plan:

All employees of the City of Coronado;

All of the foregoing employees shall be eligible for honorary awards for suggestion of outstanding merit. All of the foregoing employees shall be eligible for cash awards in accordance with the Plan herein set forth, except:

- (a) Department heads and their chief deputies.
- (b) All elected or appointed personnel.
- (c) Eligibility for cash awards shall be determined on the basis of the position held by the employee at the time the suggestion is submitted. In those cases where a proposal is adopted and implemented by a department before the actual submission of a formal suggestion by an employee, the suggestion shall be submitted within sixty (60) days of the installation of the suggestion to be eligible for award.

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SECTION 4 – INELIGIBLE PROPOSALS

The following suggestions are not eligible for awards under the Plan:

- (1) Propositions which call attention to a problem but do not suggest a solution;
- (2) Suggestions dealing with normal maintenance, unless such suggestions contribute to a solution of maintenance problems;
- (3) Suggestions dealing with salary adjustments and job classifications;
- (4) Suggestions that are not original with the suggester or which are submitted for other employees who would be ineligible because the suggestions would be within the scope of their normal job responsibilities;
- (5) Suggestions which are basically duplicates of suggestions submitted within the preceding 24-month period.
- (6) Suggestions which are within the scope of the normal job responsibility of a suggester.

In departments which function through various divisions, division heads shall not receive awards for suggestions proposing that improvements which they instituted within their own division be extended to other divisions within the division.

- (7) Suggestions which, while otherwise eligible, are deemed by the Suggestion Plan Coordinator, or in case of appeal of his decision, by the Award Committee to be frivolous, impracticable or inconsequential in character.

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SECTION 5 – CASH AWARDS – CLASSIFICATION

Cash award shall be made for suggestions which the Award Committee finds will result in tangible beneficial savings to the City. Said awards shall be divided into two categories as follows:

- (1) Tangible-Budgetary Savings, and
- (2) Tangible-No Budget Reduction Savings

For Tangible-Budgetary Savings the Award Committee must be advised by the department involved or the Administrative Services Department that the suggestion will result in a budgetary savings. For Tangible-No Budget Reduction Savings the Award Committee will make a finding that the suggestion will result in tangible benefit to the City although it will not result in a specific reduction in the budget.

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SECTION 6 – CASH AWARDS – BUDGETARY SAVINGS

Cash awards for budgetary savings shall consist of ten (10) percent of the first year's net savings up to and including a first year's net savings of \$1000; when the suggestion results in a first year's net savings of more than \$1000, the award shall be based upon an appropriate and uniform formula approved by the Award Committee and adopted by the City Council for purpose of determining net savings. The cost of implementing a suggestion shall be amortized on a reasonable basis.

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SECTION 7 – CASH AWARDS – NO BUDGETARY SAVINGS

When the total value of estimated, or appraised Tangible-No Budget Reduction Savings is less than \$1000, the cash award for such savings shall be the same as for similar Tangible-Budgetary Savings.

When the total value of realized, or appraised, Tangible-No Budget Reduction Savings exceeds \$1000, the award shall be not less than fifty (50) percent of the scale of awards for Tangible-Budgetary Savings in the same amount, and in no event shall be less than \$100, based upon the findings of the Award Committee as to the merit of the suggestion and probable realization of the estimated savings. The decision of the Award Committee as to the percentage shall be final.

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SECTION 8 – MINIMUM CASH AWARDS

The minimum cash award shall be \$10. The Award Committee is authorized to approve awards in an amount up to and including \$100 for each award without further authority from the Council. Awards in an amount exceeding \$100 shall be recommended by the Award Committee and shall not be paid unless approved by the Council.

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SECTION 9 – CASH AWARDS NOT EXCEEDING \$100

Payment of a cash award up to a maximum of \$100 with respect to each suggestion may be made on the basis of an estimate by the Award Committee of actual monetary savings over a 12-month period. No such cash award shall be authorized, however, until thirty (30) days after implementation of the suggestion for which the award is made.

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SECTION 10 – CASH AWARDS EXCEEDING \$100

Payment of cash awards in excess of \$100 for any suggestion shall not be made until the suggestion has been implemented for a period of twelve (12) months and shall be based on savings actually realized during said twelve (12) month period; however, an initial award of \$100 may be paid after such suggestion has been in effect for thirty (30) days, said payment of \$100 to be deducted from the final award made for the suggestion.

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SECTION 11 – SUPPLEMENTAL CASH AWARD

After a suggestion has been implemented in a department and an award has been made for said implementation, a supplemental cash award may be authorized by the Award Committee if the suggestion is implemented in other departments and additional savings or intangible benefits accrue; the supplemental award shall be an amount which, when added to the original award and all other supplemental awards for the same suggestion, will equal the amount to which the suggester would have been entitled if the suggestion had originally been applied to all departments to which it now applies.

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SECTION 12 – CASH AWARDS – INTANGIBLE OR SAFETY BENEFITS

Special criteria to help in the valuation of adopted suggestions which show intangible or safety benefits shall be developed and adopted by the Award Committee.

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SECTION 13 – CASH AWARDS – PARTIAL SOLUTION

When an original suggestion is a partial solution of a problem, or a solution of part of a problem, and must be revised or developed before it can be implemented, it shall be evaluated for the purpose of determining the amount of the award on the basis of its proportionate importance to the final suggestion that is actually implemented.

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SECTION 14 – CASH AWARDS – LIMITATION

The Award Committee shall not make any cash award unless sufficient funds are available in the appropriation authorized by the City Council. An award based on a tangible saving shall not be paid for any suggestion if the estimated first year's net savings is less than the minimum award.

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SECTION 15 –MEMBERSHIP OF AWARD COMMITTEE

The Mayor shall select one (1) person to be on the Award Committee from the general community. The City Manager shall select a department head along with one (1) unrepresented member to sit on the Award Committee, while each of the four (4) Employee Associations and Unions shall elect one (1) person from their own group to serve also. Initially the members selected by the Mayor and the City Manager shall serve for three (3) years, while the members elected by the Associations and Unions shall serve terms of two (2) years, and hereinafter be elected for four (4) year terms.

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SECTION 16 – FUNCTION OF AWARD COMMITTEE

The functions of the Award Committee shall be as follows:

- (1) To exercise general supervision and control over the Plan herein set forth;
- (2) To be responsible directly to the City Council;
- (3) To elect its own Chairman annually;
- (4) To meet at the call of the Chairman, and no less than quarterly;
- (5) To determine the eligibility of suggestions and suggesters;
- (6) To determine the type and amount of award within the prescribed limit of \$100 and to recommend large awards to the City Council;
- (7) To assure that each suggestion is thoroughly and fairly investigated and reported upon;
- (8) In the case of suggestions which the Department has rejected in whole or in part, in its discretion to refer the suggestion back to the Department or to the Administrative Services Department for further consideration;
- (9) To authorize the actual payment of awards in amounts up to and including \$100;
- (10) To encourage employees to make suggestions and to explain the Plan to the various City departments;
- (11) To waive procedural rules in individual cases in the interest of fairness and equity and to report periodically on such cases to the City Council (but not to waive rules governing the amount of cash awards);
- (12) To recommend changes in the Plan to the Civil Service Commission;
- (13) To submit periodic reports and recommendations to the Civil Service Commission on the functioning of the Plan;
- (14) To call upon any City official or employee for information and recommendation on any suggestion or suggester.

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SECTION 17 – DUTIES OF THE ADMINISTRATIVE SERVICES DEPARTMENT

The duties of Administrative Services Department in connection with the Plan and the Award Committee shall be as follows:

- (1) To assist the responsible City department in its review of suggestions, upon request of the department;
- (2) To designate one (1) employee as the Suggestion Plan Coordinator to the Award Committee and to provide the necessary clerical assistance.

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SECTION 18 – DUTIES OF THE SUGGESTION PLAN COORDINATOR

The Suggestion Plan Coordinator of the Award Committee shall administer the Plan; His responsibilities shall be:

- (1) To assist the Award Committee in the discharge of its duties and responsibilities;
- (2) To maintain proper files and records;
- (3) To conduct periodic audits of the Plan and its effectiveness, and to report said audits to the Award Committee;
- (4) To receive, acknowledge, process and refer suggestions to the appropriate department for investigation, and to reject duplicate or otherwise ineligible suggestions;
- (5) To receive and review investigation reports from the various City departments and to submit the same to the Award Committee with his recommendations;
- (6) To prepare appropriate rejection and commendation letters to suggesters and to transmit the same to the department involved for personal delivery and explanation to the suggester, following investigation and report on suggestions by the department;
- (7) To assist the City departments in publicizing and promoting the Plan;
- (8) To interpret the Plan to the various City departments and to act as a consultant on award problems presented to him;
- (9) To coordinate the Plan with the several departments and to receive departmental complaints and suggestions dealing with the operation of the Plan;
- (10) To insure that adopted suggestions are given wide publicity among the various departments so as to assure maximum possible benefit to the City;
- (11) To develop detailed rules, procedures, forms and promotional material for consideration and adoption by the Award Committee;
- (12) To promote plans for the training of middle management in each department, in cooperation with the Administrative Services Department, said training to cover the purposes, policies, and procedures of the Plan and to be directed toward integrating the Plan with line supervision.

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- (13) To assist the various departments and governmental agencies in the development and revision of departmental procedures for handling suggestions, upon the request of the departments.

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SECTION 19 –DEPARTMENTAL RESPONSIBILITIES

- (a) Each department shall investigate and estimate the savings on suggestions submitted by its employees or affecting its activities, and shall adopt and implement suggestions whenever feasible;

Whenever necessary the Department may request assistance from the Administrative Services Department;

Within thirty (30) days from the date of receipt of a suggestion, the department shall submit a final or a progress report to the Award Committee;

Departmental procedures for handling suggestions shall include provision of personal contact between departmental superiors and individual suggesters, except when such procedures would be impractical or unduly expensive;

All department heads shall be responsible for the promotion of the Plan among their own personnel.

- (b) The Administrative Services Department shall cooperate with the City departments and the Award Committee in coordinating and integrating the Plan with the over-all management improvement, staff development, and in-service training programs conducted by the Administrative Services Department.
- (c) The investigating department shall advise the Administrative Services Department of all suggestions affecting safety practices, and Administrative Services shall give the Department and the Award Committee its opinion upon the suggestions.

The Administrative Services Department shall also advise the Award Committee with respect to determination of the amount of the cash award for suggestions involving safety practices, upon request of the Award Committee.

The final decision concerning the adoption or non-adoption of safety suggestions must be made by the Administrative Services Department for evaluation.

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SECTION 20 – SUBMISSION OF SUGGESTIONS

Suggestions shall be prepared on special forms provided by the Award Committee and shall be submitted directly to the Award Committee;

The Suggestion Plan Coordinator shall review and record all suggestions received and refer them to the appropriate department for investigation;

The Award Committee or the Suggestion Award Coordinator may require suggester to submit sufficient data and supporting material to justify consideration of their suggestions, as they apply to their own departments. If either or both time and money are claimed as savings, these should be expressed as estimates in terms of dollars. Source of data shall be indicated wherever possible.

All suggestions shall be signed by the suggester but the Suggestion Plan Coordinator shall not disclose the name of a suggester to the investigating department at the time the suggestion is transmitted.

Within the consent of the Suggestion Plan Coordinator an employee may submit a suggestion at an early stage in its development in order to establish his priority of right to such suggestion;

Suggestions shall be considered submitted when they are received by the Suggestion Plan Coordinator;

Suggestions may be submitted jointly by two (2) or more employees and monetary awards shared equally or as requested by said employees.

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SECTION 21 – INVESTIGATION OF SUGGESTIONS

Each City department shall be responsible for investigating and taking action on suggestions submitted by its employees or affecting its activities, and may request technical assistance from and consultation with any other department;

If a department rejects a suggestion in whole or in part, the Award Committee may request the department to reconsider its rejection but shall have no authority to reverse a departmental decision;

All completed investigation reports of a department shall bear the signature of the department head or his authorized representative and the immediate supervisor for the activity with which the suggestion concerns itself;

- (1) The identify of persons and operations affected;
- (2) An estimate of the savings in time, labor, material, space, hazard, inconvenience, and other factors;
- (3) A report on action taken or planned on the complete or partial implementation of the suggestion within the department;
- (4) The eligibility of suggestion and suggester;
- (5) Complete reasons for a rejection of the suggestion whole or in part;
- (6) An estimate of the cost of implementation and recommendation on the amortization of the cost of implementing the suggestion;
- (7) An estimate of the possible effect on the suggestion on other units of the department;
- (8) An estimate of the period of time over which the savings or advantages of a suggestion are expected to accrue or have effect.

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SECTION 22 – OWNERSHIP OF SUGGESTIONS

All suggestions which are adopted shall become the property of the City of Coronado except if the City Council approves, the suggester may jointly and equally with the City of Coronado, apply for and utilize on an unlimited and cost-free basis, any patented suggestions.

The City is not liable to any suggester for any sum of money other than that which the Award Committee and City Council shall in their sole discretion see fit to award.

Upon submission of a suggestion the suggester shall waive any claim for compensation for such suggestion other than as herein provided for and each suggestion blank submitted by a suggester shall contain such a waiver.