

CIVIL SERVICE COMMISSION



RULES AND REGULATIONS

CITY OF VALLEJO

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Pursuant to the authority conferred upon it by the Charter of the City of Vallejo, California, and in accordance therewith, the Civil Service Commission of the City of Vallejo, California does hereby adopt the following Rules and Regulations.

Adopted: March 27, 1947

Revised Rules and Regulations adopted December 10, 2007, approved by City Council September 16, 2008.

Covering revisions adopted through September 16, 2008

RULES AND REGULATIONS

CIVIL SERVICE COMMISSION OF THE CITY OF VALLEJO

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RULE 1

NOMENCLATURE - DEFINITION OF TERMS

The following terms, whenever used in these Rules and Regulations, shall be construed as follows:

1.1 Advancement

A salary increase within the limits of the pay range established for a class.

1.2 Allocation

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

1.3 Appointing Power

The officers of the City of Vallejo, who, in their individual capacities, or as a Board, Commission or City Council, have the final authority to make the appointment to the position to be filled.

1.4 Appointment

1.4.1 Conditional Appointment

Means an appointment to a permanent position from a Register of Eligibles certified by the Civil Service Commission which, because of a pending collateral action regarding the validity or legality of that certified Register of Eligibles, may be rendered void.

1.4.2 Intermittent Employment

Refers to work that is temporary in nature but recurrent at regular or irregular intervals.

1.4.3 Lateral Entry

Certification of a police service applicant on a separate Register of Eligibles when said applicant has passed an unassembled examination as determined by the Commission.

1.4.4 Limited Appointment

Means appointment to a position, the work of which is expected to be of short duration, or appointment to a permanent position temporarily vacant by reason of leave of absence or illness of regular employee, or when the needs of the Service make it necessary to employ persons for a temporary period. Limited appointments are to be made from the Register of Eligibles.

1.4.5 Permanent Position

Refers to any position, the duties of which are not expected to terminate at any stated time.

1.4.6 Regular Appointment

Shall mean appointment from an eligible list in proper certification order; any appointment which is not temporary, emergency or exempt.

1.4.7 Temporary Appointment

Shall mean an appointment providing for the employment of persons temporarily when there is no Register of Eligibles and until such time as regular appointments can be made. This term is synonymous with the term EMERGENCY APPOINTMENT.

1.4.8 Transfer

In a transfer from one regular appointment to another in the same class, the probationary period, having once been completed, is not recommenced but is considered served. The transferred employee has a right to displace in his/her previous position upon layoff.

1.5 Break in Service

Resignation to leave the Classified Civil Service, failure to report for duty, and discharge for cause shall be considered as a break in service. (Technical termination to accept another position in either the Classified or Unclassified Service shall not be considered a break.)

1.6 City

Shall be equivalent to the City of Vallejo, California.

1.7 Civil Service Act

Articles VI and VIII of the Charter of the City of Vallejo, California.

1.8 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.

1.9 Commission

Used alone, Commission shall mean the Civil Service Commission of the City of Vallejo, California.

1.10 Demotion

A change in employment status from one position to another having a lower maximum rate of pay, or a change in duties which are allocable to a class having a lower maximum

rate of pay.

1.11 Employee

Signifies a person holding a position in the Classified Civil Service.

1.11.1 Exempt Employees

Are those who are appointed and employed without Classified Civil Service status, and who are exempted from the Civil Service provisions of the Charter of the City of Vallejo, California.

1.11.2 Permanent Employees

Means an employee who has successfully passed the probationary period of employment and has been retained in the position as hereafter provided in these Rules and Regulations.

1.11.3 Probationary Period

The probationary period shall be six (6) months unless stated otherwise by the collective bargaining agreements entered into by the City Council and the various unions representing civil service positions; during which time the employee may be rejected at any time without the right of appeal or hearing in any manner. An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, unless charges are filed and he/she is discharged as provided in Rule 18 of these Rules and Regulations.

(Rule 1.11.3 approved by Civil Service Commission on 02/12/07, and approved by City Council on 04/24/07, Res. No. 07-96 N.C.)

1.12 Eligible

A person who may be legally appointed to fill a vacant position as provided by the Charter of the City of Vallejo and the Rules and Regulations of the Civil Service Commission.

1.13 Employment List/Register of Eligibles

A list of names of persons who have successfully passed the examination for a position in the Classified Service, ranked on the list in the order of the score received.

1.13.1 Re-employment List

A list of those employees who have been laid off through no fault of their own.

1.13.2 Reinstatement List

A list of former employees who wish to be restored to a register of eligibles in accordance with provisions contained in these Rules and Regulations.

1.14 Examination

- a. Assembled Examination - A test conducted at a specified time and place at which applicants are required to appear for a competitive examination under the supervision of an Examiner.
- b. Unassembled Examination - A test consisting of an appraisal of training, experience, work history, or any other means for evaluating other relative qualifications of applicants without the necessity for their personal appearance at a specified place.
- c. Promotional Examination - A test limited to persons with permanent appointment with the City, who meet the required specified standards for a higher position.
- d. Examination and Tests - are synonymous and may be used interchangeably.

1.15 Grade of Employment

Means a subdivision of a class comprising all employment with that class involving substantially the same degree of authority, importance and responsibility.

1.16 Head of Department

For purposes of these rules, Head of Department are the heads of administrative departments directly responsible to the City Manager pursuant to Section 501 of the City Charter.

1.17 Position

Means any office or employment in the Classified or Unclassified Civil Service.

1.18 Promotional Register of Eligibles

Is a change of employment status from one position to another which is allocated to a class with a higher maximum rate of pay.

1.19 Promotional List/Promotional Register of Eligibles

Refers to an employment list resulting from a promotional examination.

1.20 Reduction

Shall mean a salary decrease within the limits of the pay range established for a class.

1.21 Rejection

Shall mean the separation of an employee from the Service during his/her probationary period.

1.22 Report of Examination

Shall mean the report of the results of each examination, listing the names of all

participating candidates in the order of their general average, the highest being first on the list.

1.23 Suspension

Shall mean the temporary separation of an employee without pay, either for disciplinary purposes, or during that period when an appeal or hearing is pending.

1.24 Veteran

Shall mean any person who has served on full-time duty, other than full-time duty for training, for a period of ninety (90) days or more in the United States armed forces in time of war, or in expeditions or conflicts of the armed forces of the United States, as specified herein, and who has received an honorable discharge or who has been separated from the armed forces under conditions of other than dishonorable. For purposes of this Rule, armed forces shall mean the Army, Navy, Air Force, Marine Corps, Coast Guard, the reserve components thereof, the Army National Guard, and the Air National Guard.

1.24.1 Disabled Veteran

Disabled veteran shall mean a veteran who was disabled as a result of service in the armed forces and who currently is holding a disability rating of at least ten (10) percent. Proof of such disability shall be presumed conclusive if it is of record in the United States Veterans' Administration.

1.24.2 Rehabilitation

As used within this part, shall mean a restoration of veterans declared to be ten (10) percent or more "disabled", either physically or mentally.

1.24.3 Widows of Veterans

Widows of veterans shall mean the unmarried widows of deceased veterans. Shall also include widowers.

1.25 Day

Unless otherwise stated, the term "day" or "days" as used herein shall mean calendar days.

1.26 Work Day

The term "work day" or "working day" as used herein shall mean a day in which the Human Resources Department is open to the general public to conduct business.

RULE 2

ADMINISTRATION AND ORGANIZATION

2.1 Meetings

The regular monthly meetings of the Civil Service Commission shall be held on the second Monday of each month at 5:15 p.m. in the City Council Chambers at City Hall or at such other place as the Commission at a prior regular meeting may designate. When a regular meeting day falls on a holiday, the Commission shall meet on the Thursday following the holiday at the same time. Such meetings may be adjourned from time to time as determined by the Commission. Such special meetings as may be deemed necessary shall be called by the Chairperson, or upon written request to the Chairperson of any two (2) members of the Commission. Notice of meetings shall be given as prescribed by the Ralph M. Brown Act (Government Code 54950 et seq.).

(Rule 2.1 approved by Civil Service Commission on 02/12/07, and approved by City Council on 04/24/07, Res. No. 07-96 N.C.)

2.2 Officers and Elections

Officers of the Commission shall include Chairperson, Vice Chairperson, Secretary and such other officer as it may desire. The election of officers of the Commission shall be held at its regular meeting of July of each year. The officers shall be elected to hold office until the regular meeting of the following July or until their successors shall have been elected and qualified.

2.3 Chairperson

The Chairperson shall serve as chairman of the Commission and shall preside at all meetings. The Chairperson may vote on all questions before the Commission. The Chairperson may call special meetings of the Commission by notifying the Executive Secretary to call such meetings.

2.4 Vice-Chairperson

During the absence of the Chairperson or his/her inability to act, the Vice-Chairperson shall have the powers and duties of the Chairperson.

2.5 Temporary Chairperson

During the absence of or inability of both the Chairperson and Vice-Chairperson to act, the Commission may be convened by the Secretary and a temporary Chairperson may be elected to have all the powers of the Chairperson.

2.6 Quorum

Three members of the Commission shall constitute a quorum for the transaction of business. An order, resolution, or motion is adopted by the Commission if it received not less than three (3) affirmative votes of Commission Members.

2.7 Order of Business

The order of business at meetings of the Commission shall be: Call to Order, Flag Salute, Roll Call, Written Communications, Executive Secretary's Report, Report of Chairperson and Commissioners, Community Forum, Consent Calendar, New Business, Old Business, Community Forum, and Adjournment.

2.8 Rules and Regulations

The Commission shall have the power to adopt, change, amend, revoke or modify these Rules and Regulations, or any part thereof, provided at any meeting of the Commission. Rules and amendments thereto made by the Civil Service Commission shall be effective only on approval by the City Council.

(Rule 2.8 approved by Civil Service Commission on 03/12/07, and approved by City Council on 04/24/07, Res. No. 07-96 N.C.)

2.9 Legality

If any rule, subrule, sentence, clause or phrase of these Rules and Regulations is found to be illegal, such finding shall not affect the validity of the remaining portions of these rules.

2.10 Requests and Communications

All requests of or communications to the Commission shall be in writing or verbally during a scheduled meeting.

2.11 Staff

The staff of the Commission shall include the Executive Secretary and such other assistants as may be appointed pursuant to the City Charter to carry on the duties of the office. The Commission shall have the power to contract for technical, legal or other services as may be necessary to carry out its responsibilities under the City Charter and Chapter 2.43 of the Vallejo Municipal Code.

2.12 Executive Secretary

Wherever in the Rules and Regulations or Charter provisions relative to Civil Service duties are set forth for the Commission to perform, the Commission may direct the Executive Secretary or his/her staff to perform such duties, acting as the agent for the Commission by authorization incorporated in the minutes at a prior meeting, except that the Commission may not delegate any quasi-judicial functions or responsibility for punitive action.

2.13 Annual Report

The Executive Secretary shall prepare an annual report to be referred to the Commission for approval at the regular meeting of July of each year. The report shall summarize the business of the Commission and shall furnish such information as may be of public interest concerning the work of the Commission for the fiscal year immediately past.

2.14 Disciplinary Hearings

At such times as the Commission holds a disciplinary hearing pursuant to 803 (n) and 803 (o) of the Charter, provisions may be made to keep complete stenographic records of such hearing. After the conclusion of such hearing and when a decision is made by the Commission, such findings and conclusions as the Commission may render shall be reduced to writing and incorporated in the minutes. A copy of such findings and conclusions shall be sent to the employee or employees involved, a copy to the department head and a copy filed with the Director of Human Resources.

2.15 Attempt to Influence Commission

Any attempt on the part of an applicant, either by himself/herself or through others of his/her knowledge, to influence or induce the Commission, or any member thereof, or any employee or assistant of the Commission, to give said applicant an undue advantage or to accord a special rating in an examination, shall be sufficient cause for the rejection of such applicant.

RULE 3

CLASSIFICATION OF OFFICERS AND EMPLOYEES

3.1 Classified and Unclassified Services

All offices and positions in the services of the City shall be allocated to either the classified or unclassified service as is provided by Charter Section 801. The Executive Secretary shall maintain a listing of classifications assigned to the classified and unclassified service. Such listing shall be available for public inspection.

3.2 Special Provision

All persons employed in the operating service of any public utility hereafter acquired by the City or any department thereof, at and for one (1) year immediately prior to the date of such acquisition, may be retained and employed by the City or such department, in their respective positions as nearly as may be and, so long as continuously so retained and employed in such positions, shall be exempt from Civil Service provisions of the Charter.

RULE 4

CLASSIFICATION PLAN

4.1 Preparation of Plan

On the basis of a study of the duties and responsibilities of all positions in the Classified Service the Commission shall prepare and maintain a classification plan. The classification plan shall consist of a list of titles of the classes to which positions in the Classified Service are to be allocated and a written specification for each class of position setting forth in such manner and form as the Commission shall deem advisable, the title of the class, a general statement of the scope of the work and such other pertinent material as may be deemed appropriate. The scope of the work shall indicate the kind of work to be performed, the degree and kind of supervision involved, the general field which the class serves and an enumeration of typical tasks or items of work assigned to employees in that class; it shall not be deemed to include all of the tasks performed by any one employee, nor shall it be interpreted to limit the tasks to which the employee may be assigned. Any of the tasks so enumerated are subject to expansion or complete abolition. Prerequisites shall include the general qualifications necessary for an employee to enter the Classified Service under the class title and enumerate pre-entry requirements of educational training, experience and special skills required and any specific physical requirements for the position.

4.2 Allocation of Positions

Upon completion of the classification plan, each employee in the Classified Service shall be allocated to a specific class by the Commission. Thereafter, the plan shall serve as a guide in the handling of all personnel activities and transactions. It shall be considered an administrative tool and not deemed part of the rules of the Commission.

4.3 Review

Each employee shall be notified in writing of the class title assigned him/her by the Commission and shall have thereafter fifteen (15) days in which to ask the Commission for any revision or change in his/her class title. Any request for review of change shall state the reason for such request.

4.4 Reclassification

From time to time as the positions of the City may increase or decrease in number or when the duties of any department or position change materially, any employee or department head may request the Executive Secretary to review the classification title or any position. If the Executive Secretary finds that the class title no longer applies to the position, such position may either be reclassified, the employee transferred to a more appropriate classification, or an employee laid off as outlined under Rule 22 or the impacted employee's collective bargaining agreement.

(Rule 4.4 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

4.5 New Classes of Positions

Subsequent to the adoption of the classification plan, whenever a new position is authorized or created, or whenever study and investigation disclose that any position is not allocated to its proper class for any reason whatsoever whether through an error in the original allocation, amendment of the classification plan or change in the nature of the position, the Commission shall allocate or reallocate such position by assignment of a title, either one already in the classification plan, or shall prepare a new specification and a new class title appropriate to the position.

4.6 Classification Revision

Significant revisions to the classification plan shall be approved by the Commission either by changes in the classification title, by amendments of specifications or by addition of a class without amendments to the Civil Service Rules and Regulations. Significant revisions as used in this Rule 4.6 means revisions that alter the substantive meaning of any job duty detailed in existing classification plan. This expression does not include editorial, stylistic or other revisions that have minimal or have no impact on the basic meaning of the job duties detailed in the existing classification plan which shall be considered "minor revisions". If significant revisions to a classification plan are being proposed for approval by the Commission with or without agreement from the affected collective bargaining units, the Executive Secretary shall provide notice to the affected collective bargaining units representing the class at least three (3) calendar days prior to meeting at which a classification recommendation is being made. All minor revisions to a classification plan may be approved by the Executive Secretary.

(Rule 4.6 amended by Civil Service Commission on 12/10/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

4.7 The Rights of Incumbents to Position

It shall be presumed that each incumbent employee meets all conditions of City employment and is entitled to the position held unless the Commission finds that the employee has been illegally appointed to the position or that, after appointment, has been assigned duties in circumvention of Charter provisions and Civil Service rules governing appointment, promotion, transfer, and reduction in rank, or that, does not in fact, meet conditions of City employment.

4.8. Interpretation of Class Specifications

- a. Class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions that should be allocated to the various classes and shall not be construed as declaring to any extent or in any way what the duties and responsibilities of any position shall be, or as limiting or modifying the power of any appointing power to assign duties to and to direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

- b. In determining the class to which any position should be allocated, the specification of each class shall be considered in its entirety and in relation to others in the classification plan. Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications desired and relation to other classes as affording together a picture of the kind of employment that the class is intended to embrace.

- c. The statement of qualifications in the specifications for any class as interpreted herein, shall constitute a guide for the establishment of minimum qualifications if any, for examination purposes for the tests to be included in examinations for the class and for the evaluation of the qualifications of the applicants.

RULE 5

COMPENSATION PLAN

The establishment of salary schedules, pay rates, and compensation plans is reserved by and to the City Council.

RULE 6

RECRUITMENT

6.1 Announcement of Examinations

The Executive Secretary shall prepare an announcement of examination for each examination to be held, announcing the title of the position, the purpose, the last date for filing, the date of examination, the place of examination, residence requirement, age requirement, compensation, the prerequisites for acceptance of applications, the scope of the examination including the percentage to be allowed for each part and such other information as the Executive Secretary may deem desirable.

(Rule 6.1 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

6.2 Public Advertisement

The Executive Secretary shall place such announcements in a conspicuous place in the City Hall, may post the announcement in other appropriate places throughout the community and may make such other public announcement as may be deemed necessary to properly advertise the examination. Such announcements shall be posted for a period of at least fifteen (15) days prior to the last date for filing application to take the examination. If public notice other than posted announcement is provided, such notice shall also be made at least fifteen (15) days prior to the last date for filing application to take the examination.

6.3 Requests for Information

- a. The Commission shall not advise persons as to vacancies in the service, nor furnish any information as to duties, salaries, course of promotion, or other conditions of positions and offices, except such as may be found in announcements. No advice shall be given as to the course of preparation that applicants should follow.
- b. Members of the examining division or other employees of the Commission shall not furnish information to candidates relative to examinations, except as elsewhere provided in these Rules. All necessary information concerning examinations shall be furnished through the Executive Secretary or his/her designee.

RULE 7

GENERAL REQUIREMENTS FOR APPLICANTS

7.1 General Requirements

The general requirements for admission to Civil Service examinations are as follows:

The applicant must:

- a. Be a citizen of the United States or an alien otherwise eligible to work under appropriate Federal regulations; except that for any classification of police officer or classification within the uniformed fire service, whether entry level or promotional, be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
- b. Be no younger than the minimum age limit as announced in the official examination bulletin issued under the Commission's direction.
- c. Complete and sign an application on the form prescribed and furnished by the Department of Human Resources and approved by the Commission.
- d. Present himself or herself to the Police Department or other responsible agency of the City for fingerprinting and photographing.
- e. State under oath or affirmation, or by declaring under penalty of perjury, that the information contained in the application for employment is true and correct to the best of his/her knowledge or belief.

7.2 Medical Examination

All persons entering the employ of the City shall be required to satisfactorily pass a medical examination prior to appointment. It is intended that such pre-placement medical examinations apply to newly hired employees entering classifications for which the Commission has established medical standards. Prior to promotion, transfer or appointment to a classification that has a significantly different medical standard than the employee's current classification the employee shall be required to pass the medical examination required for the new classification.

Such medical/physical examination shall be conducted by the City's medical clinic, health officer, or examining physician in accordance with job-based medical standards that the Commission may from time to time prescribe as a result of studies of the various classifications in City service. The medical standards shall be approved and/or modified from time to time by resolution of the Commission.

RULE 8

APPLICATIONS

8.1 Form

Applicants for all examinations must submit written application on forms provided by the City in a manner prescribed in the examination announcement. Applicants must certify under oath or affirmation, to the complete truth of the statements contained in the application packet.

8.2 Filing

Applications shall not be accepted unless a time has been set for such filing for the position sought, except in the case of persons employed in an emergency or temporary capacity and in accordance with the provisions of these Rules and Regulations.

8.3 Disqualification

The Commission may refuse to examine an applicant or may disqualify a candidate at any time prior to appointment either during or after examination, who does not demonstrate, or who is found to lack any of the published requisite qualifications established by the Commission for the examination for the position for which he/she applied; who is physically so disabled as to be rendered unfit for the performance of the duties to which he/she seeks appointment; or who is addicted to the use of intoxicating liquors, or to the use of harmful drugs; or who is addicted to gambling, or immoral practices or habits; or who has been found guilty of any crime or of infamous or disgraceful conduct; or who has been dismissed from the public service for inefficiency, delinquency, or misconduct; or who has made a false statement of any material fact, or who practices or who has attempted to practice any deception or fraud in his/her application, in his/her declarations or in his/her securing his/her eligibility or appointment.

Any person who has been appointed to a position under the provisions of Civil Service and who has secured his/her place on the eligible list through fraud shall be removed by the Commission from said position. Such person shall not thereafter be eligible for examination for any position in the classified service.

A candidate who has been disqualified from a List of Eligibles may appeal that disqualification to the Commission. Such appeal shall be in writing, shall set forth the specific reasons or grounds for the appeal, and shall be filed with the Executive Secretary of the Civil Service Commission within 30 days of the date of the notice of the disqualification. The Commission shall schedule a hearing on such appeal only if the candidate in the written appeal demonstrates to the Commission by clear and convincing evidence that the disqualification was the result of fraud or the result of unlawful discrimination. By "clear and convincing evidence" is meant proof that is so clear, explicit and unequivocal as to leave no substantial doubt in a reasonable mind. No

person previously appointed shall be displaced by reason of a decision of the Commission to uphold an appeal. A candidate whose appeal is upheld by the Commission shall be returned to the List of Eligibles on which he/she previously appeared as if she/he had not been disqualified.

(Rule 8.3 amended by Civil Service Commission on 12/12/05, and approved by City Council on 02/07/06, Res. No. 06-33 N.C.)

8.4 Notice of Rejection

Persons, whose applications have been rejected because they were incomplete or defective, may amend their application up to the date of filing.

(Rule 8.4 amended by Civil Service Commission on 12/12/05, and approved by City Council on 02/07/06, Res. No. 06-33 N.C.)

8.5 Licenses Where Required

At the time of filing for a Civil Service examination, every applicant for a position requiring a license or registration must show such valid license or registration from the proper authority. At the discretion of the Commission, the presenting of such document may be waived until the time of appointment.

8.6 Date of Filing

Applications shall be marked with date filed.

8.7 Limitation of Applications

Upon recommendation of the Executive Secretary, the number of applications received for an open recruitment may be set by the Executive Secretary based upon his/her analysis of the potential pool of applicants.

(Rule 8.7 approved by Civil Service Commission on 12/12/05, and approved by City Council on 02/07/06, Res. No. 06-33 N.C.)

RULE 9

OPEN COMPETITIVE EXAMINATIONS

9.1 Nature, Content and Scheduling

The Commission shall determine and fix the nature and content of the examinations including any physical agility tests. The types of examination are open competitive, promotional, inter-departmental promotional and labor registration, the procedure governing each of which is described hereafter.

9.2 Notice

Notice of time, place and general scope of every examination shall be listed in the job announcement with at least fifteen (15) days prior to such examination.

9.3 Examinations Shall Be Practical

All examinations shall be impartial, practical in their character and shall relate to those matters which fairly test the relative capacity of persons examined to discharge the duties of the positions to which they seek to be appointed. No question in any examination shall relate to political or religious opinions or affiliations.

9.4 Control of Examinations

The Commission shall control all examinations and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid in preparing for and conducting such examinations.

9.5 Relative Weights

All examinations shall embrace certain subjects to which weights shall be assigned, the weight given to each subject to represent its relative value in ascertaining the fitness of the applicant. Each subject of examination shall be graded independently, this grade to be multiplied by the weight assigned to such subject, the sum of the resulting product shall be divided by the total weights of all subjects in the examination, and the resulting quotient shall be the general average which shall be used in determining the order in which the names of the candidates shall appear in the report of the examination. Unless otherwise provided in notices published prior to holding the examination, the average percentage for the proficiency required for passing shall be seventy percent (70.00%). The Executive Secretary may, at the time it determines and fixes the nature and content of the examination, allow a credit of not exceeding five (5) to all applicants taking the written portion of the examination to compensate for the margin of error or other variables which are predicted to influence adversely the successful completion of the written examination.

(Rule 9.5 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

9.6 Subject Failure

An applicant who has failed in a subject of examination having weight sufficiently great to make it impossible for him/her to attain a general average of seventy percent (70.00%) or more, assuming the maximum degree of excellence in all other subjects shall be excluded from further examination and shall be considered as having failed the entire examination.

9.7 Qualifying Tests

In examining for any class of positions in which in the opinion of the Executive Secretary, a skill(s) or physical ability(ies) are essential for satisfactory performance, the Executive Secretary may, give a qualifying test in such skill(s) or physical ability(ies) and may fix a qualifying standard of performance as a condition of eligibility to compete in the examination for such class and where such a qualifying test is to be included as a condition of eligibility; such a fact shall be included in the notice of examination. The names of candidates whose performance is below the minimum qualifying standard of performance in such skill(s) or physical ability(ies) shall not be entered upon the eligible list for that class regardless of their average on the competitive part or parts of the examination. If such qualifying test(s) can be scored and rated competitively, then, in the discretion of the Executive Secretary, the ratings of those candidates who meet or exceed the minimum qualifying standard may be used in determining the grades and ranks of such candidates, provided that such use of the ratings and the relative weights to be assigned thereto are announced in the notice of examination.

(Rule 9.7 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

9.8 Continuous Testing

The examination process may be repeated once each year or more often in order to maintain a current Register of Eligibles for each classification in the competitive Civil Service and to promote the City's affirmative action hiring goals by an appropriate order or orders recorded in its minutes. The process of conducting examinations once each year or more often shall be known as "continuous testing." Unless otherwise prescribed by the Commission, a Register of Eligibles established by reason of continuous testing shall be of indefinite duration.

Successful candidates who have attained a position on the Register of Eligibles shall be notified and given an opportunity to compete in each new examination in order to improve their standing on said Register if they so desire. Likewise, unsuccessful candidates shall have the opportunity to compete in any subsequent examination process. In no case shall such candidate's numerical score be lowered. Candidates who decline the opportunity to compete and who have not been selected for appointment, shall have their names removed two (2) years from the date of their last achieved score entered upon the list. Such persons whose names are removed shall have the opportunity to compete in any subsequent examination process.

New applicants who successfully complete all phases of the examination process shall have their names placed on the Register of Eligibles in the proper numerical score order on the list.

9.9 Lateral Entry

When authorized by the Executive Secretary, an unassembled examination may be given to an applicant who applies for a police service position and who can document that he or she has served in the same or substantially similar position as the position within the classified service of the City of Vallejo to which he or she now seeks appointment, or who can document that he or she was graduated from an academy certified by the California Commission on Peace Officer Standards and Training (P.O.S.T.). Said prior service of an applicant, or such graduation, must have occurred within the thirty-six (36) consecutive months immediately preceding the date of examination. Said prior service must have lasted for a period of time equivalent to the applicable City of Vallejo probationary period of time.

Certification of Police Trainees through a Police Trainee Lateral Entry Register of Eligibles shall be made pursuant to Rule 25.

The provisions of Rules 9.2, 9.5, 9.6, 9.7 and 9.8 shall have no application to lateral entry applicants.

(Rule 9.9 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

RULE 10

PROMOTION

10.1 Competitive Examination

Promotion in the classified service shall be based upon competitive examination and seniority in service. The method of examination, the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment except that Rule 9.9 shall not apply to promotional examinations.

10.2 Vacancies

In all cases where it is practicable, vacancies shall be filled by promotion and whenever in the opinion of the Commission the interests of the service so require, a promotional examination shall be held.

10.3 Eligibility to Compete

Competition in a promotional examination shall be limited to employees in lower ranks serving in the department in which the position exists, unless the Commission shall deem it in the interests of the service to admit employees in the same lower ranks in other departments. No examination for promotion shall be held, unless in the opinion of the Commission, the proper competition exists for the position to be filled necessary to secure the best service for the City. It will be considered by the Commission that proper competition does not exist when less than three (3) qualified applicants file for the position to be filled. In deciding which are lower ranks, salary and nature of work shall be determining factors.

10.4 Limitation

No person shall be examined for promotion unless he/she has been regularly appointed to and has passed his/her probationary period in one or more classes from which promotion is limited. Whenever the establishment of a new class or the alteration of an existing class by the addition of new duties or responsibilities changes the normal lines of promotion, the Executive Secretary, in giving an examination for a higher class for which competition is limited to employees of such newly established or altered class, may, in its discretion, admit to such examination employees who received their appointments through certification from the first eligible list promulgated for such newly established or altered class after its establishment or alteration and who have not completed their probationary periods in some other position in City service. The Executive Secretary may, in his/her discretion, permit an applicant to take a promotional examination for a higher class if said applicant has been prevented from completing his/her probationary period of service in the lower class by the acceptance of a temporary or regular appointment in such higher class, if the combined period of service in the lower class and the higher class shall have amounted to not less than the full probationary period.

(Rule 10.4 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

10.5 Seniority Credit

- a. In marking examinations, a uniform allowance of credits to be known as seniority credit shall be made for past service in position from which promotion is limited. Seniority credit calculations shall accumulate up to and including the time of the final filing date indicated on the job announcement for which the employee is submitting an application. If an employee has been reclassified from another position to that which he/she holds at present and competes in a promotional test, entrance to which is limited to lower ranks, including his/her present position, then he/she shall receive the same seniority credit for the service in the position from which he/she was reclassified as he/she receives for the service in the position to which he/she was reclassified.
(Rule 10.5a amended by Civil Service Commission on 03/13/06, and approved by City Council on 04/25/06, Res. No. 06-130 N.C.)
- b. Seniority Credit shall be allowed only for promotional examinations and shall be given only to those candidates who attain a minimum passing grade of seventy percent (70.00%) or higher on the examination grading scale of one hundred percent (100.00%). Seniority shall be computed on the following basis:
- (1) Two percent (2%) or points for each year of the first three (3) years of service in the rank or grade from which promotion is sought;
 - (2) One percent (1%) or point for each year of the next four (4) years of service in the rank or grade from which promotion is sought. Not more than ten percent (10%) or points shall be allowed for seniority.

10.6 Special Eligibility

Employees in such classes as designated by the Commission from which promotion is limited, who are on leave of absence or who have been laid off from any of such classes for lack of work, lack of funds or abolishment of position, shall be entitled to compete for promotion.

10.7 Effect of Resignation

The name of any employee who resigns from City service shall, at the time his/her resignation is effective, be stricken from any Register of Eligibles established pursuant to this Rule 10, and no such employee shall be entitled, by virtue of later re-employment in the classified service, to reinstatement to any existing Register of Eligibles from which his/her name was previously stricken.

RULE 11

CONDUCT OF EXAMINATIONS

11.1 Admission to Examinations

Any person shall be admitted to examination who has filed an application therefore, within the period prescribed in the public notice thereof, and upon the form furnished by the Commission and whose application has not been rejected for cause in accordance with the provisions of these rules.

11.2 Late Admission

No applicant shall be admitted to an examination after any candidate who has seen the questions has withdrawn from the examination room. Test instructions will be provided at the beginning of the test and will not be repeated during the examination. In the event the City uses an outside test service vendor, the City of Vallejo will follow the testing procedure guidelines that are required by vendor who rents their test to the City. If the vendor's test guidelines conflict with the Civil Service Rules and Regulations, then the vendor's guidelines shall take precedence for that particular test.

11.3 Explanations

In conducting an examination, all necessary explanations shall be made to the whole class. No questions shall be explained to any individual competitor separately.

11.4 Conversation and Communication Prohibited

All conversation or communication between or among competitors during examination shall be strictly prohibited. Electronic devices (e.g., telephone, pagers) are prohibited in the test room without the prior approval of the Executive Secretary.

11.5 Leaving Room

During an examination, no competitor shall be permitted to leave the room, except in case of necessity and with the permission of the examiner in charge.

11.6 Time Limit

The limit of time prescribed for each examination shall be announced at the beginning of the timed examination and the examination shall begin when all announcements have been made and the questions distributed.

11.7 Helps or Reference Data

Unless specifically stated in advance, no helps of any kind shall be allowed during the examination. Any written or printed matter that might be of aid in the examination must be handed in before the examination is commenced.

11.8 Failure to Appear for Interview

Whenever an examination includes an interview or a performance test and the candidate

is unable to appear for said interview or test at the time scheduled, the candidate may, at the discretion of the Executive Secretary be given a post-date interview or test; provided, however, that such interview or test shall not affect or delay the date of the final establishment of the eligible list.

RULE 12

REPORT OF EXAMINATION AND PROTESTS

12.1 Inspection of Questions

During the seven (7) working days after a written test has been administered, any candidate may inspect a copy of the question booklet and the answer key at the offices of the office of the Director of Human Resources. If the test is used on a continuous testing basis, is a standardized test, is a copyrighted test or obtained from another jurisdiction or from a testing agency where a contractual provision requires that the test materials be kept confidential, then candidates shall not be permitted to review the test or question booklet. During this period of inspection, he/she may file in writing a protest against any part of the written test, citing the question or questions against which the protest is directed and his/her reasons for protesting. During the inspection of the booklet, candidates shall not be allowed to copy any of the test questions, except to the extent necessary to file a protest.

(Rule 12.1 amended by Civil Service Commission on 12/10/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

12.2 Review of Protests

Upon receipt of such protests a review of the protested questions shall be made by the Executive Secretary and a report thereon submitted to the Commission. All protests against any part of the written test shall be finally passed upon by the Commission, and any errors, improprieties, or ambiguities disclosed shall be corrected. After its necessary and proper corrections have been made, the answer key, as corrected, shall become the basis for a scoring key upon which all the candidates' papers are finally scored. Thereafter candidates shall not be entitled to protest against the written test except on the grounds of fraud or of specific error in the application of the scoring key in the scoring of their papers.

12.3 Inspection of Scored Answers

After all parts of an examination have been completed and scored, the candidates shall be allowed a period of five (5) working days during which they may inspect their scored answer sheets and any rating forms which they have been rated during any part of the examination. The candidates shall be notified immediately of their tentative weighted average scores and the five working days during which they make such inspection.

During this inspection, candidates shall not be allowed to copy any of the test questions or rating forms used in an examination. If the candidate believes error has been made in the application of the written test scoring key in the scoring of his/her papers or in the rating given on any part of the examination, he/she may, during this five (5) working day period make a protest in writing, stating specifically where he/she believes error has been made, provided, however, that no protest may be made against the previously approved written test. No protest may be made after the five (5) working day period except as provided in Rule 12.5.

12.4 Report of Examination

Upon receipt of written requests for rescoring or rerating a review of the protests shall be made by the Executive Secretary and a report thereon submitted to the Commission. After all such protests have been finally passed upon by the Commission and any errors have been corrected, the names of the candidates shall be arranged in the order of the correct total weighted average scores, including seniority credit, with the highest first. This list shall be adopted by the Commission as the report of examination. Lists resulting from examinations against which no protests have been filed may upon conclusion of the time period provided for in Rule 12.3 be promulgated by the Executive Secretary subject to the approval of the Commission at its next regular meeting.

12.5 Clerical Errors

Any clerical errors made in the computing or assembling of the scores or in the reporting of the examination results to the Commission may be corrected at any time during the period that names on said Report of Examination shall appear on the Register of Eligibles, but no such correction shall affect appointments already made from the list corrected.

12.6 Retention of Examination Papers

All examination papers shall remain on file in the office of the Commission for at least five years and shall not be open to public inspection except under conditions prescribed by rule of the Commission.

12.7 Limitation on Inspection of Questions and Score Answers

Notwithstanding the provisions of Rules 12.1 and 12.3, no inspection shall be allowed of standardized test materials, or tests preduplicated as form tests or semi-form tests, or of questions not scored by an absolute standard, or other similar testing materials when the City by agreement or understanding with the supplier of the testing materials is obligated not to make such materials available for inspection.

RULE 13

REGISTER OF ELIGIBLES

13.1 Maintenance

The Executive Secretary shall maintain a Register of Eligibles in each class of positions in the Classified Civil Service for which either open competitive or promotional examinations are given.

(Rule 13.1 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

13.2 Position on Register

For promotional examinations, the names of persons shall take rank upon the Register of Eligibles on which their names appear in the order of their relative excellence as determined by the examination process without reference to priority of date of examination.

Lateral entry applicants who pass the unassembled examination shall be on a separate Register of Eligibles, and shall not be ranked in any order.

For open competitive examinations, the listing of persons on the Register of Eligibles shall be in order of the score received in the examination process.

13.3 Tie Total Scores

If two applicants in a promotional examination have the same total weighted score, the one who shall have the greatest allowance of credit for past services shall be the higher on the list.

13.4 Approval of Register of Eligibles

All names of persons whose general average standing is not less than the minimum fixed by the rules of the Commission shall be placed upon the Register of Eligibles for the class or position for which the examination has been given upon the approval of the Executive Secretary.

(Rule 13.4 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

13.5 Life of Register

Names shall remain on the Register of Eligibles for one (1) year from date of approval. The Executive Secretary shall have the power to extend the Register of Eligibles for a period of time not to exceed one (1) year. No appointment shall be made from the Register of Eligibles following its expiration. The Executive Secretary may at any time terminate a Register of Eligibles if it has fewer than three (3) names.

It is further provided that this Rule shall not apply to eligible lists established from

promotional or continuous tests, which lists shall expire at the end of two (2) years after establishment.

(Rule 13.5 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

13.6 Persons Entering Armed Services

The names of persons on eligible lists who enter the military services shall be retained on, or restored to, such lists in accordance with Rule 24.

RULE 14

RESTORATION TO ELIGIBLE RULES

14.1 Resigned Employees

The name of a person who has held a position by appointment under the Civil Service Rules and Regulations, who has served his/her probationary period, and who has resigned from the service without any delinquency on his/her part, may, in the discretion of the Commission, be restored to the Register of Eligibles upon the reinstatement list for the class and grade of employment in which he/she has served and upon requisition shall be certified in accordance with Rule 16.

14.2 Time Limitations

The name of an eligible restored to the reinstatement list in the Register of Eligibles under the provisions of these Rules and Regulations shall remain thereon for a period of two (2) years from date of restoration.

The name of any person who has been separated from the service of the City for more than three (3) years shall not be restored to the Register of Eligibles provided, however, that the time any person has served in the Armed Forces of the United States of America in time of war shall not be included in computing the period of separation from the service of the City, within meaning of this rule.

14.3 Loss of Seniority

Whenever any employee, classified under these rules, resigns, said employee shall lose all seniority rights and credits for service. If said employee is subsequently reinstated to the Register of Eligibles, he/she shall be reinstated without credits for past service, and, if appointed from the Register of Eligibles, shall be considered as a new employee and subject to the rules governing probationary appointment.

14.4 Medical Examination

All persons appointed under provisions of this rule shall be required to pass a medical-physical examination as outlined in Rule 7.2 prior to entering into service.

14.5 Reclassification of Position

An employee who has served in a position, the title of which has been reclassified or consolidated to a new title, may request reinstatement to both the reclassified title and the new title, in accordance with the average earned in original test title.

RULE 15

REQUISITION

15.1 Procedure

Whenever a position is to be filled in the Classified Civil Service, the head of the department shall make requisition upon a form prescribed by the Executive Secretary for the certification of the names of eligibles for such position and shall state whether the position is permanent, limited or intermittent; the rate of compensation and other conditions of employment; if limited, the duration of such period and if intermittent, the number of days per month. The Executive Secretary shall thereupon certify in accordance with the rules governing certification.

(Rule 15.1 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

RULE 16

CERTIFICATION

16.1 Certification from Class

Upon receipt of a requisition from a department head, certification shall be made from the Register of Eligibles for the class to which said position belongs.

16.2 Precedence

In making certification from the Register of Eligibles, the names of eligibles shall be certified in accordance with the following priority:

- a. Reserve or re-employment list
- b. Departmental promotional list
- c. Inter-departmental promotional list
- d. Reinstatement list
- e. Open-competitive examination list

16.3 Re-Employment List

When a reserve or reemployment list exists, the head of a department making requisition shall specify the number of positions to be filled and the number thus specified shall be certified, beginning with the head of such reserve or re-employment list and following in the descending order of the list as provided for in Rule 20. No other name shall be certified from any Register of Eligibles until the reemployment list in that class and grade shall have been exhausted either by appointment or rejection as provided for in rule 21.4.

16.4 Certification from Registers of Eligibles

In the event that there are no names on a re-employment list in the class to be filled, the names, addresses and general average standing of three (3) persons highest upon the Register of Eligibles as a result of a promotional examination shall be certified to the appointing authority, if there be so many on the list, if not, the remaining names on the list shall be certified. The names of persons who qualified as the result of open competitive examination shall not be certified until all names of persons on the promotional list have been exhausted.

Certification of persons who have qualified as a result of open competitive examinations shall include the names of all persons contained on the Register of Eligibles.

Certification of persons qualified as a result of lateral entry into the Police Officer classification shall include all of the names on the Register of Eligibles and each name on the list shall be removed after two years.

16.5 Insufficient Eligible

If insufficient names are available to meet the requirements of this rule, then the persons so certified shall be eligible for temporary appointment until additional eligibles can be certified after an examination; such eligibles may be hired permanently at the discretion of the appointing authority.

16.6 Emergency or Temporary Appointees

Every emergency or temporary appointee shall be required to submit himself/herself to examination for the position to which he/she has been appointed under emergency and temporary authority at the next regularly held examination for such classification.

16.7 Failure of Emergency or Temporary Employee

If the emergency or temporary appointee is not placed on the resulting Register of Eligibles, than his/her employment shall be terminated no later than seven (7) days following the certification of the Register of Eligibles by the Commission.

16.8 Appointment

After the interview, the appointing authority shall make appointment from among those certified, and shall immediately notify the Executive Secretary of the person or persons appointed. The Executive Secretary shall then notify the person appointed, and if the applicant accepts the position, successfully passes the medical examination and background investigation and reports to duty on the date prescribed by the appointing authority, shall be deemed appointed. Declining an appointment will result in removal from the Register of Eligibles. In such event a candidate declines appointment the name of the next person on the Register of Eligibles shall be certified.

16.9 Waiver

Whenever, prior to certification, an eligible on any register requests to have his/her name withheld from certification to a department(s), or wishes to temporary waive certification, his/her name shall not again be certified until such time as he/she notifies the Executive Secretary in writing of his/her availability for certification.

16.10 Right of Certification

The acceptance or declination of appointment for service of limited duration shall not affect the right of the eligible to certification to permanent appointment.

RULE 17

APPOINTMENTS

17.1 Procedure

Vacancies in the Classified Civil Service shall be filled by requisition, certification and appointment, as provided in these rules.

17.2 Reserve or Re-employment List

When certification is made from the reserve or re-employment list of a Register of Eligibles, the appointing power shall appoint the person or persons thus certified.

17.3 Influence

No appointment or selection for any office or for employment within the scope of these rules, shall be in any manner affected or influenced by political, fraternal or religious opinions or affiliations.

17.4 Probationary Period

The probationary period shall be six (6) months unless stated otherwise by the collective bargaining agreements entered into by the City Council and the various unions representing civil service positions.

17.5 Promotional Appointees

When an appointment during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, unless charges are filed and he/she is discharged.

17.6 Intermittent Appointees

When an appointment is made to a limited-intermittent, or to a permanent intermittent position, such employment shall not exceed the number of days per month specified in the requisition and certification notices, without the consent of the Commission, nor shall such certification for limited-intermittent or permanent-intermittent employment be considered as authority for making the appointment permanent full time. In the event that no eligible list exists for a class in which full time vacancy occurs, emergency or temporary appointments shall not be made before all regular intermittent employees in the class are given an opportunity to accept full time employment in accordance with their general average.

17.7 Temporary Appointments

In the absence of eligibles from which regular appointments may be made, a person meeting the minimum qualifications for the vacant position may be temporarily appointed by the appointing authority pending the establishment of a Register of Eligibles in the manner provided by these rules, subject, however, to the following provisions:

- a. No person shall be so appointed until he/she has filed an application for the position, appeared personally and been certified by the Executive Secretary as meeting the minimum qualifications for the position.
- b. Temporary appointments shall terminate upon certification by the Commission from the eligible list established for the class within which such position is included.
- c. No such temporary appointment shall continue for a period of more than ninety (90) days, nor shall any such position be filled by successive appointments extending beyond such ninety (90) day period.
- d. When it is necessary to make a temporary appointment to a position, to temporarily replace an employee who holds permanent Civil Service status in such position while such employee is on vacation or sick leave regularly granted pursuant to ordinance and no person on the eligible list for such position is willing to accept such temporary employment, or if no eligible list for such position exists, the appointing power may temporarily appoint any person to such position.

17.8 Conditional Appointments

When there is a Register of Eligibles which has been certified by the Executive Secretary and when there is a permanent position to be filled, but because a collateral proceeding questions the validity or legality of that certified Register of Eligibles, the appointing authority may make a conditional appointment to the permanent position pending the outcome of the collateral proceeding, subject, however, to the following provisions:

- a. The conditional appointment shall be made from the certified Register of Eligibles in question.
- b. The provisions of this Rule applicable to the probationary period shall have full force and effect as to conditional appointments, and if the certified Register of Eligibles in question is found valid and legal within six (6) months from the date of the conditional appointment, all time then served by the conditionally appointed person shall apply toward the probationary period; except, if at the expiration of the probationary period the collateral proceeding has not been resolved, the appointment shall not be deemed complete. However, if the conditionally appointed person is not discharged at the expiration of the probationary period, the appointment shall be deemed complete if the certified Register of Eligibles from which the conditional appointment was made is found to be valid or legal in the collateral proceeding.
- c. If the certified Register of Eligibles in question is found invalid or illegal, the conditional appointment shall be rendered void and the person conditionally

appointed returned to his/her prior status.

(Rule 17.8 amended by Civil Service Commission on 10/11/07, and approved by City Council on 09/16/08, Res. No. 08-154 N.C.)

RULE 18

SUSPENSION, FINE OR REMOVAL

18.1 Employees Subject To

Every person holding a position in the classified service shall be subject to suspension, fine, demotion or removal from office or employment by the person, board, or commission appointing such persons, for misconduct, incompetency, inefficiency, failure to perform the duties or to observe the rules and regulations of such department, office, board or commission, or for failure to cooperate reasonably with the department head or with his/her fellow employees; subject to the right of the employee to appeal to the Civil Service Commission in the manner set forth in the Charter and these Rules.

18.2 Statement of Reason

Every employee shall be given a written statement of the reason for such suspension, fine, demotion or removal from office or employment at the time of such suspension, fine, demotion or removal. Such statement shall include in itemized form the specific instances in support of such suspension, fine, demotion or removal from office or employment. A copy of such statement shall be delivered to such person or shall be left at his/her last known address.

18.3 Filing of Appeal

Any employee who has been so disciplined shall have five (5) days after service of such written statement within which to file an appeal to the same. A copy of such appeal shall be filed during office hours at the office of the person, board or commission imposing such discipline and the original shall be filed by such employee in the office of the Executive Secretary of the Commission. Should the last day on which an appeal may be filed fall upon a Sunday or holiday the time for filing such appeal shall be extended to include the next following business day.

18.4 Investigation and Hearing Required

The Commission may make, or cause to be made, such investigation as it shall deem necessary and thereafter shall hold a hearing at which time it shall hear evidence for and against such employee. Hearings may be conducted informally and the conclusions shall be made by the Commission within ten (10) days after the matter has been submitted and thereupon the same shall be certified to the official, board or commission from whose order the appeal has been taken. The findings and conclusions of the Commission also may contain such recommendations as said Commission shall deem proper, and shall include the amount of compensation such employee is entitled to receive, if any. Said findings and conclusions of the Commission shall be final.

RULE 19

APPEALS AND HEARINGS

19.1 Complaints

Any employee in the classified service shall have the right to appeal to the Commission relative to any situation affecting his/her employment status or conditions of employment, except in instances where the right of appeal is prohibited by the Charter or these Rules. Such appeal shall be filed in accordance with the procedure for filing appeals outlined in Rule 18.3 except that such appeal may be filed at any time. Within five (5) days the Commission shall convene to conduct a hearing on the matter.

19.2 Public Hearings

a. General Rule

All hearings conducted by or on behalf of the Commission under this Rule shall conform to the requirements of Government Code Section 54950 et seq., as those sections now exist or as they may be amended, supplemented or renumbered.

Whenever a disciplinary action hearing is to be held, the Executive Secretary shall notify the employee (hereinafter referred to as “appellant”) requesting the hearing and the appointing authority or officer from whose action the appeal is being taken (hereinafter referred to as “appointing authority”), of the time and place of the hearing. The Executive Secretary shall also notify the appellant of his/her right to have the complaints or charges brought against the appellant heard in an open session rather than a closed session pursuant to the requirements of Government Code Section 54957.

b. Closed Session

Disciplinary action hearings conducted by the Commission shall be closed, subject to the appellant’s right to have the hearing conducted in an open session. Where the hearing or any part thereof has been closed, no person other than the appellant, the appointing authority and their respective representative and such individuals as specifically authorized by the Commission shall be present.

Where the hearing and deliberations are held in a closed session, the Commission’s decision, all documents, papers, transcripts, or other written materials or tangible evidence shall be confidential.

c. Appellant’s Request for Closed Session

Where the hearing or any part thereof has been held in an open session, an appellant shall have the right to request, at any stage of the proceedings, that the Commission conduct the proceedings in a closed session. When such a request has been made, the Commission shall consider it and determine the issue by a

motion and vote.

d. Commission Deliberations

After argument has been presented or there has been an opportunity to present argument, any member of the Commission may make a motion that the Commission's deliberations be conducted with only the Commission, and if the Commission desires, its counsel, present. If the motion passes, the Commission shall conduct its deliberations with no person other than Commission members, and if the Commission desires, its counsel, present. Upon completion of such deliberations, the Commission shall return to public or closed meeting, whichever is applicable, and the board's vote shall be taken in relation to the proposed decision. The Commission's decision shall be incorporated into the official Commission minutes.

19.3 Power of Subpoena

The Civil Service Commission shall have the power to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before it. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, a majority of the Commission may find him/her in contempt, and shall have the power to take proceedings in that behalf provided by the general law of the State.

RULE 20

**ABOLITION AND REINSTATEMENT OF POSITIONS,
REDUCTION IN PERSONNEL AND LAYOFFS**

20.1 General Provisions

- a. Whenever it becomes necessary in the interest of economy, or whenever the necessity for a position in the classified service shall cease to exist, the council, board or commission which created such position, may abolish the same and the person holding such position shall be discharged therefrom. Should any such position of employment be reinstated or any position involving substantially the same duties be created within four (4) years, the employee who has been discharged shall be appointed thereto.
- b. Whenever it becomes necessary to reduce the number of employees in a given class, the appointing authority shall so notify the Commission and shall state the name or names of the employees to be laid off. Said appointing authority shall also notify the employee or employees stating the reasons for the layoff and whether it is temporary or permanent. All reductions in personnel, whether temporary or permanent, shall be governed by seniority in service. The layoff shall be in the reverse order of employment, i.e. the last one employed shall be the first one laid off. The name of each employee so laid off shall be entered in the reemployment list. Reemployment shall be governed by seniority in service in the reverse order of the layoff.
- c. If the position from which such person is laid off is a promotional position, the person so laid off in addition to being placed upon the reemployment list for such position shall be entitled to reinstatement in the position which he/she occupied prior to his/her promotion.
- d. The person so suspended, if he/she be entitled to reinstatement to a lesser position, shall thereupon be restored to a position in a class group in which he/she formerly held a regular position in which an unfilled position exists or in which there is then employed a person with less total length in service in that and other classes of higher rank since original regular appointment, in which latter case, the person with the least length of service in that and higher classes shall be displaced by the employee suspended from the higher class. The employee displaced shall be considered as suspended for the same reason as the person who displaces him/her and shall likewise be restored to a position in which he/she formerly held a regular position as provided herein.
- e. Should an employee have rights for displacement in more than one previous classification, he/she shall displace first in the highest classification to which he/she is eligible.

- f. In computing length of service, all periods of absence from the service of the City in excess of seven (7) calendar days, notwithstanding the reasons or necessity therefore, shall be deducted and no seniority credit granted.
- g. Seniority credits for periods of absence from one class in order to temporarily fill in another position shall be credited in the former position.
- h. If an employee is suspended through no fault of his/her own and is later reemployed, he/she shall not lose any seniority credit for any period of actual service; if, however, has been separated from service by resignation or discharge for cause and is again employed, he/she shall not receive any seniority credit for service rendered prior to his/her separation from service.
- i. When two or more employees have the same seniority credit, the order of precedence shall be determined by the employing power, it being understood the good of the public service shall on such occasions be the main consideration.
- j. All waivers of displacement and demotion rights in addition to requests for layoffs out of order made by employees, shall be in writing.
- k. Class service shall include all service in a class since date of original regular appointment in said class under classified Civil Service, without break in City service, regardless of subsequent reclassification or consolidation of title.

RULE 21

RESERVE OR REEMPLOYMENT LISTS

21.1 Establishment of List

The Commission shall establish a reserve or reemployment list for each class of position. This list shall consist of the names of those who have served beyond the probationary period in or have been regularly promoted to a position in such class, who have been laid off through no fault of their own.

21.2 Duration of List

Names of persons shall be stricken from the reserve or reemployment lists when said persons have been out of the employ of the City five (5) years.

21.3 Certification of Eligibles

Whenever a position in any class is to be filled, unless filled by reduction in rank as provided in Rule 20, it shall be filled: firstly, from the reserve list for that class or by transfer of a person whose service in such class and classes of higher rank is greater than that appropriate competitive register of any person on the list; secondly, from the promotional Register of Eligibles for that class; thirdly, from the reemployment list for that class; and fourthly, from the appropriate eligibles.

21.4 Refusing Appointment

When the name of a person on the reserve list shall have been certified and such person shall decline to accept a regular appointment or neglect to report for duty under such certification, his/her name shall be removed from the list and his/her reemployment rights in that class shall cease, unless prior to certification he/she shall have waived certification.

21.5 Reclassification of Positions

An employee laid off from a position in a title which has been reclassified or consolidated to a new title either prior or subsequent to layoff date, is entitled to reserve list standing in the new title. In the event he/she has actually served in a title prior to its reclassification, he/she shall be entitled to reserve list standing in both the new title and the pre-classified title. Reserve list standing under this Rule shall be based upon total seniority in the class and all classes of higher rank. Where reserve list standing on more than one list is attained under this Rule, subsequent permanent appointment in one of these titles shall render inactive, reserve list standing upon the other one or more lists.

RULE 22

LEAVES OF ABSENCE

(The granting of leaves of absence, sick leave and vacations is vested in the City Council pursuant to the City Charter.)

22.1 Unauthorized Absence

- a. No officer or employee in the classified Civil Service of the City shall absent himself from duty without leave, except in case of sickness or great emergency.
- b. An employee who is absent from the service without a valid leave of absence for ten (10) consecutive calendar days shall be deemed to have abandoned his/her position and to have resigned from the service unless he/she shall within a period of thirty (30) calendar days next succeeding such ten (10) days prove to the satisfaction of the Commission that such failure was excusable; provided, however, that nothing herein contained shall be construed as preventing the employing authority from suspending or discharging an employee on account of unauthorized leave.

22.2 Expiration of Leave

At the expiration of a leave of absence, the employee shall report for duty and shall thereupon be returned to the position filled by him/her when such leave was granted.

22.3 Failure to Return to Duty

Failure to report at the expiration of a leave of absence shall remove said employee from the service.

22.4 Cancellation of Leave

If an employee desires to report for duty prior to the expiration of his/her leave of absence, he/she shall so notify the head of his/her department in writing and thereupon shall return to his/her position within one (1) week from the date of the receipt of his/her communication by the head of the department; provided, however, that if for reasons of economy, in the opinion of the head of the department it is not advisable to fill the position, or if it has been filled during the absence of said employee on leave, then upon the written statement of the department head to the Commission of said fact together with the reasons therefore, the employee shall not return prior to the expiration of his/her leave of absence if the Commission so directs.

22.5 Leave to Accept Other Employment

An employee having a clear record as to service may be granted as a reward of merit a leave of absence without pay and during such leave engage in employment not regarded as objectionable by the Commission, with no loss of credits earned during time of service. No such leave shall be for more than twelve (12) months unless the Commission

approves a renewal of same. If any disability is contracted by such employee during his/her leave, the Commission may deny his/her return to the service until such disability disappears.

22.6 Leave to Accept New Position

Whenever a person serving in a position in the classified service to which he/she was regularly appointed receives an appointment to another position in the classified service, he/she shall be considered automatically on leave of absence from his/her former position. If he/she is removed from the new position during his/her probationary period, he/she shall, unless otherwise disqualified from his/her former employment, be restored to the position in which he/she was formerly employed.

22.7 Seniority Credit

In computing seniority, credit shall be given for all classified service except that a resignation or discharge shall be considered a break in service and seniority credit shall not be given for any service rendered prior to that break.

Seniority credit shall be allowed only for those periods of absence from a position in the classified service hereinafter set forth:

- a. Absence without pay not exceeding seven (7) calendar days.
- b. Absence during vacation period as may be provided by ordinance.
- c. Absence on leave for active service in the armed forces of this state or of the United States.
- d. Absence on leave to accept exempt employment in any department, office, or bureau in the City.
- e. Absence on leave to accept temporary-emergency employment.
- f. Absence on leave to serve probationary period in a new class in the event the employee does not complete the probationary period due to a layoff seniority shall be allowed only in the new class upon subsequent completion of the probationary period in the new class.
- g. Absence on leave made necessary by injuries in line of duty.
- h. Absence on leave with pay made necessary by injuries not sustained in the course of employment.
- i. Absence on leave for the purpose of loaning a person to another agency, if, in the opinion of the Commission, the City service stands to benefit from the specific

experience obtained from such other employment or activity.

- j. Absence on leave of veterans of World War II to receive benefits of the educational program under provisions of the Federal Government.

22.8 Military Leave of Absence

Military leave shall be governed in accordance with Rule 24.

RULE 23

TRANSFERS

23.1 Departmental Transfers

Transfers without examination, from a position in one department or branch of the service to a similar position in the same class and grade in another department or branch may be made by obtaining the consent in writing of the head of the department or branch to which the transfer is to be made.

23.2 Compensation Change

Increase or decrease in the compensation of any position in the classified Civil Service, whereby such position is placed in a different grade or classification, whether said increase or decrease be made by ordinance or otherwise, shall not affect the tenure of the incumbent in such office or place of employment, unless, in the opinion of the Commission, such change shall involve a change of duty requiring a different examination.

23.3 Downgrading Transfer

- a. Transfer without competitive examination from one position to a vacant position in a different class in all the same department (department as used in this Rule includes all offices and place of employment under a single appointing authority), may be ordered by the Commission, notwithstanding the provisions of Rule 21.3, upon the written request of an employee after a hearing thereon; and transfer without examination from a position in one department to a vacant position in a different class in another department may be so ordered if consented to by the appointing authority of the departments involved; provided, however, that the Commission must in either case, find:
- (1) That such employee is incapable of performing satisfactorily the duties of his/her position because of injury or sickness resulting from the discharge of his/her duties as an employee of the City or from the discharge of his/her duties as a member of the Armed Forces of the United States in time of war; or the employee has filed a request for downgrading transfer with the Human Resources Department.
 - (2) That such employee has served not less than an aggregate of three (3) years in the City service, and for any reasons other than those specified in paragraph (1) is incapable of performing satisfactorily the duties of the position which he/she last held under completed appointment; and
 - (3) That such employee possesses the minimum qualifications established by the Commission for the class in which the position to which transfer is to be made is included; and
 - (4) That the position to which transfer is to be made is not, with regard to those employees mentioned in paragraph (1), of a higher class than the position the employee last held or, with regard to employees mentioned in

paragraph (2), is not of a higher class than the position which such employee last held under a completed appointment.

- b. An employee transferred under the provisions of this Rule shall be credited in the class and class-group in which the position to which the position to which transfer is made is included with all seniority accumulated to his/her credit for the class in which he/she last held a position under a completed appointment, and, except as provided in Article D hereof, such seniority in the class and class-group to which transfer is made.
- c. An employee transferred under the provisions of this Rule shall be deemed to hold the position to which he/she is transferred under a completed appointment and not under probation.

(Rule 23.3 amended by Civil Service Commission on 08/09/04, and approved by City Council on 08/24/04, Res. No. 04-305 N.C.)

RULE 24

VETERAN'S PREFERENCE

24.1 Purpose of Rule

It is the purpose of this Rule that it give preference, as specified herein, to veterans, disabled veterans, and widows of veterans.

24.2 Effective Dates of Service

A list of wars, expeditions, and conflicts in which the United States has been involved is given below, with the inclusive dates for reference in considering preference claims:

WORLD WAR II	December 7, 1941 - May 16, 1946
KOREAN CONFLICT	June 25, 1950 - July 27, 1953
VIETNAM WAR	August 7, 1964 - April 29, 1975

24.3 Credit Point Allowance

In all examinations a veteran with ninety (90) days or more of service, and widows of veterans, who become eligible for certification to eligible lists by attaining the passing mark established for the examination shall be allowed one of the following additional credits for the following examinations:

- a. Open competitive examinations
 - (1) Ten (10) points for disabled veterans
 - (2) Five (5) points for all other veterans and widows of veterans.

- b. Promotional examinations
 - (1) Three (3) points for all veterans irrespective of physical condition, and for all widows of veterans.

The above credits shall apply retroactively to any person so qualified who is on an existing Register of Eligibles at the date this rule amendment is effective, provided, however, that credits shall be applied only upon written request of such person on said list.

24.3.1 Notification That Preference Points Are Available

Notification that credit points are available for veterans and widows of veterans shall be placed on all job announcements.

24.4 Credit Points Added to Examination Score, Ties

Such credit shall be added to the percentage attained in the examination by the veteran or widow. The name of each shall be placed on the eligible list and he/she is eligible for appointment in the order and on the basis of the percentage attained in examination after the appropriate credit has been added. All ties shall be decided in favor of veterans and

widows of veterans.

24.5 Permanent Disability

For specific City services or employments as determined by the Commission, it may in examination allow general or individual preference in ratings to veterans who have suffered permanent disability in line of duty, if such disability will not prevent the proper performance of the duties required under such service or employment, and if such disability is on record in the files of the United States Veterans Administration.

24.6 Proof of Eligibility

Proof of eligibility for veteran's preference shall be submitted not later than the dates of the examination by filing on the form prescribed by the Vallejo Civil Service Commission. Request for preference must be filed by the veteran in each examination where the added points are desired.

24.7 Probationary Employees

If a Civil Service employee enters or has entered the military service in time of war while serving a probationary period, such probationary period shall be considered to have been completed had he/she remained in the position without interruption.

24.8 Military Leave of Absence

All persons who voluntarily enlist or otherwise enter the armed forces of this State or of the United States during time of war or for the duration of any limited or other national emergency as declared by the President or Congress of the United States or the Governor of California shall, during the period of such service and for a period of six (6) months from and after the termination of such service, be on a leave of absence from the City of Vallejo and shall be entitled to return to the service of the City during the time hereinabove designated to the same rank and position to which he/she would be or would have been entitled in the event any change in personnel has occurred during the period of his/her military leave; provided, however, that any such person is not, upon such return, either physically or mentally incapacitated from performing the duties of the offices or position to which he/she is entitled to be restored. No such leave shall be allowed to any employee who is dishonorably discharged from any such armed forces.

24.9 Resignation to Enter Service

Any permanent or probationary classified employee who resigns to enter military service during a period of war or emergency, outlined in Rule 24.8 of this rule, shall have full reinstatement rights if such entry into the service was made within thirty (30) days from the date of resignation. The date of entry into such service shall be conclusive proof of the intention of the employee. If entry into such service is made later than thirty (30) days, the burden of proof shall be on the employee to establish that resignation was for the purpose of entering the military service.

24.10 Persons Entering Armed Forces

a. The name of any individual appearing on any open eligible register who prior to

appointment therefrom has entered into active duty in the military service of this state or of the United States during time of war or for the duration of any limited or other national emergency, shall upon his/her request at any time up to within ninety (90) days after his/her discharge from such force and provided that he/she is not physically or mentally incapacitated, be restored to the eligible register on which his/her name appeared at a place corresponding to his/her average on the list and shall remain on such list until the expiration of one year from the termination of his/her service with the military force.

- b. Promotional lists upon which names of such persons appear may not be abolished, unless they are replaced by more recently prepared lists and the names of such persons are placed thereon in the order and at the same place they appeared on the former list.
- c. This Rule does not apply to any person who refuses to accept appointment to a permanent position after certification thereto subsequent to his/her discharge from the armed forces, nor shall it apply to persons whose discharge has been under conditions other than honorable.

24.11 Promotional Appointment During Military Leave

Any person away from City service under Rule 24.8, whose name appears on a promotional list and is retained on such list subject to Rule 24.10, shall have his/her name certified in regular order to fill any vacancy which may occur during the period his/her name is so retained on such list. The appointing power may appoint him/her to fill the position to take effect upon his/her return to City service within the time provided in Rule 24.8.

RULE 25

APPRENTICESHIP AND TRAINING PROGRAMS

25.1 Apprentice and Trainee Classifications

Upon specific approval of the Commission, apprentice and trainee classifications may be created. Apprenticeship and training standards will be established by the City Manager with the concurrence of the Commission giving emphasis to the affirmative action goals of the City of Vallejo. Eligible applicants for apprentice or trainee programs may be appointed to positions in these classifications without utilizing the recruitment or testing procedures described in Rules 6 through 10 inclusive.

Recruitment and testing requirements for apprentice and trainee classifications shall be those set forth in the apprenticeship and training standards.

25.2 Terms of Employment

a. Fire Fighter Trainee Program

Firefighter Trainees shall not be permanent employees of the City of Vallejo and shall be employed no longer than three (3) years, with an extension of employment permitted upon the written approval of the City Manager only if a trainee is on an appropriate Register of Eligibles awaiting possible appointment, and then only for a period of time not exceeding the life of that Register of Eligibles.

b. Police Trainee Program

Police Trainees who are regular employees in classified service who transfer into the Police Trainee Program shall be entitled to a Leave of Absence pursuant to Rule 22.6. Otherwise, a Police Trainee shall not be a permanent employee of the City of Vallejo and shall be employed no longer than one (1) year.

c. Other Apprentice or Trainee Programs

Apprentice or trainee employees shall not be permanent employees of the City of Vallejo and shall be employed no longer than three (3) years, with an extension of employment permitted upon the written approval of the City Manager only if an apprentice or trainee is on an appropriate Register of Eligibles awaiting possible appointment, and then only for a period of time not exceeding the life of that Register of Eligibles. Apprentice or trainee employees shall be deemed probationary employees during the whole term of their hire, and shall be required to work and meet the requirements of the apprentice or trainee classification, be periodically evaluated, and allowed to be examined for the regular positions for which such employee is performing his/her apprenticeship or training duties.

25.3 Passing Open Competitive Examination; Exception

a. Firefighter Trainee Program

Firefighter Trainees do not need to pass an Open Competitive Examination and may be directly certified to a Firefighter Trainee Register of Eligibles separate from the Open Competitive Register of Eligibles pursuant to Rule 25.4a below.

b. Police Trainee Program

Police Trainees do not need to pass an Open Competitive Exam and shall be directly certified to a Police Officer Lateral Entry Register of Eligibles pursuant to Rule 25.4b below.

c. Other Apprentice or Trainee Programs

At least once during the term of apprenticeship or training, each apprentice or trainee must pass an open competitive examination for the position(s) for which such employee is performing his/her apprenticeship or training duties, in order to achieve partial eligibility for certification to the appropriate register of eligibles.

This requirement may be waived upon written recommendation of the City Manager to the Commission based upon an evaluation of the apprentice's job performance after he/she has completed a minimum of two (2) years.

25.4 Certification for Regular Appointment; Conditions

a. Fire Fighter Trainee Program

Fire Fighter Trainees may be directly certified to a Fire Fighter Trainee Register of Eligibles separate from the Open Competitive Register of Eligibles subject to the following conditions:

- (1) The Trainee meets all of the eligibility requirements for Fire Fighter (with the exception of taking an Open Competitive Exam).
- (2) The Trainee has completed a minimum of two (2) years of the Trainee Program or, in the sole discretion of the City Manager, has, or is eligible for, the following:
 - A. Paramedic Certificate; and
 - B. Associates of Arts Degree with a GPA of 2.5 or higher; and
 - C. Fire Fighter I Certificate; and
 - D. Upon the specific written recommendation of the City Manager to the Commission; or
- (3) The Trainee has:
 - A. Been terminated through no fault of his/her own; and
 - B. Has completed all requirements specified in Subsection (2) above, with the exception of completion of the minimum two (2) years of time served in the Trainee Program; and
 - C. Upon the written recommendation of the City Manager to the Commission that, based upon an evaluation of the Trainee's job

performance, the Trainee shall be placed on a Fire Fighter Register of Eligibles; and

(4) Commission Certification.

The Fire Fighter Trainee Register of Eligibles will have priority over the Fire Fighter Register of Eligibles that has been established through Open Competitive Examination for the appointment of Fire Fighters.

(Rule 25.4a amended by Civil Service Commission on 07/12/04, and approved by City Council on 07/20/04, Res. No. 04-257 N.C.)

b. Police Trainee Program

Police Trainees may be directly certified to a Police Officer Lateral Entry Register of Eligibles subject to the following conditions:

Satisfactory completion of the Police Trainee Program as determined by the Chief of Police.

(1) Submission of an application for the position of Police Officer Lateral Entry. Certification by the Executive Secretary of the Civil Service Commission.

(Rule 25.4b amended by Civil Service Commission on 10/15/02, and approved by City Council on 11/05/02, Res. No. 02-459 N.C.)

c. Other Apprenticeship and Trainee Programs

Apprentice and trainee employees may be directly certified to the Register of Eligibles for the appropriate position classification for which the employee has performed his/her apprenticeship or training duties, subject to all of the following conditions:

- (1) The apprentice and trainee employee meets all of the eligibility requirements of the appropriate classification,
- (2) The apprentice or trainee employee has met the requirements of Rule 25.3c, above,
- (3) Upon the specific written recommendation of the City Manager to the Commission, and,
- (4) Commission Certification.