

CIVIL SERVICE

RULES AND REGULATIONS

Human Resources Department
City of Glendale, California

Amended March 2019



CITY OF GLENDALE, CALIFORNIA

**CIVIL SERVICE
RULES AND REGULATIONS**

Adopted
03/26/19
Devine/Gharpetian
All Ayes

RESOLUTION NO. 19-26

**RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE APPROVING
AMENDMENTS TO THE CIVIL SERVICE RULES AND REGULATIONS**

WHEREAS, the Civil Service Commission reviewed and adopted amendments to the Civil Service Rules and Regulations following public hearing at its regularly scheduled meeting of January 9, 2019. The proposed amendments are attached as Exhibit "2" to the Report to Council dated March 26, 2019; and

WHEREAS, pursuant to Article XXIV, Section 2 of the City Charter, the City Council must review and approve proposed amendments to the Civil Service Rules and Regulations.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA:

The City Council does hereby approve and adopt the amendments to the Civil Service Rules and Regulations dated March 2019 and attached as Exhibit "2" to the Report to Council dated March 26, 2019.

Adopted this 26th day of March, 2019.

ATTEST:



City Clerk



Mayor

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS

I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, certify that the foregoing Resolution No. 19-26 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 26th day of March, 2019, and that same was adopted by the following vote:

Ayes: Agajanian, Devine, Gharpetian, Najarian, Sinanyan
Noes: None
Absent: None
Abstain: None



City Clerk

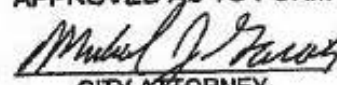
APPROVED AS TO FORM

CITY ATTORNEY
DATE 3/21/19

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RULE I – INTRODUCTION, AUTHORITY AND DEFINITION OF TERMS

SECTION 1. INTRODUCTION AND AUTHORITY

The Charter of the City of Glendale creates the Civil Service System and Commission. The Civil Service Commission, through the Human Resources Department, establishes and enforces "rules for the classified service which shall have the force and effect of law". These rules ensure a merit system whereby all employees in the classified service are appointed and promoted on the basis of merit. Equal employment opportunity shall be ensured without regard to race, color, sex, sexual orientation, age, religion, political affiliation, handicap status, pregnancy or any other protected category under the law. No person shall, by themselves or in cooperation with another person, interfere with the employment opportunities of any individual with respect to the individual's right of examination, application or certification for employment under the Civil Service System of this City. The provisions of Government Code Sections 45200 and 45201 as they now exist or may hereafter be amended are hereby incorporated by reference. The Civil Service Commission has the authority to take necessary action against applicants, candidates, eligibles or representatives or advocates of such who would use political influence or special interest to circumvent the Civil Service System to achieve employment opportunities for themselves or others.

The following definitions of terms for the Civil Service Rules and Regulations have been established to provide administrative and Appellant direction in the operation of the Civil Service System.

SECTION 2. DEFINITION OF TERMS

The following definitions of terms are provided to clarify certain terms that appear in these rules.

"Answer" shall mean the employees' answer to grounds and charges stated by Appointing Authority relative to a disciplinary action.

"Appeal" shall mean the formal procedures that provide for the review of a decision of an Appointing Authority or Director of Human Resources by the Commission.

"Appellant" shall mean anyone appealing to the Civil Service Commission an administrative action under the jurisdiction of the Commission.

"Applicant" shall mean a person who has completed and submitted an employment application for a position for which applications are currently being accepted.

"Application" shall mean the official City of Glendale issued form that all applicants must complete and submit before they are considered for City employment.

"Appointing Authority" shall mean the person, officer or body authorized by the City Charter or ordinances of the City of Glendale to appoint or approve the appointment of a person to a specified position. The terms "Appointing Agency", "Appointing Power" and "Appointing Officer" shall be defined the same as "Appointing Authority". The Appointing Authority refers to the department head.

"Appointment" shall mean the official selection hiring of a candidate for employment with the City of Glendale that has been approved in writing by both the appointing and approving authorities.

"Approving Authority" shall mean the person, officer or body authorized to approve the appointment, removal, suspension, reduction or other form of discipline of a person. The Approving Authority refers to the City Manager.

"Auxiliaries" shall mean all such reserves, male and female, in or connected with the United States Army, Navy, National Guard, Marine Corps, Air Force, and Coast Guard as established by Act of Congress.

"Average Score" shall mean the combined average of all relevant, converted, and weighted scores obtained by a candidate for a given classification or position title.

"Candidate" shall mean an applicant for City of Glendale employment who meets the minimum qualifications of the position, is admitted to the examination process, and has successfully completed any portion(s) of the examination process.

"Certification" shall mean the selection of the highest standing eligibles on the eligible list, which names shall be made available to the Appointing Authority for pre-employment interview.

"Charter" shall mean the City Charter of the City of Glendale.

"City" shall mean the City of Glendale.

"City Medical Examiner" shall mean any medical authority designated by the City of Glendale to advise on matters requiring expertise in the medical profession.

"Classification or Class of Positions" shall mean a group of positions sufficiently similar in respect to duties and responsibilities, that the same descriptive classification title may be used to designate each position allocated to that class, that the same minimum qualifications may be required of incumbents of positions in the class, and that same examinations may be used to choose qualified employees.

"Classification Series" shall mean a group of classifications sharing similar functions but differing as to level of complexity, difficulty and responsibility.

"Classification Specification" shall mean the official description of job duties and minimum qualifications for a job classification.

"Classified Service" shall mean all officers, positions and appointments in the City of Glendale service except those specifically named in, or which may be designated as unclassified pursuant to these rules and/or the City Charter.

"Commission" shall mean the Civil Service Commission as created by the City Charter.

"Continuous Examining Process" shall mean a selection process whereby partial eligible lists are established by a segmented examination process. Applicants may be certified from any partial eligible list or the complete eligible list where all eligibles are merged and ranked onto a single, final list.

"Demotion" shall mean a disciplinary action whereby a City of Glendale employee is involuntarily lowered in classification temporarily or permanently.

"Department" shall mean those major units of the municipal organization. May mean the same as "Division".

"Determination" shall mean a decision rendered by the Civil Service Commission in a public hearing.

"Director of Human Resources" shall mean the Director of Human Resources as described by the City of Glendale's classification plan.

"Disabled Veteran" shall mean any veteran as defined herein who is at the time of examination declared by the United States Veterans' Administration to be ten percent or more disabled as a result of his or her service in the armed forces.

"Disciplinary Action" shall mean any action taken by an Appointing Authority against an employee with the purpose of punishing, modifying and/or correcting behavior of the employee which violates these Civil Service Rules and Regulations and/or other established provisions affecting the employment relationship.

"Disqualification" shall mean the involuntary removal of an applicant, candidate, eligible or appointee from competition or employment for good cause.

"Division" shall mean a major unit of the municipal organization within a department. May mean the same as "Department".

"Eligible" shall mean a candidate for City of Glendale employment whose name has been included in an eligible list for certification, after successful completion of all steps of the examination process.

"Eligible List" shall mean a list of qualified candidates who have completed all examination processes and are ranked on an eligible list for certification.

"Employee" shall mean a person who is the incumbent in a position in the classified service, either temporarily or permanently.

"Entrance Level Classifications" shall mean those classes so determined and defined by resolution of the Civil Service Commission. The term "Entry-Level Classifications" shall be defined the same as "Entrance Level Classifications".

"Examination" shall mean and include a full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs (i.e. apprenticeship) or probationary periods and physical, educational, legal (i.e. background investigations) and work experience requirements through informal or causal interviews and scored or unscored application forms.

"For Cause" shall mean the specific grounds which constitute a violation of these Civil Service Rules and Regulations, the Administrative Policy Manual, Memoranda of Understanding, City Charter, Municipal Codes, City of Glendale Ordinances, or any other job-related reason which provides cause for disciplinary action against an employee.

"Good Cause" shall mean any grounds for disciplinary action set forth in these Civil Service Rules and Regulations.

"Hearing" shall mean a hearing held before the Civil Service Commission, a body of the Commission or a hearing officer appointed by the Commission, to hear an issue under the jurisdiction of the Commission.

"Hourly Position" shall mean those positions paid for at an hourly rate, which are non-salaried. Generally, these positions are part-time.

"Insubordination" shall mean the disobedience of an employee to a lawful order given by a higher authority within the scope of an employee's job.

"Just Debts" shall mean the legal debts and obligations an employee is obliged to pay.

"Lay-off List" shall mean a list of the names of those permanent employees in the classified service who have been laid off or reduced because of the permanent or temporary abolishment of any position.

"Lines of Promotion" shall mean the normal advancement possibility available to an employee within the series of classes to which he/she is appointed. Promotion in the classified service will be open to any City employee who meets the minimum entrance requirements of the higher level position.

"Minimum Qualifications" shall be the lowest level of skills, knowledge, abilities, experience, education and/or licenses permitting applicants' access to the selection process.

"Occupational Medical Standards" shall mean the medical standards established for the effective, satisfactory performance of duties in a position within a given classification.

"Open Examination" shall mean an examination which provides an equal employment opportunity to every applicant, whether or not currently employed by the City of Glendale.

"Ordered Service" shall mean the period of service as identified by written orders which state the length of active military duty to be served in the Armed Forces of the United States of America.

"Permanent Full-Time Position" shall mean a salaried position in the classified service provided for in the City of Glendale Annual Budget on a 40-hour or more per week basis. An employee may be probationary and still occupy a permanent full-time salaried position.

"Personnel Record" shall mean a City of Glendale employee's record of employment and job performance kept under the custodianship of the City of Glendale Human Resources Department. The term "Personnel File" shall be defined the same as "Personnel Record".

"Physically or Mentally Incapacitated" shall mean any physical or mental condition of an employee which prevents him/her from satisfactorily performing the duties of his/her position.

"Position" shall mean any single authorized office or job. One or more positions may comprise a classification.

"Probationary Employee" shall mean any employee who has not completed the probationary period designated by the Civil Service Commission for the position to which they have been appointed.

"Probationary Period" shall be the time of employment as described by the Civil Service Commission wherein an employee is an at-will employee until granted permanent Civil Service status.

"Promotion" shall mean advancement into a higher classification.

"Promotional Examination" shall mean an examination which provides an equal employment opportunity to applicants who are employed by the City of Glendale and who have completed at least six months of employment in a given City classification. Hourly employees may be considered for promotional examination eligibility as set forth in Rule VIII, Section 4 (E).

"Promulgation" shall mean the action that established an eligible list.

"Public Meeting" shall mean all regularly scheduled and special called for meetings of the Civil Service Commission except for closed appeal hearings involving disciplinary action.

"Public Notice" shall mean posting of public notice of the Civil Service Commission meetings as required by law.

"Public Record" shall mean any record under the custody of the Civil Service Commission which under the law must be made available to the public upon request and after reasonable prior notice.

"Quorum" shall mean the number of Civil Service Commission members that must be present for business to be conducted legally. Three members of the Commission shall constitute a quorum.

"Reduction" shall mean a personnel action whereby a City of Glendale employee is paid a lower salary, wage or benefit temporarily or permanently.

"Reinstatement" shall mean the process whereby a former employee applies for, is granted, and is placed on a Reinstatement Eligible List by the Civil Service Commission.

"Reinstatement List" shall mean a list of the names, established and maintained by seniority, of permanent employees by classification who have completed probation and who have been granted reinstatement privileges by the Civil Service Commission.

"Removal" shall mean the involuntary termination of the employment relationship between a City of Glendale employee and the City of Glendale.

"Reprimand" shall mean a written or oral admonishment for employee conduct described under cause for removal, suspension and reduction in these Civil Service Rules and Regulations.

"Residence" shall mean the official place of residence where an employee resides and is recorded in the official employee's personnel file.

“Retitle” shall mean changing the current title of a certain classification to another title for the same classification with no changes to the essential functions or pay of the classification.

"Review" shall mean the informal procedure which provides for the examination of an action taken by an Appointing Authority through an established process, procedure or by recommendation of staff.

"Robert's Rules of Order" shall mean the parliamentary procedure guide utilized by the Commission to conduct business.

"Salaried Position" shall mean a full-time position paid on a monthly salary basis authorized through a City ordinance.

"Seniority" shall mean the employee with longest standing within a classification or position.

"Service Time" shall mean the total period of time an employee is employed by the City of Glendale in a permanent full-time salaried position.

"Suspension" shall mean a disciplinary action whereby an employee is placed on an involuntary leave of absence with or without pay.

"Temporary Employee" shall mean any employee filling a temporary position, or temporarily filling a permanently authorized position.

"Temporary Positions" shall mean those positions which are only authorized for limited periods of time.

"Transfer" shall mean the process of moving a position(s) in the same class laterally intra or inter-departmentally or divisionally; or between classes possessing similar qualifications; or moving from one class to a lower classification; all as set forth by these Civil Service Rules and Regulations.

"Veteran" shall mean any person who has served in, and been discharged or released from, the armed services under conditions other than dishonorable; and:

- Who has served full-time for 30 days or more, either in the Armed Forces in time of war, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States; or
- Who has served during the period of September 16, 1940 through January 31, 1955; or
- Who has served at least 181 consecutive days since January 31, 1955.

"Waive" shall mean the process whereby employees or eligibles remove their names from availability for certification for a period of time or a specific certification.

“Withdrawal” shall mean the process whereby employees or eligibles request that their name be removed from an eligibility list.

RULE II – CLASSIFICATION

SECTION 1. CLASSIFICATION OF POSITIONS

All positions in the classified service shall be classified according to classification, occupational series and service (City Charter XXIV Section 2(1)).

SECTION 2. CLASSIFICATION PLAN

A classification plan shall be adopted by the Commission after public notice and hearing by an order entered in its minutes classifying all positions in the classified service according to the plan provided in Section 1 of this Rule. Such plan shall be kept on file in the Human Resources Department. Said plan may be amended by the Commission from time to time after public notice and hearing by an order entered in its minutes.

SECTION 3. CLASS SPECIFICATIONS

Specifications approved by the Commission for each type or kind of classification in the classified service shall be kept on file in Human Resources. Such specifications shall include, but are not limited to:

- A. **Title.** The title of the classification.
- B. **Definition.** The definition of the classification.
- C. **Essential Job Functions.** The statement of essential job functions within the classification.
- D. **Qualifications.** The qualifications for employment within the classification.
- E. **FLSA Designation.** The designation of “exempt” or “non-exempt” under the provisions of the Fair Labor Standards Act (FLSA).

SECTION 4. NEW POSITIONS

Whenever a new position is created, the Commission shall immediately determine the position's:

- A. **Classification.** Appropriate classification; and
- B. **Status.** Classified or unclassified status

RULE III – QUALIFICATION AND DISQUALIFICATION

SECTION 1. FILING OF APPLICATIONS

No person shall be admitted to an examination unless such person shall have completed and filed an application for said examination. Said application may be rejected by the Director of Human Resources on behalf of the Commission for cause, in accordance with these rules. Applications for an examination may be received only during the period listed in the published employment opportunity announcement.

SECTION 2. RESIDENCE REQUIREMENT

The Appointing Authority may require employees to live within a reasonable distance of City boundaries as permitted by law and implemented pursuant to Government Code 3500 as amended, et seq.

SECTION 3. AGE REQUIREMENT

The Commission may fix minimum and/or maximum age limits for any classification, provided that such requirements are bonafide occupational qualifications.

SECTION 4. OCCUPATIONAL MEDICAL STANDARDS

- A. **Establishing Standards.** The Commission shall establish from time to time, by resolution, occupational medical standards for City employment specifying the physical and/or mental demands of all classifications, provided that such standards are directly related to the essential job functions of each respective classification. These standards shall be adhered to through the application of medical examination(s).
- B. **Purpose.** The purpose of the medical examination is to detect and evaluate any physical, psychiatric, psychological, or pathological condition that prevents an employee from performing the essential job functions and demands of the classification.
- C. **Medical Examination.** The medical examination is part of the selection process. Every appointee is required to take and pass a medical examination, except as set forth in these rules. Candidates for promotion shall not be subject to a medical examination, unless they are being appointed to a more physically arduous classification, a sworn Police or Fire classification or a classification requiring the possession of a commercial driver's license. The examination will be free to the appointee and conducted by Employee Health Services. Employee Health Services must submit a written statement to the Director of Human Resources that the appointee meets or does not meet the occupational health standards for the classification.
- D. **Employee Medical Examination Reevaluation.**
 - 1. Whenever it is necessary to determine the physical and/or mental capacities of an employee to perform the essential job functions

satisfactorily, an Appointing Authority may require a medical examination reevaluation by Employee Health Services, a physician and/or psychologist approved by the Director of Human Resources.

2. Failure to submit to ordered examination shall constitute insubordination and be grounds for disciplinary action.

E. **Rehabilitation Transfer.** When a medical examination determines that an employee has become physically or mentally incapacitated from performing the essential job duties, with or without reasonable accommodation due to job-related illness or injury, the City Manager, with the concurrence of the employee, may temporarily or permanently transfer this employee to another classification which he or she is qualified to perform in order to accomplish employee rehabilitation as required by law.

F. **Medical Transfer.** When a medical examination determines that an employee has become physically or mentally incapacitated from performing the essential job duties, with or without reasonable accommodation, the Appointing Authority may, in accordance with law, with the approval of the City Manager, transfer this employee to a classification of the same or lower rank which he or she is qualified to perform or for which he or she may be expected to qualify for during the prescribed probationary period. The employee shall be given notice of the proposed transfer as required by law.

SECTION 5. QUALIFICATIONS

A. **Establishing Qualifications.** The Commission shall establish job-related qualifications for classifications and require that applicants possess these qualifications. Applicants failing to possess these qualifications may be excluded from the examination and selection process.

These qualifications include, but are not limited to:

1. Skill, knowledge, and abilities;
2. Experience, education, and/or training;
3. Licenses or certificates of competency.

Such qualifications shall be stated in the published employment opportunity announcement.

B. **Limiting Competition.** Should the Commission find that experience in a given classification or department is an essential job-related requirement, it may limit competition to applicants who possess such requirements.

C. **Competition Suspended.** Competition may be suspended for a position under the provisions of Article XXIV, Section 5 (1) and (2) of the Charter.

SECTION 6. DISQUALIFICATIONS

A. Disqualifications Before Appointment.

1. Applicants may be refused entrance to an examination;
2. Eligibles may not be certified for an employment eligibility list;
3. Eligibles may be removed from an employment eligible list.

B. Disqualification After Appointment. Employees may be removed from a position after appointment in accordance with provisions set forth in these rules.

C. Grounds for Disqualifications. The following grounds are reasons for disqualifications.

1. Failed to meet the established requirements for the classification; or failed to be among the most highly qualified candidates for consideration.
2. Failed to meet the occupational medical standards for the classification.
3. Is under the influence, intoxicated or has tested positive for alcohol, illicit drugs, or controlled substances (without valid prescription) at or above the legal presumption for DUI. Illicit drugs include those falling within the City's drug testing panel, which include marijuana, cocaine, phencyclidine, heroin and methamphetamine.
4. A determination has been made that the candidate cannot meet the essential functions of the classification for which he or she has applied, with or without accommodation.
5. Been convicted of a criminal offense involving moral turpitude (the word "convicted" shall be construed to mean convicted in any manner referred to in Section 689 of the Penal Code of the State of California).
6. Been convicted of immoral, infamous, or disgraceful conduct;
7. Been dismissed for good cause from the public service or any prior employer for any reason which would be related to the classification for which employment is sought; including resignation from employment during a disciplinary action or the investigation thereof.
8. Used or attempted to use any personal or political influence to further his or her eligibility of appointment or promotion;
9. Made a false statement to the Commission or Appointing Authority of any material fact; or
10. Practiced or attempted to practice any deception or fraud in his or her application or examination, including cheating on an examination, or in securing eligibility or appointment or promotion.

11. Failed to meet background investigation standards established for the classification or position for which he or she has applied.

The foregoing shall not prevent the Appointing Authority or Director of Human Resources from taking action for other good cause.

SECTION 7. APPEAL OF DISQUALIFICATION

An applicant or eligible who has been disqualified may submit to the Commission a written appeal, requesting a review of the disqualification, with a statement of the case involved. Such applicant or eligible shall be entitled to appear before the Commission to present his or her case. The appeal shall be submitted to the Director of Human Resources within five (5) working days after being notified of disqualification (City Charter Article XXIV, Section 9). The Commission shall review and consider the appeal and render a final decision on the matter within thirty (30) working days after the conclusion of the hearing.

SECTION 8. REVIEW OF DISQUALIFICATION - OCCUPATIONAL MEDICAL STANDARDS

- A. **Review Request.** If an eligible is disqualified from an appointment to a position for failing to meet the position's occupational medical standards, he or she may file a written request through the Director of Human Resources for a review of his or her disqualification. The request shall be submitted to the Director of Human Resources within five (5) working days after he or she is notified of the disqualification.
- B. **Eligible's - Medical Examination.** The eligible shall then obtain at his or her own expense an independent medical examination report on the area(s) in which he or she was disqualified.
- C. **Medical Examination Procedures.** The eligible must go through the same type of examination as specified in the occupational medical standards and as approved by Employee Health Services. This would include the examination by any specialist as specified in the standards.
- D. **Eligible's Medical Report.** The report shall then be submitted to Employee Health Services for review. The report shall also certify that the eligible's medical examiner has:
 1. Read the job specifications for the specific classification;
 2. Read the Commission's occupational medical standards pertaining to the classification;
 3. Found that the eligible meets such occupational medical standards; and
 4. Found that the eligible's physical and/or mental condition will not prevent the individual from successfully performing the essential job functions of the classification.

- E. **Review of Medical Report.** Employee Health Services shall review the submitted report and shall then determine whether or not the eligible meets the occupational medical standards. If Employee Health Services, after reviewing the report, withdraws the disqualification, the eligible shall be restored to the eligible list and be reimbursed reasonable and customary medical expenses associated with the medical exam as provided in Section 8-B.

SECTION 9. APPEAL OF DISQUALIFICATIONS - OCCUPATIONAL MEDICAL STANDARDS

- A. **Appeal.** If the disqualification is upheld by Employee Health Services, then the eligible may appeal to the Commission by submitting written notification to the Director of Human Resources within five (5) working days of the notification of final disqualification.
- B. **Review.** The Commission shall then either:
1. Reject the appeal and deny further consideration; or
 2. Request the Director of Human Resources to appoint an additional medical examiner who is a specialist in the field in which the problem or medical question center, to make further examination at City expense. The examination and report shall be conducted in the same manner as set forth in Section 8 of this Rule.
- C. **Determination.** After receiving the third medical examination report, the Commission shall either restore the Appellant to the eligible list or reject him or her from the eligible list.

SECTION 10. APPLICATIONS PROCEDURE

Applications, whether accepted or rejected, shall remain on file and shall not be returned. Defects or omissions in an application on file may be corrected or supplied only with the permission of the Director of Human Resources or the Commission and must be uniformly applied to all applicants. The date of the receipt of each application shall be recorded. The names of applicants shall not be disclosed to the public without the express permission of the Commission. Upon request of the applicant, the applicant or his or her authorized representative shall be shown his or her application.

RULE IV – EXAMINATIONS AND ELIGIBLE LISTS

SECTION 1. CALL FOR EXAMINATIONS

The Director of Human Resources shall call for examinations through Employment Opportunity Announcements to fill vacancies in the classified service by providing employment eligibility lists.

SECTION 2. EMPLOYMENT OPPORTUNITY ANNOUNCEMENTS

The employment opportunity announcements shall be written from and shall include but are not limited to the following:

- A. **Title/Rate of Pay.** The title and the approximate rate of pay for the position to be filled;
- B. **Probation Period.** The length of the probationary period;
- C. **Open/Promotional.** Statement as to whether examination is open and/or promotional;
- D. **Filing Period.** The period of time during which applications may be filed;
- E. **Essential Job Functions.** Description of essential job functions and responsibilities;
- F. **Examination.** The types and anticipated weights of examination; any modifications of posted examination weights will be communicated to applicants prior to administration of first examination;
- G. **Qualifications.** All necessary qualifications to be eligible for examination; and
- H. **Other Requirements.** Other job related requirements.

SECTION 3. APPROVAL OF EMPLOYMENT OPPORTUNITY ANNOUNCEMENTS

- A. **Promotional Announcements.** Employment opportunity announcements which are consistent with their approved class specification on file in Human Resources, and which are promotional, shall be deemed prior approved by the Commission for the purposes of recruitment and selection.
- B. **Open Entry-Level Announcements.** Employment opportunity announcements which are consistent with their approved class specification on file in Human Resources, and which are for open, entry level classifications, shall be deemed prior approved by the Commission for the purposes of recruitment and selection.
- C. **Pre-Authorized Open Announcements.** When it is in the best interest of the City, the Commission may pre-authorize appropriate class specifications to be recruited for in an open manner when their existing eligibility lists expire. Employment opportunity announcements for any Executive classification/position

and all sworn Police and Fire promotional classification/position, as well as any other specified classifications/position as directed by the Commission, must be approved by the Commission prior to their publication and distribution. All other classifications/positions shall be deemed prior approved as open processes by the Commission.

- D. **Announcements Requiring Separate Approval.** Employment opportunity announcements which modify the minimum requirements of their approved class specifications on file in Human Resources, shall require the approval of the Commission.
- E. **Hourly Conversion Examinations.** Employment opportunity announcements for restricted competition promotional hourly conversion examinations shall require Commission approval when conducted for non-entry level classifications.

SECTION 4. PUBLIC NOTICE OF EXAMINATIONS

Public notice of the examination shall be given at least seven (7) working days prior to the date of the examination.

SECTION 5. NOTIFICATION TO APPLICANT

Applicant notification of examination shall be made by U.S. mail, e-mail or personal service stating the date, hour, and place of examination. Mailings of other notices(s) shall be made or given not less than five (5) calendar days before the date established for the examination.

SECTION 6. COMPETITION

All examinations for positions in the classified service, except as otherwise provided by the Charter or these rules, shall be public, competitive, free and based on merit, and open to qualified or the most qualified candidates who have filed applications and who have not been disqualified for cause.

SECTION 7. EXAMINATION ADMINISTRATION

All examinations shall be administered under the direction of the Director of Human Resources and shall be subject to the control of the Commission. The Director of Human Resources may:

- A. **Extend/Cancel Announcement.** Extend the filing period or cancel the employment opportunity announcement; and
- B. **Postpone or Cancel Exam.** Postpone or cancel any examination before or after it has been given.

SECTION 8. EQUAL EMPLOYMENT OPPORTUNITY IN EXAMINATIONS

The examination process shall ensure equal employment opportunity without regard to race, color, sex, sexual orientation, age, religion, political affiliation, handicap status, pregnancy or any protected category under the law. Examinations shall be job related. Unless such status or condition constitutes a bona fide occupational qualification for the specific classification for which a candidate is being considered, no questions in any examination shall relate to the

candidates' race, color, sex, sexual orientation, age, religion, political affiliation, handicap status, pregnancy or any protected category under the law.

SECTION 9. ORAL EXAMINATION RECORD

A stenographic report or sound recording of all oral examinations shall be made in accordance with the provisions of Rule XI (City Charter XXIV Section 4).

SECTION 10. GRADING OF EXAMINATIONS

- A. Composition of Examination.** Examinations may include but are not limited to: an evaluation process of the application, a supplemental application, a written examination, an oral board examination, a performance examination, an assessment center, or a combination of any or all of these.

1. Oral Board Examinations

- a. When utilized for a given examination, oral board examinations (which may include professional, internal or community panels), shall be administered in a fair, objective and unbiased manner. Structured job-related interview questions and scoring methods are developed by Human Resources for the interview process.
- b. Human Resources shall select members of the oral board examination panel on the basis of their knowledge, experience and overall background relating to the subject matter of the exam. Oral board panelists shall complete a conflict of interest questionnaire prior to the administration of the exam to ensure that neither biases, the appearance of bias, nor conflicts exist.
- c. If an in-house oral board examination panelist is selected, he or she shall not be involved in the final hiring decision following certification of the top three ranks. Whenever possible, in-house oral board panelists will not be utilized for promotional examinations, unless a promotability panel or internal panel is used.

- B. Weights of Examinations.** Each examination component shall be given a weight in relation to the total value in ascertaining the fitness of the applicant. Each examination component shall be graded and weighted. An applicant who fails to attain the minimum raw score (converted to 70%) on any examination component shall be considered disqualified in the entire selection process.

- C. Placement on Eligible List.** Candidates will be placed on the eligible list in rank order as determined by the examination or the combination of various sub-examinations according to their weight or will be placed on eligible lists based solely on rank order.

SECTION 11. SUPPLEMENTAL EXAMINATION CREDITS

Additional credit is allowed as follows:

A. Veteran's Credit Preference – Open Examination.

1. Veteran's Credit preference is given for entrance level classifications. This preference shall be awarded in accordance with the definition of terms ("Disabled Veteran", "Veteran"), in Rule I, Section 2 of these rules. Also, the exclusions outlined below and the guidelines that follow shall apply in awarding such preference:
 - a. Persons who have served full time for 30 days or more, either in the Armed Forces in time of war and who have been discharged or released under conditions other than dishonorable; or persons who have served in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States and who have been discharged or released under conditions other than dishonorable; or
 - b. Persons who have served during the period of September 16, 1940, to January 31, 1955 and who have been discharged or released under conditions other than dishonorable; or
 - c. Persons who have served at least 181 consecutive days since January 31, 1955 and who have been discharged or released under conditions other than dishonorable.
2. The following exclusions apply to the above guidelines:
 - a. Persons who served only in auxiliary (e.g., National Guard) or reserve components of the armed forces whose service therein did not exempt them from the operation of the Selective Training and Service Act of 1940.
3. To claim preference, proof of military service (DD214 or equivalent) must be submitted by the final filing date of application.

B. Eligibility for Veteran's Credits.

1. Percentage of credits shall be provided to veterans for a period of ten years from the date of discharge from active military duty and/or availability for work.
2. Eligibility shall be extended for periods in which individuals are enrolled full-time in school or hospitalized for service-connected disabilities (GMC Chapter 4, Article 1, SS4-1.1).

- ### **C. Requirements.** Persons who receive a passing grade in an examination for an entrance level classification shall be entitled to additional percentage credits of their examination scores as follows:

1. Disabled veterans - 10 percent
2. All other veterans - 5 percent
3. The unmarried widow or widower of a veteran - 5 percent
4. The spouse of a disabled veteran if the veteran is permanently unable to engage in any remunerative occupation because of such disability - 10 percent.

SECTION 12. NOTICE OF RESULT OF EXAMINATIONS

As soon as the rating of an examination has been completed and the eligible list established, each candidate shall be notified by U.S. mail or e-mail of the result of his/her examination, if applicable, and, if successful, of his/her general average percentage score, and his/her relative position on the eligible list, except in merged lists.

SECTION 13. REVIEW, APPEAL AND RESCORING

A. Written Examination.

1. The following is the procedure to be followed regarding review on written examinations:
 - a. Candidates shall have the opportunity to request a review of the examination questions;
 - b. Review must take place by the end of the next working day after completion of the written examination.
 - c. Candidates alleging that examination questions are misleading, discriminate against the individual candidate specifically or not job-related shall, by the end of the third (3rd) working day after the completion of the written examination, file an examination appeal on forms provided for this purpose by Human Resources.
 - d. Standardized examinations are excluded from this process and not subject to review.
2. If the candidate demonstrates to the satisfaction of the Director of Human Resources that the item in question is misleading, discriminates against the individual specifically or is not job-related, the Director of Human Resources may eliminate the question or make such modification in the examination as deemed justified.
3. The Director of Human Resources shall have the option to appoint a review board of qualified experts to study and make findings. These findings shall be submitted to the Director of Human Resources and shall include recommendations to eliminate, modify, or uphold the appealed portion of the examination.

4. If the Director of Human Resources appoints a Review Board of Qualified Experts to review any question which a candidate believes is misleading, discriminates against the individual candidate specifically or is not job-related, and if the Director of Human Resources concurs with the Board's findings, the decision of the Director of Human Resources shall be final, subject to the appeal rights set forth in #5 below.
 5. A candidate aggrieved by the decision of the Director of Human Resources on a written examination may appeal said decision to the Commission by filing a written notice specifying the item or items in question and the reasons therefore within three (3) working days from the date of the decision given by the Director of Human Resources. This decision may be in oral or in writing.
- B. Rescoring the Written Examination.** Should a candidate demonstrate to the satisfaction of the Director of Human Resources that there has been an error in scoring, the candidates' test paper shall be re-scored.
- C. Other Examinations.** Appeals - Nothing in this section shall preclude a candidate from bringing to the attention of the Director of Human Resources any appeal regarding the alleged lack of job relatedness or unfairness of any other examination. Such appeal shall be made in writing by the end of the third (3rd) working day after the completion of the examination.
- D. Extension of Review and Appeal.** The Director of Human Resources shall have the right to extend any review and appeal period for cause.

SECTION 14. DETERMINATION FOR ENTRANCE LEVEL CLASSIFICATIONS

Entrance level classifications shall be determined and defined by resolution of the Commission.

SECTION 15. DATE OF PROMULGATION OF ELIGIBLE LIST

An eligible list shall be in effect from the date upon which the eligible list is established, which date shall be known as the date of promulgation.

SECTION 16. ELIGIBLE LISTS CREATED

- A. Approval of Eligible Lists.** The Director of Human Resources, as authorized by the Commission, shall approve an eligible list for each classification for which an examination has been held. The names of successful candidates shall be entered in the eligible list in the order of their standing in the examination (City Charter XXIV, Section 2(4)).
- B. Notification of Address or Phone Number Change – Eligible List.** It shall be the responsibility of the candidates whose names are placed on an eligible list to notify Human Resources of any change of address or phone number while their names remain on such list. Failure to provide required information may result in the candidates' name(s) being dropped from the eligible list.

SECTION 17. DURATION OF ELIGIBLE LISTS

Eligible lists shall remain in force not longer than two years nor less than one year, provided that the Commission may cancel any open list established from an examination which contains the names of not more than three persons whose names have been submitted for appointment and who have not been appointed (City Charter Article XXIV, Section 2).

SECTION 18. REMOVAL OF NAME

The Director of Human Resources may remove any candidates from any examination or the name of any person whose name appears on any eligible list for any reason declared for disqualification as set forth in Rule III, Section 6. Those disqualified may appeal removal as set forth in Rule III, Section 7.

SECTION 19. CONTINUOUS EXAMINING PROGRAM

- A. **Ordering Examination/Merged Eligible Lists.** The Director of Human Resources may order a continuous examining program to establish an eligible list or merge to an existing eligible list for any class of positions.
- B. **Frequency of Examination.** Applications are to be received and examinations administered in accordance with the needs of the City.
- C. **Ranking of Eligible List.** The names of qualified eligibles shall be ranked on the eligible list in order of their final grade without reference to the date of the examination.
- D. **Certification or Removal of Names.** The certification or removal of eligibles' name shall be in the same manner as for any other eligible list.
- E. **Frequency of Taking Examination.** Under a continuous examining program a candidate may take the examination no more frequently than stated on the employment opportunity announcement.
- F. **Final Grade Determines Ranking.** If a candidate takes the examination a subsequent time, his/her most recent final grade shall determine his/her ranking on the eligible list.
- G. **Continuous Filing/Date of Promulgation.** The list will be deemed to be promulgated immediately after scoring of the first administration of the first examination, subject to review by the Commission at any time.

RULE V – REQUISITION, CERTIFICATION AND APPOINTMENT

SECTION 1. REQUISITIONS

When a classified position is to be filled, the Department with the vacant position shall submit a completed requisition form containing all required information to the Director of Human Resources. Human Resources shall supply requisition forms.

SECTION 2. CERTIFICATION

- A. List Utilization.** Upon receipt of a requisition for certification of eligibles, the Director of Human Resources shall certify eligible names in the following manner: 1) The single highest standing name on the lay-off list, or if none exists, 2) The three highest standing names on the appropriate eligible lists.
- B. Order of List Utilization.** Eligible lists will be utilized in the following sequence: 1) Lay-off list, or if none exists, 2) promotional list, 3) reinstatement list, 4) then open list. If no appropriate lay-off list exists, the Director of Human Resources may utilize enough appropriate lists to certify at least three names. The Appointing Authority may request certification from the reinstatement list at any time following lay-off list utilization. It may be granted upon approval by the commission.
- C. Certification - Tie Breaking Procedures.** When two or more candidates have achieved the same final average score, preference on a certification from an eligible list shall be established by the following order:
1. The most heavily weighted exam component
 2. If exam components are equally weighted, the equally weighted exam components will be utilized in the following order: a) oral; b) performance; c) written
 3. Attainment of highest score in “Overall Likelihood of Success” dimension in the applicable exam component
 4. The highest score of any other exam component administered, including non-weighted exam components
 5. Service time
 6. Seniority
 7. Date of application
- D. Multiple Vacancies Under One Appointing Authority.** If two or more vacant positions of the same class exist under one Appointing Authority, and no appropriate lay-off list exists, three names for the first vacancy and one additional name for each additional vacancy may be certified to the Appointing Authority.

- E. Multiple Vacancies Under Different Appointing Authorities.** If two or more vacant positions utilizing the same eligible list exist under different Appointing Authorities, the Director of Human Resources may simultaneously certify those eligible for appointment to each Appointing Authority. Each time an Appointing Authority makes an appointment, the remaining Appointing Authorities will have an additional name certified to them.
- F. Absence of Specific Classification Eligible List.**
1. When no eligible list exists for the specific classification for which there is a vacancy, certification may be made from the most appropriate list which, in the judgment of the Director of Human Resources, best serves the interests of the City and provides qualified candidates who must meet the minimum qualifications of the vacant position, subject to appeal to the Commission.
 2. Certification to a different classification vacancy shall not count against a candidate's three appointment opportunities from their original list.
 3. Acceptance or refusal of appointment to such a position shall not impact a candidate's opportunities to be certified from their original eligible list.
- G. No Eligible List - Certification of Temporary.** When no certification can be made for a vacancy, the Appointing Authority may recommend the name of a qualified candidate who meets the minimum qualifications of the position for temporary appointment. If the Director of Human Resources approves, the temporary appointment may be made.
- H. Certification of Less than Three Names.**
1. When no lay-off list exists, and less than three names are available from appropriate eligible lists, the Director of Human Resources may offer the available names to the Appointing Authority for review. If, after review, the Appointing Authority so chooses, they may accept the available names as a valid certification.
 2. The review of two or less available names does not deny the Appointing Authority the right to a full three-name certification.
- I. Three Certifications Without Appointment.** Any eligible who has had three certifications and not been appointed shall have his/her name dropped to the end of the eligible list (City Charter XXIV, Section 2).

SECTION 3. NOTIFICATION OF APPOINTMENT OPPORTUNITY

- A. Written Notification.** The Director of Human Resources will attempt to notify the certified eligibles every time that their name is made available to an Appointing Authority. Such notice shall contain the title of the position and inform the candidate that they shall appear if required for interview at the convenience of the Appointing Authority. Appointing Authorities may re-interview previously certified not appointed candidates, but more than one interview is not required.

- B. **Failure to Respond.** Failure to respond to any notification or reasonable attempts to be contacted by Appointing Authority will cause a name to be removed from the lists on which it is found. If a satisfactory reason for non-response is provided by a candidate, the Director of Human Resources may reinstate the name to its status on the existing list.

SECTION 4. SURVEY OF LIST AVAILABILITY

The Director of Human Resources may provide notice to the names on any list to discover if eligibles are still interested in appointment and/or have kept their correct contact information on file with the Commission. Names that no longer express interest in appointment or that cannot be reached may be removed from lists by the Director of Human Resources.

SECTION 5. WAIVERS AND REQUESTS FOR REMOVAL OF NAME

- A. **Waiver.** An eligible may file a request for waiver of certification with the Director of Human Resources. If approved by the Director of Human Resources, the name of such eligible shall not be certified after notification of waiver request until the eligible files a written withdrawal of the waiver.
- B. **Request for Removal (Withdrawal).** Upon an eligible's written request, their name shall be removed from an eligible list.

SECTION 6. OBJECTION TO AND SUBSTITUTION OF CANDIDATES

- A. **Objection of Certification.** If the Appointing Authority objects to any person certified to them, they may submit a written statement containing specific reasons to the Director of Human Resources who will sustain or overrule the objection. Causes for objection include, but are not limited to, those grounds for disqualification contained in Rule III. Any reasonable job or business related cause may be considered.
- B. **Appeal.** If the Director of Human Resources sustains the objection, the affected candidate may appeal to the Commission.
- C. **Replacement of Certified Candidate.** If the candidate does not appeal to the Commission within the time allowed in Rule III, or if the Commission sustains the objection, the next highest name on the eligible list shall be certified and notice of withdrawal of certification shall be sent to the person against whom the objection was sustained.

SECTION 7. REPEAL OF CERTIFICATION

The Director of Human Resources may repeal or cancel an existing certification from an Appointing Authority who has held a certification for at least ten (10) working days without making an appointment so that another Appointing Authority can move ahead with making an appointment off of that particular eligibility list. Extensions of time may be granted by the Director of Human Resources.

SECTION 8. LAY-OFF APPOINTMENTS

If certification is made from a lay-off list, the person certified shall be appointed unless they have been disqualified pursuant to Rule III.

SECTION 9. TEMPORARY EMPLOYMENT

- A. Certification for Temporary Salaried Positions.** When a salaried temporary position is to be filled, any qualified candidates may be certified for appointment, provided that, where an eligible list exists, only those eligibles who would be certified for a regular appointment, may fill a temporary position. However, if these eligibles reject temporary position other qualified candidates may be approved.
- B. Temporary Appointments.**
1. When a temporary appointment is made to a permanent classified position because no eligibles can be certified, the temporary appointment may continue until a qualified eligible is appointed from an appropriate list.
 2. Temporary appointees may fill permanent classified positions for up to six (6) months, unless extension is granted by the Commission for leave of absence(s) or emergency.
 3. Notwithstanding any other provision of these rules no temporary salaried appointment shall be used for more than thirty (30) days after the establishment of eligible list for the position unless such appointment is extended by the commission.
- C. Emergency Appointments.**
1. When an appointment is necessary because of an emergency to protect life or property, to maintain the provision of public services, or to meet extraordinary exigencies an Appointing Authority may make emergency appointments without certification for a period of thirty (30) working days.
 2. When such an appointment is made, it shall be the duty of the Appointing Authority to notify the Commission of the name of the appointee, the title or nature of the position, and the rate of pay agreed to as soon as is feasible.
 3. The Director of Human Resources may extend an emergency appointment at the request of the Appointing Authority, as long as the emergency conditions continue to exist.

SECTION 10. SUSPENSION OF COMPETITION

A. Recognized Attainment.

In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the Commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefore, in the annual report of the Commission

(City Charter, Article XXIV, Section 5(1)).

B. Designated Positions.

In case of a vacancy in the position of City Controller, City Attorney or his assistants or deputies, Director of Public Works, Superintendent of Buildings, City Engineer, Street Superintendent, Head or Chief Librarian, or in an office created by ordinance, and upon the filing with the Commission of a written statement by the Appointing Agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended (City Charter Article XXIV, Section 5 (2)).

RULE VI – PROBATIONARY PERIODS

SECTION 1. FINAL STEP IN SELECTION PROCESS

The probationary period serves as the final step in the selection process of an employee.

SECTION 2. LENGTH OF PROBATIONARY PERIOD

- A. **Six-Month Probationary Periods.** All classifications will normally have six (6) service month probationary periods as designated by the Commission.
- B. **Twelve-Month Probationary Periods.** The Commission shall designate by resolution any classifications not having a six (6) service month probationary period, as having a twelve (12) month probationary period.
- C. **Modification of Probationary Periods.** No classification shall have the length of its probationary period modified except by resolution of the Commission after public hearing, except as otherwise provided by these rules.
- D. **Probationary Period Extension by Leave of Absence.** Upon request by the Appointing Authority and approval by the Director of Human Resources, the probationary period of an employee may be extended by the length of any leave of absence taken during the period. No action is required by the Commission for such extensions.
- E. **Probationary Period Extension due to placement on modified duty.** Upon request by the Appointing Authority and approval by the Director of Human Resources, the probationary period of an employee may be extended by the length of time the probationary employee is placed in a temporary modified duty assignment, due to the imposition of work restrictions in which the employee is not performing the essential functions of the position. No action is required by the Commission for such extensions.
- F. **Requested Extension of Probationary Period.**
 - 1. An Appointing Authority may request that an employees' probationary period be extended by filing a written request with the Director of Human Resources, explaining the reasons for extension prior to the expiration of the probationary period.
 - 2. The Director of Human Resources shall respond to such request by either denying or approving extension and sending written notice of such to the affected employee.
 - 3. The Appointing Authority may appeal the decision of the Director of Human Resources to the Commission in order to extend an employee's probationary period.
 - 4. Notwithstanding the above provisions, probationary periods

cannot be extended beyond a twelve (12) month duration, unless due to a leave of absence or placement on modified duty.

- G. **Early Completion of Probationary Period.** The Appointing Authority may approve the successful completion of an employee probationary period prior to serving the full term prescribed for employee's classification if the employee has met all the standards for the position and is approved for early completion of probationary period by both Appointing Authority and City Manager.

SECTION 3. REAPPOINTED EMPLOYEE - PROBATIONARY PERIOD STATUS

- A. Any probationary employee who is reappointed from a lay-off list to their original classification and department, may receive credit for all service time and be subject only to the remaining balance of the probationary period of the position they are appointed to.
- B. Any probationary employee who is re-appointed from a lay-off list to a new classification or new department shall be subject to a new probationary period.
- C. Any employee reappointed from a lay-off list after having passed probation, shall not be subject to a new probationary period for that same classification.
- D. Any employee who is reappointed from a reinstatement list to a new department shall be subject to a new probationary period.

SECTION 4. PROBATIONARY EMPLOYEE – UNSATISFACTORY PERFORMANCE

- A. A probationary employee whose job performance fails to meet standards may be removed by the Appointing Authority at any time during the probationary period without right to a hearing or appeal, except as provided by law.
- B. A probationary employee who is to be removed shall be served with a written order of their removal either personally or by mail, and a copy of said order shall be filed with Human Resources.

SECTION 5. PROBATIONARY EMPLOYEE - PROMOTIONAL OPPORTUNITIES

The Director of Human Resources may allow a qualified probationary employee, after six (6) months of employment, to apply and compete for promotional positions.

RULE VII – EMPLOYEE JOB PERFORMANCE RECORDS

SECTION 1. EMPLOYEE JOB PERFORMANCE EVALUATIONS

Each department head shall make or cause to be made job performance evaluations to monitor the efficiency, conduct and character of all their employees on forms provided by Human Resources. The purpose of these evaluations is to measure the employee's performance to their assigned job related duties.

SECTION 2. REPORTING PERIODS

All job performance evaluation reports shall be prepared within reporting periods established by the Director of Human Resources. All reports must be filed with Human Resources not later than thirty (30) calendar days after the close of each employee's respective reporting period.

SECTION 3. REVIEWING REPORT WITH EMPLOYEE

- A. Evaluation Review.** Each department head should, unless mitigating circumstances prevent this from occurring, have the rater of the employee's job performance serve and review the evaluation with the affected employee.
- B. Employee Opportunity to Sign Report.**
 - 1. Each employee shall be offered the opportunity to sign the report, stating they have read the report.
 - 2. After reviewing the report, the employee may sign the report or may request an additional three (3) working days, in writing (or any other mutually agreed time), to further review the evaluation and/or submit comments, and sign the report.
 - 3. If the employee refuses to sign the report within three (3) working days of receipt of report (or any mutually agreed time), the rater should then write, stating: "Employee was served and read report, but refused to sign".
- C. Employee Comments.** Employee may attach comments to the original report within three (3) working days from receipt of report or any other mutually agreed upon time.

SECTION 4. RECORD – PART OF EMPLOYEE'S PERSONNEL RECORD

Copies of the employee's job performance evaluations are to be kept in the employee's personnel file in Human Resources, with copies given to the employee's department and employee for their records.

SECTION 5. SPECIAL JOB PERFORMANCE REPORTS

To further monitor employee efficiency, character, and conduct, department heads may issue additional special job performance evaluations for their employees.

SECTION 6. USE OF JOB PERFORMANCE REPORTS

Job performance reports may serve as reference documents, related to but not limited to, such personnel action as promotions, transfers, and disciplinary actions. Employees may at any time examine their own job performance reports.

RULE VIII – PROMOTION

SECTION 1. PROMOTIONS BASED ON EXAMINATION

Unless the Commission finds that it would not be consistent with the best interests of the City, a vacancy in any position in the classified service, except a position in the lowest grade in any class and except one for which competition has been suspended as provided in Article XXIV of the Charter, shall be filled by promotion based on competitive examination and available records of efficiency, character, conduct, and seniority (City Charter Article XXIV, Section 2(10); see also Rule IV, Section 3 (C)). Promotional eligible lists shall be created and promotional appointments made from these lists.

SECTION 2. DETERMINATION – TYPE OF EXAMINATION

Whenever an examination is to be held to establish an eligible list for any position, the Commission shall determine whether such examination shall be open, promotional, or both. If an examination, both promotional and open is held, the eligible list resulting from the open examination shall not be used when there are three persons eligible on the appropriate promotional list who are willing to accept appointment.

SECTION 3. CERTIFICATION FROM OTHER ELIGIBLE LIST

When there are fewer than three such persons eligible on the promotional list, as many additional names shall be certified from an appropriate eligible list as are required to make a total of three names certified, and the Appointing Authority may appoint any one of the three. When experience in a given department is required by the Commission as essential to the proper performance of the duties of the position to be filled, the Commission may limit promotional competition to applicants who qualify under such experience requirement.

SECTION 4. ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

Promotional examinations shall be open only to those persons who:

- A. **Minimum Qualifications.** Meet the minimum qualifications on the employment opportunity announcement for the position to be filled; and
- B. **Permanent Full-Time Position.** Have received a certification of appointment to a permanent full-time position in the classified service; and
- C. **Completed Probationary Period.** Have been employed in a position in the classified service and completed the appropriate probationary period; or six (6) months of employment; and
- D. **Service Time.** Have served without a break in employment, for six (6) months immediately preceding the final filing date. This section does not apply to employees who otherwise meet the qualifications and who have been reinstated after resignation (City Charter, Article XXIV Section 2(10)).
- E. **Hourly Position.** Hourly City employees may be considered for promotional eligibility provided that they furnish proof to the Director of Human Resources of continuous employment immediately preceding the final filing date which would equal a minimum of six (6) months of full-time service or 1040 part-time hours, except as provided in these rules. Hourly employees in the classification of Fire Cadet, Police Cadet or Reserve Police Officer may be eligible for promotional examinations following the completion of 600 hours and six (6) months of part-time work and/or volunteer service.
- F. **Temporary Unclassified Salaried Positions.** Positions which are only authorized for limited periods shall be deemed to be temporary unclassified salaried positions. If it is in the best interests of the City and approved by the Director of Human Resources, classified promotional exams may be open to unclassified salaried employees who have worked six months at the City, meet the minimal qualifications of the position, and whose unclassified salaried position is determined to be appropriate for promotional purposes by the Director.
- G. **Eligibility Deadline.** All conditions for eligibility must be satisfied no later than thirty (30) days after the final date of filing.

RULE IX – TRANSFERS

SECTION 1. TYPES OF TRANSFERS AUTHORIZED

The following are the types of transfers that may be authorized:

- A. **Intra-Departmental Lateral Transfer.** Between positions carrying the same descriptive title and the transfer occurs within the same department.
- B. **Inter-Departmental Lateral Transfer.** Between positions carrying the same descriptive title and the transfer occurs from one department to another department.
- C. **Similar Qualification Transfer.** Between classifications possessing similar qualifications.
- D. **Lower Classification Transfer.** From one classification to a lower classification which could qualify for promotional purposes to the former classification.
- E. **Rehabilitation and Medical Transfers.** As set forth in Rule III.

SECTION 2. TRANSFER REQUESTS AND APPROVAL

Transfer requests and approvals shall be made as follows:

- A. **Intra-Departmental Lateral Transfer.** May be granted upon:
 - 1. Notification to affected employee(s).
 - 2. Approval of the department head.
- B. **Inter-Departmental Lateral Transfer.** May be granted upon:
 - 1. Written request of the employee(s) involved in the transfer.
 - 2. Written approval from all department heads involved in the transfer and the City Manager.
 - 3. Written determination of the Director of Human Resources.
- C. **Similar Qualification Transfer and Lower Qualification Transfer.** May be granted upon:
 - 1. Written request of the employee(s) involved in the transfer.
 - 2. Determination by the Director of Human Resources that;
 - a. The classification in which the transfer is being considered possesses similar qualifications that the employee's current classification possesses; and

- b. The employee is capable of performing the duties and responsibilities of the classification to which they are being transferred.
 - c. Any employee requesting a Similar Qualification Transfer may not transfer to a position which is more than 1% above the top salary step of the position from which they request the transfer.
 - d. If the employee considered for transfer is on probation, that no more than one transfer be permitted following the initial appointment.
- 3. Written approval from all department heads involved in the transfer and the City Manager;
 - 4. Written notification to the employee that if approved the prescribed probationary period for their new classification must be successfully completed.
 - 5. If the employee so chooses, he or she may seek confirmation of a Lower Qualification Transfer by the Civil Service Commission.

SECTION 3. TRANSFER AUTHORITY OF CITY MANAGER

Nothing contained in these rules shall be construed as limiting or restricting the authority of the City Manager to temporarily transfer and assign employees from an office or department of the City to any other office or department pursuant to Article XXIII, Section 1 of the Charter, provided that notice in writing of such transfer assignment shall be immediately filed in Human Resources. No such assignment shall continue longer than sixty (60) days (City Charter, Article XXIII, Section 1).

RULE X – DISCIPLINARY ACTIONS, APPEALS, AND HEARINGS

SECTION 1. REMOVALS, SUSPENSIONS WITHOUT PAY, AND REDUCTIONS

- A. **Authority.** All removals, suspensions without pay, and reductions in classification of employees, except suspensions with pay pending investigations, shall be made in accordance with and under the provisions of Article XXIV, Section 9 of the Charter.
- B. **Disciplinary Actions.** Disciplinary actions shall include, but are not limited to, removal, suspensions without pay, suspensions with pay pending investigation, mandatory drug or alcohol rehabilitation, Mandatory Employee Assistance Counseling and temporary or permanent reductions in classification or pay.

SECTION 2. MAXIMUM PERIOD OF SUSPENSION WITHOUT PAY

A suspension without pay shall be for a period not to exceed ninety (90) working days (City Charter, Article XXIV, Section 2).

SECTION 3. ORDERED LEAVES OF ABSENCE – WITH PAY

- A. **Ordered Leave – Up to Ninety Days.** A department head may order an employee(s) to take a leave of absence with pay for up to ninety (90) calendar days under the following circumstances:
1. When an employee(s) is under investigation by the City for accusations made against them or on proposed disciplinary action and in the judgment of the department head that the continuance in the workplace by the affected employee(s) would obstruct an investigation or is a threat to other City employees or to the general public's safety and welfare.
 2. When an employee is charged or indicted for a criminal offense but has not yet been convicted or found not guilty and until a disposition of their criminal charge is obtained.
 3. When an employee is involuntarily separated from employment, when in the judgment of the department head the continued presence would harm the efficient operation of the department.
 4. When an employee has been ordered or is awaiting findings from an ordered medical/psychological evaluation to determine fitness for work.
- B. **Extension of Ordered Leave.** An ordered leave of absence with pay may be extended or leave of absence may be terminated by a department head with the approval of the City Manager.
- C. **Employee Reassigned to Residence.** During an ordered leave of absence with pay, the employee(s) shall be reassigned to their residence each work day they are on ordered leave of absence during their regular assigned work hours unless other reassignments or arrangements are approved by the department head.

SECTION 4. CAUSE FOR REMOVAL, SUSPENSION, AND REDUCTION

Grounds and good cause shall include the following, although charges may be based upon grounds and causes other than those enumerated, provided that the alleged acts are related to the employee's job.

- A.** That the employee is incapacitated from the satisfactory performance of his/her duties by a permanent or chronic physical or mental ailment or defect.
- B.** That the employee has failed to pay just debts or has failed to make reasonable provisions for future payment of just debts, after notice has been given them by his/her supervisor, creating job-related problems for his/her supervisor, manager, or the City, or scandal is brought to the City because of such failure to resolve debts;
- C.** That the employee has been convicted of a criminal offense involving moral turpitude (the word "convicted" shall be construed to mean convicted in any manner referred to in the Penal Code of the State of California) but shall not include conviction based on Nolo Contendre (No Contest) pleas which have been punished as a misdemeanor;
- D.** That the employee, through omission, negligence or willful misconduct, has caused damage to or loss of public or private property (including motor vehicles) or waste of public supplies; or has used public property (including motor vehicles) or supplies for other than an authorized purpose;
- E.** That the employee has been guilty of any of the following:
 - 1. Insubordination
 - 2. Inefficiency
 - 3. Incompetency
 - 4. Neglect of duty
 - 5. Dishonesty
 - 6. Failure to perform assigned duties
 - 7. Failure to meet job performance standards
 - 8. Using official position or office for personal gain or advantage
 - 9. Failure to treat other employees or the public with courtesy, respect or dignity
 - 10. Illegal political activity
 - 11. Unauthorized disclosure of confidential information

12. Unauthorized sleeping on the job
 13. Unauthorized use of threats
 14. Unauthorized use of profanity
 15. Unauthorized possession or use of a weapon
 16. Making false, vicious or malicious statements
 17. Gambling on the job
 18. Violating or failing to adhere to safety rules, practices or programs
 19. Thefts or attempted theft
 20. Misuse or abuse of any City benefit
 21. Falsification of documents
 22. Accessing confidential information, including that in electronic format, for non-job-related purposes
 23. Failure to maintain a job requirement
 24. Conduct which is inconsistent with the proper administration of the department in which the employee is employed; or
 25. Any conduct unbecoming an officer or employee of the City
 26. Violation of City's Policy Prohibiting Unlawful Discrimination and Harassment in the Workplace
 27. Violation of the City's Violence in the Workplace Policy
 28. Failure to achieve successful completion of a mandatory EAP program
 29. Absenteeism or tardiness which interferes with the effective and efficient performance of job duties
 30. Addicted or under the influence of alcohol or intoxicating drugs or has tested positive in any drug, alcohol (at or above the legal presumption for DUI), or marijuana screening test; or has tested positive for knowingly misusing a legally prescribed medication
- F.** That the employee has been absent without authorized leave, or has failed to report after leave of absence has expired, or has unexcused absenteeism or tardiness;
- G.** That the employee has violated any provision relating to conduct of employees in the City of Glendale's Charter, Municipal Codes, Memoranda of Understanding,

City of Glendale Ordinances, Administrative Policy Manual, standards adopted by the employee's department, other written policies, documents or standards adopted by the City or any department thereof, or of these Civil Service Rules and Regulations, provided that the employee has been notified of these document(s).

- H. That the employee has failed or refused to appear in obedience to lawful process or order of the Council, or to answer questions under oath, before the Council, a Commission, or a committee or sub-committee thereof, or before a duly authorized committee of the Congress of the United States, or of the Legislature of the State of California, or a committee or sub-committee of said Congress or Legislature, or before any authorized court, office or tribunal, or before a Grand Jury, on any subject relating to:
 - 1. Matters connected with the conduct of official business of the City or of any division, department, board or commission thereof;
 - 2. Any of the matters set forth in Section 2028 and 2028.1 or any successor legislation of the Government Code of the State of California;
- I. That the employee may be subject to disciplinary action up to and including removal if he or she could have, in fact, been disqualified under the grounds set forth in Rule III, Section 6.

SECTION 5. FILING AND SERVICE OF ORDER

An order in writing stating specifically the grounds and charges for disciplinary purposes for removal, suspension without pay, or reduction shall be filed with Human Resources. A copy thereof shall be personally served on the employee forthwith or mailed to them at their place of residence as shown by the records in Human Resources.

SECTION 6. APPEAL

The employee removed, suspended without pay, or reduced in classification or pay for disciplinary purposes, may, within five (5) working days after presentation to him/her of the order of removal, suspension without pay, or reduction in classification or salary step, appeal to the Commission from such order. The Commission may, upon receipt from said accused employee of a statement setting forth the reasons for their failure to file such an appeal, set aside such preemptory judgement and proceed with hearing the appeal.

SECTION 7. ANSWER TO CHARGES AND GROUNDS

- A. **Filing Answer.** Within five (5) working days from the date of filing an appeal with the Commission, the employee shall do the following:
 - 1. File an answer with the Commission and to serve a copy, by mail or personal service, with the Appointing Agency;
 - 2. The answer shall:
 - a. be in writing;

- b. be signed by the employee or the employee's representative, giving the mailing address of the employee or employee's representative;
 - c. state in plain language and in detail; sufficient facts and reasons upon which the employee's case is based, to the extent such case is known to the employee.
- B. **Review of Answer.** The Commission may disregard all matters in the answer which are not material to the charges set forth in the order.
- C. **Failure to Answer.** Failure on the part of an accused employee to file an answer within the time allowed in this Rule shall be construed as an admission of the truth of the charges made against the employee and judgment against said employee shall be entered forthwith and filed by the Commission. The Commission may, upon receipt from said accused employee of a statement setting forth the reasons for their failure to file such answer, set aside such preemptory judgment and proceed with the hearing of the appeal.

SECTION 8. HEARING PROCEDURE AND CONDUCT

- A. **Hearing Body, Date, Documents, etc.** Upon receiving an appeal which complies with the foregoing Rules, the Commission shall within two (2) weeks of the filing of the appeal:
 - 1. Determine whether the matter will be heard before the entire Commission, a portion thereof, or before its authorized representative;
 - 2. Set a date for a hearing which must be attended by all parties for the purpose of setting a time, date and place for further hearings;
 - 3. Set a date for document and witness lists to be exchanged between the parties;
 - 4. Set a briefing schedule if deemed appropriate;
 - 5. Consider setting date(s) for the resolution of discovery disputes;
 - 6. Take any other action necessary for the orderly conduct of the proceedings.
- B. **Open/Closed Hearing.** The Commission shall determine and order the hearing to be either open or closed to the public, provided that the Appellant shall have the right to an open hearing at his/her request.
- C. **Conduct of Hearing.** The conduct of the hearing shall be as follows:
 - 1. The parties shall follow and be bound by the policies and procedures of the Civil Service Commission Disciplinary Appeal Hearings and Hearing Code of Conduct adopted by the Commission.

2. The Appellant shall be entitled to appear personally, produce evidence, subpoena witnesses to testify for them and cross-examine witnesses appearing against them, and to have counsel. The Appointing Authority shall be entitled to the same privileges.
3. The Commission, or its authorized representative, shall not be bound by rules of evidence or procedure. However, the Commission or its authorized representative may restrict the evidence at the hearing to competent evidence which is material and relevant to the issues joined by proper allegations in the order and answer.
4. The Commission, or individual members(s) thereof acting as the hearing body or officer, or the authorized representative acting in such capacity, shall maintain order at the hearing and may enforce its orders through the following mechanisms:
 - a. The exclusion or expulsion of witnesses;
 - b. Expulsion of anyone who disturbs the hearing;
 - c. The certification and imposition of a contempt sanction for any of the following behaviors;
 - i. Disobedience of or resistance to a lawful order of the hearing officer or Commission, including subpoena issued by the Commission;
 - ii. Refusal to take the oath or affirmation as a witness or thereafter refusal to be examined;
 - iii. Obstruction or interruption of the due course of the proceeding during the hearing or near the place of the hearing by disorderly, contemptuous or insolent behavior toward the Commission or any individual member thereof or any authorized representative acting as a hearing officer, while same are conducting the proceeding. Breach of the peace, boisterous conduct or violent disturbance. Other unlawful interference with the process or proceedings of the agency;
 - iv. Engaging in ex parte communications with the Commission or hearing officer about the hearing itself, any issue involving the hearing, or relating to any witness testifying at the hearing;
 - v. Failure or refusal, without substantial justification, to comply with an order of the Commission or the hearing officer.
 - d. The imposition of monetary sanctions, including but not limited to reasonable expenses and attorneys' fees as determined

appropriate by the Commission, or individual members(s) thereof acting as the hearing body or officer, or the authorized representative acting in such capacity, may be ordered against as a party, the party's attorney or other authorized representative, or both, as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay.

- e. The imposition of sanctions is appealable to the Superior Court at the conclusion of the hearing in the same manner as a challenge to the Commission's final Decision and Order. The challenge to a contempt citation is reviewable by the Superior Court, upon certification of the contempt by the Commission or hearing officer to the Superior Court.
- f. Failure of either party to proceed at the hearing shall be deemed a withdrawal of the action or appeal, unless the hearing is continued by mutual agreement of the parties, or upon showing of good cause. No party shall have the right to a continuance more than one time without a showing of good cause.

SECTION 9. DETERMINATION

- A. **Entire or Portion of Commission.** If the appeal is heard before the Commission, the entire Commission or a portion thereof, shall fully hear the matter and make its determination.
- B. **Authorized Representative.**
 - 1. If the appeal is heard before an authorized representative, the authorized representative shall prepare in writing a proposed determination and present it to the Commission with a report of the proceedings.
 - 2. The Commission shall review the same and make its determination adopting the determination of the authorized representative or making its determination of the matter.
- C. **Final and Conclusive Determination.** The determination of the Commission shall include findings and an order affirming, modifying or revoking the order appealed. It shall be final and conclusive, and shall be certified to the person from whose order the appeal is taken, and they shall immediately comply therewith.

SECTION 10. APPEALS – SWORN FIRE PERSONNEL

Any sworn Fire Department personnel removed, suspended without pay, or reduced in classification or pay who appeals said action to the Commission shall have his or her hearing be subject to the provisions of the Firefighters Procedural Bill of Rights (Govt. Code 3254.4). Said hearing procedures are set forth in Appendix B.

SECTION 11. RECORD FILED

Copies of the Commission's findings and order shall be filed as a public record in Human Rule X – Disciplinary Actions, Appeals and Hearings

Resources, unless the matter has been heard as a closed hearing, in which case all documents related to that matter shall be preserved as a confidential record, not to be disclosed under the Public Records Act. Notwithstanding the foregoing such confidential records may be subject to discovery requested by parties to the Commission proceedings. Such requests are to be resolved by the Commission.

SECTION 12. JUDICIAL REVIEW

- A. Petition for Writ of Mandate.** Judicial review of any decision of the Commission may be had pursuant to Section 1094.5 or successor legislation of the California Code of Civil Procedure only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.
- B. 90 Days from Final Decision.**
1. Any such petition shall be filed not later than the ninetieth (90th) day following the date on which the commission gives written notice of the final decision and of the applicable statute of limitation for the filing of a petition for writ of mandate.
 2. If there is no provision for reconsideration of the decision in applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is made.
 3. If there is such provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date that reconsideration is rejected.
- C. Record of Proceedings and Costs.**
1. All disciplinary appeal hearings may, at the discretion of the Commission, be recorded by a court recorder. The Commission may also order that other hearings be recorded by a court reporter. Any hearing which does not utilize a court recorder shall be recorded by audio tapes.
 2. The complete record of the proceedings shall be prepared by Human Resources and shall be delivered to the petitioner within ninety (90) days after he/she filed a written request therefore.
 3. Human Resources shall recover from the petitioner, prior to giving the record to petitioner, the total actual costs for the court reporters transcribing or otherwise preparing the record. The requesting party or parties will pay for the cost of the court reporter's time at the hearing.
 4. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the Commission, all written evidence, and any other papers in the case.

- D. **Petition Extension.** If the petitioner files a request for the record as specified in this section within ten (10) days after the date the decision becomes final as provided in this section, the time within which a petition pursuant to Code of Civil Procedure Section 1094.5 may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or their attorney of record, if he/she has one.
- E. **Notice of Judicial Review.** In making a final decision as defined in this section, the Commission shall provide notice to the party that the time within which judicial review must be sought is governed by this section.
- F. **Meaning of Party.** As used in this subdivision, "party" means an officer or employee who has been suspended, reduced, or removed.

RULE XI – LAY-OFF, RESIGNATION AND REINSTATEMENT

SECTION 1. LAY-OFF AND ABOLISHMENT OF POSITIONS

- A. **Notice – Number of Employees to be Laid Off.** Whenever it becomes necessary through lack of work or funds, or as determined by the City Manager, to reduce the number of employees, or when a position in the classified services is to be temporarily or permanently abolished, the Appointing Authority shall notify the Director of Human Resources of the number of employees to be laid off or the names and number of positions to be abolished.
- B. **Notice to Employees to be Laid Off.** Upon receipt of such notice, the Director of Human Resources shall advise the employees who shall be laid off and notify the Appointing Authority.

SECTION 2. SENIORITY IN LAY-OFF

In the event of the abolishment of positions, the reduction and termination of all employees affected shall be administered giving credit according to seniority within the following limitations:

- A. **Temporary and Probationary Employees.** All temporary employees in the classification involved shall be laid off before the probationary employees; probationary employees before permanent employees.
- B. **Inverse Order of Appointment.** Employees serving in a classification involved in a lay-off shall be laid off in the inverse order of their appointment to the classification, with the last one so appointed being the first to be laid off.
- C. **Equal or Lower Formerly Held Classification.** Any employee so affected may be assigned to an equal or lower classification in the same series or in a different formerly occupied classification, provided he/she has greater service time than the person in said classification and meets the minimum requirements for examination for said position.
- D. **Assignment to Classification Not Formerly Held.** Any employee so affected may be assigned to a vacant lower classification within the same series, not formerly occupied, provided he/she meets the minimum requirements for said position.
- E. **Lay-off of Similar Classification.** Two or more classifications with similar essential functions and minimum requirements, which at one time, shared the same classification title, may be combined and considered a single classification for purposes of layoff and bumping, if recommended by the Appointing Authority, prior to any layoff action.
- F. **Transfer in Lieu of Lay-off.** The City Manager may order the permanent or temporary transfer of any employee to any appropriate position as determined by the Director of Human Resources in order to avoid the lay-off of employees. The employee shall have the right to either accept or decline the proposed transfer. Whether the transfer in-lieu of lay-off is accepted or declined by the employee, the employee's name shall be placed on the established lay-off list for the original

position being eliminated for the appropriate duration as set forth in Rule XI, Section 3 of these Rules.

- G. **Military Leave.** Time during which employee is on leave of absence while engaged in performance of ordered service in the armed forces of the United States of America, or in the auxiliaries thereof, and while going to and returning from such ordered service, shall be included as part of the employee's period of service in determining seniority or lay-offs.

SECTION 3. LAY-OFF LISTS

Lay-off lists shall be established and maintained as follows:

- A. **Lay-off List for Laid off Permanent Employees.** A lay-off list shall be maintained for each classification for all permanent employees in the classified service, other than probationary employees, who have been laid off or reduced because of the permanent or temporary abolishment of any position, and shall have their names placed on the appropriate lay-off list. The lists shall follow as closely and practicable the reverse order of the Lines of Promotion and given credit according to seniority (City Charter XXIV, Section 9b).
- B. **Reinstatement List for Laid off Probationary Employees.** A probationary employee whose position is permanently or temporarily abolished and who has not been removed pursuant to the provisions of these rules, shall be placed on the appropriate probationary reinstatement list ahead of all other employees thereon except other probationers whose positions have been abolished and who have greater seniority.
- C. **Duration of Lay-off Lists.** Any employee who was placed upon a lay-off list and has continuously remained thereon for a period of two (2) years shall, at the expiration of such period, be removed from lay-off list and the employee shall cease to have any Civil Service standing. However, if the affected employee requests, in writing, prior to the expiration of the two (2) years and the Commission approves, the employee may continue on the lay-off list for one additional two (2) year period.

SECTION 4. RESIGNATION

- A. **Appropriate Resignation.** An employee wishing to resign with appropriate notice from City employment shall file with the Appointing Authority a written resignation on the form provided by the Director of Human Resources giving at least two (2) weeks' notice of their intention to leave City employment unless otherwise approved by the Appointing Authority. A copy of the written resignation shall be filed with Human Resources.

- B. **Inappropriate Resignation.** An employee who leaves the classified service without so filing a written resignation and giving two (2) weeks' notice, unless otherwise approved by the Appointing Authority, shall have that fact entered on the employee's personnel record in their personnel file and shall be grounds to deny reinstatement rights to the employee.
- C. **Withdrawal of Resignation.** Any employee who has resigned in writing may withdraw their resignation prior to terminating their employment.
- D. **Resignation – Removal from Promotional Eligible List.** The name of any employee who has terminated employment with the City of Glendale will be removed from all promotional eligible lists.
- E. **Subsequent Employment.** The effective date of the employee's resignation and separation from employment must occur prior to the start date for any subsequent employment, unless otherwise approved by the Appointing Authority and City Manager.

SECTION 5. REINSTATEMENT LIST

Reinstatement lists shall be established and maintained as follows:

- A. **Reinstatement Lists – Established.** A reinstatement list shall be established and maintained according to seniority of the names of permanent employees and their classifications who have completed their probationary period and who have been granted reinstatement privileges by the Commission.
- B. **Application of Reinstatement List.** Application for reinstatement shall be made only upon a reinstatement application form provided by the Director of Human Resources. Such application must be submitted to the Commission after ninety (90) calendar days and before one (1) year from separation from employment with the City, unless otherwise recommended by the Appointing Authority and approved by the Commission.
- C. **Reinstatement List - Separation Before Probation is Complete.** Any employee who has been promoted to a higher position and who, during their probationary period, has separated from City employment without fault or delinquency on their part may, with the approval of the Commission, be placed on the appropriate reinstatement list.
- D. **Ineligibility for Reinstatement List.** Any employee who resigns during a disciplinary action or the investigation thereof shall not be eligible for reinstatement.
- E. **Reinstated Employees - Promotional Eligible Lists.** Any reinstated employee who meets the conditions of Section 5 (B) of this Rule shall have their name returned to any current promotional eligible list that carried their name at the time of separation from employment, provided such list has not been canceled.
- F. **Reinstated Employees – Probationary Period.** Any reinstated employee who meets the conditions of Section 5 (B) of this Rule, and is re-hired by the City shall serve a new probationary period if reinstated to a different department than the one in which they separated from.

SECTION 6. DURATION OF REINSTATEMENT LISTS

Any employee who has been placed upon a reinstatement list and has continuously remained thereon for a period of two (2) years shall, at the expiration of such period, be removed from the list and such employee shall thereupon cease to have any Civil Service standing.

RULE XII – ADMINISTRATION

SECTION 1. ORGANIZATION

The five (5) member Civil Service Commission shall organize by electing one of its members chairperson and one vice-chairperson, who shall each serve for a period of one (1) year and until successors are duly elected and qualified (City Charter XVIV, Section I).

SECTION 2. MEETINGS

The Commission schedules both regular and special meetings. They shall be conducted as follows:

- A. **Regular Meetings.** The Commission shall provide, by resolution, the time and place for holding regular meetings.
- B. **Special Meetings.** A special meeting may be called at any time by the chairperson of the Commission, or by a majority of the members of the Commission, delivering personally or by mail written notice to each member of the Commission and shall give public notice as required by law. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meetings by the Commission.

SECTION 3. PUBLIC MEETINGS

All official action of the Commission shall be at a public meeting of the Commission.

SECTION 4. RULES OF ORDER

Robert's "Rules of Order", except as otherwise provided herein, shall guide the Commission in its proceedings.

SECTION 5. QUORUM

Three (3) members of the Commission shall constitute a quorum.

SECTION 6. COMMUNICATIONS

- A. Communications and requests to the Commission shall be made in writing, and the action of the Commission thereon, noted in the minutes.
- B. Opportunities for oral communications, without prior written request, are provided at regular meetings.

SECTION 7. MINUTES

- A. **Record.** The secretary of the Commission shall record in the minutes the time and place of each meeting of the Commission, the names of the Commissioners

present, all official acts of the Commission, and the votes given by the Commissioners except when the action is unanimous.

- B. **Approval/Dissent.** A Commissioner may record in the minutes their approval of, or dissent from, any action of the Commission, together with their reasons thereof.
- C. **Presentation/Public Inspection.** The minutes are to be prepared and presented for approval or amendment at the next regular meeting. The minutes, or a true copy thereof, certified by the Commission or a majority thereof, shall be open to public inspection.

SECTION 8. REGULATIONS

The Commission may adopt regulations of procedure for the administration of these rules, and a copy shall be distributed to each City department.

SECTION 9. AMENDMENT TO THE RULES

- A. **Public Notice and Hearing.** After at least five (5) calendar days' public notice, and after public hearing, amendments to these rules may be made at any meeting of the Commission.
- B. **Approval.** At least three (3) members of the Commission shall concur in any action amending these rules. All rules and amendments shall become effective upon the date of their approval by both the Commission and City Council, and shall, upon such approval and adoption, be printed and distributed to each City department.

SECTION 10. DUTIES OF THE DIRECTOR OF HUMAN RESOURCES

The Director of Human Resources shall serve as staff to the Commission. The Director shall be subject to the direction of the Commission. The duties of the Director shall include the following:

- A. **Direction.** Direct the programs, policies, services and employees of the Human Resources Department.
- B. **Maintenance of Records.** Maintain the records of the proceedings of the Commission and have charge of and be responsible for the safekeeping of the Commission's records.
- C. **Administration.** Administer the policies and correspondence of the Commission.
- D. **Class Specification.** Perform other duties as set forth in the specification for the classification or as set forth in these rules.

SECTION 11. PRESERVATION OF RECORDS

- A. **Records Retained.** The following record of the office shall be permanently retained:

1. The minutes and resolutions of the Commission.
 2. The records of appointment of persons currently employed by the City.
- B. Recordings of Oral Examination.** Any report or recording of an oral examination may be destroyed thirty (30) days after approval of the eligible list resulting from the examination.
- C. Applications.** All employment applications and attachments other than the latest may be destroyed as permitted by law.
- D. Other Records.** All other records may be destroyed as permitted by law.
- E. Employees' Personnel Files.** Employees of the City may review their personnel file located in Human Resources with prior reasonable notice given to the Director of Human Resources.
- F. Examination/Application and Personnel Records.** All examination records, applications, and personnel records shall be deemed confidential and except as provided herein shall not be disclosed to any person unless authorized the Director of Human Resources or required by law.
- G. Appeal.** Appeals to obtain these records, denied by the Director of Human Resources, may be made to the Commission at their regular scheduled meeting.

SECTION 12. INVESTIGATION OF UNLAWFUL EMPLOYMENT

If it comes to the attention of the Director of Human Resources that there is reason to believe that any person or persons are unlawfully employed by the City, the Director shall immediately make an investigation thereof. If the investigation concludes that a person (or persons) are unlawfully employed by the City, the Director shall give written notice of the findings and conclusions to the affected Appointing Authority and any such person (or persons) shall be immediately served notice as required of their removal from their position.

SECTION 13. POWER TO ADMINISTER OATHS

Any member of the Commission, and any authorized representative of the Commission, while acting upon these rules, shall have the power to administer oaths.

SECTION 14. POWER TO SUBPOENA WITNESSES

In any investigation or hearing conducted by the Commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of documents, books, records and papers pertinent to the investigation or hearing.

SECTION 15. APPROVAL OF RULES AND REGULATIONS

- A. Sole and Exclusive Rules.** These rules are herein approved by the Commission and the City Council and shall be the sole and exclusive rules of the Commission. All rules heretofore adopted are hereby repealed.

- B. Amendments to Commission Policies.** It is further understood that if the Commission takes action that would significantly and substantially impact upon working conditions of employees that are under the jurisdiction of these rules, the Commission will direct the Director of Human Resources to meet and confer with recognized exclusive employee organizations over the impact of these actions.

APPENDIX A

CITY CHARTER – ARTICLE XXIV – CIVIL SERVICE

Sec. 1. Creation and composition of civil service commission; appointment, term and compensation of members; vacancies; chairman, chief examiner, etc.

A civil service commission is hereby created, consisting of five (5) qualified electors of the City of Glendale, who shall be appointed by the council and who shall serve without compensation. They shall hold office for a period of four (4) years and until their successors are appointed and qualified; provided that of those first appointed, two (2) shall be appointed to serve until the 1st day of May, 1939, three (3) shall be appointed to serve until the 1st day of May, 1941; and provided further, that any person appointed to fill a vacancy on the commission shall be appointed to serve for the remainder of the unexpired term.

The commission shall organize by electing one (1) of its members chairman. It shall appoint, subject to the approval of the council, a chief examiner, who shall not be a member of the commission and who shall also act as secretary of the commission. The commission may appoint such other subordinates as the council may authorize. The chief examiner and such other subordinates shall receive such compensation as the council shall from time to time determine by ordinance. (1933, 1937.)

Editor's Note: The catch-line of this section originally read as follows: "Commission creation and organization."

Sec. 2. Duties of civil service commission generally; rules.

The commission shall prescribe, amend and enforce rules for the classified service, subject to the approval of the council, which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations; and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. It shall make an annual report to the council.

The rules shall provide:

- (1) Classification of Positions. For the classification of all positions in the classified service.
- (2) Competitive Examinations—Generally. For open, competitive examinations to test the relative fitness of applicants for all such positions, except positions for which competition has been suspended, as provided in this article.
- (3) Same—Public Advertisement. For public advertisement of all competitive examinations.
- (4) Eligible Lists. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two (2) years nor less than one (1) year provided that the commission may cancel any list established from an open examination which contains the names of not more than three (3) persons whose names have been submitted for appointment and the persons not appointed.
- (5) Grounds for Rejection of Candidates or Eligibles. For the rejection of candidates or eligibles who fail to comply with the requirements of the commission in regard to age, residence,

sex, physical condition, or who have been guilty of crimes or infamous or disgraceful conduct, or who have attempted any deception or fraud.

(6) Procedure as to Appointments. For the appointment of one (1) of the three (3) persons standing highest on the appropriate eligible list, except when competition has been suspended as provided in this article; provided that the appointing agency may appoint a person from an eligible list containing less than three (3) names; and provided further that any person whose name has been certified three (3) times without appointment shall have his name dropped to the end of said list.

(7) Probation Period. For a period of probation not exceeding twelve (12) months before appointments or promotions are made complete.

(8) Temporary or Seasonal Appointments. For temporary appointments to permanent positions and appointments to temporary or seasonal positions, when there is no appropriate eligible list; provided, that no permanent position shall be filled by temporary appointees for a period longer than six (6) months except when due to a leave of absence or in cases of emergency. Appointments to temporary or seasonal positions and temporary appointments due to a leave of absence may be for such period of time as may be fixed by the commission. The commission shall determine whether any position is in character temporary, seasonal or permanent. The acceptance or refusal to accept temporary or seasonal employment on the part of a person on an eligible list shall not be a bar to appointment to a permanent position from said eligible list.

(9) Transfer; Demotion; Reinstatement. For transfer from one (1) position to a similar position, or to a lower position upon request of the employee affected, and for reinstatement within one (1) year of persons who, without fault or delinquency on their part, are separated from the service or reduced.

(10) Promotion. For promotion based upon competitive examination and records of efficiency, character, conduct and seniority; provided, that promotional examination shall be open only to those persons who are employed in positions designated by the commission as appropriate for promotional purposes, who have served in any such position or positions for an aggregate of at least six (6) months, and who satisfy the preliminary requirements of the commission for the position to be filled. Examinations may be exclusively promotional or may be combined with original examinations. Unless the commission finds that it would not be consistent with the best interests of the city, a vacancy, except one (1) for which competition has been suspended, as provided in this article, shall be filled by promotion.

(11) Suspension Without Pay. For suspension without pay for a period not to exceed ninety (90) days.

(12) Adoption and Amendment of Rules Generally. For the adoption and amendment of rules only after public notice and hearing.

(13) Appointment of Unskilled Laborers. For the appointment of unskilled laborers after such tests as to fitness as the commission may prescribe.

(14) Further Provisions as to Adoption of Rules. For the adoption of such rules not inconsistent with the provisions of this Charter as may be necessary and proper to carry out the provisions of this article. (1933; 1937; 1943; 1949; 1957; 1982.)

Editor's Note: The catch-line of this section originally read as follows: "Duties of the commission."

Sec. 3. Power of civil service commission to subpoena witnesses, etc.

In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation, and each commissioner shall have the power to administer oaths to such witnesses. (1933; 1937.)

Editor's Note: The catch-line of this section originally read as follows: "Power to subpoena witnesses."

Sec. 4. Examinations generally.

All applicants for positions in the classified service, except applicants for positions for which competition has been suspended as provided in this article, shall be subject to examination controlled by the commission. Such examinations shall be public, competitive and free, except as is otherwise provided in this article. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include or exclusively consist of tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. A stenographic report or sound recording of all oral examinations shall be made. The commission shall provide by rule when such report or recording may be destroyed, but such rule shall not permit destruction until at least thirty (30) days after approval of the eligible list resulting from the examination. (1933; 1937; 1957.)

Editor's Note: The catch-line of this section originally read as follows: "Examinations."

Sec. 5. Suspension of competition.

(1) In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all its members, suspend competition, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual report of the commission.

(2) In case of a vacancy in the position of director of administrative services, city attorney or his assistants or deputies, director of public works, building official, city engineer, maintenance services administrator, head or chief librarian, or in an office created by ordinance, and upon the filing with the commission of a written statement by the appointing agency that it intends to appoint a designated person of recognized attainments to fill such vacancy, competition shall be suspended. (1933; 1937; 1957.) (Res. No. 04-238 § 1, 2004)

Sec. 6. Preferences.

Nothing herein contained shall prevent or modify the giving of preferences in appointments in the classified service to veterans, widows of veterans, and wives of disabled veterans as such persons may be defined and such preferences now or hereafter may be authorized by the council. (1933; 1937; 1969.)

Sec. 7. Application of article; exception as to unclassified service.

The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service.

The unclassified service shall consist of the following offices and employments:

All officers elected by the people.

All members of appointive boards and commissions, and persons serving without compensation.

The chief examiner of the civil service commission.

The city assessor.

The city manager.

The assistant city manager.

The secretary of the city manager.

The city tax collector.

One secretary of any officer elected by the people.

Special officers of the police and fire departments.

Positions in any unskilled labor class created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of four-fifths (4/5) of its members, exempt any position in any unskilled labor class or any part-time, seasonal or temporary position for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article.

Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. (1933; 1937; 1947; 1953.) (Res. No. 04-238 § 1, 2004; Res. No. 13-802 § 1)

Editor's Note: The catch-line of this section originally read as follows: "Unclassified and classified service."

Sec. 8. Tenure of officers and employees in present employment.

All persons in the classified service, whose appointments have become complete, shall be discharged only for cause as herein provided. (1933; 1937.) (Res. No. 04-238 § 1, 2004)

Sec. 8.1. (Repealed).

Editor's Note: This section was repealed in 1957. It formerly dealt with tenure of certain county employees stationed within territory proposed to be annexed to city.

Sec. 9. Procedure as to removal, suspension and reduction in rank.

Any person employed in the classified service may be removed, suspended or reduced in rank or grade after appointment or promotion is complete by the appointing agency, for cause, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the

commission and a copy thereof served upon the employee so removed, suspended or reduced. Any person so removed, suspended or reduced may, within five (5) days after presentation to him of a copy of the order of removal, suspension or reduction, appeal to the commission from such order. The commission or its authorized representative shall, within two (2) weeks after the filing of said appeal, commence a proceeding to fully hear and determine the matter. If an authorized representative of the commission hears the appeal, any proposed determination shall be presented to the commission with a report of the proceedings and the commission shall review the same and make its determination adopting or modifying or revoking the determination made by the authorized representative. The commission's determination shall be final. (1933; 1937; 1965.)

Sec. 9a. Leave of absence.

Upon the expiration of any leave of absence of a person in the classified service such person shall report for duty and thereupon be returned to the position from which such leave of absence was taken. All temporary employment caused by a leave of absence shall be made from the appropriate eligible list. A leave of absence shall not constitute separation from the service. (1933; 1937.)

Sec. 9b. Abolishment of positions.

When a position in the classified service is abolished, the reduction and termination of all persons affected thereby shall be in accordance with the rules and regulations of the commission adopted for that purpose which shall follow as closely and practicable the reverse order of the lines of promotion and give credit according to seniority. (1959.)

Sec. 10. Procedure as to appointments.

The person or persons having authority of appointment shall notify the commission of any appointment made, and the commission shall certify such fact to the director of administrative services. The director of administrative services shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service until the appointment shall have been so certified. (1933; 1937.) (Res. No. 04-238 § 1, 2004)

Editor's Note: The catch-line of this section originally read as follows: "Certification of appointment."

Sec. 11. Severability clause applicable to article; remedying defects caused by unconstitutionality.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this article. The electors hereby declare that they would have passed this article, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one (1) or more other sections, subsections, sentences, clauses, or phrases are declared unconstitutional. If any portion of this Charter relating to civil service should be held to be unconstitutional, the council shall by ordinance provide for a substitute for such portion in such manner as to remedy the defect. (1933; 1937.)

Editor's Note: The catch-line of this section originally read as follows: "Constitutionality."

Sec. 12. (Repealed).

Editor's Note: This section was repealed in 1945. It formerly dealt with old-age retirement.

Sec. 13. War or emergency appointments.

During any war in which the United States is engaged or any national emergency causing induction or conscription for the armed forces, and notwithstanding any other provision of this article, the commission, after public notice and hearing, may authorize temporary appointments with or without examination to any position or positions in the classified service for such period of time as the commission may determine, but not exceeding the duration of said war or emergency and six (6) months thereafter. Such position or positions, while filled by such temporary appointments, shall be in the unclassified service. The date of termination of a war or emergency, for the purposes of this section, shall be as fixed by proclamation of the President of the United States, or by concurrent resolution of the two (2) Houses of Congress of the United States, or by resolution of the council of the City of Glendale, whichever date is earliest. (1943.)

Editor's Note: The catch-line of this section originally read as follows: "War emergency appointments."

APPENDIX B

HEARING PROCEDURES FOR FIREFIGHTER DISCIPLINARY APPEALS

Pursuant to Government Code section 3254.4, all administrative appeals instituted by a firefighter shall be conducted in conformance with rules that are in accordance with Government Code section 11500 et.seq.. The following procedures set forth a summary of the pertinent portions of the Government Code, however, all applicable sections of Government Code section 11500 et.seq. are incorporated herein by reference.

- I. Notice of Discipline/Accusation
 - A. After conclusion of the pre-disciplinary conference and within 30 calendar days of the department's final decision, but not less than forty-eight (48) hours prior to imposing discipline, the department head shall notify the employee in writing of the nature and extent of the discipline, a statement of charges setting forth the acts or omissions with which the employee is charged and the City rules, regulations, policies and procedures which the employee is alleged to have violated. (California Government Code, "Govt. Code" section 11503)
 - B. The Notice of Discipline/Accusation shall also advise the employee of his/her right to request an appeal hearing by filing a notice of appeal/notice of defense. The Notice of Appeal/Defense must be filed within 15 days after service upon the employee of the Notice of Discipline. Failure to request an appeal hearing within the 15 day period will constitute waiver of the employee's right of appeal. (Govt. Code section 11505)
 - C. The Notice of Discipline/Accusation shall be served personally on the employee or by registered mail. (Govt. Code § 11505(c))
- II. Right to Appeal and Pre-Hearing Procedures
 - A. Firefighters appealing disciplinary actions taken pursuant section I.A., shall have administrative appeal rights, which the City and Association stipulate to as being in accordance with Govt. Code § § 11500 et.seq. and otherwise satisfying the administrative appeal rights established under Govt. Code § 3250 et.seq..
 - B. Within 30 days of the submission of the notice of appeal, the Appointing Authority and Respondent shall exchange a list of the names and addresses of all witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing and shall exchange copies of all documents to be used during the hearing, except such documents that are intended for impeachment or rebuttal only (Govt. Code § 11507.6)
 - C. Any party claiming that another party has not complied with the requirements of Government Code § 11507.6 (section II.B. above), may file a motion to compel discovery pursuant to Government Code § 11507.7.
 - D. On the motion of either party, the ALJ or Commission may conduct a prehearing conference in accordance with Government Code § 11511.5. Such conference may deal with any matters, including but not limited to: exploration of settlement possibilities, preparation of stipulations, clarification of issues, rulings on identity and limitation of the number of witnesses, and

exchange of witness and exhibit lists.

III. Appeal Hearing Procedures

1. Appeals shall be heard by the Civil Service Commission "CSC" with an administrative law judge presiding at the hearing. (Govt. Code § 11512(b))
 - (a) The administrative law judge shall rule on the admission and exclusion of evidence and advise the CSC on matters of law. The CSC shall exercise all other powers relating to the conduct of the hearing pursuant to pre-established City of Glendale Rules. The CSC may delegate the responsibility for hearing and rendering the decision on any appeal, except that responsibility may not be delegated to any individual(s) who participated in, recommended or rendered the decision imposing discipline which is the subject of appeal. (Govt. Code § 11512(b))
2. A hearing shall be conducted at a time and place to be determined by the CSC. (Govt.Code § 11508)
3. Notice of the hearing shall be provided to the parties pursuant. (Govt. Code § 11509)
4. The burdens of proof and production of evidence shall be borne by the Appointing Authority. The standard of proof shall be by a preponderance of the evidence.
5. Evidence (Govt. Code § 11513)
 - (a) Oral evidence shall be taken only on oath or affirmation.
 - (b) Each party shall have these rights: to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If respondent does not testify in his or her own behalf he or she may be called and examined as if under cross-examination.
 - (c) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
 - (d) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.
 - (e) The rules of privilege shall be effective to the extent that they are otherwise required by statute/case law to be recognized at the hearing.
 - (f) The presiding officer has discretion to exclude evidence if its probative

value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

6. The appeal proceedings shall be reported by a stenographic reporter. However, upon the consent of all the parties, the proceedings may be reported electronically.

IV. Decision

- A. The CSC will issue its decision within 100 days of the submission of the case. (Govt. Code § 11517(a)(3))
- B. The CSC's written decision shall be served on the parties by personal service or registered mail. (Govt. Code § 11518)
- C. The decision shall be subject to judicial review pursuant to Code of Civil Procedure section 1094.5. (Govt. Code § 11523)

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