

CITY OF STOCKTON CIVIL SERVICE RULES AND REGULATIONS FOR MISCELLANEOUS EMPLOYEES

**Rule I DEFINITION OF TERMS**

**Personnel Officer:** The City Manager of the City of Stockton, or designee.

**RULE II GENERAL PROVISIONS**

SEC. 3. ADOPTION, AMENDMENT OR REPEAL OF RULES:

- (a) Adoption of new rules, or amendment or repeal of an existing rule, shall require the submission in writing of the proposed action at a previous meeting of the Commission, either by the **Personnel Officer** or by a member of the Commission, and posting in accordance with section 4 of this rule.

**Rule III CIVIL SERVICE COMMISSION**

SEC. 3. HEARINGS AND INVESTIGATIONS:

- (a) Public Hearings. Hearings conducted by the Commission shall be public, unless the Commission by unanimous vote shall determine that a private hearing is necessary to secure all the facts in the case. Whenever such a finding is made, the Commission may limit attendance at the hearing to the members of the Commission, the **Personnel Officer**, the employee requesting the hearing, the officer or officers from whose action the appeal was taken, and such witnesses and other persons as the Commission may require to be present.  
Hearings and investigations that the Commission is authorized to conduct shall be conducted as a body, but special investigations and detailed work may be delegated to a single member or to the **Personnel Officer**.
- (c) Decisions. All decisions, opinions, and recommendations arising from a hearing or investigation by the Commission shall be written and subscribed to by the members concurring, and shall be counter-signed and filed as a permanent record by the **Personnel Officer**. Any member may submit a minority or supplemental report which shall be filed as a matter of record. (Amended by Resolution CS03-058, 08/07/03)

**Rule VI APPLICATION AND EXAMINATION**

SEC. 2. APPLICATIONS AND ELIGIBILITY REQUIREMENTS:

- (a) Form. Application shall be made on the forms provided by the **Personnel Officer**. Such forms shall require information covering training, education, experience, and other pertinent information, and may include a request for fingerprints. All applications must be completed and signed by the person applying.

SEC. 5. CONDUCT OF EXAMINATION:

The **Personnel Officer** shall conduct all examinations or shall designate some competent person or agency to conduct all or any part thereof or to participate therein, or to contract with any competent agency or individual to score examinations. The **Personnel Officer** shall arrange for the use of facilities and equipment for the conduct of examinations and shall render such assistance as shall be required with respect thereto. (Amended by Resolutions CS03-063, 09/04/03; CS97-044, 5/1/97; CS2015-10-15-1101)

SEC. 11. CONFIDENTIALITY OF EXAMINATION PAPERS; EFFECT OF VIOLATION:

- (a) Every participant's marking and papers shall be subject to inspection by the employing department head and the **Personnel Officer** and shall also be open to public inspection at the discretion of the Civil Service Commission.

SEC. 12. ESTABLISHMENT, DURATION, AND REMOVAL OF NAMES FROM ELIGIBLE LISTS:

- (d) Abolition of Eligible Lists. Upon the recommendation of the **Personnel Officer** and with the approval of the Commission, an eligible list may be abolished prior to the expiration of three (3) years for reasons of

inadequacy or other reasons consistent with the principles of merit and good personnel administration, provided that names appearing on the list by reason of layoffs shall remain effective for two (2) years from the date of the latest separation from the service. The right of a laid off employee to have his or her name remain on an eligible list for a comparable or lower class shall not be affected by the refusal or waiver of appointment to a position never held by such laid off employee.

- (d) Removal of Names From Eligible Lists. Upon the recommendation of the **Personnel Officer** and with the approval of the Commission, the name of an eligible may be removed from an eligible list in the event the eligible is certified to three (3) different vacancies and is not appointed or for reasons contained in section 3 of this rule. This subsection shall not apply to laid off employees, whose names shall remain on an eligible list for a comparable or lower class until such employee is appointed to the position or the two-year period expires.

Names of the eligibles shall also be removed by the **Personnel Officer** from the eligible list when the records of the **Personnel Officer** show:

- (1) That said eligible person has not passed a satisfactory physical or medical examination as shown by the report of the examining physician;
- (2) That, for any reason, the eligible person has been tendered employment and has not accepted the same; unless waiver of acceptance of employment has been granted by **the Personnel Officer** after written application has been made; or unless the eligible's name has been placed on the list as a result of layoff, in which event the eligible shall have the right to refuse appointment in accordance with subsection (d), above;

#### SEC. 14. SPECIAL PROGRAM EXCEPTIONS:

- (c) Appointment Procedures; Transition to Regular Civil Service Status. Candidates hired by the City of Stockton under federal, state, or local grant programs, who have completed not less than six (6) months of satisfactory service as determined by recorded performance ratings and who have been certified by the **Personnel Officer** as qualified for designated classes, shall be considered "an eligible" within the meaning of section 8 of this rule. Separate eligibility lists shall be maintained for said employees and they shall be subject to removal from said eligibility list the same as any other eligible.

### **Rule VII CERTIFICATION AND APPOINTMENT**

#### SEC. 3. CERTIFICATION FOR APPOINTMENT:

- (a) Eligible List Certification. In the event an appointing authority shall desire to fill a vacancy by original appointment, the Director of Human Resources, who is the designated representative of the **Personnel Officer**, shall certify the eligibles to the appointing authority in accordance with Rule VI, section 9(d). If there are less than 10 eligibles on the list, the entire list for that class may be certified. In the event of two (2) or more vacancies in one (1) class, the Director of Human Resources shall certify an additional name for each additional vacancy. (Amended by Resolution CS2013-03-20-1101, 03/20/14)

#### SEC. 5. TRANSFER:

- (c) Filling Vacancies. Probationary employees requesting transfer, reinstatement, or voluntary demotion shall fill vacancies in the originating department upon approval of **the Personnel Officer**. If there are no vacant positions in the originating department, employees may fill positions in other departments as set forth in subsection (b), above.

#### SEC. 6. PROMOTION:

- (c) Effect of Appeal. In the event an appeal is filed, no appointment to the position will be made until the Commission shall have completed its investigation of the matter and made its recommendation to the **personnel officer**.

#### SEC. 7. REINSTATEMENT:

- (a) Reinstatement After Resignation. A regular employee who has resigned in good standing may, with the recommendation of **the Personnel Officer** and majority vote of the Civil Service Commission, be reinstated to a vacant position of the same class, or reinstated to a lower or comparable class for which the employee is qualified, within a period of two (2) years from the effective date of resignation. The Director of Human

Resources or Chief Examiner shall determine whether the employee is qualified for a lower or comparable class, as follows:

- (b) Reinstatement After Release From Sworn Service Probation. A probationary employee who has resigned from the Miscellaneous Service after successfully completing six (6) months of probation, as evidenced by the performance evaluations conducted in accordance with these Rules, and who was subsequently certified for appointment to any entry-level position in the Police or Fire Department, may, upon the recommendation of the **Personnel Officer** and written request to and approval by the Commission, be reinstated to the Miscellaneous class previously held; provided, however, that the affected department head approves and there is a valid vacancy existing in the class. Probationary employees requesting reinstatement, upon approval of the **Personnel Officer**, shall first fill vacancies in the originating department

SEC. 10. PROVISIONAL APPOINTMENT:

- (a) Eligible List. All provisional appointments shall first be offered to candidates on the appropriate eligible list. In the event an eligible list is not available or if there are no candidates willing to accept provisional appointment, any person meeting the minimum qualifications for the class and acceptable to the appointing authority may be appointed provisionally, upon approval of the Director of Human Resources, pending the qualification of applicants by other means. The initial appointment may be made by the appointing authority after approval by the **Personnel Officer** for a period of two (2) months; provided, however, that the **Personnel Officer** shall not appoint to any position any business or personal associate of an employee in the requesting department or any person related to any employee of the requesting department by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least three (3) members of the Civil Service Commission if the Commission finds that the proposed appointment is in the interest of the classified service

SEC. 11. EMERGENCY APPOINTMENT:

In the event of an emergency threatening public life and property, such as could not be reasonably foreseen and anticipated by the appointing authority, the appointing authority may appoint such persons as are required to meet the needs of the situation. Such appointments shall not exceed fifteen (15) days, nor shall successive emergency appointments be made. Emergency appointments shall be reported promptly to the **Personnel Officer**. (Amended by Resolution CS03-068, 10/02/03)

**Rule VIII PROBATIONARY PERIOD AND PERFORMANCE EVALUATIONS**

SEC. 1. PROBATION:

- (b) Length of Probation. All original, transitional and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months. The probationary period may be extended only in those cases where the appointing authority and the **Personnel Officer** agree that due to specific and documented performance problems an additional period would be beneficial to the employee and the City.

SEC. 3. REJECTION OF PROBATIONER:

- (c) Effect of Rejection From Sworn Service. Any employee who successfully completed six (6) months of probation in any class in the Miscellaneous Service and who is rejected from probation after being appointed to any entry-level position in the Police or Fire Department, may be reinstated to the Miscellaneous position previously held upon written request to and approval by the Commission. This provision shall not be effective unless there is a vacancy in the affected Miscellaneous class and the **Personnel Officer** approves the filling of such vacancy. (Amended by Resolution CS05-065, 05/19/05, adding (c))

**Rule IX ATTENDANCE AND LEAVE**

SEC. 4. LEAVE OF ABSENCE:

An appointing authority may, with the approval of the **Personnel Officer**, grant a regular employee leave of absence without pay not to exceed one (1) year, except as provided in section 3 of this rule. Leave without pay shall be granted only upon written request of the employee. Whenever granted, such leave shall be in writing and signed by the supervising official and the **Personnel Officer**. Upon expiration of a regularly approved leave without pay, the employee shall be reinstated to the position of a similar class held at the time leave was granted. Failure on the part

of an employee on leave to report promptly at its expiration, or within a reasonable time after notice of return to duty, shall be deemed a resignation. (Amended by Resolution CS 03-083, 11/20/03)

**SEC. 5. HOURS OF WORK:**

Except as designated by the **Personnel Officer**, employees shall work a minimum of forty (40) hours per week. (Amended by Resolution CS03-083, 11/20/03)

**SEC. 6. ATTENDANCE:**

Every employee in the competitive service of the City of Stockton, under the provisions of Ordinance No. 1606 of said City, shall be in regular attendance at his or her work or assigned duties for the City at the time prescribed by or for the department in which he or she is employed during the normal or regular days of employment each week, in accordance with the rules and provisions of the respective memorandum of understanding regarding hours of work, holidays and sick leave.

The heads of all departments shall cause to be kept attendance records of the employees in competitive service, which shall be reported to the **Personnel Officer** in the form and on the dates specified. (Amended by Resolution CS03-083, 11/20/03)

**Rule X EMPLOYEE MORALE AND WELFARE**

The Commission or the **Personnel Officer**, separately or together, may upon request, investigate any situation relative to the morale and welfare of the employees in the competitive service, and may make such recommendations as they deem necessary to the appointing authority and to the City Council. (Amended by Resolution CS03-083, 11/20/03)

**Rule XI TRAINING OF EMPLOYEES**

**SEC. 1. RESPONSIBILITY FOR TRAINING:**

Responsibility for developing training programs for employees shall be assumed jointly by the Commission, the **Personnel Officer** and supervising officials. Such training programs may include lectures, courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal officers and employees in the performance of their respective duties. (Amended by Resolution CS03-083, 11/20/03)

**SEC. 2. CREDIT FOR TRAINING:**

Employees who enroll in and successfully complete extension, correspondence, or other special training courses shall report to **the Personnel Officer** their actions and progress, and the **Personnel Officer** shall offer such advice and assistance as may be within his or her power. The successful completion of specialized training courses shall be noted in the employee's personnel file and shall be considered in making salary increase and promotions. (Amended by Resolution CS03-083, 11/20/03)

**Rule XII DISCIPLINARY ACTIONS**

**SEC. 1. DEMOTION OR REDUCTION IN PAY:**

By filing a written statement of reasons with the **Personnel Officer** and the employee concerned, an appointing authority may demote a subordinate employee whose ability to perform the duties of the position falls below standard, for disciplinary purposes, or for any other good cause. (Amended by Resolution CS03-083, 11/20/03)

**SEC. 2. SUSPENSION:**

By filing a written statement of reasons with the **Personnel Officer** and the employee concerned, an appointing authority may suspend a subordinate employee without pay at any time for the good of the service, for a disciplinary purpose, or for any other just cause, including, but not limited to, insubordination, misconduct, or disobedience. Any persons 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 whether such suspension was made for political or religious reasons and whether it was made in good faith for cause. Unless dismissal action is brought as provided in these rules, such suspension shall not exceed thirty (30) work days nor shall any employee be penalized by suspension for more than thirty (30) work days in any fiscal year. (Amended by Resolutions CS03-083, 11/20/03; 6280, 6/6/85)

SEC. 3. DISMISSAL:

By filing immediately a written statement of reasons with the **Personnel Officer** and the employee concerned, an appointing authority may at any time dismiss a subordinate employee for the good of the service or just cause. The appointing authority may withdraw or modify the dismissal within ten (10) days after the date on which the original notice is filed. (Amended by Resolution CS03-083, 11/20/03)

**Rule XIII RESIGNATION**

SEC. 1.

(a) Good Standing. An employee wishing to leave the competitive service of the City in good standing shall file with the appointing authority and the **Personnel Officer**, at least one (1) week before leaving, a written resignation stating the date it shall become effective and the reason for leaving. Failure to comply with this rule shall be entered on the service record of the employee and may be the cause of denying future employment by the City.

(b) Voluntary Resignation. Every employee in the competitive service of the City of Stockton who shall absent him or herself from the daily work or assigned duties for the City, without a leave of absence from the **Personnel Officer**, for a period of two (2) consecutive work days, shall be deemed by such action to have voluntarily and permanently resigned from the position in the competitive service of the City of Stockton, and shall be deemed to have voluntarily and permanently severed and separated him or herself from the position in the competitive service of the City, and from the benefits of the Civil Service of the City of Stockton; and the position occupied by such employee shall be deemed vacant.

(c)(1) Every employee in the competitive service of the City of Stockton who shall be absent from daily work or assigned duties for the City, without a leave of absence from the **Personnel Officer**, for more than four (4) work hours in any work day, shall be deemed guilty of misconduct, insubordination and disobedience in the discharge of duties for the City and shall be suspended by **the Personnel Officer** without pay for a period not exceeding the total number of days provided elsewhere in these rules for suspension.

(2) Every employee in the competitive service of the City of Stockton who shall be absent from daily work or assigned duties for the City of Stockton, without leave of absence from the **Personnel Officer** for an aggregate of more than sixteen (16) work hours in any calendar month, shall be deemed to have voluntarily and permanently resigned from his or her position in the competitive service of the City of Stockton, and to have forfeited his or her position and classification therein, in the manner and with the same effect as provided in subdivision (b) hereof, and the position occupied shall be deemed vacant. (Amended by Resolution CS03-083, 11/20/03)

**Rule XV REPORTS AND RECORDS**

SEC. 2. CHANGE OF STATUS REPORT:

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the **Personnel Officer** in such manner as may be prescribed and receive prior approval before final action is taken. (Amended by Resolution CS03-089, 12/04/03)

SEC. 3. DESTRUCTION OF RECORDS:

Roster cards shall be kept permanently. All examination papers of miscellaneous employees for positions with the City of Stockton, concerning which there are not any legal proceedings commenced or pending, may be destroyed by the chief examiner and **Personnel Officer** of the City of Stockton, one (1) year or more after such examination is held, provided that the **Personnel Officer** shall maintain a file of one (1) sample examination paper from each examination. All other records relating to personnel, including correspondence, applications, and reports may be destroyed after three (3) years. (Amended by Resolution CS03-089, 12/04/03)