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## **ARTICLE XXV CIVIL SERVICE**

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### **SECTION 2500. Departments Subject to Civil Service.**

The provisions of this act shall have the effect of placing both the Fire Department of the City of Stockton and the Police Department of the City of Stockton under civil service rules and regulations, and each of said Departments shall have and retain its separate organization and identity under the direction of a Chief of each Department, which separate organization shall consist of such officers and employees as the legislative body of the City may from time to time by ordinance or resolution determine and designate.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

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### **SECTION 2501. Employees Subject to Civil Service.**

Classified service of the City of Stockton shall include all employees of the Fire Department and Police Department, including the Chief of each Department, except that the Chief of Police and Deputy Chief of Police, and the Fire Chief and Deputy Fire Chief, shall be appointed and shall hold office as specified in Articles XVII and XVI of this Charter, respectively. Except as hereinbefore expressly provided, all appointments and promotions in the Fire Department and the Police Department shall be made solely on merit, efficiency, and fitness, which shall be ascertained by an open, competitive examination and impartial investigation.

No person shall be appointed to, reinstated in, transferred, suspended, demoted, or discharged from any such office, place, position, or employment contrary to the provisions of this Charter.

(Amended Election 11/02/10 effective 12/9/10; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/12/71 effective 12/6/71; Amended Election 10/10/61 effective 2/13/62; Added Election 10/8/35 effective 1/22/37)

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### **SECTION 2502. Civil Service Commission; Creation and Term of Office.**

There is hereby created, subject to the provisions of this act, a Civil Service Commission, which shall be composed of five (5) members, none of whom shall hold any other public office, place or position of employment with the City of Stockton. The members of such Commission shall be appointed to staggered terms of three (3) years by the legislative body of the City of Stockton. That the legislative body of the City of Stockton shall provide by ordinance or resolution for the payment of the services of the Commissioners. The failure upon the part of the said legislative body of the City to appoint said Commissioners, shall be deemed a violation of this act and shall be punishable as such. No person shall be appointed as a member of such Commission who is not a citizen of the United States and a resident and elector of the City of Stockton. Any member of such Commission may be removed from office by the legislative body of the City for incompetency, incompatibility or dereliction of duty or malfeasance in office or other good cause, provided, however, that no member of the Commission shall be removed until charges have been preferred in writing, due notice given and a full hearing had. The members of such Commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Three (3) members of such Commission shall constitute a quorum the votes of any three (3) members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission under or by virtue of the provisions of this act. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of three (3) years. Vacancies in the Civil Service Board from whatever cause shall be filled by a majority vote of the legislative body of the City for the unexpired term. Whenever the word "Commission" is used herein, it shall mean the Civil Service Commission.

(Amended Election 10/11/77 effective 11/2/77; Amended Election 10/9/73 effective 1/17/74; Added Election 10/8/35

### **SECTION 2503. Functions and Duties of the Civil Service Commission.**

Immediately after the appointment the Commission shall organize, by electing one (1) of its members chairman and hold regular meetings at least once every sixty (60) days, and may hold such additional meetings as may be required in the proper discharge of their duties. The Civil Service Commission shall appoint either the City Clerk of the City of Stockton, or one (1) of the deputies in the office of the City Clerk to be Secretary of the Civil Service Board. The Commission may designate the Secretary to be Chief Examiner for the Board or one (1) of the deputies in the office of the City Clerk or the Commission may designate one (1) of their own members or any duly qualified person or agency as Chief Examiner for any particular examination or examinations, or part of said examination or examinations.

The Secretary and/or Chief Examiner of the Civil Service Commission may be subject to suspension or discharge at the discretion of the Commission. The Secretary of the Commission shall keep the records of the Commission, preserve all reports made to it, keep a record of all examinations held under its direction and perform such other duties as the Commission may prescribe. It shall be the duty of the Civil Service Commission:

(a) To make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide general subject of personnel administration and which may be considered desirable to further carry out the general purposes of this act or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed or mimeographed or multigraphed for free public distribution.

(b) All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment or promotion is to be made.

(c) The rules and regulations adopted by the Commission shall provide for the award of five points in favor of all applicants for appointment or employment under civil service, who have served on active duty in any branch of the United States Armed Forces, including the National Guard and the United States Coast Guard for at last 181 consecutive days and have been honorably discharged. These credits shall apply to entrance examinations only.

(d) The Commission may make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed hereunder, inspect all institutions, departments, offices, places, positions and employments affected by this act and ascertain whether this act and all such rules and regulations are being obeyed. Such investigation may be made by the Commission or by any Commissioner designated by the Commission for that purpose. Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigations upon petition of a citizen who is an elector of the City of Stockton, duly verified, stating that irregularities or abuses exist or setting forth in concise language in writing the necessity for such investigation. In the course of all investigations or hearings before the Commission, or designated Commissioner, or Chief Examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation or hearing and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Courts of the State of California and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a Superior Court Judge of California in his judicial capacity; and failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this act and punishable as such.

(e) Hearings and Investigations; How Conducted. All hearings and investigations before the Commission, or designated Commissioner or Chief Examiner, shall be governed by this act and by rules of practice and procedure to

be adopted by the Commission, and in the conduct thereof neither the Commission nor designated Commissioner or Chief Examiner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the Commission or designated Commissioner or Chief Examiner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission; provided, however, that no order, decision, rule or regulation made by any designated Commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least two (2) of the other four (4) members.

(f) To hear and determine appeals or complaints respecting the administrative work of the Personnel Department, appeals upon the allocation of positions, suspension, demotion or discharge of members, the rejection of an examination and such other matters as may be referred to the Commission.

(g) Establish and maintain in card or other suitable form, a roster of all officers and employees.

(h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof with other permissible factors establish eligible lists for the various classes of positions and to provide that Police Officers laid off because of curtailment of expenditures, reductions in force and for like causes, head the list in the order of their seniority to the end that they shall be the first to be reemployed.

(i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name, or names, of the person, or persons, of the appropriate number highest on the eligible list for the class. If there is no such list, to authorize provisional or temporary appointment list for such class. Such temporary or provisional appointment shall not continue for a period longer than four (4) months; nor shall any person receive more than one (1) provisional appointment or serve more than four (4) months as a provisional appointee in any one (1) fiscal year.

(j) Within sixty (60) days after the date of the taking effect of this act, the Commission shall classify all offices, places, positions and employments and adopt rules and regulations to carry out the purposes and provisions of this act. Within ninety (90) days after the date of the taking effect of this act, the Commission shall hold examinations for the filling of all offices, places, positions and employments not filled by persons adopted or inducted into civil service as hereinafter provided. As soon as such examinations have been held and the eligible candidates have been ascertained, it shall be the duty of the Commission to certify to the appointing officer of the City, within ninety (90) days after the taking of the test, the names and addresses of all such eligible candidates upon the roster as may be available for such offices, places, positions or appointments as are not then filled by persons adopted and inducted into civil service as hereinafter provided, and it shall be the duty of the appointing officer of the City to make selections and appointments from the lists so certified. Any person carried on the eligible list for a period of three (3) years without being appointed or promoted, shall be dropped from said eligible list and shall thereafter not be eligible for appointment or promotion without re-examination.

(k) Keep such records as may be necessary for the proper administration of this act.

(Amended Election 03/02/04 effective 04/22/04; Amended Election 10/11/77 effective 11/2/77; Amended Election 10/14/75 effective 11/3/75; Added election 10/8/35 effective 1/22/37)

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#### **SECTION 2504. Repealed.**

(Repealed election 06/06/06, effective 08/04/06;

Historical Note: Section 30 was repealed at Election 10/12/71 effective 12/06/71; Added Election 10/08/35 effective 01/22/37)

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#### **SECTION 2505. Repealed.**

(Repealed election 06/06/06, effective 08/04/06; Amended election 10/11/77 effective 11/02/77; Amended election 10/10/61, effective 02/13/62; added election 10/08/35 effective 01/22/37)

## **SECTION 2506. Repealed.**

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(Repealed Election 06/06/06 effective 08/04/06; Amended election 10/14/75 effective 11/03/75; Added election 10/08/35 effective 01/22/37)

## **SECTION 2507. Establishment of Employment Lists.**

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(a) The Chief Examiner shall provide examinations in accordance with this act and the regulations of the Commission. Such examination shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held, with limitations specified by this act, or in the rules of the Commission as to health, habits, moral conduct and prerequisite qualifications to perform the duties of such position.

(b) In examining applicants for eligibility for appointment to entrance level classes, to the extent authorized by the Commission, the Chief Examiner or his authorized representatives may use a combination of valid testing instruments, which may include but not be limited to written tests, which shall count fifty percent (50%) of the total passing score, oral examinations, performance examination and agility tests designed to measure individual characteristics necessary to perform the specific duties of the job, for the purpose of obtaining the most qualified employees for the City of Stockton Fire and Police Departments. Methods of ranking and weighing of scores shall be determined by the Commission and will be stated on the examination announcement. The Commission may waive examination requirements for the appointment of qualified lateral entry candidates.

(c) In examining or ranking applicants for promotional appointment list of eligibles, in the Fire and Police Departments, to the extent authorized by resolution of the Civil Service Commission, the Chief Examiner or the Chief Examiner's Commission authorized representatives may permit an oral examination to count not more than thirty percent (30%) of the aggregate score of an applicant for the rank of Sergeant in the Police Department and for the rank of Captain in the Fire Department and thirty-five (35%) percent of the aggregate score of an applicant for ranks above Sergeant in the Police Department and above Captain in the Fire Department. The procedures for the selection of the members of an Oral Board for Promotional Applicants shall be established by the Commission in the rules and regulations. Seniority credit may be permitted to count not more than five percent (5%) provided that such credit shall be added only to the total passing score.

Whatever rule is established by the Civil Service Commission to cover the percentage credit to be given to oral examinations, seniority credit shall apply to all examinations given for that rank in the affected departments for at least one (1) year after the adoption of the rule. Promotional examinations shall be competitive and open only to persons appointed or inducted into the service under the provisions of this act.

(d) All tests shall be practical and shall consist only of subjects which fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position and to meet all requisites and to fill all positions held by temporary appointees. From the return and report of the Chief Examiner or examiners based on tests and other factors to be considered as provided in Section 2507(b) and (c), the Civil Service Commission shall establish a list of eligibles for each grade of the persons who shall attain such minimum score or scores as may be fixed by the rules of the Commission and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative performance as determined by the tests and other factors named above, without reference to priority of time of tests.

(e) The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon the list of eligibles shall be open to inspection by the Chief of Police Department and Chief of the Fire Department and the appointive officer of the City and shall also be open to public inspection in the discretion of the Civil Service Commission. An error in the marking of any test other than an error of judgment, if called to the attention of the Commission within one (1) month after the posting of an employment list resulting from such test, shall be corrected by it; alleged errors of judgment in the marking of any test if called to the attention of the

Commission within one month after the posting of an employment list resulting from such test shall be considered by the Commission and may be corrected by it; provided, however, that such corrections shall not invalidate any certification or employment previously made. Notice of the time, place and general scope of every test and of the duties, pay and experience advantages or requisite for positions in the grade for which the test is to be held, shall be given by the Commission by posting such notice in three (3) public places in the City of Stockton, one (1) of which shall be in the office of the Commission, which said notice shall be posted for not less than two (2) weeks prior to such examination. Such further notice shall be given as the Commission may prescribe.

(f) All members of the Fire Department with not less than eighteen (18) months' service in said Department are to be considered as eligible for the rank of Firefighter, and all members of said department with not less than five (5) years' service in said Department to be considered as eligible for the rank of Captain and all members of said Department who have held such last named rank for at least three (3) years, last past continuously, to be considered eligible for the rank of Battalion Chief and all members of said Department who have held such last named rank to be considered as eligible for the rank of Assistant Chief.

All members of said department above the rank of Captain who have held such rank for at least six (6) months past continuously, to be considered as eligible for the office of Fire Chief.

(g) All probationary Police Officers with not less than eighteen (18) months' service to be considered as eligible for the rank of Police Officers, all Police Officers with not less than five (5) years' service in the Stockton Police Department to be considered as eligible for the rank of Sergeant, and all Sergeants of said Department who have held the rank of Sergeant for at least two (2) years last past continuously to be considered as eligible for the rank of Lieutenant, and all Lieutenants of said Department to be considered eligible for the rank of Captain. All members of said Department above the rank of Police Officer are to be considered as eligible for the rank of Police Chief.

(h) All promotions shall be made only to the next higher grade in the service and no grade shall be skipped, excepting in the case of appointment of the Fire Chief and in the case of the appointment of the Police Chief.

(Amended Election 11/5/02 effective 04-10-03; Amended Election 6/5/84 effective 6/26/84; Amended Election 10/11/77 effective 11/2/77; Amended Election 10/14/75 effective 11/3/75; Amended Election 6/4/74 effective 8/21/74; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/10/61 effective 2/13/62; Added Election 10/8/35 effective 1/22/37)

## **SECTION 2508. Appointments to Vacant Positions, Certification.**

Whenever a position in the classified service of the Police or Fire Department becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the Commission for the name and address of a person eligible for appointment thereto. The Commission shall certify the name of the person highest on the eligible list from the class to which the vacant position has been allocated, who is willing to accept employment except in the case of appointing an Assistant Fire Chief. If more than one (1) vacancy is to be filled, an additional name shall be certified for each additional vacancy. On original appointment the appointing power shall appoint such persons to such vacant position on probation. On promotional Police appointments, except those of Chief, the appointing power shall appoint persons to such vacant positions on probation for a period of twelve (12) months. During the probationary period for promotional Police appointments and unless charges of dismissal or demotion are brought as elsewhere provided in this Charter, the appointing authority, upon the recommendation of the Chief of the Police Department, may demote the appointee to the former rank provided that the reasons are specified in writing, served on the person and filed with the Commission. Any person so demoted, may, within ten (10) days from the time of the demotion, file with the Commission a written demand for an investigation, where upon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question as to whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation, the Commission may affirm the demotion or, if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such persons to the office, place or position or employment from which such person was demoted, which reinstatement shall if the Commission so provides, in its discretion, be retroactive and entitle such persons to such pay or compensation as



would have been received had the person not been demoted. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. The Commission when conducting an investigation and hearing under this Section shall consider that this promotional probationary period is regarded as an intrinsic part of the examination process and that the same is utilized for closely observing the promotional appointee's work for securing the most effective adjustment of a probationer's qualifications to this higher rank and for the purpose of eliminating any probationer from attaining permanent status in said higher rank whose work performance does not meet the required standards of duties and responsibilities. The Commission shall make suitable rules and regulations regarding the measurement of such probationary period consistent with the provisions of the Civil Service Act, and in the Commission's opinion, consistent with good personnel administration. Whenever a position of Assistant Fire Chief becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the Commission for the names of persons eligible for appointment thereto. The Commission shall certify the three (3) names at the top of the eligible list for such class or, in the event of two (2) or more vacancies in the class, the Commission shall certify two (2) names more than the number of vacancies. If insufficient names are available to meet this requirement, the appointing authority may request additional certification, where upon the Civil Service Commission shall schedule and conduct an examination to provide the number of eligibles required. Any one (1) of the names so certified may be appointed to the vacancy regardless of standing on the eligible list and not on probation. Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the Commission shall forthwith certify the name of the person eligible for appointment to the appointing power and said appointing power shall forthwith appoint the person so certified, to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing after an opportunity to be heard by the Commission, and then only with its consent and approval. Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. A person tendered certification may waive or refuse certification in writing for a period for reasons satisfactory to the Commission and such waiver or refusal shall not affect the standing or rights to certification to the first vacancy in the class occurring after the expiration of such period. If no such waiver or refusal has been filed and the period therefor has expired and the person tendered certification fails to report for duty forthwith after tender of certification has been made, the person's name, may at the discretion of the Commission, be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this list shall not affect the standing of any person on the list for permanent appointment.

(Amended Election 10/14/75 effective 11/3/75; Amended Election 11/5/74 effective 8/18/75; Amended Election 6/4/74 effective 8/21/74; Amended Election 10/10/61 effective 2/13/62; Added Election 10/8/35 effective 1/22/37)

## **SECTION 2509.**

Notwithstanding any provisions of Section 2508 of this Article to the contrary, whenever an entrance position in the classified service of the Fire Department becomes vacant, the appointing authority, if it is desired to fill the vacancy, shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto. The Commission shall certify two (2) more names than the number of vacancies of those individuals standing highest on the existing eligible list. The Chief of the Fire Department may select any one (1) of the three (3) eligibles so certified to fill the vacancy. On original appointment, the appointing authority shall appoint such persons to such vacant positions on probation.

(Added Election 11/4/80 effective 12/3/80)

## **SECTION 2510. Filling Vacant Position.**

Notwithstanding any provisions of Section 2508 of this Article to the contrary, whenever an entrance position in the classified service of the Police Department becomes vacant, the appointing authority, if it is desired to fill the vacancy, shall make such appointment from the re-employment list if such list exists. If there is no re-employment list, the appointing authority shall make requisition upon the Commission for the names and addresses of the persons

eligible for appointment thereto from the lateral entry list and the eligible list. The Commission shall certify two (2) more names than the number of vacancies of those individuals standing highest on the existing eligible list and all names on the lateral entry list. The appointing authority may select any one (1) of the three (3) eligibles so certified to fill the vacancy or any one (1) from the lateral entry list. On original appointment, the appointing authority shall appoint such persons to such vacant positions on probation.

(Amended Election 11/4/86 effective 12/9/86; Added Election 11/4/80 effective 12/3/80)

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#### **SECTION 2511. Repealed.**

(Repealed election 06/06/06 effective 08/04/06; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2512. Repealed.**

(Election 06/06/06 effective 08/04/06; Amended election 10/09/79 effective 10/24/79; Amended election 10/10/61 effective 02/13/62; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2513. Military Service; Promotional Rights Upon Return.**

Any member of the Police or Fire Department who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or its territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left said office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces, or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this State, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, providing said member was on an eligible list for promotion and would have been promoted to the next higher rank during the period of such military service had he not been absent on such military service, to be appointed to such next higher rank subject to passing a satisfactory physical medical examination, if employment is resumed with the Police Department or Fire Department within three (3) months after the termination of his active service with the armed forces, but not later than six (6) months after the end of the war or national emergency or military or Police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this Section, the war, national emergency, or United Nations military or Police operation no longer exists, or after the expiration of the National Conscription Act.

In order to preserve the promotional rights guaranteed by this Section and still maintain the operating efficiency of the departments, the appointing power, with the approval of the Commission may make temporary appointments to a higher rank to fill vacancies, such temporary appointments to be for an indefinite term and pending the exercise of the promotional rights conferred upon returning veterans by the provision of this Section. The time limitations imposed by Section 2512\* of this Article on provisional and temporary emergency appointments shall not apply to temporary appointments made under this section 2513\*.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

\* See Historical Notes at end of Article.

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#### **SECTION 2514. False Marking, Grading, Etc.; Prohibited.**

No Commissioner or any other person shall, individually or in cooperation with any one (1) or more persons, defeat, deceive or obstruct any person in respect to the right of examination or registration according to the rules and

regulations of this act or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing; or make false representation concerning the same or concerning the person examined or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chance of any person examined, registered or certified, or to be examined, registered or certified, or persuade any other person or to permit or aid in any manner any other person to impersonate the person in connection with any examination or registration or application or request to be examined or registered.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2515. Recommendation of Applicants.**

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No recommendations, other than allowed by the rules of the Commission, in favor of any person who shall apply for any office, place, position or employment under civil service, or for examination or registration under the provisions of this act or the rules and regulations adopted by the Commission pursuant thereto, except in case of former employees as to ability, when such recommendations as to character or ability are specifically required by said rules and regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under the provisions of this act or the rules or regulations adopted thereunder. No recommendation under the authority of this act shall relate to the religious or political opinions, affiliations or services of any person whosoever, nor shall any appointment, change in, or removal from, any office place, position, or employment under the provisions of this act be, in any manner affected or influenced by such opinions, affiliations or services.

(Amended Election 10/11/77 effective 11/2/77; Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2516. Political Services Disregarded and Prohibited.**

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No person holding any office, place, position or employment subject to civil service is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service or promise or threaten so to do, for giving or withholding or neglecting to make any contributions of money or service or any other thing of value, for any political purpose.

(Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2517. Candidate While Under Civil Service.**

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No person employed under civil service or registered on the eligible list of the classified service, coming under the provisions of this act, shall accept election or appointment to any incompatible public office, unless such person shall immediately resign from the office, place, position or employment which the person then holds under civil service, or in the case of persons on the eligible list of the classified service, unless such persons will immediately have their names stricken from such eligible list.

(Amended Election 10/9/79 effective 10/24/79; Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2518. Tenure of Office of Civil Service Employees.**

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The tenure of everyone holding an office, place, position or employment under the provisions of this act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank for any of the following reasons:

- (a) Incompetency, inefficiency or inattention to or dereliction of duty.



(b) Habitual intemperance, immoral conduct, any willful failure on the part of the employee to properly conduct himself or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder.

(c) Dishonest or immoral conduct.

(d) Drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation, to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee or which precludes the employee from properly performing the functions or duties of any position under civil service.

(e) Conviction of a felony or a misdemeanor involving moral turpitude.

(Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2519. Removal From Promotion List.**

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In addition to the suspension, demotion or removal of a member of the Fire Department or Police Department as provided in this Article, the appointing authority may request the Commission to remove from a departmental promotion list any member of the Fire Department or Police Department of the City of Stockton for cause. No such request shall be made except upon a written statement made by the appointing authority and served upon the employee affected and filed with the Commission.

Upon receipt of such request, the Commission shall conduct an investigation. The investigation shall be confined to the determination of the questions of whether such request was or was not made in good faith for cause, whether such removal is found to be within the intent of the general purposes of this act or whether such removal is found to be in the interest of good personnel administration.

The decision of the Commission shall be final.

(Added Election 10/9/73 effective 1/17/74)

#### **SECTION 2520. Suspension.**

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The appointing authority may suspend any member of the Fire Department or Police Department of the City of Stockton, for cause, for a reasonable period, not exceeding sixty (60) work days at any one (1) time, with loss of salary or other compensation. The appointing authority shall not be authorized to suspend the same person for a total of more than ninety (90) work days during any one (1) fiscal year. No suspension shall be made except upon written charges made by the appointing officer and served upon the accused and filed with Commission, with the privilege to the accused of serving upon the appointing authority a written answer and explanation of such charges and filing a copy of the same with the Commission.

Any person so suspended may, within ten (10) days from the time of suspension, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such suspension was or was not made in good faith for cause.

The hearing under this Section shall be conducted by the Commission in the same manner as the hearing upon demotion set forth in Section 2521 hereof and the Commission, upon such hearing and investigation, may affirm said suspension or if it shall find that the suspension was made for political or religious reasons or was not made in good faith for cause, shall order that the suspension be revoked and set aside. The decision of the Commission shall be final and there shall be no appeal therefrom. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

#### **SECTION 2521. Demotion.**

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No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act, excepting the Chief of the Police Department, shall be demoted, except for cause, and only upon the written accusations of the appointing officer and upon the written recommendations of the Chief of the Department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the Commission.

Any person so demoted, excepting the Chief of the Police Department, may, within ten (10) days from the time of demotion, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the Commission may affirm the demotion or if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such person to the office, place, or position or employment from which such person was demoted, which reinstatement shall, if the Commission so provides, in its discretion, be retroactive and entitle such person to such pay or compensation as the person would have received had the person not been demoted. The Commission, upon such investigation, in lieu of affirming the demotion, may modify the order of demotion by directing a suspension without pay for a given period and subsequent restoration to the person's grade prior to demotion. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. All investigations made by the Commission pursuant to the provisions of this Section shall be by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purposes have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused party is dissatisfied with the judgment or decision of the Commission, the accused may appeal to the Superior Court of the State of California, in and for the County of San Joaquin, within the time and in the same manner as set forth in Section 2522 hereof. The said Superior Court shall proceed to hear said appeal and the decision of the said Superior Court shall be limited to the determination of whether the judgment, order or decision was or was not made for political or religious reasons or was or was not made in good faith for cause. The Superior Court shall be authorized to make any decision or judgment which the Commission is authorized to make. The findings of the said Superior Court shall be certified in writing to the appointing officer of the City of Stockton and shall be forthwith enforced by such officer.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

## **SECTION 2522. Removal or Discharge.**

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No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed or discharged except for cause and only upon the written accusation of the appointing officer or any taxpayer in the City of Stockton, and upon the written recommendation of the Chief of the Department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the Commission. Any person so removed or discharged may, within ten (10) days from the time of removal or discharge, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct an investigation. The investigation shall be confined to the determination of the question of whether such removal or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation if the Commission determines the removal or discharge was made for political or religious reasons or was not made in good faith for cause it shall order the immediate reinstatement or re-employment of such person in the office, position or employment from which such person was removed or discharged, which reinstatement shall, if the Commission so provides, in its discretion, be retroactive and entitle such person to pay or compensation from the time of such removal or discharge.

The Commission, upon such investigation, in lieu of affirming the removal or discharge, may modify the removal or discharge by directing a suspension without pay for a given period and subsequent restoration to duty or demotion in classification, grade or pay; the findings of the Commission shall be certified in writing to the appointing

power and shall be forthwith enforced by such officer.

All investigations made by the Commission pursuant to the provisions of this Section, shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purpose have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused is dissatisfied with the judgment or order made by the Commission or a majority thereof, the said accused may appeal to the Superior Court of the State of California, pursuant to the provisions of Section 1094.5 of the [Code of Civil Procedure](#).

This Section shall not be applicable to the removal by demotion of the Chief or Deputy Chiefs of the Police Department, or the Deputy Fire Chief.

(Amended Election 10/9/79 effective 10/24/79; Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

### **SECTION 2523. Official Roster.**

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It shall be the duty of the appointing authority to report to the Commission forthwith upon each appointment the name of the appointee, the title or character of the office, place, position or employment to which the appointment is made, the date of the commencement of service, and the salary or compensation therefor, and to report from time to time and upon the date of official action in or knowledge of each case any suspension of any person from any office, place, position or employment, or other changes, and to furnish such other information as the Commission may require in order to keep the roster hereinafter mentioned. The Commission shall keep in its office an official roster of all persons holding offices, places, positions and employments under the provisions of this act and shall enter therein all employments, demotions, transfers, reinstatements, resignations, suspensions, leaves of absence, removals and discharges, setting forth in each instance the date of commencement or termination of service or other change, the nature of the duties performed, and the salary or compensation therefor, together with sufficient information to show why and how such appointments or other changes were made. The said roster shall be kept so as to disclose readily to anyone desiring to inspect the same, all the said matters in connection with each office, place, position or employment subject to civil service, and in connection with persons employed therein. It shall be the duty of the Commission to certify to the legislative body of the City the name of each person appointed or employed in the classified civil service, stating in each case the title or character of the office, place, position or employment held by such person, the salary or compensation paid and the date of the commencement of service, and, also, so far as practical, the name of each person employed in violation of this act, or the rules and regulations established thereunder and to certify to the legislative body of the City, in like manner, every change occurring in any place, office, position or employment held by any persons in the classified civil service forthwith on the occurrence thereof. No officer or employee of the City of Stockton, so far as it concerns employees subject to civil service, shall draw, sign, countersign, authorize or honor any warrant or order for the payment of or pay any salary or compensation to any person in the classified service who is not certified by the Commission to the legislative body of the City as hereinbefore provided. Any persons entitled to be certified aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in any action in the name of the City from any officer or employee of such City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the issuing, drawing, signing, or issuing of any warrant or order for the payment thereof and from the securities on his or her official bond. All moneys recovered in such action must when collected, after paying all expenses of such action be paid into the City Treasury.

(Added Election 10/8/35 effective 1/22/37)

### **SECTION 2524. Duty of All Officials and Employees to Assist the Commission.**

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It shall be the duty of all City officials and employees of the City to aid in all proper ways in carrying out the provisions of this act, and such rules and regulations as may from time to time be prescribed by the Commission

thereunder and to afford the Commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments subject to civil service and also to produce said books, papers, documents and accounts and attend and testify, whenever required so to do by Commission or any Commissioner.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2525. Reports by the Commission.**

The Commission shall investigate and report annually to the legislative body of the City concerning the administrative needs of the service, the personnel, the positions in the service and the compensation provided therefor, the examination held by the Commission, the appointments made, service ratings and removals in the civil service, the operation of the rules of the Commission and recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The legislative body of the City may require a report from said Commission at any time respecting any matter within the scope of its duties hereunder. The records of the Commission shall be open to public inspection by any citizen under reasonable supervision.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2526. Repealed.**

(Repealed election 06/06/06 effective 08/04/06; Amended Election 10/14/75 effective 11/03/75; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2527. Period of Duty.**

Except in cases of conflagration, flood or similar emergency the basic working time of any member of the Fire Department, excepting the Chief of the Fire Department or Deputy Chief of the Fire Department, shall not be more than fifty-six (56) hours per week averaged over a twelve (12) week period. All working shifts for the Fire Suppression Division shall commence at 8:00 A.M. of each day.

(Amended Election 10/9/79 effective 10/24/79; Amended Election 6/4/74 effective 8/21/74; Amended Election 10/8/57 effective 3/18/58; Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2528. Repealed.**

(Repealed Election 11/02/10 effective 12/9/10; Amended Election 10/9/79 effective 10/24/79; Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2529. Repealed.**

(Repealed Election 06/06/06 effective 08/04/06; Amended election 10/14/47 effective 03/03/48; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2530. Repealed.**

(Repealed election 06/06/06 effective 08/04/06; Amended Election 11/03/81 effective 12/04/81; Amended election 10/10/61 effective 02/13/62; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2531. Rewards and Compensation.**

No officer or member of the Fire Department or Police Department shall be permitted, without the consent of

the administrative head of the City, to accept any money, gratuity or compensation for any service he may render as a member of the Fire Department or Police Department, other or in addition to his regular salary. The legislative body of the City may, upon the recommendation of the Chief of the Department, reward any officer or member of the Department for conduct which is heroic or meritorious. The form or amount of such award shall be discretionary with the legislative body of the City, but not exceeding in any one (1) instance one (1) month's salary. The legislative body of the City may appropriate money for such rewards.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2532. Repealed.**

(Repealed election 06/06/06 effective 08/04/06; Added election 10/08/35 effective 01/22/37)

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#### **SECTION 2533. Non-Discrimination.**

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, suspended or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of religious belief.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2534. Probationary Period.**

(a) Appointment of new members to the classified service of the Fire Department shall not be deemed complete until a probation period not to exceed eighteen (18) months has elapsed and a probationer may be discharged at any time within said period of eighteen (18) months. Successive temporary appointments shall not be allowed.

(b) Appointment of new members to the classified service of the Police Department shall not be deemed complete until a probation period not to exceed eighteen (18) months has elapsed and a probationer may be discharged at any time within said period of eighteen (18) months. Successive temporary appointments shall not be allowed.

(Amended Election 11/5/02 effective 04-10-03; Amended Election 10/9/73 effective 1/17/74; Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2535. Appropriations.**

It shall be the duty of the City Council or legislative body to make adequate provision to enable the Commission properly to carry out the purposes of this act. It shall be the duty of the officers of the City to allow the reasonable use of public buildings and rooms for the holding of any examinations or registrations provided for by this act and to provide the Commission with suitable convenient rooms and supply it with all office supplies and equipment necessary to carry on the business of the Commission and with such clerical assistance as may be necessary in all possible ways to facilitate the work of the Civil Service Commission.

The cost of conducting examinations and other duties of the Civil Service Board shall be charged against the general fund of the City. The costs shall be certified by the Civil Service Board and when so certified shall be paid by the legislative body of the City in the same manner as other charges against the City.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2536. Provisions.**

The legislative body of the City of Stockton shall, immediately upon taking effect of this act, enact suitable ordinances to carry into effect the provision thereof, including among other things a provision providing for the punishment of such persons who may violate any of the provisions of this act.



(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2537. Classified Service.**

As the legislative body of the City, the Council may provide for the placing of any of the other employees of the City of Stockton, not mentioned or specified anywhere in this act, under civil service and under the jurisdiction of the Civil Service Commission provided for in this Article, in which event, the Commission shall make suitable rules and regulations and provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and also provide for any other matters which may be considered desirable to further carry out the general purposes of this Section. The Commission may change such rules and regulations from time to time.

This Section shall be construed as a separate and distinct Section and not connected with or related to the civil service pertaining to the Fire and Police Departments of the City of Stockton as set forth in the preceding sections hereof, excepting that all of the employees placed under the civil service shall be under the jurisdiction of the Civil Service Commission provided for in this Article.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2538. Interpretation of Act.**

The provisions of this Article shall be liberally construed to the end that the intent and purpose thereof may be given effect, and particularly to the effect that both the Fire Department and the Police Department of the City of Stockton shall be operated upon the civil service rules and regulations herein provided.

Wherever the term "Police Officer" is used in this Article, it shall be deemed to be applicable to members of the classified service of the Police Department of either sex and irrespective of any prior description used for the position held by such members.

(Amended Election 10/14/75 effective 11/3/75; Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2539. Constitutionality of Act.**

If any section, subsection, subdivision, sentence, clause or phrase of this act shall, for any reason, be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the provision of this act.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2540. Repeal of Conflicting Acts.**

All provisions and/or clauses of the several City ordinances of the City of Stockton and all provisions, sections and clauses of the Charter of the City of Stockton approved by the legislature in 1923, and all amendments thereto in conflict herewith are hereby expressly repealed.

(Added Election 10/8/35 effective 1/22/37)

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#### **SECTION 2541. Emergency Provisions.**

The City Council shall have the power to suspend or waive any and all provisions of this Article in the event of an emergency. For the purposes of this Section, emergency is defined as any circumstance or condition which in the determination of the City Council, may adversely affect the public health, safety, welfare or morals of the City of Stockton. The powers granted to the City Council by this Section shall remain in effect for a period of not to exceed 90 days or the date upon which the emergency terminates, whichever period is less.

(Added Election 11/4/80 effective 12/3/80)

## **SECTION 2542. Appointments from Classified Service to Unclassified Service.**

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In the event an employee of the City, who holds a Classified Civil Service position is appointed to a position in the Unclassified Service, should subsequently be removed or resign from the Unclassified Service, he or she shall have the right, if he or she has not been guilty of conduct bringing discredit, as that term is presently or hereafter defined in [Government Code](#) Section 19572, upon the City, to be employed forthwith in a position consonant with his or her former classification in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he or she had remained in said classification.

(Added Election 03/07/2000, Effective 01/01/2001)

**\* Historical Notes:**

Sections 2504, 2505, 2506, 2511, 2512, 2526, 2529, 2530, 2531 repealed Election 06/06/06 effective 08/04/06.

Section 2513: The Election of 11/8/94 approved the renumbering of the Charter (See Article XXVII, Section 2702). Therefore, the sections referred to in the body of Section 2513 were previously numbered as follows:

Section 2512 was Section 11;

Section 2513 was Subsection 11.1.

Sections 24-26\*\*: Added Election 10/8/35 effective 1/22/37; Repealed Election 10/12/71 effective 12/6/71.

Sections 29-31.5\*\*: Added Election 10/8/35 effective 1/22/37; Amended Election 10/10/61 effective 2/13/62; Repealed Election 10/12/71 effective 12/6/71.

Sections 32.1-32.37\*\*: Added Election 10/14/47 effective 3/3/48; Amended Election 10/11/49 effective 12/19/49; Amended Election 10/13/53 effective 3/16/54; Amended Election 10/10/61 effective 2/13/62; Repealed Election 10/12/71 effective 12/6/71.

\*\* These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

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