



CITY OF ALAMEDA

CIVIL SERVICE RULES

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Table of Contents

ARTICLE I. STATEMENT OF PURPOSE	1
Section 1. PURPOSE AND OBJECTIVE	1
Section 2. FAIR EMPLOYMENT PRACTICES	1
ARTICLE II. DEFINITION OF TERMS	1
Section 1. "APPLICANT"	2
Section 2. "APPOINTING AUTHORITY"	2
Section 3. "APPOINTMENT"	2
Section 4. "ARMED FORCES"	2
Section 5. "BOARD"	2
Section 6. "CANDIDATE"	2
Section 7. "CIVIL SERVICE"	2
Section 8. "CLASSIFICATION"	3
Section 9. "CLASSIFICATION PLAN"	3
Section 10. "DEMOTION"	3
Section 11. "ELIGIBLE LIST"	3
Section 12. "EMPLOYEE"	4
Section 13. "EXAMINATION"	4
Section 14. "GOOD STANDING"	4
Section 15. "HOURLY RATE OR ANNUAL SALARY"	4
Section 16. "HUMAN RESOURCES DIRECTOR"	4
Section 17. "LIMITED TERM EMPLOYEE"	4
Section 18. "MEMORANDUM OF UNDERSTANDING or COMPENSATION PLAN"	5
Section 19. "PART-TIME EMPLOYEE"	5
Section 20. "PERMANENT APPOINTMENT"	5
Section 21. "PERMANENT EMPLOYEE"	5
Section 22. "POLITICAL ACTIVITY"	5
Section 23. "POSITION"	5
Section 24. "PROBATIONARY PERIOD"	5
Section 25. "PROMOTION"	6
Section 26. "PROVISIONAL APPOINTMENT"	6

Field Code Changed

Section 27. “PROVISIONAL EMPLOYEE”	6
Section 28. “TRANSFER”	7
ARTICLE III. ADMINISTRATION	7
Section 1. ADOPTION	7
Section 2. AMENDMENT.....	7
Section 3. ADMINISTRATION	7
ARTICLE IV. POSITION CLASSIFICATION.....	7
Section 1. PURPOSE	7
Section 2. CLASSIFICATION SPECIFICATIONS	8
ARTICLE V. EXAMINATION.....	8
Section 1. VACANCIES	8
Section 2. TYPES OF EXAMINATIONS	8
Section 3. SOURCES OF APPLICANTS.....	9
Section 4. ANNOUNCEMENT OF EXAMINATION	9
Section 5. APPLICATION.....	9
Section 6. DISQUALIFICATION.....	11
Section 7. AMENDMENT OF APPLICATIONS	11
Section 8. EXAMINATION COMPONENTS	11
Section 9. QUALIFYING GRADE	12
Section 10. NOTIFICATION OF RESULTS.....	12
Section 11. APPEAL OF EXAMINATION RESULTS	13
ARTICLE VI. ELIGIBLE LISTS.....	13
Section 1. ESTABLISHMENT OF LISTS	13
Section 2. ENTRY OF LAID OFF EMPLOYEE ON ELIGIBLE LIST.....	14
Section 3. ELIGIBILITY FOR REINSTATEMENT AFTER RESIGNATION...	14
Section 4. DURATION OF ELIGIBLE LISTS.....	14
Section 5. DESIGNATION OF ELIGIBLE LIST	15
Section 6. REMOVAL OF NAMES FROM LISTS	15
Section 7. WAIVER OF CERTIFICATION.....	15
ARTICLE VII. APPOINTMENT	16
Section 1. CERTIFICATION OF CANDIDATES FROM ELIGIBLE LISTS	16
Section 2. PROCESS OF APPOINTMENT.....	17
Section 3. PROBATIONARY APPOINTMENT.....	18
Section 4. COMPLETION OF PROBATION	19

<u>Section 5. PERMANENT APPOINTMENT</u>	<u>19</u>
<u>Section 6. PROVISIONAL APPOINTMENT.....</u>	<u>19</u>
<u>Section 7. LIMITED TERM APPOINTMENT</u>	<u>20</u>
<u>Section 8. PART-TIME APPOINTMENT TO A POSITION WITHIN THE CIVIL SERVICE</u>	<u>20</u>
<u>Section 9. EMERGENCY APPOINTMENT</u>	<u>20</u>
<u>ARTICLE VIII. ALTERATIONS IN EMPLOYMENT STATUS</u>	<u>20</u>
<u>Section 1. TRANSFER</u>	<u>20</u>
<u>Section 2. RECLASSIFICATION DUE TO CHANGE OF DUTIES.....</u>	<u>21</u>
<u>Section 3. DEMOTION</u>	<u>21</u>
<u>Section 4. LEAVE FOR APPOINTMENT TO NON-CIVIL SERVICE POSITIONS.....</u>	<u>21</u>
<u>Section 5. MILITARY LEAVE OF ABSENCE.....</u>	<u>22</u>
<u>Section 6. RETURN FROM MILITARY LEAVE</u>	<u>22</u>
<u>Section 7. PERSONAL LEAVE OF ABSENCE WITHOUT PAY.....</u>	<u>22</u>
<u>ARTICLE IX. DISCIPLINE</u>	<u>23</u>
<u>Section 1. DISCIPLINARY ACTION</u>	<u>23</u>
<u>Section 2. INVESTIGATION</u>	<u>23</u>
<u>Section 3. PRE-DISCIPLINARY NOTICE</u>	<u>23</u>
<u>ARTICLE X. PROCEDURE ON APPEALS AFTER DISCIPLINE IS IMPOSED.....</u>	<u>24</u>
<u>Section 1. INVESTIGATION BY EXECUTIVE SECRETARY</u>	<u>24</u>
<u>Section 2. NOTICE OF HEARING</u>	<u>24</u>
<u>Section 3. HEARINGS.....</u>	<u>24</u>
<u>Section 4. NOTICE AND DECISION.....</u>	<u>25</u>
<u>ARTICLE XI. GENERAL PROVISIONS</u>	<u>25</u>
<u>Section 1. PERSONNEL REPORT.....</u>	<u>25</u>
<u>Section 2. PUBLIC NOTICE</u>	<u>25</u>
<u>Section 3. POLITICAL ACTIVITY</u>	<u>25</u>
<u>Section 4. DEPARTMENTAL POLICIES AND PROCEDURES</u>	<u>26</u>
<u>Section 5. SEVERABILITY.....</u>	<u>26</u>
<u>ARTICLE I. STATEMENT OF PURPOSE</u>	<u>1</u>
<u>Section 1. PURPOSE AND OBJECTIVE</u>	<u>1</u>
<u>Section 2. FAIR EMPLOYMENT PRACTICES</u>	<u>1</u>
<u>ARTICLE II. DEFINITION OF TERMS</u>	<u>1</u>
<u>Section 1. "ADVANCEMENT"</u>	<u>21</u>

Section 2. “ANNIVERSARY DATE”	21
Section 3. “APPOINTMENT”	2
Section 4. “BOARD”	2
Section 5. “CLASSIFICATION”	2
Section 6. “DEMOTION”	32
Section 7. “ELIGIBLE LIST”	32
Section 8. “ELIGIBLE”	32
Section 9. “CIVIL SERVICE EMPLOYEE”	3
Section 10. “EMPLOYMENT LIST”	3
Section 11. “EXAMINATION”	3
Section 12. “EXECUTIVE SECRETARY”	43
Section 13. “PART TIME EMPLOYEE”	43
Section 14. “PERMANENT EMPLOYEE”	43
Section 15. “POSITION”	54
Section 16. “PROBATIONER”	54
Section 17. “PROBATIONARY PERIOD”	54
Section 18. “PROMOTION”	54
Section 19. “PROMOTIONAL LIST”	64
Section 20. “REJECTION”	64
Section 21. “SALARY OR WAGE”	64
Section 22. “SUSPENSION”	64
Section 23. “TEMPORARY EMPLOYEE”	65
Section 24. “TERMINATION”	65
Section 25. “TRANSFER”	65
ARTICLE III. ADMINISTRATION	75
Section 1. ADOPTION	75
Section 2. AMENDMENT	75
Section 3. ADMINISTRATION	75
ARTICLE IV. POSITION CLASSIFICATION	75
Section 1. PURPOSE	75
Section 2. CLASSIFICATION SPECIFICATIONS	76
Section 3. RECLASSIFICATION	76
ARTICLE V. RECRUITMENT	86
Section 1. VACANCIES	86

Section 2. SOURCES OF CANDIDATES.....	86
Section 3. ANNOUNCEMENT OF EXAMINATION	86
ARTICLE VI. EXAMINATIONS.....	97
Section 1. APPLICATIONS.....	97
Section 2. DISQUALIFICATION.....	108
Section 3. INCOMPLETE APPLICATIONS	108
Section 4. EXAMINATION COMPONENTS	118
Section 5. EXAMINATION CATEGORIES	119
Section 6. QUALIFYING GRADE	119
Section 7. notification of results.....	129
Section 8. APPEAL OF REJECTION.....	129
ARTICLE VII. ELIGIBLE LISTS	129
Section 1. ESTABLISHMENT OF LISTS	1210
Section 2. EMPLOYEES LAID OFF GIVEN PREFERENCE	1310
Section 3. ELIGIBILITY FOR REINSTATEMENT.....	1310
Section 4. DURATION OF ELIGIBLE LISTS.....	1411
Section 5. DESIGNATION OF ELIGIBLE LIST	1411
Section 6. REMOVAL OF NAMES FROM LISTS	1411
ARTICLE VIII. APPOINTMENT.....	1512
Section 1. CERTIFICATION OF ELIGIBLES	1512
Section 2. METHOD OF APPOINTMENT.....	1613
Section 3. PROBATIONARY APPOINTMENT.....	1713
Section 4. COMPLETION OF PROBATION	1813
Section 5. PERMANENT APPOINTMENT	1813
Section 6. TEMPORARY APPOINTMENT.....	1814
Section 7. PART-TIME APPOINTMENT.....	1914
Section 8. EMERGENCY APPOINTMENT	1914
ARTICLE IX. ALTERATIONS IN EMPLOYMENT STATUS	1914
Section 1. TRANSFER.....	1914
Section 2. CHANGE OF DUTIES.....	2015
Section 3. DEMOTION	2015
Section 4. LEAVE FOR APPOINTMENT TO EXEMPT POSITIONS.....	2015
Section 5. MILITARY LEAVE OF ABSENCE.....	2015
Section 6. RETURN FROM MILITARY LEAVE	2116

Section 7. PERSONAL LEAVE OF ABSENCE WITHOUT PAY	2116
ARTICLE X. DISCIPLINE	2116
Section 1. DISCIPLINARY ACTION	2116
Section 2. PRELIMINARY INVESTIGATION	2216
Section 3. PREDISCIPLINARY NOTICE	2217
ARTICLE XI. PROCEDURE ON APPEALS	2217
Section 1. HEARINGS INFORMAL	2217
Section 2. investigation by EXECUTIVE SECRETARY	2317
Section 3. NOTICE AND DECISION	2317
ARTICLE XII. GENERAL PROVISIONS	2418
Section 1. PERSONNEL REPORT	2418
Section 2. PUBLIC NOTICE	2418
Section 3. POLITICAL ACTIVITY	2418
Section 4. DEPARTMENTAL POLICIES AND PROCEDURES	2518
Section 5. SEVERABILITY	2519

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/~~Affirmative Action~~ 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.~~race, color, ancestry, age or marital status, national origin, religious creed, political opinions or affiliation, disability (if otherwise qualified), sexual orientation or because of gender.~~ 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.~~race, color, ancestry, age or marital status, national origin, religious creed, political opinions or affiliations, disability (if otherwise qualified), sexual orientation or gender.~~

ARTICLE II. DEFINITION OF TERMS

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

Section 1. “APPLICANT ADVANCEMENT”

~~A salary increase of one or more steps within the limits of the pay range established for a classification.~~
An individual seeking employment in the Civil Service who has submitted an application for admittance to an examination.

Section 2. “APPOINTING AUTHORITY ANNIVERSARY DATE”

~~—~~
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.

~~That date which represents for an employee the date on which he/she was originally employed, or adjusted as required for break in service.~~

Section 3. “APPOINTMENT”

The offer to a candidate and their acceptance of a position within the Civil Service in accordance with these rules.
~~The offer of and the acceptance by a person of a position in the Civil Service in accordance with the provisions of the Civil Service Ordinance and 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 54. “BOARD”

The Civil Service Board of the City of Alameda established in
~~pursuance~~
accordance of 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. “CIVIL SERVICE”

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

Section ~~85~~. “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 9. “CLASSIFICATION PLAN”

The arrangement of positions in classes, together with the titles and class specifications describing each.

Section ~~106~~. “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, rate of pay or salary range.

Section ~~117~~. “ELIGIBLE LIST”

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

~~Section 8. “ELIGIBLE”~~

~~A person who earned a rank on an eligible list.~~

~~Section 9. “CIVIL SERVICE EMPLOYEE”~~

~~A person who has been legally appointed and is currently serving in a Civil Service position.~~

~~Section 10. “EMPLOYMENT LIST”~~

~~— A list of eligible which is to be used for making appointments or promotions.~~

Section ~~121.~~ “EMPLOYEE”

Any person legally holding a position with the City, whether limited-term, part-time, provisional or permanent.

Section 13. “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. ~~(a)~~

~~— Assembled examination: A written test or tests conducted at a specific time or place at which applicants are required to appear for competitive examination under the supervision of an examiner.~~

~~(b) — Unassembled examination: A review or evaluation of an applicant’s training, experience, work history or any other qualifications based on the requirements of the position.~~

(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 14. “GOOD STANDING”

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

Section 15. “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 ~~162.~~ “~~EXECUTIVE SECRETARY~~HUMAN RESOURCES DIRECTOR”

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

Section 17. “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 18. “MEMORANDUM OF UNDERSTANDING or COMPENSATION PLAN”

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

Section 193. “PART-TIME EMPLOYEE”

An employee ~~who is~~ filling a Civil Service position ~~that is in a~~ less than full-time basis ~~who 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 20. “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 or Compensation Plan.

Section 2144. “PERMANENT EMPLOYEE”

An employee who has been ~~selected~~ appointed from an ~~Eligible List~~ eligible list and has successfully completed ~~his/her~~ their probationary period and has been retained as provided in these Rules.

Section 22. “POLITICAL ACTIVITY”

Supporting or opposing a ballot measure or supporting or opposing the election of a candidate at the federal, state or local level.

Section 2345. “POSITION”

~~Any office or employment in the Civil Service, whether occupied or a~~ combination of duties regularly assigned to be performed by one person. ~~vacant.~~

Section 16. “PROBATIONER”

~~An employee who has not yet completed the probationary period.~~

Section 2417. “PROBATIONARY PERIOD”

The working test period during which an employee is required to demonstrate ~~his/her~~ their ~~fitness~~ knowledge, skills and abilities for the duties

to which ~~he/she/they is~~ have been appointed by actual performance of the duties of the position. ~~The probationary period is an integral part of the examination process.~~

Section ~~2518.~~ "PROMOTION"

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

Section 26. "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 27. "PROVISIONAL EMPLOYEE"

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

Section ~~19.~~ "PROMOTIONAL LIST"

~~A list of names of City employees who have passed a promotional examination for a classification in the Civil Service and ranked on the list in the order of the final score earned.~~

Section ~~20.~~ "REJECTION"

~~The separation of an employee during or at the completion of his/her probationary period.~~

Section ~~21.~~ "SALARY OR WAGE"

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

Section ~~22.~~ "SUSPENSION"

~~The temporary separation from assigned duties of an employee, without pay, for disciplinary purposes.~~

Section ~~23.~~ "TEMPORARY EMPLOYEE"

~~_____ An employee who is filling a position of limited duration only and has no permanent Civil Service status.~~

Section 24. "TERMINATION"

~~_____ The separation of an employee from the service of the City. Termination may include death, discharge, displacement of a temporary employee by a probationary appointment, lay off, resignation, retirement, and work completion.~~

Section 285. "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. A change of an employee from one position to another position in the same 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 PLAN~~

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 ~~manpower~~ structure. The ~~Executive Secretary of the Board~~ 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.

~~Section 3. RECLASSIFICATION~~

~~The Human Resources Director shall perform periodic Job Analysis. Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated to a more appropriate classification, whether new or already covered, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.~~

ARTICLE V. RECRUITMENT EXAMINATION

Section 1. VACANCIES

Whenever a vacancy is to be filled in the Civil Service, the appointing authority or ~~his/her~~ their designee ~~ate~~ 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 only to application from qualified 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 32. SOURCES OF CANDIDATES/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 43. ANNOUNCEMENT OF EXAMINATION

All examinations for positions in the City shall be publicly announced by posting announcements in 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. ~~City government building on official bulletin boards, and in such other places as the Human Resources Director deems advisable.~~

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 ~~making~~ submitting application, the general scope of the examination and such other pertinent information as is deemed to be appropriate or desirable.

ARTICLE VI. EXAMINATIONS

Section 51. APPLICATIONS

Applications shall be submitted through the City's electronic application system or through alternative means identified by the Human Resources Director or their designee. Applications shall be made on official application forms, which shall be furnished to all persons requesting them.

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

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

- (a) is found to lack any of the minimum ~~requirements-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;
- (b) ~~has a physical or mental impairment that is shown to limit a major life activity and cannot perform the essential duties of the position for which he/she has applied, with or without accommodation;~~
- (c) ~~is addicted to the use of narcotics or the habitual use of intoxicating liquors to the extent that job performance is or will be affected by such addiction or use;~~
- (d) has used or attempted to use political pressure or bribery or personal influence to secure an advantage in the examination ~~process-~~ eligibility or appointment;
- (e) is found to be ineligible to compete in a promotional examination;
- (fe) has directly or indirectly obtained information regarding the content of an examination to which an applicant is not entitled;
- (gf) 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 from the same classification during their probationary period (appeal of dismissal shall stay this provision until a final decision is made) within the last twelve (12) months;
- (i) any other reason linked to business necessity or operational need.
- (g) ~~has practiced or attempted to practice deception or fraud in the application, in declarations, or in securing eligibility or appointment;~~
~~or~~

~~(h) — has an unsatisfactory conviction record as related to duties of the position.—~~

Section 62. 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.
~~A disqualified applicant shall be notified of such action by the Human Resources Director.~~

Section 7.3 INCOMPLETE 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
~~Defective or incomplete applications may be returned to the applicant with notice that amendment is needed. Such amended application received after the time limit for filing of applications may be accepted at the discretion of the Human Resources Director, provided that the examination procedure has not commenced.~~

Section 84. 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
~~accommodations. to physically perform the duties of the position;~~

~~(g) — If required by law the A a check of the applicant's police record by police personnel through fingerprints, following appointment;~~

~~(h) — For police and fire personal after the conditional offer of employment a Psychological or psychiatric tests to determine personality characteristics as related to the position, by a clinical psychologist, at City expense (optional for each test);~~

~~(i) — Physical examination by a licensed physician to determine state of physical condition in connection with the job related duties of position at City expense.~~

Section 5. — EXAMINATION CATEGORIES

~~— Depending upon the requirements of the City and the availability of qualified current City personnel, an examination shall be declared either an open, a promotional, or a continuous examination. Promotional examinations shall be restricted to City employees who have held full time positions for a minimum of six (6) months. Continuous examinations shall be utilized only for those positions for which it is difficult to obtain qualified candidates.~~

Section 96. 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 107. NOTIFICATION OF RESULTS

Each ~~competitor applicant~~ shall be given written notice of the results of the examination and, if successful, of ~~his/her/their~~ final earned ~~rating examination score~~ and of ~~his/her/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 ~~his/her/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~~posting the eligible list resulting from the examination~~, shall be corrected. Corrections, however, shall not invalidate certification or appointment ~~made prior to the correction previously made. 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 118. APPEAL OF ~~REJECTION~~ 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 eligible list is posted. 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 VII. ELIGIBLE LISTS

Section 1. ESTABLISHMENT OF LISTS

- (a) As soon as possible after the scoring of ~~the 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 ~~recruitments which require continuous examination~~ 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 regular or part time~~ 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 EMPLOYEES LAID-OFF GIVEN PREFERENCE ON ELIGIBLE LIST

~~Unless superseded by an applicable Memorandum of Understanding or Compensation Plan, Upon written application request to the Executive Secretary to the Board~~ Human Resources Director, a permanent employee who is on lay-off status shall be entitled to have ~~his/her~~ their name entered in the first place upon the eligible list, for the classification to which ~~their~~ 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, ~~or in accordance with the employees' relative service value to the City as determined by work history, performance record, or other pertinent evidence, as interpreted by the appointing authority.~~

Section 3. ELIGIBILITY FOR REINSTATEMENT AFTER RESIGNATION

Upon written request to the ~~Executive Secretary to the Board~~ Human Resources Director, ~~an a permanent~~ employee ~~who has attained permanent status~~ within the Civil Service and ~~who~~ has resigned in good standing may, within one year after the effective date of ~~his or her~~ their 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~~ their resignation.

Section 4. DURATION OF ELIGIBLE LISTS

- (a) An Eligible List, or an individual name placed on ~~a~~ An eligible list associated with a continuous examination ~~Eligible List~~, will become effective upon approval by the ~~Executive Secretary of the Board~~ 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

~~(a) The name of any person appearing on an eligible list shall be removed by the Human Resources Director;~~

~~(a4) if Where he/she 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) Employee Where after any required ADA or other interactive process required by law, the candidate fails at the required background, medical, drug or psychiatric test required for the position.~~

~~(2) if he/she fails to respond to a notice of certification;~~

~~(3) if he/she cannot be located by postal authorities; or~~

~~(4) if he/she declines the offer of appointment.~~

Section 7. WAIVER OF CERTIFICATION

~~(a) With the approval of the Human Resources Director, a person certified for a regular appointment to a permanent position position within the Civil Service may waive his/her their certification for a~~

period not to exceed ninety (90) days, by submitting a written request for waiver.

~~The names of persons on promotional eligible lists who resign from the service shall be automatically dropped from such lists.~~

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

ARTICLE VIII. APPOINTMENT

Section 1. CERTIFICATION OF CANDIDATES FROM ELIGIBLE LISTS **ELIGIBLES**

- (a) ~~(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) ~~[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) ~~[4]~~ 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.
- ~~(a)~~(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.

METHOD OF PROCESS OF APPOINTMENT

- (a) —After interview and investigation ~~on, the, the appointing authority~~ Department Head or their designee shall make recommendation of appointment from among those certified, to the appointing authority by and shall immediately notify the ~~Executive Secretary~~ Human Resources Director of the person or persons recommended for appointed. The ~~appointing authority~~ Department Head or their designee shall provide the ~~Executive Secretary~~ Human Resources Director written explanation on the ~~Personnel Certification Form~~ 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 based on the needs of the department and 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 the conditional offer of employment~~ 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 reasonable accommodation

~~failure to pass the physical examination shall be grounds to for the
recession of 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.~~

~~(a)(f)~~ If a candidate accepts an appointment and fails to present ~~him/herself/themselves~~ for duty as instructed, ~~he/she/they~~ shall be deemed to have declined appointment unless, within two days, ~~he/she/they~~ gives justification for ~~his/her/their~~ action acceptable to the ~~appointing authority~~ 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 he/she is/they are appointed. During the time the employee is on probation, he/she/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.~~

~~and is not entitled to seniority rights in lay-off, or to promotional 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.

Absences of over thirty (30) calendar days during the probationary period shall not be counted in computing the length of the probationary period.

Section 4. COMPLETION OF PROBATION

The ~~Executive Secretary~~Human Resources Director shall notify the supervising official not less than two weeks prior to the conclusion ~~termination~~ of any probationary period. On or before the expiration of the probationary period, the supervising official shall file with the ~~Executive Secretary~~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 ~~probationer's-probationary employee's~~ retention in the service is desired.

If the ~~probationer's-probationary employee's~~ retention is not desired, and at the time of ~~his/her~~their appointment the employee held another ~~position in the Civil Service~~position within the Civil Service for which they had obtained ~~permanent status, he/she/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 ~~he/she is~~they are to be permanently appointed. ~~A permanent appointment protects the employee from arbitrary termination and grants him/her appeal rights.~~

Section 6. TEMPORARY-PROVISIONAL APPOINTMENT

~~The appointment of personnel on a temporary basis shall be limited to the following circumstances and shall be kept to a minimum compatible with operational requirements:~~

~~(a) Where~~ If there is no eligible list for a given classification, the appointing ~~power authority~~ may ~~temporarily appoint~~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~~city~~ list. Provisional appointments shall not last more than one year.

~~(b) — Whenever there is a need for employment for a limited time, not to exceed one (1) year, a temporary appointment of a person meeting minimum qualifications for the position may be made.~~

In no case shall any ~~temporary 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 87. 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 98. EMERGENCY APPOINTMENT

To meet the immediate requirements of an emergency, the appointing authority ~~or of their his/her~~ designate 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~~X. ALTERATIONS IN EMPLOYMENT STATUS

Section 1. TRANSFER

After notice to the ~~Executive Secretary~~ 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~~ does 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 Demoted discipline an employees 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 Understanding or Compensation Plan, if in the event that the demotion results from causes other than discipline~~ary~~ 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 EXEMPT POSITIONS

If a permanent employee desires leave to accept ~~an exempt~~ 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 Military and Veterans 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. ~~Code of the State of California.~~

~~Immediately following the act of volunteering or on receipt of competent orders to serve in the military, naval, or marine service of the United States or of the State of California, an employee must file a request for military leave of absence in writing with the Executive Secretary. A copy of the military orders must accompany the request. Military leaves of absence may be granted for ordered military service by the Appointing Authority for a period no longer than 15 months, subject to confirmation by the Human Resources Director. Extensions may be granted by the Human Resources Director upon receipt of proof of the requirement for continued service.~~

Section 6. RETURN FROM MILITARY LEAVE

An employee who ~~has been granted a leave of absence shall be entitled to resume the position of employment within the classification held by the employee at the time leave was granted, or a position of like status or pay; provided that~~ is returning from military leave shall comply with the relevant provisions of the USERRA and are subject to the benefits and constraints contained therein.

- ~~(a) during such leave the position has not been abolished;~~
- ~~(b) the employee returns to his employment within ninety (90) days after discharge or by the expiration of his/her leave;~~
- ~~(c) he/she is found by examination to be physically and mentally able to perform the essential duties of the job; and~~
- ~~(d) he/she provides satisfactory evidence of honorable discharge or completion of training or service.~~

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, when such leave is deemed to be justified. Such leave may be granted where, due to an extended illness, the accumulated sick leave and annual leave have been used or for an extension of vacation time where circumstances permit, or for other purposes.~~

ARTICLE IX. DISCIPLINE

Section 1. DISCIPLINARY ACTION

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

Section 2. PRELIMINARY INVESTIGATION

Prior to notice of any disciplinary action the appointing power (or designee) may conduct an ~~an preliminary~~ investigation into an employee's conduct ~~and/or work performance~~. If, during this investigation, the employee is questioned, ~~he/she/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. Responses to questions will not and cannot be used in any subsequent criminal proceedings, if the District Attorney verifies that there will be no prosecution;~~
- (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. Responses to questions will be recorded;~~
- (c) ~~Responses to questions may be recorded. Failure to answer questions could result in dismissal.~~

~~An employee's failure to answer questions under this section constitutes independent grounds for dismissal.~~

Section 3. PRE-DISCIPLINARY NOTICE

A permanent Civil Service employee must be given advance written notice as provided 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 XI. PROCEDURE ON APPEALS AFTER DISCIPLINE IS IMPOSED

Per Civil Service Ordinance No. 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 HEARINGS INFORMAL

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. 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. Unless incapacitated, the appealing employee shall appear personally and shall not be excused from answering questions and supplying information.

Section 2. INVESTIGATION BY EXECUTIVE SECRETARY 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. On receipt of a 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. The hearing on such appeal shall be set before the Board at a special meeting of the Board. Such hearing may be continued or adjourned from time to time as the Board may determine.

Section 3. HEARINGS NOTICE AND DECISION

- (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

~~Written notice of the time and place of hearing on an appeal shall be given to the appellant and to the appointing power from whose action the appeal is taken at least seven (7) days before the date of hearing.~~ 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 XII. 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 bulletin boards~~ 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) ~~Partisan political activity which disrupts or affects the efficiency and integrity of operation of the City of Alameda or of a City department.~~
- (b) ~~Using his/her official position or influence to coerce the political actions of others.~~

~~(e) Engaging in political activities during working hours or while wearing a City uniform.~~

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

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01/11/2006
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CIVIL SERVICE RULES INDEX

	PAGE NUMBER
I. <u>STATEMENT OF PURPOSE</u>	
1. Purpose and Objective	1
2. Fair Employment Practices	1
II. <u>DEFINITION OF TERMS</u>	
1. Advancement <u>Applicant</u>	1-2
2. -Appointing Authority <u>Anniversary Date</u>	24
3. Appointment	2
4. Armed Forces <u>Board</u>	2
5. Board <u>Classification</u>	2
6. Candidate <u>Demotion</u>	2
7. Civil Service <u>Eligible List</u>	2
8. Classification <u>Eligible</u>	32
9. Civil Service Employee <u>Classification Plan</u>	3
10. Employment List <u>Demotion</u>	3
11. Examination <u>Eligible List</u>	3
12. Executive Secretary <u>Employee</u>	43
13. Part Time Employee <u>Examination</u>	3
14. Permanent Employee <u>Good Standing</u>	3
15. Position <u>Hourly Rate or Annual Salary</u>	4
16. Probationer <u>Human Resources Director</u>	4
17. Probationary Period <u>Limited Term Employee</u>	4
18. Promotion <u>Memorandum of Understanding or Compensation Plan</u>	4
19. Part-Time Employee <u>Promotional List</u>	4
20. Rejection <u>Permanent Appointment</u>	4
21. Salary or Wage <u>Permanent Employee</u>	4
22. Suspension <u>Political Activity</u>	4
23. Temporary Employee <u>Position</u>	5
24. Termination <u>Probationary Period</u>	5
25. Transfer <u>Promotion</u>	5
26. <u>Provisional Appointment</u>	<u>5</u>
27. <u>Provisional Employee</u>	<u>5</u>
28. <u>Transfer</u>	<u>5</u>

CIVIL SERVICE RULES
INDEX
(continued)

	<u>PAGE</u> <u>NUMBER</u>
III. <u>ADMINISTRATION</u>	
1. Adoption	5
2. Amendment	5
3. Administration	5 6
IV. <u>POSITION CLASSIFICATION</u>	
1. Purpose	6
2. Classification Specifications	6
3. Reclassification	6
V. <u>RECRUITMENT</u>	
1. Vacancies	6
2. Sources of Candidates	7
3. Announcement of Examination	7
VI. <u>EXAMINATIONS</u>	
1. Applications <u>Vacancies</u>	67
2. Disqualification <u>Types of Examinations</u>	68
3. Incomplete Applications <u>Sources of Applicants</u>	78
4. Examination Components <u>Announcement of Examination</u>	78
5. Examination Categories <u>Application</u>	79
6. Qualifying Grade <u>Disqualification</u>	89
7. Notification of Results <u>Amendment of Applications</u>	840
8. Appeal of Rejection <u>Examination Components</u>	840
9. <u>Qualifying Grade</u>	9
10. <u>Notification of Results</u>	9
11. <u>Appeal of Examination Results</u>	9
VII. <u>ELIGIBLE LISTS</u>	
1. Establishment of Lists	10
2. <u>Entry of Laid Off</u> Employees Laid Off Given Preference on <u>Eligible List</u>	11
3. Eligibility for Reinstatement <u>After Resignation</u>	11
4. Duration of Eligible Lists	11
5. Designation of Eligible List	11 12

6. Removal of Names from Lists	12
<u>7. Waiver of Certification</u>	<u>12</u>

CIVIL SERVICE RULES
INDEX
(continued)

PAGE NUMBER

VIII. APPOINTMENT

1. Certification of Eligibles <u>Candidates From Eligible Lists</u>	<u>123</u>
2. Method-Process of Appointment	13
3. Probationary Appointment	<u>143</u>
4. Completion of Probation	<u>154</u>
5. Permanent Appointment	<u>154</u>
6. Temporary-Provisional Appointment	<u>164</u>
7. Part-Time <u>Limited Term</u> Appointment	<u>165</u>
8. Emergency Appointment <u>Part-Time Appointment to a Position within the Civil Service</u>	<u>165</u>
9. <u>Emergency Appointment</u>	<u>16</u>

VIII.X. ALTERATIONS IN EMPLOYMENT STATUS

1. Transfer	<u>165</u>
2. <u>Reclassification Due to</u> Change of Duties	<u>175</u>
3. Demotion	<u>176</u>
4. Leave for Appointment to Exempt <u>Non-Civil Service</u> Positions	<u>176</u>
5. Military Leave of Absence	<u>186</u>
6. Return from Military Leave	<u>186</u>
7. Personal Leave of Absence Without Pay	<u>187</u>

IX. DISCIPLINE

1. Disciplinary Action	<u>187</u>
2. Preliminary Investigation	<u>187</u>
3. Pre-disciplinary Notice	<u>198</u>

XI.	<u>PROCEDURE ON APPEALS AFTER DISCIPLINE IS IMPOSED</u>	
1.	Hearings Informal <u>Investigation by Executive Secretary</u>	<u>198</u>
2.	Investigation by Executive Secretary <u>Notice of Hearing</u>	<u>198</u>
3.	Notice and Decision <u>Hearing</u>	<u>198</u>
4.	<u>Notice of Decision</u>	<u>20</u>
XII.	<u>GENERAL PROVISIONS</u>	
1.	Personnel Report	<u>19</u>
2.	Public Notice	<u>19</u>
3.	Political Activity	<u>19</u>
4.	Departmental Policies and Procedures	<u>19</u>
5.	Severability	<u>20</u>

CIVIL SERVICE RULES
INDEX
(continued)

XII.	<u>GENERAL PROVISIONS</u>	
1.	<u>Personnel Report</u>	<u>20</u>
2.	<u>Public Notice</u>	<u>20</u>
3.	<u>Political Activity</u>	<u>20</u>
4.	<u>Departmental Policies and Procedures</u>	<u>20</u>
5.	<u>Severability</u>	<u>20</u>