

CITY OF MADERA
PERSONNEL RULES AND REGULATIONS

HUMAN RESOURCES DEPARTMENT 661-5401

CITY HALL 205 WEST 4TH STREET

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PERSONNEL RULES & REGULATIONS
CITY OF MADERA
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PERSONNEL RULES AND REGULATIONS
CITY OF MADERA

RULE I. PURPOSE AND DEFINITIONS

RULE IA. PURPOSE

The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government.

These rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define the obligations, rights, privileges, benefits and prohibitions which are placed upon all employees in the competitive service of the City.

At the same time, within the limits of administrative feasibility, recognition shall be given to the fact that individuals differ, that no two individuals react alike to reward and discipline or to uniform motivation and encouragement. For this reason, considerable latitude shall be given to the Personnel Officer in the execution of his duties and responsibilities relating to morale and discipline.

RULE IB. DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be construed as followed:

SECTION 1 "Anniversary Date": Shall mean any anniversary of the date of the employee's first permanent-probationary appointment with the City, except that the anniversary date for those employees now a part of the Classified Service shall be the anniversary date shown on their employee record on the effective date of these rules, which may differ from the anniversary date of their employment by reason of previous rules.

- A. Hire Anniversary Date: date which individual was first hired by the City of Madera
- B. Merit Anniversary Date: the anniversary date which the individual was due for a merit increase.
- C. Vacation Anniversary Date: this will indicate the date in which the individual will change from one vacation schedule to another vacation schedule. The vacation anniversary date will be the same as the hire date unless otherwise noted through reinstatement, etc.
- D. Classification Anniversary Date: Date which individual was hired, promoted or placed in a particular classification.

SECTION 2 "Advancement": A salary increase of one or more steps within the limits of the pay range established for a class.

SECTION 3 "Allocation": The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

SECTION 4 "Applicant": Shall mean a person who has filed an application to take a Civil Service Examination.

SECTION 5 "Appointing Authority": The City Administrator.

SECTION 6 "Appointment": Shall mean the offer to and acceptance by a person of a position in the Classified Service through selection from an Employment list.

SECTION 7 "Commission": The Civil Service Commission established in pursuance of the ordinance creating a personnel system for the City.

SECTION 8 "Certification": Shall mean the furnishing of names by the Personnel Officer of eligible, available candidates for employment from the Employment List in the order in which the names appear on the list.

SECTION 9 "City": Shall mean the City of Madera.

SECTION 10 "City Council": Shall mean the City Council of the City of Madera

SECTION 11 "City Administrator": Shall mean the City Administrator of the City of Madera.

SECTION 12 "Classified Service": Shall mean and include all positions specified and set forth in the Salary Resolution of the City of Madera under the heading "Classified Service".

SECTION 13 "Class": All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

SECTION 14 "Compensating Time Off": Shall be time off granted an employee in lieu of payment for overtime in an amount equal to one and one-half hours for each one hour worked.

SECTION 15 "Demotion": The movement of an employee from one class to another class having a lower maximum rate of pay. This may change the merit anniversary date of the employee.

SECTION 16 "Department": When used alone, shall mean the Personnel Department of the City of Madera.

SECTION 17 "Department Head": Shall mean the individual who is designated the administrative head of a department or an activity of the City, whether the activity be a department or a separate bureau or division under the City Administrator.

SECTION 18 "Dismissal": Shall mean the termination of employment for cause by an authorized representative of the City.

SECTION 19 "Eligible": A person whose name is on an employment list.

SECTION 20 "Employment List": A list of names of persons who have taken an examination for a class in the competitive service and passed, and are ranked on the list in the order of the score received.

(a) Open Employment List: A list of names who have taken an open-competitive examination for a class in the competitive service and have qualified.

(b) Promotional Employment List: A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

SECTION 21 "Employment Standards": Shall mean the general qualifications prescribed for the selection of an appointee to fill a vacancy.

SECTION 22 "Examination":

A. Open-competitive examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.

B. Promotional examination: An examination for a particular class which is open only to employees meeting the qualifications for the class.

C. Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of one year.

SECTION 23 "Exempt position": Shall mean any position not included in the classified service.

SECTION 24 "Lay Off": The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the city council for the above reasons or due to organization changes.

SECTION 25 "Minimum Qualifications": Shall mean the lowest acceptable degree of skill, education, abilities, and personal and physical characteristics which are prescribed for the selection of an appointee to fill a position vacancy.

SECTION 27 "Overtime Pay": Shall be payment granted an employee for overtime worked in the amount equal to one and one-half hours of pay for each hour worked.

SECTION 28 "Overtime Work": Shall be defined as work performed in excess of a normal work day.

SECTION 29 "Overtime, Incidental": A period of time not exceeding 15 minutes which an employee may work as a continuation of his normal work day. Incidental overtime is not compensable.

SECTION 30 "Permanent Appointment": Shall mean an appointment to a permanent position after satisfactory completion of probationary period as required by these rules. "Permanent/Probationary": Shall refer to a position allocated in budget as full-time; with a probationary employee filling the position.

SECTION 31 "Permanent Employee": An employee who has successfully completed his probationary period and has been retained as hereinafter provided in these rules.

SECTION 32 "Permanent Position": Shall mean a position, the duties of which do not terminate at any stated time.

SECTION 33 "Personnel Officer": The City Administrator shall serve as the ex officio Personnel Officer. The City Administrator has the authority to designate an employee as the Personnel Officer, usually in the form of the Assistant City Administrator.

SECTION 34 "Personnel Ordinance": Ordinance no. 10 C.S. which creates a personnel system for the City.

SECTION 35 "Position": A group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.

SECTION 36 "Probationary period": A period to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate suitability for the position to which the employee is appointed by actual performance of the duties of the position.

SECTION 37 "Promotion": The movement of an employee from one class to another class having a higher maximum base rate of pay.

SECTION 38 "Provisional Appointment": 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 available eligibles. In no instance shall a provisional appointment exceed six months.

SECTION 39 "Reduction": A salary decrease within the limits of the pay range established for a class.

SECTION 40 "Rejection": The separation of an employee from the service during his probationary period.

SECTION 41 "Resignation": Shall mean the termination of employment of an employee either by oral or written statement of the employee.

SECTION 42 "Suspension": The temporary separation from the service of an employee without pay, for disciplinary purposes.

SECTION 43 "Temporary Appointment": An appointment of a person to a position of limited duration.

SECTION 44 "Temporary position": Shall mean a position of limited duration.

SECTION 45 "Transfer": A change of an employee from one position to another position in the same class or another class having essentially the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

RULE II. GENERAL PROVISIONS

Section 1. Fair Employment Practices: Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the Personnel Director, is not justifiably linked to successful job performance.

Section 2. Disclosure of Religious or Political Affiliations: No question in any text, in any application form, or in any other personnel proceedings, or of any appointing authority, shall be so framed as to attempt to elicit information concerning political or religious opinions or affiliations of an applicant, eligible, or employee. No appointment to or removal of a position in the competitive service shall be affected or influenced in any manner by any political or religious opinion or affiliation.

Section 3. Violation of Rules: Violation of the provisions of these rules shall be grounds for dismissal, rejection, or suspension.

Section 4. Amendment and Revision of Rules: Recommendations for amendment and revisions of these rules may be made by the Personnel Officer. Prior to consideration, any amendment or revision shall be publicly posted at such places as the Civil Service Commission shall prescribe, for at least five consecutive days together with notice of the time, place and date of hearings by the Civil Service Commission. At the time of consideration, any interested person may appear and be heard. The Civil Service Commission shall present findings and recommendations to the City Council. Prior to consideration, any amendment or revision shall be publicly posted at such places as the City Council shall prescribe, for at least five consecutive days together with notice of the time, place and date of hearings by the City Council. At the time of consideration, any interested person may appear and be heard. Amendments and revisions shall become effective upon adoption of a resolution by the City Council following such hearing.

RULE III. CIVIL SERVICE COMMISSION

Section 1. Meetings: The Civil Service Commission shall hold regular monthly meetings at such time and place within the City as shall be designated by the Chairman of the Commission. Any regular meeting may be adjourned to a certain time and to a place designated by the Chairman. In addition, the Commission may hold special meetings upon the call of the Chairman or any three members of the Commission. All special meetings must be posted 72 hours in advance on City Hall doors. Three members of the Commission shall constitute a quorum for the transaction of business.

Section 2. Public Hearings: Hearings conducted by the Civil Service Commission shall be public, unless the Commission shall determine that a private hearing is necessary to secure all the facts in the case. An employee appealing disciplinary action may request that the Civil Service Commission hold a closed hearing. Whenever such a finding is made, the Civil Service Commission may limit attendance at the hearing to members of the Commission, the Personnel Officer, the employee requesting the hearing, the officer or officers from whose action the appeal was taken, and such witnesses and other persons as the Commission may require to be present.

RULE IV. CLASSIFICATION

Section 1. Classification Plan: A position classification plan consisting of classes of positions in the competitive service is established. This plan shall be based upon the classes of positions as set forth in the resolution of the City Council of the City of Madera establishing a salary plan for employees of the City of Madera. A copy of such plan is attached hereto and incorporated herein.

Section 2. Preparation of a New Plan: The Personnel Officer, or a person or agency employed for that purpose, may ascertain and record the duties and responsibilities of all positions in the competitive service and, after consultation with the City Administrator and heads of departments affected, may recommend a new classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including title, a description of typical duties and responsibilities or positions in each class, a statement of the training, experience and other qualifications to be required of applicants for positions in each class. Any new classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. The City Administrator or his designee shall prepare and present the proposed classification plan and make recommendation to the City Council for approval.

Section 3. Adoption of Plan: Before the new classification plan or any part thereof shall become effective, it shall first be approved in whole or in part by the City Council. Upon adoption by the Council, by Resolution, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires in the same manner as originally established.

Section 4. Allocation of positions: Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.

Section 5. New positions: When a new position is created, before the same may be filled, the applicable department head shall notify the Personnel Officer, and, except as otherwise provided by Ordinance or these rules, no person shall be appointed or employed to fill any such position until the classification plan has been amended to provide therefore and an appropriate employment list has been established for such position.

Section 6. Reclassification: Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Director to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

Section 7. Amending the Classification Plan: The City Council may create new classes, and revise or abolish existing classes.

RULE V. COMPENSATION

Section 1. Salary Plan: The Salary Plan is as established by the City Council.

Section 2. Preparation of a New Plan: The Personnel Officer or the person or agency employed for that purpose may prepare a new salary plan covering all classes of positions in the competitive service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public and in private employment, including consideration of conditions of work as well as basic pay; to current costs of living; to suggestions of department heads; and to the City's financial condition and policies. The Personnel Officer or the person or agency employed for that purpose shall thereafter make such further studies of the compensation plan as may be requested by the City Council.

Section 3. Adoption of New plan: The Personnel Officer shall submit the proposed pay plan to the City Council. The City Council may adopt or amend and adopt or reject the proposed plan. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

RULE VI. APPLICATIONS AND APPLICANTS

Section 1. Announcement: All examinations for classes in the competitive service shall be published by posting announcements in the City Hall, on official bulletin boards, and in such other places as the Personnel Officer deems advisable, including at least one newspaper of general circulation in the City. The announcements may specify the title and pay range of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the dates, time, place and manner of making applications; and other pertinent information.

Section 2. Application Forms: Applications shall be made on forms provided by the Personnel Department. Information required on application forms shall not violate regulations established by the California Fair Employment Practices Act. Applicants must sign their applications.

Section 3. One or More Examinations: Applicants taking one or more examinations must file and complete applications for each such examination unless specified otherwise in the examination announcement.

Section 4. Confidential: All applications and examination papers are confidential records of the Personnel Department and under no circumstances will they be returned to the applicants.

Section 5. Disqualification: The Personnel Officer may refuse to examine an applicant or may, after examination, disqualify such applicant or remove his name from an Employment List, or refuse to certify any eligible name on an Employment List if:

- (a) He is found to lack any of the preliminary requirements announced for the examination for the class of position;
- (b) He is so physically or psychologically unable to perform the job applied for, and no reasonable accommodations can be made for such disability.
- (c) He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;
- (d) He has made a false statement of material fact in his application;
- (e) He has directly or indirectly obtained information regarding examinations to which, as an applicant, he was not entitled;
- (f) He has failed to submit his application correctly or within the prescribed time limits;
- (g) He has been dismissed from employment by the City for inefficiency, delinquency, or misconduct;
- (h) He has refused to take and subscribe to the (loyalty) oath or affirmation prescribed by Chapter 8, Division 4, Title of the Government Code of California.
- (i) He was convicted of a felony including pleas of guilty and nolo contendere, of a felony shall be prima facie disqualification of an applicant for employment; provided, however, that the City Administrator may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the City Administrator shall consider the following factors:
 - (1) the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction.
 - (2) the nature and seriousness of the offense;

- (3) the circumstances surrounding the conviction;
- (4) the length of time elapsed since the conviction;
- (5) the age of the person at the time of conviction;
- (6) the presence or absence of rehabilitation or efforts at rehabilitation.
- (7) contributing social or environmental conditions.

Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant has been convicted of a felony.

Section 6. Incomplete or Defective Applications: May be amended at the office of the Personnel Officer by the applicant prior to the date of examination. Incomplete or defective applications, at the discretion of the Personnel Officer, may constitute disqualification.

Section 7. Examination Eligibility - Persons Preparing Examination: No person in any manner concerned in preparing, conducting, or holding an examination shall apply for such examination.

Section 8. Minimum Qualifications: The statements of training and experience under minimum qualifications round on duty statements are to be interpreted as standards and any reasonable equivalent combination may be accepted by the Personnel Officer.

Section 9. Appeal from Disqualification: Any applicant who has been disqualified under the provisions of this section shall have the right of appeal within five (5) working days after receiving notice of such rejection. Appeals shall be in writing and addressed to the Personnel Officer and shall state briefly the basis upon which the appeal is made. The Personnel Officer will thereupon inform the Civil Service Commission, and the Civil Service Commission may elect to hold a hearing as prescribed by the Civil Service Ordinance and its rules and regulations.

RULE VII. EXAMINATIONS

Section 1. Nature and Types of Examinations: The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the judgment of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed.

Examinations shall consist of such recognized personnel selection techniques as achievement tests, aptitude tests, evaluation of personality and background through personal interviews, performance tests, evaluation of daily work performance, work samples, physical agility tests, medical examinations, psychological testing or any combination of the above.

Section 2. Promotional Examinations: Promotional examinations may be in a written form, oral form, or in a performance examination as determined by the Personnel Officer. Promotional examinations may be assembled written examinations and may include any of the selected techniques mentioned in Section 1 of this rule, or any combination. Only permanent employees who meet the requirements set forth in the promotional examination announcement may compete in the promotional examinations.

Promotional exams may apply to those positions in which the Department Head has requested that the position be filled through an internal promotional exam rather than an open exam. This process and request must be approved by the City Administrator.

Section 3. Continuous Examination: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VI.

Section 4. Conduct of Examinations: The City Council and/or the Personnel Officer, may secure from any competent agency or individual, examination materials for the applicable classifications. In the absence of such examinations, the Personnel Officer shall prepare such examinations.

Section 5. Scoring Examinations and Qualifying Scores: The written part of an examination shall be scored before the papers have been identified. After the papers have been identified, a tabulation of the test results of each applicant's examination in accordance with the previously established weight values for the several parts of the examination as announced in the public notice will be presented to the Civil Service Commission for approval:

(a) The weight value of each segment of the exam i.e. written, oral, and performance shall be based upon the value as established in the position announcement bulletin. The Personnel Office may adjust these values prior to the time the position announcement is released for public notification; however, the elimination or addition of an entire segment of the exam must receive prior approval of the Civil Service Commission;

(b) Unless otherwise provided in notices posted prior to holding the examination, the general average required for passing shall be seventy (70);

(c) All applicants in the same examination shall be accorded uniform and equal treatment in all phases of the examination procedure;

(d) All ties in final scores shall be given the same value and consideration thus allowing additional individuals for consideration if their numerical listing on the Eligibility List warrants further review.

(e) Failure in one part of the examination shall be grounds for declaring such applicant or applicants as failing in the entire examination and disqualification from subsequent parts of the examination;

(f) The Personnel Officer may, at his discretion, include as part of the examination, tests which are qualifying only.

(g) The Personnel Officer may limit the number of applicants who receive a passing score on the initial part of an examination from continuing immediately to subsequent parts of an examination. This authority shall apply when a large number of applicants are anticipated receiving passing scores in the initial part of the examination and forms of the subsequent parts of the examination do not provide for such large numbers of applicants. The imposed limit shall be announced and notice posted prior to holding the initial part of the examination.

Section 5. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given written notice of the results thereof, and if successful, of his final earned score and rank on the employment list. Any candidate shall have the right to inspect his own examination answer sheet. Any error in computation, if called to the attention of the Personnel Officer within one month after the date of mailing of notices, shall be corrected. Such correction shall not, however, invalidate an appointment previously made. Review of examination questions may not always be permitted. A challenge to an exam question may be made no later than the end of the exam.

Section 6. Completion of Examination: No examination shall be deemed completed until the grades and results have been determined and an employment list has been promulgated by the Civil Service Commission.

Section 7. Veterans' Preference: Preference will be given to qualified veterans in open examinations in accordance with the following provisions:

(a) Five (5) percent of the total possible score will be added to the final score of candidates who have successfully passed all phases of the examination.

(b) All veterans discharged or released from active duty prior to normal retirement, under honorable conditions, shall be eligible.

(c) Veterans must have served one (1) year or more on active duty in any of the armed services to be eligible. However, a Veteran will be eligible for the 5% only if he has not previously used Veterans Preference points to previously secure employment.

(d) Current City employees who compete in a closed promotional examination will not receive preference. However, if the current City employee has not used his veterans preference in the allotted time available, he/she may claim veterans preference in an open examination.

(e) Candidates must present proof of eligibility prior to commencement of the examination process. A candidate who has claimed preference and been appointed may not re-use his preference. A candidate who claims preference, but is not appointed, may re-use preference on subsequent examinations.

(f) Veterans must have entered active duty during the existence of a Federal Selective Service System to be eligible. The applicable dates are:

08-05-64 to 05-07-75

RULE VIII. EMPLOYMENT LISTS

Section 1. Employment Lists: As soon as possible after the administration of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score. The employment list shall then be submitted to the Civil Service Commission for promulgation.

Section 2. Duration of Employment Lists: Employment lists shall become effective upon promulgation by the Commission, and upon its certification that the list was legally prepared and represents the relative ratings of the persons whose names appear on it. Employment lists shall remain in effect for one year, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Civil Service Commission for additional six month periods, but in no event shall an employment list remain in effect for more than two years.

The Personnel Officer must present to the Civil Service Commission a request to extend an Eligibility List one month prior to its termination. If there is no scheduled meeting during this period, the Personnel Officer may notify the Commission in writing of such a request. At the next scheduled meeting, Commission may either approve the extension or reject the request.

Section 3. Re-Employment Lists: The names of probationary and permanent employees who have been laid off shall be placed on an appropriate reemployment list in the order of their competency, from highest to lowest. Such names shall remain for a period of two years unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled. The City Administrator shall appoint such persons to fill the vacancies.

Section 4. Removal of Names from Lists: The Personnel Officer may remove any person from an employment list who is not available for appointment or fails to respond within ten working days of written notice mailed to the address on the application, to appear for an oral interview regarding an appointment, or who fails to report for duty at the designated time.

Section 5. Notification of Removal: Any person whose name is removed from an employment list shall be notified by mail of action taken. He may write to the Civil Service Commission requesting reinstatement and the Civil Service Commission, upon receiving such communication, may in its discretion, restore his name either to its former relative position on the employment list or at the end thereof. No person shall be reinstated to a valid employment list unless he provided the Civil Service Commission with a valid reason in writing for his refusal, neglect, or failure to appear or report.

Section 6. Removal from Employment Lists: The Personnel Officer may also remove the name of an eligible from an employment list:

- (a) On evidence that the eligible cannot be located by the postal authorities;
- (b) On receipt of a statement from the eligible declining an appointment and stating that he/she no longer desires consideration for a position with the City;
- (c) If he has been reviewed for appointment three times and has not been appointed;
- (d) If a person on one or more promotional lists resigns from service, his/her name shall automatically be dropped from said promotional lists;
- (e) Upon evidence of application/resume falsification.

Section 7. Multiple Use of Employment Lists: If an employment list is used for several departments, a refusal to accept a position in one department. shall not preclude certification to a similar position in another department.

Section 8. Permanent Appointment: Whenever a person accepts a permanent appointment to a position, his/her name shall be removed from the employment list for such position.

RULE IX. METHOD OF FILLING VACANCIES

Section 1. Types of Appointment: All vacancies in the competitive service shall be filled by re-employment, transfer, demotion, or from eligibles certified by the Civil Service Commission from an appropriate employment or promotional list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be permitted in accordance with these Personnel rules.

Section 2. Appropriate Employment List: Shall mean a certified list created from competitive recruitment procedures for the position to be filled or list for a higher position in the a series classification. This list for a higher position may only be used when there is not a current list available at the level from which the vacancy will be filled. (EXAMPLE: Providing no Typist Clerk I list is available, a Typist Clerk I vacancy may be filled using the Typist Clerk II list.)

Section 3. Notice to Personnel Officer: Whenever a vacancy in the competitive service is to be filled, the Department Head shall notify the Personnel Officer. The Personnel Officer shall advise the City Administrator as to the availability of employees for re-employment, requests for transfer, or demotion, and of eligibles on employment or promotional list for the class.

Section 4. Certification of Eligibles: The City Administrator shall indicate whether it is desirable to fill the vacancy by re-employment, transfer, or demotion, or whether certification from a promotional or employment list is preferred. If appointment is to be made from an employment list or promotional list, the following will apply:

(a) For each available open position as many as three to six certified candidates may be submitted for selection purposes. The top three scoring candidates and in event that the top three are not of minority background, as many as three listed minority candidates in ranking order will be referred to the Department Head for consideration.

Minority candidates refer to the following ethnic classifications: Asian-Americans, Black-Americans, Hispanic-Americans and Native Americans and Eskimo-Americans.

(b) In the event a certified list contains fewer than three names, the City Administrator may make an appointment from the eligibility list or establish a new list.

Section 5. Appointment: After interview and investigation, the City Administrator may make appointments from the eligibility list and shall immediately notify the Personnel Officer of the person or persons appointed, and if the applicant accepts the appointment and presents himself/herself for duty within such period of time as the City Administrator shall prescribe, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment.

Section 6. Provisional Appointment: In the absence of appropriate employment lists, a provisional appointment may be made by the City Administrator of a person meeting the minimum qualifications for this position. This provisional appointment shall not exceed six months. An employment list shall be established within three months for any permanent position filled by provisional appointment, and recruitment for any such position must begin immediately. The Council may, by a four-fifths vote, extend the period for any provisional appointment for not more than thirty days by any one action. A provisional employee may be removed at any time without the right of an appeal to the Civil Service Commission.

No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any employment or promotional lists, for service rendered under a provisional appointment. A provisional employee subsequently appointed to the permanent classification shall not receive credit towards his probationary period.

Section 7. Temporary Appointment: The City Administrator may make a temporary appointment of a person meeting the minimum qualifications for the position in question. A temporary appointment, as opposed to a provisional appointment, may be made when a regular employee is on extended sick leave, vacation or leave-of-absence and the position is not actually vacant. A temporary appointment is made to "fill-in" for the regular absent employee. The same provisions as in the above paragraph (Paragraph Two, Section 6) shall apply to temporary appointments.

Section 8. Appointment to Unclassified position: An employee holding a permanent position in the classified service may be appointed by the City Administrator to an unclassified position. In the event that a member of the classified service accepts such an appointment as an employee of the City to such an unclassified position, he/she shall retain the right to reconvert to the classified service at any time subject to the following conditions:

- (1) A position must be available for his/her appointment which he/she is qualified to fulfill.
- (2) He/she shall receive the salary for such a classified position.

(3) No person holding a permanent full time position in the classified service shall be demoted or assigned to new or different duties against his/her will to accommodate an employee desiring to return to a classified position from the unclassified position.

Nothing contained in this section shall authorize an unclassified employee who has voluntarily left the employ of the City to return to classified employment without qualifying by appropriate examination.

Section 9. Emergency Appointments: To meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens public life or property, any legally competent City Official may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance or rules affecting appointments. As soon as possible, such appointments shall be reported to the Personnel Officer.

Section 10. Provisional/Temporary Employees: Provisional/Temporary employees shall not accumulate sick leave, vacation leave or have the right of appeal. Paid holidays, however, will be recognized.

Section 11. Medical Examination: The final appointment to any position of employment is contingent upon the eligible individual's ability to pass a medical examination designed around the physical qualifications of the position and administered by a licensed physician commissioned for such service by the City.

Section 12. Appointment Falling on a Holiday: In the event that actual date of appointment falls on a holiday, the appointee shall not be entitled to compensation if he/she does not work.

Section 13. Psychological Examination: The City may require a psychological examination for an eligible candidate to pass. Such an exam is required in the Police service and may be required for other classifications if so listed in the position announcement.

RULE X. PROBATIONARY PERIOD

Section 1. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period as defined here within or in the established memorandums of understanding. The City Council may, by resolution, establish a specific probationary period for specified classes. The Personnel Department shall notify the department head concerned two weeks prior to the completion of any probationary period.

The probationary period for the position of Police Officer shall be eighteen (18) months. The employee will be eligible for merit increase and vacation leave twelve (12) months after employment. Permanent status will be considered at the end of the eighteen (18) month probationary period.

If the service of the probationary employee has been satisfactory to the Department Head and City Administrator, then the Department Head shall file with the Personnel Officer a statement in writing to such effect and stating that the retention of such employee in the service is recommended. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his/her employment terminated at the expiration of the probationary period.

Section 2. Objective of Probationary Period: The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any probationary employee whose performance does not meet the required standards of work. In certain circumstances the probationary period may be extended an additional three months, with approval of the Personnel Officer.

Section 3. Re-Enactment of Probationary Period: If performance of permanent employee is substandard or unsatisfactory the appointing authority may request that a probationary period be re-enacted. The Personnel Officer must approve such action prior to the effective date. The probationary period shall be a minimum of three months, at which time the Department Head shall notify the Personnel Officer of further recommended action. This probationary period may be extended at three-month intervals up to one year. The employee should be closely observed during each three-month interval, and if performance proves sufficient, permanent status may be granted at the end of any three-month period. If during any three-month period, the employee proves to be inefficient in performance, termination procedures may begin. However, such an employee shall have the normal right to appeal as prescribed in these rules and regulations.

Section 4. Rejection of Probationer: During the probationary period an employee may be rejected at any time by the City Administrator without cause and without the right of appeal. Notification in writing shall be served on the probationer and a copy filed with the Personnel Officer.

Section 5. Rejection Following Promotion: Any employee rejected during the probationary period following a reclassification or promotional appointment in the classified service will be reinstated to the position previously held. If the former position has been filled, he may replace the new employee. Such an employee is subject to dismissal only if the rules of this Personnel Manual are violated and not because he failed to meet the qualifications of the new position. The employee in question maintains the right of appeal -regarding disciplinary measures and termination procedures but forfeits such appeals regarding the probationary status. The same conditions apply to an employee who competes for and is appointed to a new position and does not pass the probationary period. The rule which applies to such a displaced employee is covered in Rule XV Section 2, Layoff.

RULE XI. ATTENDANCE AND LEAVES

Section 1. Hours of Work: The varied nature of the services performed in the City makes it impossible for all departments to operate on the same schedule of working hours. Therefore, the following will apply:

(a) Personnel in City Hall will operate on an eight (8) hour basis, 40 work hours per week. The City will normally be open from 8:00 a.m. to 5:00 p.m., Monday through Friday. The schedule may vary according to special work needs, however, Federal Labor Standards Act work hours will be available to all covered employees.

(b) The Police Department shall operate on a 24-hour basis. Federal Labor Standard Act requirements limit the 28-day City established work cycle for the Police Department to 171 hours for the cycle. Within the cycle the normal work week will be approximately 40 hours.

(c) The Fire Department shall operate on a 24-hour basis. Federal Labor Standard Act requirements limit the 27-day City established work cycle for the Fire Department to approximately 204 hours for the cycle. This averages on a yearly basis to an approximate 53-hour work week. The City of Madera schedule averages approximately a 56-hour work week. The Fire Chief will determine whether a 56-hour work week is maintained.

(d) The normal work week for all other departments shall be based on 40 work hours on 5-day, 8-hour days. Work schedule for the Wastewater Treatment Plant is outlined in the M.O.U. with the Maintenance Service Workers' unit. Other departments' work week may shift depending upon City needs but will maintain a 40-hour work week.

Applicable overtime provisions are contained within the respective memorandums of understanding.

Section 2. Annual Vacation Leave: The purpose of annual vacation leave is to enable each eligible employee annually to return to his work mentally refreshed.

A. The only exceptions are those addressed in the MOUs, approved by the department head or as outlined below.

(1) Employees still serving their original probationary period in the service of the City. However, vacation credits for the time shall be granted to each such employee who later receives a permanent appointment. (See Rule X. Probationary Period, Section 1. Re: Police Officers).

(2) Employees who work on an intermittent or seasonal basis, and all employees who work less than half-time.

B. Eligible employees shall earn vacation credit at the rate established in the respective Memorandums of Understanding with the applicable recognized City employee organization.

C. Eligible permanent status employees who work less than full time (40 hours per week) and more than 20 hours per week earn vacation credits and sick leave credits on a pro rata basis.

D. An employee starting work between the 1st and 15th of a month will earn the full day of vacation and sick leave benefits for that month. This rule will not run contrary to the provisions of Rule XI., Section 2(A).

E. The time during a calendar year at which an employee may take his vacation shall be determined by the Department Head with due regard for the wishes of the employee and particular regard for the needs of the service. If the requirements of the service are such that an employee must defer part or all of his annual vacation in a particular calendar year, the appointing authority may permit the employee to take such deferred vacation during the following calendar year.

F. An employee may accumulate vacation leave as specified in the memorandum of understanding per his/her negotiating group.

G. In the event one or more municipal holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave, and the vacation leave may be extended accordingly.

H. Employees who terminate employment shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination. No such payment shall be made for vacation accumulated contrary to the provisions of these rules or contrary to the memorandum of understanding.

Section 3. Sick Leave: Sick leave shall accrue at the rate of one work day for each calendar month of service. Sick leave shall not be considered as a privilege which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability. Unused sick leave will accumulate at the rate of one day per month with no limit on the total. Refer to the current memorandum of understanding for details per recognized employee group.

In order to receive compensation while absent on sick leave, the employee shall notify his immediate supervisor prior to or within one hour after the time set for beginning his daily schedule, or as may be specified by the Department Head. When absence is more than three (3) days, the employee may be required to file a physician's statement with the Department Head and Personnel Office stating the cause of absence. If a Department Head believes an individual is abusing sick leave he may, after issuing a warning, require a doctor's certificate with less than three (3) days absence.

Justification for Sick Leave: An employee eligible for sick leave with pay shall be granted such leave for the following reasons only:

- (a) Personal illness or physical incapacity.
- (b) Family Sick Leave: As defined by the memorandum of understanding per recognized employee group.
- (c) Quarantine leave: Enforced quarantine of the employee in accordance with the community health regulations.
- (d) Family death leave: The death of the employee's immediate family, including husband, wife and children, father, mother, brother, and sister, but not to exceed three days for any one death.

Determination Allowance: Absence for a fraction or part of a day that is chargeable to sick leave in accordance with these provisions shall be charged according to actual time off the job.

- (a) An employee who normally works five days per week shall be charged one full day of sick leave for each one full day of absence.
- (b) A member of the Fire Department working a 24-hour per day schedule shall be charged 1.75 days of sick leave per workday off.

When accumulated sick leave is exhausted, the employee with remaining vacation or holiday credit must use his credit as sick leave with pay when his sick leave is exhausted. If an employee is eligible a City Long Term Disability Insurance program if available may limit the use of sick leave and vacation leave during the duration of the illness.

Saturdays, Sundays and holidays occurring during the sick leave period shall not be charged against the sick leave accumulated, unless they are a part of the individuals regular work week.

Section 4. Military Leave: Employees granted military leaves of absence from the classified service shall be reinstated thereto as provided in Chapter 7, Part 1, Division 2, of the Military and Veterans Code of California (Section 389, et. seq.).

Section 5. Leave of Absence: The City Administrator or his designee may grant a permanent employee leave of absence without pay not to exceed six (6) months, however, under extraordinary circumstances the employee may request an extension. No such leave shall be granted except upon written request of the employee. Approval shall be in writing and a copy filed with the Personnel Officer. Upon expiration of the approved leave the employee shall be reinstated to the position held at the time the leave was granted providing that the employee has a medical clearance in cases where the leave was granted for health reasons. Failure on the part of the employee on leave to report promptly at its expiration or within a reasonable time after notice to return to duty, shall be cause for discharge.

Section 6. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All department heads are responsible to keep track of daily attendance of employees and shall note any tardiness or absenteeism. Failure on the part of any employee absent without leave to return within 24 hours after notice to return shall be cause for immediate discharge.

Section 7. Holidays: Holiday schedule shall be per the memorandum of understanding as it applies to the specific employee group.

Section 8. Medical Examinations: The City Administrator may require an employee returning after any lengthy leave-of-absence to pass such medical examination as deemed satisfactory for reinstatement and for such employees granted leave-of-absence due to health reasons, a statement from their physician certifying that they are able to return to work under normal working conditions.

Section 9. Revocation of Sick Leave: The City Administrator shall revoke pay and sick leave time if the employee is not in fact sick or if he has engaged in private or other public work while on such leave. This rule applies also to unauthorized work while receiving workers compensation benefits (approved rehabilitation programs are excluded).

Section 10. Veteran's Funeral Leave: An employee who is a member of a veterans service organization may be granted time off when requested to serve as a member of an honor guard at a funeral subject to the following conditions:

- (1) Maximum time off shall be two hours for each occurrence no more frequently than twice a month.
- (2) Time off will not be charged against the employee's accumulated overtime or vacation leave.
- (3) Time off will be subject to prior approval of the department head and the City Administrator.

Section 11. Anniversary Date: At the end of each full year of employment upon the employee's anniversary date, the employee shall be credited with one additional day of vacation leave. This will automatically be added to the employee's earned vacation time.

RULE XII. SALARY AND MERIT INCREASES

Section 1. Salary Resolution: All salaries for officers and employees of the Classified Service shall be fixed by salary schedule. Such schedule shall be established by resolution adopted by the City Council upon recommendation of the City Administrator and may be changed or amended by the City Council from time to time.

Section 2. Assigned to Salary Schedule: Each position in the City's Classified Service shall be assigned a range number in accordance with the normal initial compensation and salary steps of such classification of employment as shown in the salary schedule.

- (a) The first step of the salary schedule of the particular job classification shall apply to employees upon original appointment. However, the City Administrator may appoint at any step up to and including the third step, if it is found not practical or possible to recruit qualified personnel at the first step or if the employee's background merits it.

(b) When an employee is advanced from one position to another of a higher level, he shall receive not less than the equivalent of one step increase and shall have a new anniversary date established for the new position.

Section 3. Merit Increases: Advancements shall not be automatic but shall depend upon increased service value of an employee to the City. Every employee shall be eligible for advancement to the next higher step, whenever his performance meets the requirements for such advancement as documented. The anniversary date for future merit pay increases of an employee shall change to that date on which the merit increases becomes effective. This rule shall not operate in conflict with provisions of RULE XII. Section 2. Subsection (b).

Section 4. Merit Authorization: The City Administrator or his authorized representative shall review the recommendations of the Department Head, submitted on a form approved by the Personnel Department, and either approve or disapprove the advancement and shall have the Personnel Department notify the employee in writing of his action.

Section 5. Failure to Receive Merit Increases: Failure to receive a merit increase as herein provided shall not preclude any officer or employee from thereafter receiving such increases. Failure due to a low evaluation rating to receive a merit increase shall not be considered a disciplinary measure. However, this provision shall not be contrary to any existing procedure contained in an MOU.

RULE XIII. TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

Section 1. Transfer: After notice to the Personnel Officer, an employee may be transferred by the City Administrator at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one supervising official to another, both must consent unless the City Council orders the transfer for purposes of economy or efficiency. Transfer shall not be construed to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance and in these rules. No person shall be transferred to a position for which he does not possess the minimum qualifications.

Section 2. Promotion: Insofar as practicable and consistent with the best interests of the service, vacancies in the competitive service shall be filled by promotional examination. The date of promotion at any other date other than existing anniversary date shall become the newly established anniversary date for the affected employee.

If, in the opinion of the City Administrator a vacancy in the position could be filled better by an open, competitive examination instead of a closed, promotional examination, then the City Administrator may instruct the Personnel Officer to call for applications for the vacancy and arrange for an open, competitive examination and for the preparation and certification of an eligible list.

Section 3. Demotion: The City Administrator may demote an employee whose ability to perform his required duties falls below the standard or for disciplinary purposes. Upon the request of the employee, and with the consent of the City Administrator demotion or re-classification may be made to a lower position as a substitution for layoff. Interdepartmental demotions to avoid layoff will be granted only if the employee meets the minimum qualifications for the position. Demotions to a lower class within another department to avoid layoff will be granted if the employee has previously held permanent status in such classification within City service. An employee who is ultimately replaced by either action shall be laid off in the same manner as an employee whose position is abolished.

Section 4. Suspension: The City Administrator may suspend an employee from his position at any time for disciplinary purpose, or for other just cause. Suspension without pay shall not exceed thirty (30) calendar days for any single disciplinary action. Department Heads may suspend a subordinate employee pending an investigation of alleged misconduct for not more than three working days at any one time. Suspensions shall be reported immediately to the Personnel Officer by the City Administrator.

Section 5. Reinstatement: With the approval of the City Administrator an employee who has resigned with a good record may be reinstated within one year to his/her former position, if vacant, or to a vacant position in the same or comparable class. Reinstated employees are eligible to reinstate prior salary, benefits and accruals of leave time at the same rate in effect when the break in service occurred; with the exception of Health Insurance benefits whereby a new waiting period must be served. The reinstated employee must serve a new probationary period.

RULE XIV. DISCIPLINARY ACTION

Section 1. Policy: Prior to the suspension, demotion, reduction in pay, or discharge of a regular employee for disciplinary purposes, the procedure set forth in this rule shall be complied with.

Section 2. Written Notice: Written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered.

Section 3. Employee Review: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based.

Section 4. Employee Response: Within five (5) working days after receiving written notice, the employee shall have the right to respond, orally or in writing, at the employee's option, to the City Administrator concerning the proposed action.

Section 5. Relief of Duty: Notwithstanding the provisions of this Rule, upon the recommendation of the Personnel Director, the City Administrator may approve the temporary assignment of an employee to a status of leave with or without pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

Section 6. Appeal: A permanent status classified employee may appeal disciplinary actions to an administrative hearing before the City Administrator by filing a written request with the City Administrator within five (5) days of the imposition of the action.

If not resolved at this level the employee may request a hearing before the Civil Service Commission in accordance with RULE XVI. (APPEALS & HEARINGS).

Section 7. Causes for Discipline or Discharge: Each of the following constitutes cause of discipline or discharge of an employee:

- (a) Fraud in securing appointment
- (b) Incompetency
- (c) Inefficiency
- (d) Inexcusable neglect of duty
- (e) Physical or mental disability
- (f) Insubordination
- (g) Dishonesty
- (h) Intoxicated while on duty
- (i) Excessive absenteeism and/or tardiness
- (j) Substance abuse affecting performance and failure to seek corrective measures.
- (k) Inexcusable absence without leave
- (l) Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- (m) Inability or unwillingness to complete assignments in an accurate and timely fashion.
- (n) Continued or flagrantly discourteous treatment of the public or other employees.
- (o) Improper political activity while on duty or utilizing City uniform or property or authority of position.
- (p) Misuse of State or City property
- (q) Violation of the Rules and Regulations of the Personnel Manual

- (r) Failure to adhere or perform in fashion necessary to carry the existing rules and regulations of the City and/or department regarding reporting procedures and/or assignments consistent with ones job duties.
- (s) Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.
- (t) Violation of local State or Federal laws while on duty, in uniform or use of authority of position.

RULE XV. SEPARATION FROM SERVICE

Section 1. Discharge: An employee in the classified service may be discharged for cause any time by the City Administrator. Whenever it is the intention of the department head to discharge a permanent status employee in the competitive service, the Personnel Officer shall be notified. An employee who has been discharged shall be entitled to receive five (5) working days written notice regarding "an intent to discharge" and the reasons for the intended actions. (If he so elects, a permanent status employee is entitled to discuss this matter both in writing and in person with the City Administrator). He also is entitled to a hearing as provided in these Personnel Rules in accordance with RULE XIV. DISCIPLINARY ACTION.

Section 2. Layoff: The City may lay-off any employee because of material change in duties, reorganization, shortage of funds, or shortage of work. Lay-offs and/or reduction in force shall be made by total City seniority and by classification. Seniority shall be determined by the actual number of years of employment rounded off to the nearest day. Although, lay-offs shall be by classification, the total amount of seniority will be computed considering all full-time permanent positions held within City service. Seniority will not be accumulated for leaves of absence; for time accumulated in temporary or provisional positions, or for time accumulated in CETA or similar training programs.

Seniority for this purpose is defined as follows:

- (a) If the total seniority of two or more employees in the affected classification is equal, then seniority within classification shall be determinative.
- (b) If all of the above factors are equal, department seniority shall be determinative.
- (c) If all of the above factors are equal, the date permanent status was achieved shall be determinative.
- (d) If all of the above factors are equal, the City Administrator will determine lay-off order based upon clearly demonstrated superiority in performance and/or qualifications.

The employee with the least amount of City seniority in any classification affected by the lay-off will be the first laid off. If qualified, this employee may in turn replace an employee in the next lower classification, who has the least City seniority in that classification, provided that the employee meets the minimum qualifications for that classification.

When an employee bumps to a lower pay grade, all of his prior services shall be allowed in determining his/her seniority in such job classification. Employees who are displaced from their jobs as a result of this bumping procedure may themselves replace employees within their department having the least City seniority in the next lowest job classification as described above. An employee who has attained permanent status in another department may bump to that department.

An employee being laid off shall receive at least thirty (30) calendar days notice or the equivalent amount of pay in lieu. In the event of a lay-off, the affected employee shall receive pay immediately for all accumulated time he/she is due under City Rules and Regulations. Any employee laid off shall be placed on a Recall list for a period of two years.

The City, upon rehiring, shall do so in the order of seniority by hiring the last employee laid off, providing that he/she meets the qualifications for the position to be filled. Employees subject to such replacements and call-back may be required to take and pass an approved City Physical Exam if the position is of the nature which may require heavy physical exertion.

Laid off City employees will not continue to accumulate seniority, vacation, sick leave or any other service related benefits during the period they are laid off. Employee retirement, insurance and all benefits cease at the time of and will not be paid during the time of the lay-off period. It is the employees' responsibility to provide an updated address to the Personnel Department.

Failure to return to work within ten (10) working days after being recalled by Registered Mail, return receipt requested, unless due to actual illness or accident (the City may require substantial proof of illness or accident), will cause the employee to be removed from the lay-off list and forfeit all seniority rights.

The Notice Regarding Employment to an employee who has been laid off shall be made by Registered Mail to the last known address of said employee. All seniority, with the exception of the actual time spent in the lay-off period, shall be reinstated to the employee upon re-employment. This seniority regards City vacation schedule and other related benefits.

Section 3. Resignation: An employee wishing to leave the competitive service in good standing shall file with the supervising official, at least two weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the Personnel Officer with a statement by the City Administrator or Department Head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure of the employee to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of an employee who fails to give notice shall be reported to the Personnel Officer by the Department Head immediately.

RULE XVI. APPEALS AND HEARINGS

Section 1. Complaints: Any employee in the classified service who has attained permanent status shall have the right to appeal to the Civil Service Commission relative to any disciplinary action, dismissal, demotion, or alleged violation of the Personnel Ordinance or Rules, except in instances where the right of appeal is prohibited by the Personnel Ordinance or these Rules. If the employee elects to file a complaint with the Commission, such complaint must be filed in writing with the Personnel Officer within thirty (30) days of the occurrence of the alleged event. Such complaint shall state the specific reason or reasons why the employee believes he has been improperly treated in accordance with the established Personnel Rules and Regulations. It shall be the duty of the Personnel Officer to inform each of the Civil Service Commission members and the City Administrator or any other person against whom a complaint was registered against of the filing of the complaint.

An employee filing such a complaint must demonstrate that he has followed the procedures outlined in RULE XIV. DISCIPLINARY ACTION prior to consideration of the Civil Service Commission of such complaint.

Section 2. Investigations and Hearings: Upon the making of any complaint, the Civil Service Commission shall make an investigation as it may deem necessary. This hearing shall be held within twenty (20) working days after the request for the hearing was made, unless all parties agree to a postponement and a mutually agreeable date. In all hearings the applicable provisions of the Personnel Manual shall apply.

Whenever a hearing on any complaint is to be held, the Personnel Officer shall notify the person requesting the hearing and the City Administrator or other officer from whose action the appeal is being taken, of the date, time, and place of the hearing and shall publicly post at such places as the Civil Service Commission shall prescribe, a notice of the date, time, and place of the hearing. The hearing shall be conducted according to technical rules relating to evidence and witnesses as follows:

Each party included shall submit to the Personnel Office copies of written materials and a list of witnesses to be presented at the grievance hearing. These materials shall be provided to the Personnel Office seven (7) working days in advance of the scheduled Civil Service hearing. At this time the Personnel Officer will provide each party with a copy of the of the other parties written material and a list of witnesses. The Commission will not allow additional written material or additional witnesses who do not appear on the original list after the submission of the original written material and original list of witnesses.

Unless incapacitated, the person making the complaint shall appear personally before the Civil Service Commission at the hearing, and he may be represented by any person or attorney he shall select.

Within ten (10) working days after the conclusion of any investigation or hearing, the Civil Service Commission shall cause its findings and recommendations to be prepared and certified. Such findings shall be countersigned and filed as a permanent record by the Personnel Officer. The Personnel Officer shall deliver a certified copy of such findings and recommendations to the City Council and to any other officer or employee affected by such findings and recommendations, or from whose action the appeal was taken. The City Council shall review the findings and recommendations of the Civil Service Commission and may then affirm, revoke, or modify the action taken, as in its judgment seems warranted, and the action then shall be final.

Any member of the Civil Service Commission may submit a minority or supplementary report which shall be filed as a permanent record by the Personnel Officer.

If an employee requesting a hearing before the Civil Service Commission is deprived of such hearing due to the lack of a quorum of the Civil Service Commission, the City Administrator may defer action or suspend the employee until the Commission is able to function.

In cases involving changes to the Personnel Manual and disciplinary hearings, the vote of the Commission must reflect a majority of its existing membership (i.e., three (3) of the existing members must agree) for a decision to be rendered.

RULE XVII. COOPERATION

Section 1. Cooperation of Municipal Officers and Employees: Every officer and employee of the City of Madera shall cooperate with the Civil Service Commission, City Administrator, and the Personnel Officer in order to completely fulfill the obligations, objectives and purposes of the Personnel Ordinance and these rules.

RULE XVIII. MISCELLANEOUS

Section 1. Part-Time Employment: Except as otherwise provided herein, a weekly work schedule of less than forty (40) hours shall be considered part-time service, and the actual compensation therefore shall be determined by the relation that the actual number of hours of service bears to the number of hours required in full-time employment in each class.

Section 2. Overtime: It is the policy of the City of Madera to avoid the necessity of overtime work wherever possible. Compensation for overtime shall be applied as specified in the Memorandum of Understanding with each employee group. All applicable Federal and State laws shall apply. The form requesting time off for necessary and authorized overtime shall be presented in manner prescribed below:

If compensating time off for overtime is to be granted, all such work, except that on an assigned shift and during emergencies in any department, must be authorized in advance by the shift supervisor in charge or the department head.

Compensation time off shall be allowed as indicated in the Memorandum of Understanding per each employee group. Regarding terms and conditions of time off, reference shall be made to the individual Memorandum of Understanding for each employee group.

In those departments in which regular shift assignments require an employee to work on a holiday during which other City employees are not required to work, the affected employee shall have credited to his/her compensating time off accumulated hours equivalent to those which he/she worked on the holiday. Any exceptions are noted with the MOU's with employee represented groups.

Section 3. Relatives: No applicant will be considered for employment in the classified service who is related as a husband, wife, parent, child or sibling to any City Council member. No applicant will be considered for employment in the classified service who is related as defined above to a City employee employed in the particular department/division in which common supervision may exist in which the position is available. This does not preclude the continuation of employment if the relationship as defined above occurs after the employment of the individuals. However, every attempt will be made to avoid direct subordinate supervisorial association regarding relationships as defined above.

Section 5. Fingerprinting: As a hiring procedure all employees shall be fingerprinted and their identification kept in their personnel file.

Section 6. Performance Evaluation: Except for employees serving their probationary period, all employees shall have their performance evaluated annually on the employee's anniversary date by the Department Head or by an authorized officer given the authority by him. The Department Head or his authorized representative shall review the findings of the evaluation with the employee before forwarding his recommendations to the City Administrator.

(a) The City Administrator, or an official authorized by him, shall review the evaluation in order to determine if the performance of the employee warrants discharge or continuation of service with a merit increase within the scope of the range classification.

(b) Employees serving their probationary period shall have their performance evaluated in the same manner as prescribed for permanent employees except that they shall be denied any right of appeal as described herein; probationary employees shall have their performance evaluated quarterly during their probationary period.

Section 7. Outside Employment: An employee in the classified service may not engage in outside employment which will conflict with his City Work schedule and/or place him in a conflict with the performance of his duties and responsibilities as a City employee.

If a dispute arises regarding this area, an employee may exercise the review and hearing procedures contained in these Rules & Regulations.

Section 8. Mileage: Mileage reimbursement shall be as per each employee negotiating group's Memorandum of Understanding.

Section 9. Political Activity:

A. Soliciting or Receiving Political Funds or Contributions:

An employee shall not, directly or indirectly, solicit or receive political funds or contributions, knowingly, from other officers or employees of the City or from persons on the employment lists of the City of Madera, during working hours.

B. Participation in Political Activity while in uniform:

No officer or employee of the City of Madera shall participate in political activities of any kind while said person is in uniform or on duty.

RULE XIX. ATTENDANCE, REPORTS AND RECORDS

Section 1. Attendance: Employees shall be in attendance at their work in accordance with City rules regarding hours of work, holidays, and leaves. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice to return shall be cause for immediate discharge. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice.

Section 2. Jury Duty: Every classified employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to be absent from his/her duties with the City during the period of such service or while necessarily being present in court as a result of such call. The employee's normal pay shall be lowered by the amount of pay received for jury duty.

Section 3. Personnel Records: The Personnel Director shall maintain a service or personnel record for each employee in the service of the city showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Personnel Director.

Section 4. Change-of-Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Director in such manner as he may prescribe.

RULE XX. VIOLATIONS

Section 1. Violation of Rules: Violations of the provisions of these rules shall be grounds for rejection, suspension, demotion, dismissal, or other disciplinary action.

RULE XXI. POSITION CLASSIFICATION PLAN

Section 1.

(a) The first step in the salary plan is a minimum rate and should normally be the hiring rate for the class. In cases where it is difficult to locate qualified personnel, or if a person of unusual qualifications is engaged, the City Administrator is "hereby authorized to hire such person at the second or third step.

(b) The second step is an incentive adjustment to encourage an employee to improve his/her work and shall be paid upon satisfactory completion of one year of employment.

(c) In unusual circumstances, the City Administrator may request that the City Council authorize the hiring of an individual in the classified service above the third step of the classification range.

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