



CITY OF ALAMEDA

CIVIL SERVICE RULES

**Approved by the Civil Service Board
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Pursuant to the provisions of **Ordinance No. 3011**, the following revision of the Rules of the Civil Service System of the City of Alameda have been approved and adopted by the Civil Service Board.

ARTICLE I. STATEMENT OF PURPOSE

Section 1. PURPOSE AND OBJECTIVE

The purpose of these rules is to set forth those procedures which ensure a fair and equitable system of personnel management in the City government and to define the privileges, obligations, rights and restrictions which are equally imposed upon all Civil Service employees within the City of Alameda.

Section 2. FAIR EMPLOYMENT PRACTICES

The City of Alameda is an Equal Opportunity employer. Persons in the employ of the City or those seeking employment shall be employed, promoted, demoted, or discharged without favor or discrimination because of any statutorily protected status including but not limited to race, religious creed, color, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, medical condition (ex. Cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, pregnancy, political affiliation, military and veteran status, or legitimate union activities. It is further provided that no question in any test, in any application form, or by any examiner or appointing authority shall be so framed as to elicit information concerning an applicant's statutorily protected status including but not limited to race, religious creed, color, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, medical condition (ex. Cancer), genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, pregnancy, political affiliation, military and veteran status, or legitimate union activities

ARTICLE II. DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be defined and construed as follows:

Section 1. "APPLICANT"

An individual seeking employment in the Civil Service who has submitted an application for admittance to an examination.

Section 2. “APPOINTING AUTHORITY”

An official or group of officials having authority by legislation or Charter, or lawfully delegated authority to make appointments to or cause a removal from any position in a specified department of the City.

Section 3. “APPOINTMENT”

The offer to a candidate and their acceptance of a position within the Civil Service in accordance with these rules.

Section 4. “ARMED FORCES”

Includes branches of the United States and California military as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA), the California Government Code and/or the California Military & Veterans Code.

Section 5. “BOARD”

The Civil Service Board of the City of Alameda established in accordance with the ordinance creating a personnel system for the City of Alameda.

Section 6. “CANDIDATE”

An applicant who has successfully completed an examination and has achieved a rank on an eligible list.

Section 7. “CLASSIFICATION”

A group of positions sufficiently similar in respect to the duties and responsibilities that:

- (a) The same descriptive title may be used with clarity to designate each position allocated to the classification;
- (b) Common requirements as to education, experience, knowledge, ability and other qualifications may be required of all incumbents;
- (c) Common tests of fitness may be used to choose qualified employees; and
- (d) The same schedule of compensation can be made to apply with equity under the same or substantially the same employment conditions.

Section 8. “CIVIL SERVICE”

The system of classifications and positions within those classifications falling within these rules.

Section 9. “DEMOTION”

The movement of an employee from one position in a classification to another position in a different but similar classification having a lower maximum hourly rate or annual salary range.

Section 10. “ELIGIBLE LIST”

A list of names of persons who have passed an examination for a classification in the Civil Service and ranked on the list in the order of the score earned.

Section 11. “EXAMINATION”

The process of recruiting applicants and all the tests of knowledge, skills and abilities, taken together, that are applied to determine the eligibility of applicants to be ranked on an eligible list and the final rank on said list.

- (c) Continuous examination: A test or tests conducted at irregular times and places at which applicants are required to appear for competitive examination under the supervision of an examiner.

Section 12. “GOOD STANDING”

An employee of the city who has complied with all rules, policies and obligations.

Section 13. “HOURLY RATE OR ANNUAL SALARY”

The amount of monetary compensation received for services rendered in the performance of the duties and responsibilities of the office or position assigned.

Section 14. “HUMAN RESOURCES DIRECTOR”

The Human Resources Director serves as the Executive Secretary of the Board. For purposes of these rules, the titles are used interchangeably.

Section 15. “LIMITED TERM EMPLOYEE”

An employee appointed on a limited term for not less than one year but with a known end date and receiving the benefits and protections of these rules and the applicable Memorandum of Understanding or Compensation Plan.

Section 16. “MEMORANDUM OF UNDERSTANDING”

The applicable labor agreement governing the employment of individuals belonging to specific classifications.

Section 17. “PART-TIME EMPLOYEE”

An employee who is filling a Civil Service position in a less than full-time basis and has no Civil Service status nor claim thereto. Hours worked may be regular or irregular, and wages are paid on an hourly basis with no benefit entitlement except those required by law.

Section 18. “PERMANENT APPOINTMENT”

Appointment following the successful conclusion of a probationary period at which point the employee completing the probationary period receives the benefits of permanent appointment in these rules and their respective Memorandum of Understanding.

Section 19. “PERMANENT EMPLOYEE”

An employee who has been appointed from an eligible list and has successfully completed their probationary period and has been retained as provided in these Rules.

Section 20. “POSITION”

An individual office or employment in a particular classification.

Section 21. “PROBATIONARY PERIOD”

The working test period during which an employee is required to demonstrate their knowledge, skills and abilities for the duties to which they have been appointed by actual performance of the duties of the position.

Section 22. “PROMOTION”

The movement of an employee from a position in one classification to a position in a different classification having a higher maximum rate of pay.

Section 23. “PROVISIONAL APPOINTMENT”

Appointment to a position where there is no eligible list, lasting only long enough to establish an eligible list but not to exceed one year, and conferring no protections as provided in these rules or the applicable Memorandum of Understanding or Compensation Plan.

Section 24. “PROVISIONAL EMPLOYEE”

An employee filling a position within the Civil Service appointed without an eligible list for a period not to exceed one year and receiving no protections as provided in these rules or the applicable Memorandum of Understanding or Compensation Plan..

Section 25. “TRANSFER”

The change of an employee in the Civil Service from one position to another position in the same or equivalent classification having essentially the same salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications..

ARTICLE III. ADMINISTRATION

Section 1. ADOPTION

These Rules shall become effective when they are adopted by the Civil Service Board.

Section 2. AMENDMENT

Amendments to these Rules may be proposed by the City Manager, the Human Resources Director, or the Civil Service Board, and shall become effective upon adoption by the Civil Service Board.

Section 3. ADMINISTRATION

- (a) The Human Resources Director shall be responsible for administering and interpreting the provisions of these Rules.

- (b) The Civil Service Board is responsible for establishing and reviewing Civil Service Policies.

ARTICLE IV. POSITION CLASSIFICATION

Section 1. PURPOSE

The purpose of the Position Classification Plan is to provide a complete and continuous inventory of positions and to provide accurate descriptions and specifications for each classification of position. The Position Classification Plan shall be used as a management tool in preparing recruitment announcements and in differentiating one classification of position from another, and to facilitate the maintenance of the City's organizational structure. The Human Resources Director shall be responsible for revising and maintaining the Classification Plan.

Section 2. CLASSIFICATION SPECIFICATIONS

The positions that are substantially similar with respect to type of work, responsibility and difficulty of work are grouped together into a classification and identified by a set of classification specifications, including classification title, job definitions, typical tasks and responsibilities and a statement of requirements as to training, experience, and other applicable qualifications.

ARTICLE V. EXAMINATION

Section 1. VACANCIES

Whenever a vacancy is to be filled in the Civil Service, the appointing authority or their designee shall notify the Human Resources Director. This notification shall include the title of the position and when appropriate, the necessary and desirable qualification of applicants. The Human Resources Director shall determine the appropriate eligible lists from which to make certification and shall determine if an examination is necessary.

Section 2. TYPES OF EXAMINATIONS

Examinations may be:

- a) **Open:** an examination open to application from all qualified individuals.
- b) **Promotional:** an examination open to application only from qualified current City of Alameda full-time Civil Service Employees with six (6) or more months of service with the City.

- c) **Continuous:** an examination open to application from all qualified individuals on a continuous basis, with no posted end date. Continuous examinations shall be utilized only for those positions for which it is difficult to obtain qualified candidates.

Section 3. SOURCES OF APPLICANTS

It shall be the duty of the Human Resources Director to anticipate as far in advance as possible vacancies in the Civil Service, to determine the adequacy of existing eligibility lists, and to schedule examinations in a timely manner.

Section 4. ANNOUNCEMENT OF EXAMINATION

All examinations for positions in the City shall be publicly announced by posting announcements on the City's official website, and in such other places as the Human Resources Director deems appropriate to provide notice of the position to the public and/or City staff.

The announcement shall specify the title and hourly rate or annual salary range of the classification for which the examination is announced, the nature of work to be performed in general terms, minimum qualifications, the date, time and place and manner of submitting application, the general scope of the examination and such other pertinent information as is deemed to be appropriate or desirable.

Section 5. APPLICATION

Applications shall be submitted through the City's electronic application system or through alternative means identified by the Human Resources Director or their designee.

Such applications shall require information covering applicant's training, experience, and other pertinent information. All applications must be submitted by the date and time specified in the announcement.

The Human Resources Director or their designee may disqualify an application, may refuse to examine, after examination may disqualify or remove from an Eligible List or may refuse to certify any person who:

- (a) is found to lack any of the minimum qualifications for the examination or the position for which they are applying;

- (b) has made a false statement of materials fact or has practiced or attempted any deception, fraud or misconduct in connection with their application or any part of the examining process;
- (c) for reasons of public safety as provided for in State or Federal Law and regulations;
- (d) has used or attempted to use political pressure or bribery or personal influence to secure an advantage in the examination process or appointment;
- (e) is found to be ineligible to compete in a promotional examination;
- (f) has directly or indirectly obtained information regarding the content of an examination to which an applicant is not entitled;
- (g) has failed to submit a complete application or has submitted the application incorrectly or not within the prescribed time limits;
- (h) has been terminated from City service for cause or released during their probationary period in the same classification during the previous twelve (12) months (appeal of dismissal shall stay this provision until a final decision is made);
- (i) any other reason linked to business necessity or operational need.

Section 6. DISQUALIFICATION

A disqualified applicant shall be promptly notified of their disqualification by the Human Resources Director or their designee. Notice shall be sent via electronic mail to the address provided by the applicant in their application.

Section 7. AMENDMENT OF APPLICATIONS

If requested by disqualified applicants within seven (7) days of notice of disqualification being sent, and prior to commencement of examination, the Human Resources Director may allow applicants to amend their application .

Section 8. EXAMINATION COMPONENTS

An examination shall consist of one or more of the following components:

- (a) Evaluation of the application to determine minimum qualifications as related to the position and duties;
- (b) Written test to determine knowledge and skills related to the position and duties;
- (c) Oral test to determine knowledge and skills related to the position and duties;
- (d) Demonstration test to determine skill to perform duties of position;
- (e) Evaluation of experience and education to determine basic preparation for position;
- (f) Physical Agility test to determine ability if the employee can perform the essential functions of the position with or without accommodations. p

Section 9. QUALIFYING GRADE

In any examination, the minimum grade or standing required for eligibility shall be determined by the current requirement of the City. Failure on one part of an examination may disqualify an applicant from participation in subsequent parts of the exam, or may be considered as failing the entire examination.

Section 10. NOTIFICATION OF RESULTS

Each applicant shall be given written notice of the results of the examination and, if successful, of their final earned examination score and of their relative position on the eligible list. Notice shall be sent via electronic mail within two (2) weeks of the conclusion of the examination unless volume of examined applicants requires additional time to process; (i.e. firefighter examinations which typically have 100 or more candidates).

Any applicant shall have the right of inspecting their own written test papers. An error in grading or rating, if called to the attention of the Human Resources Director within seven (7) calendar days after written notice of results are given, shall be corrected. Corrections, however, shall not invalidate certification or appointment made prior to the correction.. Where an appointment has not been made and the eligible applicant would have been certified had the mistake not been made, their name will be certified to the department.

Section 11. APPEAL OF EXAMINATION RESULTS

A written appeal of the examination results may be filed with the Board. Such appeal must be filed within seven (7) calendar days after the date written notice of the results of the examination are sent to the candidate. The Board, at its discretion, shall consider the appeal and take appropriate action. Corrections, however, shall not invalidate certification or appointment made prior to the correction. Where an appointment has not been made and the eligible applicant would have been certified had the mistake not been made, their name will be certified to the department.

ARTICLE VI. ELIGIBLE LISTS

Section 1. ESTABLISHMENT OF LISTS

- (a) As soon as possible after the scoring of an examination, the names of those applicants who passed the examination shall be placed on an eligibility list.
- (b) Prior to finalizing open or continuous examination final scores, qualified veterans shall be awarded an additional five (5) points in the examination process. A job applicant qualifies as a veteran if honorably discharged from active military, reservist, or National Guard duty of at least 18 consecutive months within the past five (5) years of the date of application. In cases of discharge attributable to service-connected injuries or illnesses, the 18 months active duty requirement need not be fulfilled. No additional points will be awarded to veterans in promotional examinations.
- (c) Candidates shall be ranked on the eligibility lists in the order of final score received, from the highest score down to the lowest passing score. Final scores that are tied shall receive equal ranking.
- (d) For continuous examinations, the Human Resources Director may authorize an eligible list to be established, to which additional names may be added, and certified to the hiring authority to make an appointment.
- (e) For an employee serving either in a civil service or non-civil service capacity, who successfully completes a City-sponsored police academy or apprenticeship program, the Human Resources Director may place the employee's name on a civil service-covered classification eligible list for which the employee is qualified.

Section 2. ENTRY OF LAID OFF EMPLOYEE ON ELIGIBLE LIST

Unless superseded by an applicable Memorandum of Understanding or Compensation Plan, upon written request to the Human Resources Director, a permanent employee who is on lay-off status shall be entitled to have their name entered in the first place upon the eligible list for the classification to which his position belonged or a lower vacant classification for which they are qualified. If more than one person is laid off in a single classification, the position of names on the list shall be in inverse order of lay-off.

Section 3. ELIGIBILITY FOR REINSTATEMENT AFTER RESIGNATION

Upon written request to the Human Resources Director, a permanent employee within the Civil Service and who has resigned in good standing may, within one year after the effective date of his or her resignation, be recertified without competitive examination for consideration for rehire to a position in the same classification. In addition, the actual rehiring of such recertified employee must take place within one year after the effective date of his or her resignation.

Section 4. DURATION OF ELIGIBLE LISTS

- (a) An Eligible List, or an individual name placed on an eligible list associated with a continuous examination, will become effective upon approval by the Human Resources Director and shall remain in effect for a period of six (6) months, unless extended, or canceled because it no longer meets the needs of the City.
- (b) Eligible Lists, or an individual name placed on an eligible list associated with a continuous examination may be extended by the Human Resources Director for additional six-month periods, but in no event shall these lists remain in effect for more than two years.
- (c) Names appearing on the Eligible List, or an individual name placed on an eligible list associated with a continuous examination by reason of lay-off shall remain effective for two years from the date of separation.

Section 5. DESIGNATION OF ELIGIBLE LIST

The Human Resources Director may designate an existing Eligible List as an Eligible List for a related classification in which the minimum qualifications and the examination are similar to, or of a lower level than, those required for the original eligible list. An appointment from a designated list will not remove the applicant's name from the original eligible list.

Section 6. REMOVAL OF NAMES FROM LISTS

The name of any person appearing on an eligible list shall be removed:

- (a) Where the candidate so requests in writing to be removed from the Eligible List;
- (b) Where the candidate declines an offer of a selection interview and/or appointment a total of three (3) times;
- (c) Where the candidate does not respond to an invitation to a selection interview with the department;
- (d) Where the candidate does not show up to, without prior notification, a selection interview with a department.
- (e) Where after any required ADA or other interactive process required by law, the candidate fails a required background, medical, drug or psychiatric test required for the position.

Section 7. WAIVER OF CERTIFICATION

- (a) With the approval of the Human Resources Director, a person certified for a position within the Civil Service may waive their certification for a period not to exceed ninety (90) days, by submitting a written request for waiver.
- (b) With the approval of the Human Resources Director, a member of Armed Forces of the United States whose name appears on an eligible list may waive, in writing, their certification for a period not to exceed the duration of the eligible list or their service in the Armed Forces of the United States. Proof of candidate's service in the Armed Forces of the United States and of their discharge shall be provided by the person requesting the special military waiver privilege.

ARTICLE VII. APPOINTMENT

Section 1. CERTIFICATION OF CANDIDATES FROM ELIGIBLE LISTS

- (a) The names of persons appearing on the appropriate list who are willing to accept appointment shall be certified in the order in which they appear on the list:

- (1) For promotional exams, the number of ranks certified shall exceed by two (2) the number of vacancies to be filled.
 - (2) For entry-level classification exams, the number of ranks certified shall exceed by nine (9) the number of vacancies to be filled.
 - (3) For classifications which require specific professional certifications or specific advanced degrees, the entire eligible list shall be certified.
 - (4) For classifications for which a continuous examination is conducted, the entire eligible list shall be certified and ranks will be added to the list and certified as applicants become eligible.
 - (5)[5] In all other instances, the number of ranks certified shall exceed by four (4) the number of vacancies to be filled. The City shall use sequential ranking where the rank number is NOT advanced by the total number of tied candidates. For example, if there is a three way tie at rank 1, the next candidate would receive a rank of 2.
- (b) For names certified from an eligible list associated with a continuous recruitment, the department will contact each applicant certified and engage them in the department's initial step in the selection process.
- (c) The Executive Secretary to the Board shall have the authority and discretion to revise and maintain lists of classifications considered entry level and those requiring professional certification or advanced degree, however when any change is made to the list, those changes shall be reported to the Board at the next regularly scheduled meeting.
- (d) When there is a need to fill a position that requires a special skill, licenses, language proficiency, or specialized training, the department may request that those certified have been identified by the Human Resource Director as having the requisite special skills, licenses, language proficiency, or specialized training. Before such names may be certified, the department must affirm that there are no employees in the class in the department available to fill the position who possess the requisite special skills, licenses, language proficiency, or specialized training. Such certification shall be in order of standing and shall follow the requirements in (a) of this section.

Section 2. PROCESS OF APPOINTMENT

- (a) After interview and investigation, the Department Head or their designee shall make recommendation of appointment from among those certified, to the appointing authority by immediately notify the Human Resources Director of the person or persons recommended for appointed. The Department Head or their designee shall provide the Human Resources Director written explanation on the Hiring

Requisition Form, if the hiring recommendation is not in order of the eligible list.

- (b) Following conditional appointment and prior to the start of employment the appointed candidate shall be subject to criminal background investigation to the extent permitted by law and to a check of the candidate's police record through fingerprinting. Appointment may be cancelled after this investigation to the extent permitted by law.
- (c) For select positions within the Civil Service, following conditional appointment, candidates shall undergo a physical examination by a licensed physician to determine the state of their physical condition in connection with their job related duties to the extent permitted by law. For positions requiring a physical examination, failure to be able to perform the essential functions of the position with or without accommodation shall be grounds to rescind the appointment.
- (d) For select positions within the Civil Service, following conditional appointment and where permitted or required by law, candidates shall undergo psychological evaluation by a clinical psychologist, at the expense of the city, to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of the powers associated with their position and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position. For positions requiring psychological or psychiatric tests failure to successfully pass such testing shall be grounds to rescind the appointment.
- (e) For select positions within the Civil Service, following conditional appointment and where permitted or required by law, candidates shall undergo drug testing. For positions requiring a drug test, failure to be able to pass such test shall be grounds to rescind the appointment.
- (f) If a candidate accepts an appointment and fails to present themselves for duty as instructed, they shall be deemed to have declined appointment unless, within two days, they give justification for their action acceptable to the Human Resources Director.

Section 3. PROBATIONARY APPOINTMENT

- (a) A probationary appointment occurs whenever a person is appointed from an eligible list. Every original and promotional appointment in the Civil Service shall be for a probationary term of at least six (6) months. The length of the probationary period for a specific position

is determined by the Memorandum of Understanding or Compensation Plan applicable to that position.

- (b) The purpose of the probationary period is to subject the employee to trial performance and training in the position to which they are appointed. During the time the employee is on probation, they may be released without appeal, unless the employee believes release is for an unlawful or discriminatory reason. Probationary employees are not entitled to seniority rights in lay-off, or to reinstatement priority.
- (c) Absences of over thirty (30) continuous calendar days during the probationary period, shall extend the probationary period for the same number of calendar days. Continuous absence during the probationary period, even of less than thirty (30) continuous days may be the basis for extension of the probationary period.
- (d) The probationary period may be extended at the discretion of the department head with the consent of the Human Resources Director for any job related reasons.

Section 4.

COMPLETION OF PROBATION

The Human Resources Director shall notify the supervising official not less than two weeks prior to the conclusion of any probationary period. On or before the expiration of the probationary period, the supervising official shall file with the Human Resources Director a statement in writing containing an appraisal indicative of the probationary employee's service value to the City and indicating whether or not the probationary employee's retention in the service is desired.

If the probationary employee's retention is not desired, and at the time of their appointment the employee held another position within the Civil Service for which they had obtained permanent status, they shall be reinstated without loss of former rights to that position or a position within the same classification, provided, however, that a position is available.

Section 5.

PERMANENT APPOINTMENT

A permanent appointment shall be effective when an employee has satisfactorily completed the probationary period in the position to which they are to be permanently appointed.

Section 6.

PROVISIONAL APPOINTMENT

Where there is no eligible list for a given classification, the appointing authority may make a provisional appointment of any person meeting the minimum qualifications for the position. Such employment shall terminate upon the establishment of a new eligible list. Provisional appointments shall not last more than one year.

In no case shall any provisional appointment be credited to a probationary period. An individual provisionally appointed shall not be considered a Civil Service employee.

Section 7. LIMITED TERM APPOINTMENT

Whenever there is a need for employment for a limited time, exceeding one year but with a known end date, a limited-term appointment of a person meeting minimum qualifications for the position may be made from an Eligible List. An employee appointed on a limited term appointment has all the benefits and protections of these rules and the applicable memorandum of Understanding or Compensation Plan. Time worked in the limited term appointment shall be credited towards the employee's probationary period.

Section 8. PART-TIME APPOINTMENT TO A POSITION WITHIN THE CIVIL SERVICE

When warranted by the requirements of the City the appointing authority may retain personnel to fill a Civil Service position on a less-than-full-time basis. Hours worked may be on a regular or irregular basis. Such persons must meet minimum qualifications for the position. In no case shall any part-time appointment be credited to a probationary period.

Section 9. EMERGENCY APPOINTMENT

To meet the immediate requirements of an emergency, the appointing authority or their designee may employ such persons as may be needed without regard to the Civil Service restrictions pertaining to appointment. As soon as possible, such appointments shall be reported to the Executive Secretary. Emergency appointments shall not exceed fifteen (15) business days.

ARTICLE VIII. ALTERATIONS IN EMPLOYMENT STATUS

Section 1. TRANSFER

After notice to the Human Resources Director, an employee may be transferred by the appointing authority at any time from one position to another position in the same or comparable classification in the same or

different department. No person shall be transferred to a position for which they do not possess the minimum qualifications.

Section 2. RECLASSIFICATION DUE TO CHANGE OF DUTIES

Material changes in the duties and responsibilities of a position within the Civil Service ordered by an appointing power or supervising official shall be reported in writing to the Human Resources Director. If such changes require reclassification of the position and an alteration in employment status of the incumbent, the Human Resources Director shall determine and establish the appropriate minimum qualifications, in accordance with the applicable rule regarding transfer, demotion and promotion. In the event that a position has been reclassified to a position having a higher rate of pay the promotion may take effect without examination if the incumbent has performed the duties and responsibilities of the position for the preceding one (1) year.

Section 3. DEMOTION

After notice to the Human Resources Director an employee may be demoted by the appointing authority from one position to another position in a lower but similar classification. Demotion may be voluntary at the request of the employee, the result of discipline or in lieu of layoff. Demotion shall be allowed only if the demoted employee possesses the required minimum qualifications for the position. Where demotion results from discipline an employee shall be given notice of the proposed demotion and are entitled to appeal to the Board for hearing as provided by the Civil Service Ordinance and these Rules.

Unless stated otherwise in an applicable Memorandum of Authority, in the event that the demotion results from causes other than discipline or the maintenance of competency, the employee shall be eligible for a period of two (2) years for consideration for appointment to a position in the same classification from which they were demoted, which, may thereafter become vacant.

Section 4. LEAVE FOR APPOINTMENT TO NON-CIVIL SERVICE POSITIONS

If a permanent employee desires leave to accept an Non-Civil Service position with the City, application shall be made in writing to the Appointing Authority, stating the position to be vacated, the position to which appointment is anticipated, and the duration for which leave is requested. The Appointing Authority shall decide whether leave is justified and, if so, the term of such leave.

Section 5. MILITARY LEAVE OF ABSENCE

Every qualifying employee shall be entitled to such leaves of absence and benefits as are provided by the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and the California Government Code and Military and Veterans Code related to service in the Armed Forces of the United States and of California and as outline by City Policy or resolution passed by City Council..

Section 6. RETURN FROM MILITARY LEAVE

An employee who is returning from military leave shall comply with the relevant provisions of the USERRA and are subject to the benefits and constraints contained therein.

Section 7. PERSONAL LEAVE OF ABSENCE WITHOUT PAY

Leaves of absence, not covered by applicable Federal or State law, without pay may be granted by the Appointing Authority to the extent allowed by the applicable MOU and when requested by an employee. Such leave shall normally be granted per the applicable Memorandum of Understanding or Compensation Plan.

ARTICLE IX. DISCIPLINE

Section 1. DISCIPLINARY ACTION

In the event that a department head finds that their employee is performing ineffectively, inefficiently, not complying with these or other rules or not complying with City or Department policies, they may recommend that such employee be disciplined in accordance with Section 8 of the Civil Service Ordinance of the City of Alameda and/or Section 7-4 of the City Charter and in compliance with the applicable Memorandum of Understanding or Compensation Plan.

Section 2. INVESTIGATION

Prior to notice of any disciplinary action the appointing power (or designee) may conduct an investigation into an employee's conduct. If, during this investigation, the employee is questioned, they must be informed of the following:

- (a) Failure to cooperate, including but not limited to failure to participate in a scheduled interview or failure to answer questions posed during an interview, may be deemed insubordination and may lead to discipline up to and including dismissal.
- (b) Any statements made under the compulsion of the threat of discipline (i.e. incriminating statements) cannot be used against the employee in any subsequent criminal proceeding.
- (c) Responses to questions may be recorded;

Section 3. PRE-DISCIPLINARY NOTICE

A permanent Civil Service employee must be given advance written notice as required by Federal or State law and in accordance with the applicable Memorandum of Understanding or Compensation Plan prior to being subject to major disciplinary action.

ARTICLE X. PROCEDURE ON APPEALS AFTER DISCIPLINE IS IMPOSED

Per Civil Service Ordinance Section 3011, regular Civil Service employees who have been fined in excess of one (1) month salary or suspended without pay for more than thirty (30) days may appeal to the Civil Service.

Section 1. INVESTIGATION BY EXECUTIVE SECRETARY

On receipt of an employee's notice of appeal, the Executive Secretary shall notify the members of the Civil Service Board, and shall investigate the circumstances surrounding the action for report to the Board.

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Section 2. NOTICE OF HEARING

Written notice of the time and place of hearing of an appeal shall be given to the appellant and to the appointing power from whose action the appeal is taken at least seven (7) calendar days before the date of the hearing.

Section 3. HEARINGS

- (a) The hearing on such appeal shall be set before the Board at a special meeting of the Board. Such meeting may be continued or adjourned from time to time as the Board may determine

- (b) Hearings on disciplinary action taken pursuant to the provisions of Section 8 of the Civil Service Ordinance may be informally conducted, and the technical rules of evidence and pleading need not apply.
- (c) Unless incapacitated, the appealing employee shall appear personally and shall not be excused from answering questions and supplying information.

Section 4. NOTICE AND DECISION

Within ten (10) business days after the hearing is concluded and the matter submitted for decision, the Board shall make its written decision and the same shall thereupon be certified to the appointing power and the employee concerned.

ARTICLE XI. GENERAL PROVISIONS

Section 1. PERSONNEL REPORT

The Human Resources Director shall provide all Civil Service Board members a summary Report of Personnel Activities, including positions filled, vacant, new hires and separations for the preceding period. Further, the report shall include a brief statement of overall status and new developments.

Section 2. PUBLIC NOTICE

Whenever public notice is required by the provisions of these rules, such notice, unless otherwise specifically provided, shall be given by posting a copy thereof on the City's official website and in such other locations the Human Resources Director deems appropriate to provide notice to the public. Such notice shall set forth the time and place and the nature of the act or thing to be done or considered.

Section 3. POLITICAL ACTIVITY

The political activity of a City employee shall conform to pertinent provisions of State Law and the City's Political Activity Policy. An officer or employee of the City shall enjoy freedom from interference in engaging in political activity, provided, however, that an employee shall refrain from:

- (a) Distributing campaign literature through the City's internal mail system;

- (b) Placing campaign literature on employee bulletin boards, on the City's web page, or on the City premises;.
- (c) Making public appearances speaking in favor or against a candidate or ballot measure during work hours;
- (d) Making telephone calls regarding a ballot measure or political candidate during work hours, or use City telephone or computers at any time to engage in such communications;
- (e) Walking precincts, drafting campaign ads, or performing other campaign tasks during work hours, or assigning subordinates to do the same;
- (f) Adding a link to the City's website to a campaign website;
- (g) Sending or soliciting to receive, campaign-related e-mails on City computers;
- (h) Urging other City employees to vote for or against a candidate or vote for or against a ballot measure during work hours;
- (i) Soliciting campaign contributions from City officers or employees. This prohibition does not preclude requesting contributions from other City officers or employees if the request is part of a solicitation made to a significant segment of the public that may include officers or employees of the City and no City resources are used in making the solicitation, including paid work hours;
- (j) Using public funds or resources, which includes the use of City facilities or equipment (e.g. telephone, computers, e-mail accounts, vehicles, police cars, fire trucks, copy machines or any other equipment) to elect or defeat a candidate or support or oppose a ballot measure; or
- (k) Participating in political activities of any kind while in uniform. For purposes of this prohibition, a City officer or employee is in uniform any time they are wearing all or any of a uniform that they are required or authorized to wear while engaged in official duties.

Section 4. DEPARTMENTAL POLICIES AND PROCEDURES

Any department may issue such policies or manuals of procedure or operations as is necessary for the efficient and orderly administration of the department. No such policies shall conflict with or supersede these Rules or

the rules and policies of the City. Copies shall be made accessible to each employee of the department.

Section 5. SEVERABILITY

If any clause, sentence, paragraph, or part of these Rules, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder of these Rules and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgement shall have been rendered and to the person or circumstances involved.

These Rules may be cited as the Civil Service Rules of the City of Alameda. Upon approval by the Civil Service Board, these Rules supersede and cancel all former Civil Service Rules, and all amendments and revisions thereto.

Approved by Civil Service Board
on June 16, 1992

Revised: 01/09/2002
 04/07/2005
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