

CITY OF SANTA CLARA
Civil Service Rules and Regulations

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CIVIL SERVICE RULES AND REGULATIONS

SECTION 1 - OBJECTIVES

- 1.1 **APPLICABILITY AND OBJECTIVES:** The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:
- (a) Obtain and retain the best qualified persons for appointment to City service
 - (b) Assure that appointments and promotions are made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
 - (c) Assure, through formal appeal provisions, that disciplinary actions are consistent and made in the best interest of the City.
- 1.2 **CIVIL SERVICE COMMISSION:** The Civil Service Commission consists of five (5) members. Selection and duties are as prescribed by the City Charter, Sections 1010 and 1011.
- 1.3 **CLASSIFIED SERVICE:** Pursuant to the City Charter, Section 1011, the Classified Service consists of all positions in the City service except the following:
- (a) All elective officers;
 - (b) All members of Boards and Commissions;
 - (c) City Manager, Assistant City Manager, Deputy City Manager, City Attorney, Assistant or Deputy City Attorney, City Auditor and City Clerk;
 - (d) Department Heads and Assistant Department Heads,
 - (e) Division Managers,
 - (f) Persons contracted for or employed in part-time positions regarded as "casual", "seasonal" or temporary;
 - (g) Persons contracted for or employed by an agency contracted by the City to render professional, scientific, technical or expert service of an occasional and exceptional character;
 - (h) Volunteers
- 1.4 **ADMINISTRATION:** The City Council shall adopt Civil Service Rules and Regulations governing the administration of the City Civil Service System.
- 1.5 **RESPONSIBILITIES OF THE CITY MANAGER:** The City Manager is the Appointing Authority and is responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service.
- 1.6 **AVAILABILITY OF CIVIL SERVICE RULES:** A copy of the Civil Service Rules and Regulations will be given to all Civil Service employees and to all newly hired classified employees at the beginning of their probationary period. Each employee is to sign a statement that he/she has received a copy. A current copy of the Civil Service Rules and Regulations will be maintained in each department and made available to all employees upon request.
- 1.7 **SEVERABILITY:** If any section, subsection, sentence, clause or phrase of these rules is for any reason held illegal, invalid or unconstitutional by decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more section, subsection,

Civil Service Rules and Regulations (continued)

clause or phrase be declared illegal, invalid or unconstitutional. All existing Civil Service Rules currently or previously in effect are hereby rescinded and repealed.

- 1.8 CIVIL SERVICE RULES – PROVISIONS IN MEMORANDUM OF UNDERSTANDING To the extent provisions in a Memorandum of Understanding are entered into by the City and recognized employee organization conflict with provisions of the Civil Service rules set forth in the Santa Clara Municipal Code, the Memorandum of Understanding shall prevail.

SECTION 2 -RECRUITMENT

- 2.1 GENERAL STANDARDS: Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made.
- 2.2 FAIR EMPLOYMENT PRACTICES: It is the policy of the City to provide equal employment opportunity for all employees and employment applicants based upon merit and job-related knowledge, skills and abilities. Unlawful discrimination based on race, sex, color, religion, religious creed, national origin, partisan politics or political opinions, ancestry, age, marital status, physical disability (including HIV and AIDS), mental disability, medical condition, sexual orientation, or union membership or non-membership, except where such are bona fide occupational qualification requirements of the job or would prevent the employee from performing the essential job duties, is prohibited. (Refer to 2.13 previous CSR&R)
- 2.3 INELIGIBLE APPLICANTS: The City retains the right:
- (a) To refuse to place the relative of one employee under the direct supervision of that employee where such has the potential for creating adverse impact on supervision, safety, security, or morale.
 - (b) To refuse to place relatives in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale.
- 2.4 TYPES OF RECRUITMENT: There shall be three (3) types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:
- (a) Regular Recruitment: A regular recruitment is one which is conducted with a specified time during which applications will be accepted, e.g., with a specified open and final filing date. Following the close of such a process, and providing enough qualified candidates have applied, an examination will be held of all qualified candidates who have applied between the open and final filing date.
 - (b) Continuous Recruitment: A continuous recruitment is one where applications will be accepted on a continuing or on-going basis, with examinations held periodically to update eligible lists.
 - (c) Open-Until-Filled Recruitment: An open-until-filled recruitment has a specific date when applications will be accepted, (e.g., a specific "open" date) but has no specific application final filing date. Examinations will be held when a sufficient number of qualified people have applied. This type of recruitment will close when a candidate is hired.
- 2.5 ANNOUNCEMENT OF EXAMINATIONS: Public announcements of all examinations shall be posted on the bulletin board located in the Human Resources Department for at least three (3) working days prior to the final filing date for applications on all positions and at least five (5) working days prior to the last day of filing applications on all closed promotional positions. Job announcements will be distributed to all City departments. Announcements may also be posted

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elsewhere. Copies may be mailed to interested applicants, and other forms of public notice may be used to attract qualified applicants. Announcements shall include at least:

- (a) The class title;
- (b) The compensation;
- (c) A statement of duties and responsibilities;
- (d) The place, manner, and last date to file applications;
- (e) The conditions of competition including minimum qualifications, knowledge, skills, and abilities, scope of the testing, relative weights assigned to parts of the examination, and any other special conditions;
- (f) Such other information as will help applicants understand the nature of the employment and the procedure for participating in the examination.

2.6 APPLICATIONS: Official application forms shall be provided by the Human Resources Department and shall be completed by each applicant.

2.7 FILING TIME: Applications must be filed in the Human Resources Department on or before the final filing date and time specified in the examination announcement.

2.8 NOTICE OF APPROVAL: Each applicant approved for examination shall be so notified within a reasonable time prior to the examination date. Any written notice shall be mailed to the last applicant address on record with the Department of Human Resources.

2.9 GENERAL MINIMUM QUALIFICATIONS:

- (a) Mental and physical ability, with or without reasonable accommodation, to perform the essential job duties of the position as determined by the Commission and as applied by the Director of Human Resources based on submitted evidence and/or examination in accordance with applicable state and federal laws.
- (b) Minimum age, as established by the Director of Human Resources when not in conflict with the City Charter and applicable state and federal laws and regulations.

2.10 APPLICATIONS NOT TO BE RETURNED: Application materials will not be returned to the applicant.

2.11 DISQUALIFICATION: The Director of Human Resources during any step of the examination process may refuse to examine, reject an application during or after the examination of, disqualify, remove from an eligible list, or not certify any person who:

- (a) Is found to lack any of the minimum requirements for the position applied;
- (b) Uses narcotics intoxicating liquors to the extent that job performance is or will be affected by such use;
- (c) Has a physical or mental impairment that is shown to limit a major life activity and presents difficulty in performing any of the essential duties of the position, even with reasonable accommodation, for which he/she has applied;
- (d) Has practiced or attempted to practice deception or fraud in the application, in declarations, or in securing eligibility or appointment;
- (e) Has directly or indirectly obtained information regarding the content of an examination to which an applicant is not entitled;
- (f) Has been dismissed previously for any cause mentioned herein from public or private employment or resigned to avoid such dismissal;
- (g) Has failed to submit the application correctly or within the prescribed time limits;

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- (h) If, after the application is submitted for the position of Police Officer, it is discovered during the testing (including the polygraph examination) and/or background investigation process, the applicant knowingly used (unless such use was pursuant to a written prescription) any of the controlled substances itemized in Chapter 2 of Division 10 of the California Health and Safety Code and/or committed a felony while employed as a sworn Police Officer for any agency;
- (i) Is an applicant for a police officer or any communications dispatcher position and is unable to meet the "Job Dimensions" as required by California Commission on Peace Officer Standards and Training (POST).
- (j) Has made a false or misleading statement of material fact in connection with any stage of the examination process;
- (k) Has possession of unauthorized materials, devices or anything of use or assistance in any stage of the examination process;
- (l) Has failed to report at the appropriately scheduled time for an examination or failed to submit the requested paperwork or documentation by prescribed deadline.

2.12. DISQUALIFICATION FOR CONVICTIONS: Conviction, including pleas of guilty and no lo contendere, of a felony may disqualify an applicant from employment by the City unless the Director of Human Resources determines that circumstances relating to the conviction are not such as to require disqualification. In making such determination, the Director of Human Resources shall consider the following factors:

- (a) The employment classification to which the person is applying or being certified, including its sensitivity;
- (b) The nature and seriousness of the conduct;
- (c) The circumstances surrounding the conduct;
- (d) The recency of the conduct;
- (e) The age of the individual at the time of conduct;
- (f) Contributing social or environmental conditions; and
- (g) The presence or absence of rehabilitation or efforts at rehabilitation.

2.13 NOTICE OF DISQUALIFICATION The Director of Human Resources will give written notice of disqualification to any applicant disqualified in a timely manner. Written notice of disqualification may be delivered, or mailed to the applicant at the address shown on the application for employment. Incomplete or deficient applications may be corrected by the applicant before the date of the examination.

2.14 APPEAL OF DISQUALIFICATION

- (a) The applicant may appeal to the Commission any disqualification. Such appeal must be in writing and must be filed with the Commission within ten (10) calendar days following notice or mailing of notice by the Director of Human Resources. The written appeal must contain a statement that clearly identifies the basis for the appeal. The Commission shall hear and determine the appeal within ninety (90) days after filing. Determination of the Commission is final.
- (b) The selection process will continue during the course of the appeal process. The appellant may continue in the selection process pending Commission decision, which shall be final.

2.15 APPLICATIONS CONFIDENTIAL: Any information on application for examination shall not be made public.

2.16 SPECIAL QUALIFICATIONS: Applicants for positions may be required to provide documentary evidence of education, training or experience.

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- 2.17 FINGERPRINTING: Applicants, before appointment, and employees, after appointment, may be required to be fingerprinted.
- 2.18 PHYSICAL FITNESS: Each applicant, or person eligible for appointment, may be required to furnish a medical certification from a licensed California physician; or the Commission may designate a licensed California Medical Examiner to determine whether such applicant or person is physically competent to perform the essential job duties of the position, with reasonable accommodation, for which he/she seeks appointment.
- 2.19 OATH: Each new employee shall take an oath or affirmation that he/she will uphold the Constitution of the United States and of the State of California and the ordinances of the City.
- 2.20 QUALIFICATIONS FOR ENTRY LEVEL FIREFIGHTER'S PREFERENCE: To be entitled to Volunteer/Reserve Firefighter's Preference, an applicant must, immediately preceding the date of the examination, file with his/her application a letter signed by the Fire Chief of the Santa Clara Fire Department. That letter must state that the applicant is:
- (a) a current active Volunteer/Reserve Firefighter, and, if applicable
 - (b) list the number of completed years of service that the Volunteer/Reserve satisfactorily served in the City Volunteer/Reserve Fire Department, and, if applicable
 - (c) state that the applicant has attained status "certification" as outlined in the Fire Department Volunteer/Reserves By-Laws.

The letter from the Fire Chief must also specify the number of Volunteer/Reserve preference points to be awarded. A Volunteer/Reserve is entitled to a maximum five (5) preference points, which will be added to the written exam score, under the following conditions:

- (a) The Volunteer/Reserve has achieved certified status; and/or
- (b) The Volunteer/Reserve is currently an active member in good standing in the Volunteer/Reserve Division with at least one (1) year of service.

A Volunteer/Reserve earns preference points according to the following formula:

- (a) One point upon achieving certified status.
- (b) One additional point for each full year of service provided that the individual remained a member in good standing for the entire year.

Under no circumstances is a Volunteer/Reserve eligible for more than five (5) preference points.

- 2.21 QUALIFICATION FOR ENTRY LEVEL POLICE OFFICER'S PREFERENCE: To be entitled to Reserve Police Officer's preference, an applicant must file with his/her application a letter signed by the Chief of the Police Department, stating that the applicant has satisfactorily completed the training program specified in the Police Administration procedures and that the applicant served satisfactorily in the City Police Reserves for a period of at least one (1) year immediately preceding the date of the examination. Each qualified applicant on the entry-level examination only, will be allowed additional credits as follows:
- (a) Santa Clara Reserve Police Officers will be entitled to five (5) preference points which may be added to a passing score in the Police Officer's examination upon completion of the following:

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- (1) Satisfactory completion of the basic Peace Officers' Standards of Training (POST) requirements for Reserve Officers;
- (2) Satisfactory completion of in-service field training (FTO) program;
- (3) Recommendation of Chief of Police based on satisfactory service; and
- (4) Presently an active member of the Santa Clara Police Reserve Unit.

(b) In addition, Reserve Officers will be given an additional point for each of the following:

- (1) Completion of two years of satisfactory service - 1 point
 - (2) Completion of three years of satisfactory service - 1 point
 - (3) Completion of four years of satisfactory service - 1 point
 - (4) Completion of five years of satisfactory service - 1 point
 - (5) Completion of six years of satisfactory service - 1 point
- Total Maximum points: Ten (10)

Each qualified reserve police officer applicant who receives a passing score on the examination will have additional points as outlined above added to his/her final score.

- 2.22 QUALIFICATIONS FOR VETERAN'S PREFERENCE: To be entitled to veteran's preference points on entry level positions an applicant must file with his/her application proof of his/her eligibility to qualify for veteran's preference points. Said proof of eligibility requirement may be satisfied by submitting to the City the original or certified copy of a discharge or other release, other than dishonorable, bad conduct, or as an undesirable, from the Armed Forces of the United States showing active military duty for at least eighteen (18) consecutive months. In the event that the discharge is attributable to a service-connected injury or illness, the eighteen (18) month active military duty requirement need not be fulfilled. Each qualified veteran applicant who receives a passing score on the examination shall have five (5) points added to his/her final score.
- 2.23 PREFERENCE POINTS FOR PERMANENT CITY EMPLOYEES: Appointment preference on open/promotional recruitments shall be extended to any City employee with permanent status. Current permanent employee candidates who receive a passing score on the examination will have an additional five (5) points added to his/her final score.
- 2.24 MORE THAN ONE PREFERENCE POINT PROGRAM: An applicant may use only one (1) preference point program and shall make his/her decision as to which preference point program he/she desires to utilize at the time he/she submits his/her application.

SECTION 3 - EXAMINATIONS

- 3.1 PREPARATION: The Director of Human Resources shall direct the preparation of all examinations of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The Commission shall determine whether the examination shall consist of a written, oral, or performance, or psychological, investigative, physical tests, or any combination thereof, and shall indicate the procedure in the announcement. The City may contract for such service with competent public or private agencies regularly rendering such service. Examinations shall be job related, impartial, practical, and so constructed that they reveal the qualifications of the applicant for the class for which he/she is competing.
- 3.2 SCHEDULING EXAMINATIONS: The Director of Human Resources shall schedule and conduct all examinations as the current and anticipated needs of the service require. Scheduled

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examinations may be postponed or cancelled or the final filing date extended by the Director of Human Resources by notifying all persons affected and posting public notice.

3.3 CLASS OF EXAMINATIONS: Examinations may be announced as open/competitive, open/promotional or closed/promotional.

- (a) Open/competitive examinations shall apply to entry level positions and be open to all qualified applicants on an equal basis.
- (b) Open/promotional examinations shall be open to all qualified applicants.
- (c) Closed/promotional examinations shall be open to permanent City employees.

3.4 FLEXIBLY STAFFED POSITIONS: The Flexible Staffing policy allows for testing simultaneously for multiple levels within a classification series as well as the promotion of permanent City employees to higher levels within a classification series by methods other than a traditional competitive examination process. This policy is designed to place the City in a more competitive position to recruit and retain well-qualified employees, increase the capability of City department heads to effectively use the positions and employees in their department, and provide on-the-job training opportunities for employees in entry level classifications. At the recommendation of the Department Head, and with the approval of the Appointing Authority or Director of Human Resources, positions in a single series may be flexibly staffed:

- (a) Flexibly staffed positions may be recruited and tested for at any or all levels and filled at any level within the series, as determined by the City.
- (b) One eligibility list is created based on examination results.
- (c) The level at which a candidate is hired is dependent upon the experience and/or education of the candidate and the approval of the Appointing Authority.
- (d) To be appointed to a higher level within a flexibly staffed classification without an additional examination, a permanent City employee must have passed probation in the current level, demonstrate proficiency to the City's satisfaction, and meet all qualification requirements for the higher classification level as described in the class specification.
- (e) Appointments of permanent City employees to higher levels of a flexibly staffed classification are neither guaranteed nor implied and are subject to budgetary constraints and the City's needs, as determined by the Appointing Authority.

3.5 ORAL EXAMINATION:

- (a) An examination may include an oral examination for the purpose of appraising the personal fitness of candidates. Failure to report at the appropriately scheduled time for the examination shall eliminate a candidate from the examination.
- (b) Interview boards shall be assembled and appointed by the Director of Human Resources.
- (c) Interviewers shall mark on forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewers' remarks shall be translated into a numerical score.

3.6 OFFICIALS AND EMPLOYEES TO ASSIST: City officers and employees may be called upon to draw up, mark, or otherwise assist in examination procedures and it shall be deemed a part of the official duties of such persons to act in such capacity.

3.7 CONTINUOUS EXAMINATIONS:

- (a) Continuous open examinations for a given class may be administered from time to time as applicants are available or as appointments are necessary. The names of all applicants who qualify in such examinations shall be placed on one eligible list in the order of final

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grades. Scores made on one examination may be integrated with the scores made on any subsequent examination.

- (b) A candidate in a continuous examination may not take the same examination within the following six (6) months.
- (c) A police officer candidate may repeat the physical ability portion of the examination after ninety (90) days of his/her last physical ability examination.

3.8 IDENTIFICATION: Written examinations shall be conducted so that no examination paper will disclose the name or identity of the candidate until the examination papers of all the candidates have been scored.

3.9 NON-COMPETITIVE EXAMINATIONS: Non-competitive examinations may be held to test fitness for reinstatement or re-employment in classifications previously held.

3.10 EXAMINATION SCORES:

- (a) The Director of Human Resources shall establish for each test the basic requirements for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.
- (b) Unless otherwise provided in the examination announcement, candidates shall be required to attain a passing score in each part of the examination.
- (c) Failure to achieve a passing score in any part of the examination will exclude the candidate from remaining portions of the examination.
- (d) In examinations composed of several tests which are graded independently, weights shall be assigned by the Commission to each test representing the relative value in ascertaining the fitness of the applicant.

3.11 LISTING OF TIES: If two (2) or more eligibles have the same total score on an eligible list, these eligibles shall be listed on the eligible list in alphabetical order.

3.12 NOTICE OF RESULTS OF EXAMINATION: As soon as the rating of an examination has been completed and the eligible list established, each candidate shall be notified in writing of the result of his/her examination and, if passed, of the final score and his/her relative position upon the eligible list.

3.13 PROTESTS OF EXAMINATIONS

Review of examinations, if permitted under the contract between the City and the written examination owner, for the purpose of contesting the validity of a question or the appropriateness of the answers provided may be granted by the Commission according to the following process.

- (a) Candidate must have notified the Human Resources Department in writing of his/her intention to protest prior to 5:00 p.m. of the next work day following the examination. The questions must be sufficiently identified as to subject matter or number to be readily identifiable to the Human Resources Department and the nature of the inappropriateness must be specified.
- (b) The Director of Human Resources shall review each protested question to determine whether the question is vague or if there is a problem with the answers and shall notify the protestant of the steps taken, if any, to rectify the problem.
- (c) Candidate may appeal the Director of Human Resources' action in resolving the protest about the examination by submitting an appeal to the Commission within five (5) calendar days following notification of the decision of the Director of Human Resources. The written

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appeal must contain a statement that clearly identifies what is being challenged and a statement explaining the basis of the challenge.

- (d) The Commission may, after review of the candidate's request and the Director of Human Resources' response to the basis for appeal, permit the candidate to review those items on the examination and the candidate's answer sheet that the Commission feels are appropriate. Should the candidate wish to continue in the appeal process after review, he/she will have the opportunity to present to the Commission any supporting material that he/she feels will establish the appropriateness of the protest.
- (e) The testing process will continue during the course of the appeal process as though there were no appeal. The protesting candidate may continue in the testing process. Should the Commission uphold the appeal, the rating of the protesting candidate and all other similarly affected candidates, will be adjusted. Candidates who have been affected by such adjustment will then be reinstated to the testing process, if required, and be processed from the point at which they have been disqualified. No resulting change shall invalidate certifications or appointments already made.

3.14 REVIEW OF EXAMINATIONS: (Refer to Section 3.14.1, of current CSR&R, page 26)

- (a) Examinations are not viewed as training programs for the candidate and may not be reviewed for the purpose of education.
- (b) The application and examination papers of a candidate are confidential records which shall not be removed from the Department of Human Resources, except as authorized by the Director of Human Resources.
- (c) The copying of questions or answers from any paper made available for inspection is forbidden and shall result in cancellation of eligibility and disbarment from future examinations.
- (d) No candidate shall have the right to inspect papers filled out by an interviewer or an examining board or examining persons in any oral or practical examination, nor examine any answers of any continuous or standardized examination. Nor shall any candidate have the right to inspect records which are exempt from disclosure under the provisions of the California Public Records Act.

3.15 PROMOTIONAL EXAMINATIONS:

- (a) Vacancies in the classified service shall be filled, when practicable, by promotion of permanent employees.
- (b) The method of examination, rules, and the method of certifying, shall be as provided for open examinations, except as otherwise provided.
- (c) Promotional candidates who attain the required minimum qualifications and scores in an open promotional examination shall have five (5) preference points added to his/her final passing score on the eligibility list.

3.16 ELIGIBILITY FOR PROMOTION: A candidate for promotion must have permanent status with the City and must meet all prescribed standards for the class to which he/she seeks promotion.

3.17 RECLASSIFICATION: Reclassification of a position to a higher classification by the City when filled by a qualified incumbent at the time of reclassification shall provide for the promotion of a permanent employee to the reclassified position in the following manner:

- (a) Examination shall be closed/promotional.
- (b) If more than one (1) qualified permanent employee candidate should apply, an examination shall be administered.

Civil Service Rules and Regulations (continued)

- (c) If only one (1) qualified permanent City employee should apply, appointment may be made to the reclassified position without examination with the approval of the Appointing Authority.

SECTION 4 ELIGIBLE LISTS, APPOINTMENTS, PROBATION AND TRANSFERS

- 4.1 **ORDER OF ELIGIBLES:** Candidates who qualify in an examination for a class shall have their names placed upon the eligible list in the order of their relative final scores.
- 4.2 **PROMULGATION:** An eligible list shall be in effect, posted in the order of placement in the Human Resources Office, from the date on which it is established by the Director of Human Resources.
- 4.3 **DURATION OF LISTS:** Eligible lists shall remain in force for a period of one (1) year. Eligible lists for sworn promotional positions in the police department shall remain in force for a period of two (2) years. The eligible list may be extended to two (2) years with approval of the Commission. The eligible list for entry level Police Officers shall remain in force for six (6) months. The Director of Human Resources may abolish an eligible list if the list contains less than five (5) names.
- 4.4 **APPOINTMENTS:** Appointments shall be made from lists of eligibles obtained in the following order:
 - (a) Re-employment lists of permanent or probationary employees laid off through lack of funds or work, or other cause not prejudicial to the service. The names of permanent or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of lay-off.
 - (b) Re-employment lists of employees who have resigned in good standing for purposes other than to accept other employment and who, within one (1) year from the date of their resignation, request that they be placed on the list. Eligibility under this section shall not exceed one (1) year from the date of placement on said list. Certification for employment approved by the Appointing Authority shall be subject, also, to any of the following conditions the Appointing Authority may deem appropriate: (1) medical examination (2) technical knowledge examination (3) physical and/or performance examination (4) polygraph and/or psychological examination (5) a regular probationary period for the position (6) any other appropriate condition/examination.

Said employee may be reinstated at a salary level approved by the Appointing Authority but will be deemed to be a new employee as it relates to vacation, seniority or other benefits related to length of City service.

This may be appealed pursuant to Section 2.14.
- (c) Eligible lists resulting from open promotional or closed promotional examination.
- (d) Eligible lists resulting from open, competitive examinations.
- 4.5 **REHABILITATION:** The City has a job rehabilitation (and/or retraining) program within the City or permanent City employees not able to return to their regularly assigned job classification and/or job assignment due to industrial or non-industrial injury or illness.

Civil Service Rules and Regulations (continued)

The purpose of this program is to provide an employee holding permanent Civil Service status, who is prevented from returning to work for the City of Santa Clara in his/her regularly assigned job classification and/or job assignment because of injury or illness, an opportunity to participate in a City sponsored rehabilitation program under the following conditions:

- (a) The employee must be permanently incapacitated from performing the essential functions of his/her current job classification and/or job assignment, with or without reasonable accommodation. Unless the disability and the need for reasonable accommodation are obvious, the limitation(s)/restriction(s) which permanently prevent the employee from continued employment in his/her job classification and/or job assignment must be supported by reasonable and appropriate medical/psychological documentation from an appropriate health care professional about the disability and its functional limitations.
- (b) The City, employee and rehabilitation counselor (if rehabilitation has been implemented through the workers' compensation process) will review other regular job classifications within the City to determine the potential for rehabilitation of the employee into a different City job classification and/or job assignment. In order to be considered an appropriate job classification for assignment under the program, the employee must be capable of meeting the minimum qualifications of the job, including education and experience requirements, and be expected to be capable of successfully performing the essential functions of the new job classification and/or job assignment, with or without reasonable accommodation, within one year of the beginning of the rehabilitation job assignment.
- (c) Once potential rehabilitation job classifications and/or job assignments have been identified, the City will determine if a vacancy exists (or will exist within 60 days) in one or more of the identified job classifications. The City sponsored rehabilitation program may be coordinated with a formal Workers' Compensation rehabilitation program.
- (d) The employee will be assigned to one of the job classifications and/or job assignments which has been determined by the City as an appropriate City sponsored rehabilitation job assignment. Failure on the part of the employee to accept the City sponsored rehabilitation job assignment within a reasonable period of time may terminate the employee's eligibility for further participation in the City sponsored rehabilitation program and the employee may be terminated or retired, if eligible, from City service. Once a City sponsored rehabilitation job assignment has been made, the following patterns will determine what conditions an employee must meet in order to be transitioned from the City sponsored rehabilitation job assignment to appointment as a regular employee in that job classification.
 - 1(a) PROMOTION: If the identified job classification will result in a promotion, the employee will continue at his/her current salary or a salary which is 10% below the entry level salary into that job classification (whichever is higher). He/she will be allowed up to 12 calendar months from the date of appointment into the City sponsored rehabilitation program to meet the minimum qualifications, demonstrate satisfactory ability to perform the essential functions of the City sponsored rehabilitation job classification and/or job assignment with or without reasonable accommodation and become eligible for certification from a promotional eligible list (or if no promotional eligible list for the job classification exists, for certification from an open eligible list) for the job classification.
 - 1(b) In the event the employee is unable to successfully complete the City sponsored rehabilitation program as specified above within the 12-month period, the City sponsored rehabilitation program will be terminated for that employee and the employee may be terminated or, if eligible, retired from City service.
 - 1(c) Upon becoming eligible for certification from the promotional list (or open list, if appropriate) for the job classification, the department head will determine if the employee will be recommended to the appointing authority for promotion into the job classification. Following appointment to the job classification the employee will be

Civil Service Rules and Regulations (continued)

- required to complete the promotional probationary period specified for that job classification and will be placed at the salary level for the classification that is appropriate for any other promotion.
- 1(d) During the rehabilitation process the employee will be afforded up to four (4) opportunities to pass each Civil Service examination required for the job classification, with reasonable accommodation.
 - 1(e) Following appointment to the job classification the employee will be required to complete the promotional probationary period specified for that job classification and will be placed at the salary level for the classification that is appropriate for any other promotion.
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- 2(a) LATERAL TRANSFER: If the identified job classification is in a lateral job classification (a job classification that has the same maximum pay rate) the employee's salary will be reduced to 5% below his/her current salary during the rehabilitation program. He/she will be allowed up to twelve (12) calendar months to meet the minimum qualifications, demonstrate satisfactory ability to perform the essential functions of the job classification and/or job assignment and to become eligible for certification from a promotional eligible list (or if no promotional eligible list for the classification exists, for certification from an open eligible list) for the job classification.
 - 2(b) In the event the employee is unable to successfully complete the City sponsored rehabilitation program as specified above within the 12-month period, the City sponsored rehabilitation program will be terminated for that employee and the employee may be terminated or retired, if eligible, from City Service.
 - 2(c) Upon becoming eligible for certification from the promotional list (or open list, if appropriate) for the position, the department head will determine if the employee will be recommended to the appointing authority for transfer to the job classification and the employee will be restored to his/her former salary range. No probationary period will be required.
 - 2(d) During the City sponsored rehabilitation process the employee will be afforded four (4) opportunities to pass each Civil Service examination required for the job classification.
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- 3(a) DEMOTION: If the identified job classification is to a demotion (a job classification that has a lower maximum pay rate) the employee will be reduced to 5% below the salary he/she would be placed at in any other voluntary demotion during the rehabilitation program. He/she will be allowed up to twelve (12) calendar months to meet the minimum qualifications for the job classification and demonstrate satisfactory ability to perform the essential functions of the job classification and/or job assignment.
 - 3(b) Upon meeting the minimum requirements for the job classification, the department head will determine if the employee will be recommended to the appointing authority for demotion to the job classification.
 - 3(c) Following the demotion, the employee's salary will be restored to the level which would be in effect following any other voluntary demotion. No probationary period will be required. During the rehabilitation process the employee will be afforded four (4) opportunities to pass each Civil Service examination required for the job classification.
 - 3(d) If an employee is unable to successfully complete the City sponsored rehabilitation program within the 12-month period of time, the City will have completed any obligation it may have to reasonably accommodate the injured or ill worker and may terminate or, if eligible, retire the employee from City service. However, the City

Civil Service Rules and Regulations (continued)

may, at its sole discretion, approve a subsequent City sponsored rehabilitation program.

- 3(e) Nothing in this City sponsored rehabilitation program is intended to limit an employee's right to compete for, and accept appointment in, any other job classification that he/she is qualified for while taking part in the City sponsored rehabilitation program or after it has been completed.

- 4.6 TRANSFERS: As an alternative to appointment from any employment list, a position may be filled by transfer of an employee in the same or a comparable class, upon recommendation of the Director of the hiring Department and approval of the Appointing Authority.
- 4.7 ALTERNATE LIST: If a vacancy exists, the Director of Human Resources may certify names from the eligible list for a related class for which minimum qualifications and examinations are equivalent to or higher than those required for the class in which the vacancy exists.
- 4.8 ABOLISHING ELIGIBLE LISTS: Eligible lists may be abolished by the Director of Human Resources under the following conditions:
- (a) If the list contains fewer than five (5) names.
 - (b) If at any time a class of positions is abolished the existing eligible list for that class may be abolished by the Director of Human Resources.
 - (c) Notice of abolishment of an eligible list shall be mailed to all eligibles whose names appear on the list, at time of recruitment to establish a new list.
- 4.9 INACTIVE LIST: The name of an eligible who is not available for immediate certification, may at his/her written request, be placed on an inactive list and may be restored to the active list from which it was removed upon his/her written request, provided the list is still in existence.
- 4.10 WAIVERS: An eligible may waive consideration of appointment for any reason after his/her name has been certified.
- 4.11 CURRENT STATUS AND REQUISITION REPORT: The Director of Human Resources shall inform the Commission the examinations that are to be scheduled for positions to be filled.
- 4.12 CERTIFICATION OF ELIGIBLES:
- (a) Upon a requisition approved by the Appointing Authority, the Director of Human Resources shall certify names from the appropriate eligible list in the following manner:
 - (1) The ten (10) highest scores shall be certified for entry level examinations and the five (5) highest scores shall be certified for promotional examinations. In cases where identical scores require certification of more than ten (10) names, or five (5) names, all names with identical scores shall be certified.
 - (2) If there is more than one (1) vacancy in one (1) class in the same department, one (1) additional name shall be certified for each additional vacancy.
- 4.13 CHOICE OF ELIGIBLES: If one (1) or more of the persons certified waive or fail to respond to a written notice of certification within the time specified, the Director of Human Resources may certify an equal number of substitute names taken successively in the order of final scores from which the choice shall be made. If less than five (5) names are left for certification, the Appointing Authority may refuse to make a probationary appointment. Should the Appointing Authority desire to select a candidate for appointment other than those certified such appointment may be made from the eligible list, subject to prior approval of the Commission.

Civil Service Rules and Regulations (continued)

- 4.14 NOTIFICATION OF ELIGIBLES: A written notice of certification shall be mailed to the most recent address appearing on the Human Resources Department records of persons certified for appointment. The notice of certification shall instruct eligibles to communicate with the Appointing Authority or his designee within five (5) working days following the date the notice was mailed. The notice shall contain reference to the ability to waive appointment pursuant to Section 4.10.
- 4.15 CALL FOR INTERVIEW AND FAILURE TO APPEAR: Eligibles whose names have been certified as available for appointment, as referenced above, may be given notice by mail or otherwise, to report for an interview. Failure to appear for such interview at the time specified in the notice shall be sufficient grounds for the removal of his/her name from the list of available eligibles and the removal of his/her name from the eligible list for that classification.
- 4.16 REMOVAL FROM ELIGIBLE LIST: An applicant may be removed from a given eligible list by the Director of Human Resources for any of the following reasons:
- (a) Appointment to the classification for which the eligible list was originally established;
 - (b) Request of the applicant for removal from the list;
 - (c) Failure to contact the Appointing Authority within five (5) working days from the date of notice of an interview or offer of appointment;
 - (d) Failure to continue to meet any of the minimum standards, with or without reasonable accommodation, established for the position for which the eligible list was prepared;
 - (e) Determination by the Director of Human Resources that the applicant has violated one or more of the provisions of Sections 2.12 and 2.13;
 - (f) An applicant may be restored to the list by the Director of Human Resources if he/she presents satisfactory reasons for placement on the list. Denial of the request may be appealed to the Commission.
- 4.17 REPORT OF APPOINTMENT: The Appointing Authority shall report to the Director of Human Resources and the City Clerk/Auditor the name or names of persons appointed and the date the service is to begin. If the person is required to file an official bond, the Appointing Authority shall notify the City Clerk/Auditor.
- 4.18 INSPECTION OF RECORDS: The Appointing Authority may inspect all the records of eligibles on file with the Director of Human Resources.
- 4.19 TEMPORARY APPOINTMENT:
- (a) If there are urgent reasons for filling a position and there are insufficient eligibles upon an appropriate eligible list, a temporary appointment may be made by the Appointing Authority pending the establishment of an eligible list.
 - (b) No temporary appointment shall continue for more than thirty (30) calendar days after an appropriate eligible list has been established for the class unless extended by the Commission; such extension shall not exceed an additional thirty (30) calendar day period.
 - (c) The period of temporary appointment shall not constitute eligibility for permanent appointment or a part of the probationary period.
 - (d) The appointee may be terminated, separated, or removed from the temporary appointment at any time. Such termination, separation, or removal must be approved by the City Manager and when so approved shall be final and without the right of appeal.
- 4.20 PROBATIONARY PERIOD: Probationary period is for the purpose of providing a work performance evaluation period prior to filling positions on a permanent appointment basis. The

Civil Service Rules and Regulations (continued)

Appointing Authority shall make each probationary appointment from the certified eligible list. During the probationary period, the Appointing Authority shall evaluate the job performance of each employee and determine whether the employee is fully qualified for permanent appointment.

(a) The probationary period is defined as follows:

Electric Utility Apprenticeships	36 months
Communications Dispatcher I	18 months
Communications Dispatcher II (entry level)	18 months
Community Service Officer I	18 months
Community Service Officer II (entry level)	18 months
Jail Service Officer	18 months
Police Records Specialist I	18 months
Police Records Specialist II (entry level)	18 months
Police Officer	18 months
All other original and promotional appointments	12 months

(b) Any permanent employee who is an applicant for promotion may have their probationary period extended by the Commission to permit the acquisition of required licenses or certificates or completion of training. Regular classified employees may have their probationary period extended by the Commission for reasons of sickness or absence.

(c) At any time during the time of the probationary period, an employee may be terminated by the Appointing Authority without cause and without the right of appeal. Notification of termination in writing shall be sent to the probationary employee.

(d) When an individual takes this probationary appointment, if he/she is a City employee with permanent status in his/her former position, he/she maintains his/her right to that former position unless dismissed for cause. This means that if he/she elected to return to his/her former position, it could cause the termination of someone who subsequently filled that position. The right of the employee to return to the former position expires at the end of the current probationary period. Other appropriate openings would be made available to prevent discharge, but if none existed, termination of the displaced employee could necessarily result.

(e) A six (6) month probationary period shall apply for an employee who has been appointed to a position in the classified service if that employee has worked in an As Needed (temporary) employment status in that same classification, department and division for consecutive periods of employment for a total of 2080 hours immediately prior to appointment to the probationary status.

4.21 PERMANENT APPOINTMENT:

(a) If, after thorough evaluation during the probationary period, the Appointing Authority finds the probationer fully qualified for permanent status, he/she shall notify the Director of Human Resources prior to the expiration date of the probationary period.

(b) Failure on the part of the Appointing Authority to certify for permanent appointment or separate said employee from the City service upon expiration of the probationary period shall automatically place said employee in permanent status.

4.22 VOLUNTARY DEMOTION: A demotion may be made upon the written request of an employee, with the approval of the Directors of Human Resources, and the hiring department, and the Appointing Authority.

Civil Service Rules and Regulations (continued)

SECTION 5 REPORTS AND RECORDS

5.1 OFFICE RECORDS:

- (a) The Director of Human Resources shall keep such records as are necessary for transaction and reference and for making reports showing administrative actions, including records of all examinations, eligible lists, records and files of employment history of each employee, history of each position, classification plan, applications and correspondence pursuant to the City's record retention policy.
- (b) The Director of Human Resources shall maintain an official roster containing the names, addresses, telephone numbers, classification, and department of all employees holding positions in the classified service of the City.

SECTION 6 SEPARATIONS AND DISCIPLINE

- 6.1 TENURE OF PERMANENT EMPLOYEES: METHODS OF SEPARATION: The tenure of every permanent employee in the classified service is contingent upon satisfactory performance, adherence to all the rules and regulations of the City and the existence of the position. Any classified employee may be temporarily separated from the service through lay-off, leave of absence, or suspension; or permanently separated through resignation, removal for cause, or through retirement.
- 6.2 REDUCTION IN FORCE: The Appointing Authority shall determine the number of positions and the classes in which the reduction in force is to be made. Among classified employees holding permanent appointments, the order of reduction in force shall be according to the applicable Memorandum of Understanding.
- 6.3 RESIGNATION: An employee in good standing who shall decide for any reason to leave the employ of the City shall submit a formal resignation in writing to the Appointing Authority at least fourteen (14) calendar days before leaving the service. If any classified employee leaves the employ of the City without submitting such a written resignation, the employee may be deemed to have resigned with prejudice, and a record of the same shall be made in employee's personnel records.
- 6.4 REMOVAL FOR CAUSE: No cause is necessary for termination, demotion, suspension, or reduction in pay of any employee other than a permanent employee in the classified service.

The Appointing Authority may cause the termination, demotion, suspension, or reduction in pay of any permanent employee in the classified service for each of, but not limited to, the following causes:

- (1) Fraud in securing appointment
- (2) Incompetence
- (3) Inefficiency
- (4) Inexcusable neglect of duty
- (5) Insubordination or willful disobedience
- (6) Dishonesty
- (7) Under the influence of or the consumption of any alcoholic beverages during working hours

Civil Service Rules and Regulations (continued)

- (8) Under the influence of, or the use of narcotics or habit-forming drugs during working hours, unless prescribed by a licensed California medical doctor or physician
- (9) Absence without leave, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked or cancelled by the Appointing Authority; provided, however, that if such absence or failure to report is excusable, the Appointing Authority may dismiss the charges
- (10) Conviction of a felony
- (11) Conviction of a misdemeanor involving moral turpitude
- (12) Discourteous treatment of the public or other employees
- (13) Political activities as proscribed by law and which are in violation of City policy
- (14) Misuse or abuse of City property
- (15) Failure to observe City Manager's Directives (CMDs), departmental rules and regulations, and all City rules and policies
- (16) Failure to adhere to the City's Code of Ethics
- (17) Any other failure of good behavior or acts either during or outside of duty hours which is incompatible with or inimical to the public service
- (18) Failure to satisfactorily perform the duties of the position, with or without reasonable accommodation
- (19) Failure to cooperate reasonably with superiors or other employees
- (20) Falsification of City records
- (21) Possession or storage of firearms on City premises or work sites, or in City vehicles, excluding sworn law enforcement personnel
- (22) Unlawful manufacture, distribution, dispensation, possession or use of controlled substances as defined by section 102 of the Controlled Substances Act, 21 USC Section 802, in the workplace by employees
- (23) Violation or disregard of published safety rules
- (24) Sleeping on the job
- (25) Violence in the workplace

6.5 **MEDICAL ACTION:** The Appointing Authority may cause the termination, demotion, reduction in pay, suspension of any permanent employee in the classified service for: Inability to perform the essential functions of the job, even with reasonable accommodation.

6.6 **NOTICE:** Written notice of termination, demotion, suspension, or reduction-in-pay, taken by the Appointing Authority under this Section 6, and the specific reasons therefor shall be furnished in writing by 1st class and certified mail to the address on file with the Human Resources Department within three (3) days after such termination, demotion, suspension or reduction-in-pay. Any permanent employee in the classified service against whom such action is taken may appeal the termination, demotion, suspension, or reduction in pay as provided in Section 7 of these rules.

SECTION 7 - BOARD OF REVIEW

7.1 **ORGANIZATION:** The Civil Service Commission (here after called Board) shall meet and act as a Board of Review when required. The Director of Human Resources shall serve as Recording Secretary of the Board, and the Notice of Decision and Findings of the proceedings shall be signed by the members present and voting. Three (3) members shall constitute a quorum. The concurring vote of at least three (3) members shall be required for any decision or recommendation of the Board, other than to adjourn or postpone a meeting.

Civil Service Rules and Regulations (continued)

7.2 POWERS:

- (a) In any hearing conducted by the Board, it shall have the power to subpoena and require the attendance of witnesses, the production of books, papers and other evidence pertinent to the investigation, to administer oaths to witnesses, to examine witnesses under oath in the name of the City. It shall be the duty of the Secretary of the Board to cause all such subpoenas to be served and the refusal of a person to attend or testify in answer to such subpoena shall subject said person to prosecution as provided by law.
- (b) Each member of the Board of Review shall have the power to administer oaths or affirmation to witnesses and to sign subpoena.
- (c) Within thirty (30) calendar days after the proper filing of a written request for a hearing or as soon as possible thereafter as is practicable, the Board shall conduct a hearing.
- (d) The hearing before the Board may be public or private at the option of the employee but the hearings of the Board shall be informal and the rules of evidence shall not apply.

7.3 REVIEW PROCEDURE FOR DISCIPLINE: Any permanent classified employee who has been terminated, suspended, demoted, or received a reduction-in-pay by the Appointing Authority shall be entitled to be heard before the Board of Review at a duly constituted meeting thereof provided a written request therefor has been filed with the Secretary of the Board and the Appointing Authority within ten (10) calendar days from the date of receipt or posting of the written notice of the action taken, as set forth in Section 6.6, whichever occurs first. If the employee fails to file a response within the ten (10) calendar days, or withdraws his/her appeal, the disciplinary action taken by the Appointing Authority shall be final.

7.4 BINDING FORCE OF BOARD'S DECISION: In any case involving a termination, suspension, demotion, or reduction-in-pay the decision of the Board shall be binding upon the employee and the Appointing Authority. It shall not be subject to review by any Court, or other tribunal, except in cases where the decision was procured through fraud, or lack of jurisdiction. Before any such review shall occur in such cases, a petition for reconsideration shall first be presented to the Board wherein such alleged fraud or lack of jurisdiction is set forth, and verified by the petitioner. Petitions for reconsideration of any such decision of the Board shall be filed with Board not later than ten (10) calendar days after rendition of such decision. A decision shall be deemed to have been rendered as of the date of mailing to the employee.

In the event the Board revokes or modifies a termination, suspension, demotion, or reduction-in-pay and orders the employee reinstated, it may direct payment of salary to the employee for the period of time the Board finds the termination, lay-off, suspension, demotion, or reduction in pay was improperly in effect. Refer to Section 7.5 of current CSCR&R, page 50.

7.5 REVIEW PROCEDURE FOR GRIEVANCES: Any employee whose duly processed grievance, and not a termination, suspension, demotion, or pay reduction that has not been resolved to his/her satisfaction by the Appointing Authority, may petition and at the discretion of the Board of Review may be heard before the Board at a duly constituted meeting thereof provided the Board has not previously heard the case, and provided a written request therefore has been filed with the Secretary of the Board and the Appointing Authority within ten (10) calendar days from the date of receipt of the Appointing Authority's final decision on the grievance.

The Appointing Authority may also refer an unresolved grievance to the Board for their consideration and recommendation, whereupon the Board shall hear the case at a duly constituted meeting.

Civil Service Rules and Regulations (continued)

The Board shall, within fourteen (14) calendar days after the hearing is closed and the matter is submitted, render its decision in writing. Copies of said decision shall be directed by the Secretary of the Board to the Appointing Authority and to the employee.

- 7.6 APPEARANCE REQUIREMENT: Unless incapacitated, the appellant making the complaint shall appear personally before the Board of Review at the time of the hearing.
- 7.7 NON-BINDING FORCE OF BOARD'S DECISION: In any case involving a grievance and not a termination, suspension, demotion, or pay reduction, the decision of the Board shall not be binding upon the Appointing Authority but shall be submitted in the form of a recommendation for consideration by the Appointing Authority.
- 7.8 FALSE STATEMENTS UNDER OATH AND REFUSAL TO TESTIFY FORBIDDEN: If any appellant or witness in the classified service makes any false statement under oath relative to the matter being heard by the Commission or the Director on any grounds, he/she shall be terminated from City service and shall not be eligible for appointment to any position in City service for a period of five (5) years. If any appellant or witness in the Classified Service willfully refuses to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he/she shall be subject to disciplinary action, up to and including, termination. The false statement under oath or refusal to testify shall be incorporated in the employee's personnel record and shall be considered as a factor at any time in the future in which he/she may make application for appointment to City Service.

SECTION 8 - DEFINITIONS OF TERMS

The words and terms used in these rules shall be defined and construed as follows.

- 8.1 **ALLOCATION:** The official determination of the class to which a position belongs and the assignment of a position to the appropriate class.
- 8.2 **ANNIVERSARY DATE:** The anniversary of the date an employee was appointed to his/her current position.
- 8.3 **APPLICANT:** A person who, under the rules, has made formal application for employment.
- 8.4 **APPOINTMENT:** The offer of and acceptance of a position by a person in accordance with the provisions of these Civil Service rules.
- 8.5 **APPOINTING AUTHORITY:** The City Manager, and others as provided for in the City Charter.
- 8.6 **BOARD:** The Civil Service Commission convened as a Board of Review.
- 8.7 **CANDIDATE:** An applicant in the process of examination, testing, or on an eligible list.
- 8.8 **CERTIFICATION:** The submission of names of eligibles from an appropriate eligible list to the Appointing Authority by the Director of Human Resources.
- 8.9 **CHARTER:** The Charter of the City of Santa Clara.
- 8.10 **CITY:** The City of Santa Clara.
- 8.11 **CITY COUNCIL:** The duly elected governing body of the City of Santa Clara

Civil Service Rules and Regulations (continued)

- 8.12 CLASS OR CLASSES OF POSITIONS: A group of positions having duties and responsibilities sufficiently similar that the same title, examples of duties and requirements may be applied.
- 8.13 CLASSIFICATION PLAN: The arrangement of positions in classes, together with the titles and specifications describing each class.
- 8.14 CLASSIFIED SERVICE: The classified service shall comprise all positions not specifically included in the City Charter. (See Article XI of the City Charter)
- 8.15 CLOSED PROMOTIONAL EXAMINATION: An examination for which only permanent Employees in the classified service are eligible to compete.
- 8.16 COMMISSION: When used alone, the Civil Service Commission. The Civil Service Commission consists of five (5) members, appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. See Article X, Section 1010 of the City Charter)
- 8.17 CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment, except by authorized absence.
- 8.18 DEMOTION: A change in status of an employee from a position in one class to a position in a lower class; having a lower maximum rate of pay or salary range.
- 8.19 DEPARTMENT: An administrative unit of the City Government.
- 8.20 DESIGNATED SECRETARY: The person appointed by the City Manager to act as liaison between the Civil Service Commission/Board of Review and the Department of Human Resources.
- 8.21 DIRECTOR OR DIRECTOR OF HUMAN RESOURCES: Any reference to the Director of Human Resources also includes the designee of the Director of Resources.
- 8.22 ELIGIBLE: Any person on an eligible or re-employment lift for a given class.
- 8.23 ELIGIBLE LIST: The list of those qualified for employment or re-employment in a class.
- 8.24 EMPLOYEE: A person holding a position in the City classified service.
- 8.25 EXAMINATION: Any form of competition, as defined under Section 2.
- 8.26 FLEXIBLY STAFFED POSITIONS: Positions in a single series that may be hired at entry level or journey level.
- 8.27 LEAVE OF ABSENCE: Written permission to be absent from duty for a specified period or purpose, with the right to return before or at the expiration of the period.
- 8.28 MEMORANDUM OF UNDERSTANDING: A binding agreement on wages, hours, benefits and other conditions of employment for designated classes, that has been agreed to by the City management and the recognized representative of employees in a bargaining unit and that has been adopted by the City Council.

Civil Service Rules and Regulations (continued)

- 8.29 OPEN COMPETITIVE EXAMINATION: An examination for which all qualified applicants are allowed to compete and which is not restricted to current permanent employees of the City.
- 8.30 OPEN PROMOTIONAL EXAMINATION: Examination in which any qualified applicant may be eligible to compete.
- 8.31 ORIGINAL APPOINTMENT: The first appointment of an employee to a classified position.
- 8.32 PAY REDUCTION: The temporary reduction in pay of an employee for disciplinary purposes.
- 8.33 PERMANENT EMPLOYEE: An employee who has satisfactorily completed a probationary period.
- 8.34 PERMANENT POSITION: A position which will continue for more than six (6) months.
- 8.35 POSITION: A combination of duties budgeted for by a department and assigned to a classification.
- 8.36 PROBATIONARY PERIOD: The probationary period is defined to be that initial period after appointment to a position in the classified service during which an employee is not entitled to appeal his/her failure to achieve permanent status in said position. It is the working test period during which an employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position. The probationary period is an integral part of the examination process.
- 8.37 PROMOTION: Advancement from a position in one class to a position in a higher class.
- 8.38 PUBLIC NOTICE: Announcements of examination, meetings, hearings, or other actions of the Civil Service Commission on official bulletin boards in the City Hall or in the office of the Human Resources Department and elsewhere as appropriate or necessary.
- 8.39 QUALIFIED: An applicant or appointee who meets the employment standards for a class as herein established.
- 8.40 REASONABLE ACCOMMODATION:
1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
 2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. (29 CFR Ch. 14 §1630.2(o)(2))
- 8.41 RECLASSIFICATION: The reassignment or change in allocation of an individual position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or complexity of duties and responsibilities in such position.
- 8.42 REDUCTION IN FORCE: Separation of employee from the classified service without fault on the part of the employee, and because of lack of work, lack of funds, or in the interests of economy.

Civil Service Rules and Regulations (continued)

- 8.43 RE-EMPLOYMENT LIST: A list of persons with permanent or probationary status in a class, who have been laid off, are returning from a military leave of absence or who have resigned in good standing and who are entitled to preference in appointment to vacancies in that class.
- 8.44 REINSTATEMENT: The re-employment of an employee who has permanent or probationary status in a class, who has been laid off, is returning from a military leave off absence or who has resigned in good standing and who is entitled to preference in appointment to vacancies in that class.
- 8.45 RESIGNATION: The voluntary action of an employer which separates him/her from his/her position.
- 8.46 SEPARATION: Any discontinuation of employment.
- 8.47 SPECIFICATION: The official description of a class including:
- (a) Title
 - (b) Statement of duties and responsibilities
 - (c) Employment standards, such as education, experience, knowledge, skills and abilities which may be required of applicants.
- 8.48 STATE: State of California.
- 8.49 STATUS: The condition of an employee's present appointment, such as temporary, probationary, or permanent.
- 8.50 SUSPENSION: An involuntary absence without pay imposed by the Appointing Authority for disciplinary purposes or pending investigation of charges.
- 8.51 TEMPORARY APPOINTMENT: An appointment made by the Appointing Authority pending the establishment of an eligible list.
- 8.52 TEMPORARY POSITION: A position of not more than six (6) months duration pending the establishment of an eligible list.
- 8.53 TERMINATION: Separation of an employee from the classified service of the City for disciplinary purposes.
- 8.54 TRANSFER: A change of positions by an employee in the same or comparable class.
- 8.55 UNCLASSIFIED: Those positions defined in the City Charter, Section 1011, to which the provisions of the Civil Service Rules do not apply.
- 8.56 VACANCY OR VACANT POSITION: Any unfilled position in the classified service.
- 8.57 WAIVER: The voluntary written relinquishment of an eligible of any right to consideration for appointment to a specific position.
- 8.58 YEAR: The calendar year, unless designated otherwise.

MEANINGS OF WORDS: Words used in these Rules in the present tense include the future; words used in the masculine gender include the feminine; the singular number includes the plural; the plural includes the singular; and writing includes printing, typewriting, and word processing.