

Chapter 2.36**PERSONNEL SYSTEM****Sections:**

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Section 2.36.010 Purpose of chapter.

This chapter is enacted pursuant to Article IX of the City Charter to create a personnel merit system, to establish a fair and equitable basis for the selection, appointment, advancement and separation of employees, to recognize efficient service, and to provide a reasonable degree of security for qualified employees.

This chapter shall constitute the personnel rules and regulations of this City. (Prior code § 2.35)

Section 2.36.020 Human Resources Director.

There is created the position of Human Resources Director, who shall be appointed by and be directly responsible to the City Manager. The Human Resources Director shall:

- A. Administer all provisions of the personnel merit system not specifically reserved to the City Council, Personnel Board, City Manager or department heads;
- B. Prepare and recommend to the City Manager revisions and amendments to this chapter and the salary plan;
- C. Prepare and recommend to the City Manager a position classification plan and a salary plan and maintain the plans after adoption by the City Council;
- D. Conduct examinations for employment and promotion in the classified service;
- E. Develop and maintain an effective system of employee service rating to determine efficient job performance;
- F. Establish and maintain a system of employee service records;
- G. Serve in an advisory capacity to the City Manager, department heads and the Personnel Board in matters relating to personnel administration;
- H. Perform such other duties as may be necessary or appropriate for effective personnel administration consistent with the provisions of this chapter and the City Charter. (Ord. 6064 § 2, 1993; Ord. 4185 § 1, 1975; prior code § 2.36)

Section 2.36.030 Human Resources Board.

There is created a Human Resources Board, which shall consist of nine members appointed by the Council pursuant to Article VII of the City Charter.

The Board shall hold regular meetings once each month and such other special meetings as may be required. The Human Resources Board shall:

A. Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations;

B. Act in an advisory capacity to the City Council on matters concerning personnel administration;

C. Hear grievances and appeals submitted by any person in the classified service and make findings and recommendations which shall be advisory only;

D. Make any recommendations to the City Manager which it may consider desirable concerning conditions of employment and the administration of personnel in the City service;

E. Recommend to the City Council the amendment or repeal of the provisions of Sections 2.32.010 through 2.32.160;

F. Perform such other duties as may be necessary or appropriate for effective personnel administration consistent with the provisions of this Chapter and the City Charter. (Ord. 6847 § 2, 2006; Ord. 6801 § 2, 2005; Ord. 6800 § 1, 2005; Ord. 6750 § 2, 2004; Ord. 6667 § 1, 2003; Ord. 5635 § 6, 1988; Prior code § 2.37)

Section 2.36.035 Criminal conduct--Ineligibility for employment.

No person convicted (including pleas of guilty and nolo contendere) of a felony or a misdemeanor involving moral turpitude shall be eligible for employment by any department of the City; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

The City Manager, Assistant City Manager, Human Resources Director, Supervising Personnel Analyst, Affirmative Action Officer, Chief of Police, City Attorney, Assistant City Attorney, and each appointing authority of the City are authorized to have access to the "State Summary Criminal History Information" as provided for in Section 11105 of the Penal Code of the State when it is required to assist such individual to fulfill employment responsibilities set forth in this section. (Ord. 6064 § 3, 1993; Ord. 4350 § 1, 1976)

Section 2.36.040 Classified service.

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Classified service. The classified service of the City shall include all permanent full-time officers and employees, except the following:

A. Elective officers;

B. Persons appointed by the City Council, including City Manager, City Clerk and City Attorney;

C. Persons appointed by the City Manager, including department heads;

D. Persons appointed by the Mayor;

E. Persons appointed by the Chief of Police to position of Assistant Chief of Police and Deputy Chief of Police;

F. Persons appointed by the City Attorney and by the City Clerk.

G. Persons appointed by the Fire Chief to the position of Deputy Fire Chief. (Ord. 7140 § 1, 2011; Ord. 6560 § 1, 2001; Ord. 6141 § 1, 1994; Ord. 4065 § 1, 1973; Ord. 3477 § 1, 1967; prior code § 2.38)

Section 2.36.050 Appointments and promotions.

All appointments and promotions in the classified service shall be based on merit except those necessary to place City employees who are scheduled for layoff or who are scheduled for placement into another classification as a result of physical inability to perform the employee's current job as a result of industrial injury. Insofar as practical, eligibility for employment and advancement shall be determined by competitive examination. Appointments and promotions shall be made by the department head with the approval of the City Manager. All persons appointed to employment with the City shall be citizens of the United States or, except for public safety members, shall have obtained a permanent visa, and shall be of good character and qualified to perform the duties of the positions to which they are appointed. The Human Resources Director shall conduct such examinations and investigations as may be necessary to carry out the provisions of this section. (Ord. 6064 § 4, 1993; Ord. 4695 § 1, 1979; prior code § 2.39)

Section 2.36.060 Probationary periods.

All original and promotional appointments to the classified service shall be subject to a probationary period of six full calendar months except as follows: Original and promotional appointments to the classification of firefighter and police cadet shall be subject to a probationary period of twelve full calendar months; original and promotional appointments in the general unit, management unit and refuse unit made on or after September 20, 1979, shall be subject to a probationary period of twelve full calendar months; and original and promotional appointments to the classification of police officer shall be subject to a probationary period of eighteen full calendar months. An employee's probationary period may be extended or reinstated, if necessary, not to exceed six months.

The original and promotional probationary periods shall be regarded as part of the selection procedure and shall be utilized for the purpose of determining the person's performance and fitness for employment in the classified service. The reinstated probationary period shall be regarded as a notification period of substandard performance, but shall not deprive the employee of the rights and benefits of the classified service. (Ord. 4694 § 1, 1979; Ord. 4576 § 1, 1978; prior code § 2.40)

Section 2.36.070 Tenure--Employees service rating system--Outside employment or business activity.

The tenure of every person in the classified service shall be subject to satisfactory performance. An employee service rating system shall be established to carry out the provisions of this section. Any person in the classified service who engages in outside employment or business activity shall secure the approval of such employee's department head and the City Manager. No employee shall engage in such activity which adversely affects or reflects upon said employee's employment with the City. (Ord. 5358 § 1, 1985; Ord. 4622 § 1, 1978; prior code § 2.41)

Section 2.36.080 Suspension, demotion and dismissal.

Any employee may be suspended, demoted or dismissed for cause by his department head with the approval of the City Manager. Any person in the classified service who is so affected shall be entitled to written notice of such action and the reason therefor. (Prior code § 2.42)

Section 2.36.090 Appeals and hearings.

Any person in the classified service who deems himself aggrieved by any act or

omission by his department head may request a hearing before the Personnel Board. After such hearing and investigation as it may deem necessary, the Personnel Board shall make its findings and recommendations to the City Manager. The action of the City Manager on the recommendation of the Personnel Board shall be final and conclusive. (Prior code § 2.43)

Section 2.36.100 Political activities.

A. No officer or employee of the City shall engage in political activity during working hours.

B. No person shall conduct political activities on the premises of the City. (Ord. 6393 § 8, 1997; Prior code § 2.44)

Section 2.36.110 Discrimination.

No person in the classified service or seeking admission thereto shall be favored or discriminated against because of political opinion or affiliation or because of race or religious belief. (Prior code § 2.45)

Section 2.36.120 Cooperation.

All officers and employees of the City shall maintain high standards of cooperation and efficiency in such manner as to fulfill the objectives and purposes of the personnel merit system. (Prior code § 2.46)

Section 2.36.130 Appropriation of funds--Contracts for special services.

The City Council shall appropriate such funds as may be necessary to carry out the provisions of this chapter. The City Council, upon the recommendation of the City Manager, may contract with any responsible firm or individual for the performance of technical personnel services to carry out the provisions of this chapter. (Prior code § 2.47)