

(EXHIBIT A)

**RULES AND REGULATIONS FOR THE
ADMINISTRATION OF THE CIVIL SERVICE SYSTEM OF
THE CITY OF REDONDO BEACH**

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RULE I. PURPOSE

The purpose of the “Rules and Regulations for the Administration of the Civil Service System of the City of Redondo Beach” is to facilitate efficient and effective delivery of City services to the public and to provide for a method for administering employer-employee relation through the establishment of a civil service system that facilitates the development and utilization of available personnel resources in providing these municipal services.

These Rules and Regulations set forth procedures that are intended to assure similar treatment for those who compete for original appointment or promotion, and define certain other terms and conditions of employment for appointees to positions in the Classified Service of the City.

RULE II. DEFINITION OF TERMS

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

SECTION 1. Administrative Authority:

Means the City Manager

SECTION 2. Advancement:

Means a pay increase within the limits of the base pay range established for a class.

SECTION 3. Allocation:

Means the assignment of a single position to its proper class in accordance with duties performed and the authority and responsibilities exercised.

SECTION 4. Applicant:

Means a person who has filed an application to take a Civil Service examination.

SECTION 5. Appointing Authority:

Means the person having authority to make appointments to a position. Generally, the Appointing Authority shall be the City Manager for all department heads, City Manager’s staff, and employees of the Administrative Offices. The Appointing Authority shall be the department heads for subordinate personnel within their respective departments, subject to approval of the City Manager pursuant to Section 13.3 (e) of the City Charter.

SECTION 6. Candidate:

Means a person who is a pre-service, lateral entry, or transfer who is not required to pass a written examination.

SECTION 7. City:

Means the City of Redondo Beach.

SECTION 8. City Council:

Means the City Council of the City of Redondo Beach.

SECTION 9. Class:

Means all positions sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.

SECTION 10. Classified Service:

Means the positions which are included, or which may hereafter be included, under the Civil Service System as provided for in Article 1, Chapter 3, Title 2, of the Redondo Beach Municipal Code.

SECTION 11. Code:

Means the Redondo Beach Municipal Code.

SECTION 12. Commission:

Means if used alone, or as the Board of Review, the Los Angeles County Civil Service Commission.

SECTION 13. Comparable Class:

Means a class of sufficiently similar duties and responsibilities, requiring sufficiently similar qualifications, and having approximately the same base pay range.

SECTION 14. Department Director:

Means a Department Head.

SECTION 15. Department Head:

Means the head of a department.

SECTION 16. Demotion:

Means the movement of an employee from one class to another class with a lower maximum base pay rate.

SECTION 17. Discharge:

Means the separation of an employee from employment by the Appointing Authority for cause.

SECTION 18. Eligible:

Means a person whose name is placed on an employment list as a result of achieving a passing score on an examination.

SECTION 19. Employee:

Means a person appointed to a position in the City service.

SECTION 20. Employment List:

- A. Open Employment List: Means a list of eligibles who have taken an open competitive examination for a position in the Classified Service.
- B. Promotional Employment List: Means a list of eligibles who have taken a promotional examination for a position in the Classified Service.

SECTION 21. Examination:

Means the process of testing, evaluation or investigating the fitness and qualifications of applicants.

- A. Open-Competitive Examination: Means an examination for a particular class which is open to all persons meeting the qualifications for the class.
- B. Promotional Examination: Means an examination for a particular class which is open only to employees meeting the qualifications for the class.

SECTION 22. Exempt Position:

Means a position in the Unclassified Service which is not governed by these Rules and Regulations.

SECTION 23. Lateral Entry:

Means the employment of a Police Officer, Firefighter, Firefighter/Paramedic, or Communications Operator pursuant to Rule IX Section 7 of these Rules and Regulations.

SECTION 24. Layoff:

Means the separation of an employee from the active work force due to economy, lack of work or funds, or to the abolition of positions.

SECTION 25. Local Board:

Means a suspension hearing board appointed by the City Council as provided in Chapter 3, Title 2, of the Code.

SECTION 26. Permanent Employee:

Means an employee who has satisfactorily completed their probationary period and has been retained as hereafter provided in these Rules and Regulations.

SECTION 27. Personnel Officer:

Means the City Manager, or the designee of the City Manager, as provided in the City Charter and Article I, Chapter 3, Title 2, of the Code.

SECTION 28. Probationary Period:

Means the working test period prior to permanent appointment during which employees are required to demonstrate the ability to satisfactorily perform the duties of their position.

SECTION 29. Promotion:

Means the appointment of an employee from an employment list to a class with a higher maximum base pay rate.

SECTION 30. Reassignment:

Means the movement of an employee from one position to another position in the same class in the same department.

SECTION 31. Reclassification:

Means the reallocation of a position to another class and the appointment of the incumbent employee to the class.

SECTION 32. Reduction:

Means a pay decrease within the limits of the pay range established for a class.

SECTION 33. Re-employment List:

Means a list of names of employees laid off from permanent positions that are arranged in order of their right to re-employment, pursuant to these Rules and Regulations or an applicable memorandum of understanding.

SECTION 34. Reinstatement:

Means re-appointment of a former employee, after a break in service, to a position in a former class.

SECTION 35. Release:

Means the separation of an employee from employment during their probationary period.

SECTION 36. Restoration:

Means a return to a position in a former class.

SECTION 37. Series, Class Series:

Means a group of classes (two or more) similar in duties, but different in level.

SECTION 38. Special Board of Review:

Means any board, commissioner, or other person, named or appointed by the Commission, and under its direction, to hear discharge and demotion appeals.

SECTION 39. Suspension:

Means the temporary separation of an employee from employment with the City as the result of a disciplinary action.

SECTION 40. Temporary Appointment:

Means an appointment of a person who possesses the minimum qualifications established for a particular class in the absence of available eligibles.

SECTION 41. Termination:

Means the separation of an employee from employment with the City.

SECTION 42. Transfer:

Means the movement of an employee from one class to another comparable class within the same department, or movement of an employee to another position in the same class or to a comparable class in another department.

RULE III. GENERAL PROVISIONS

SECTION 1. Discrimination Prohibited:

No person in the Classified Services, or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against, because of political opinions or affiliations, race, color, national origin, sex, religious beliefs, age or physical handicap.

SECTION 2. Fair Employment Practices:

Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the occupationally-related qualifications of applicants. No recruitment or selection technique shall be used which is not reasonably related to successful performance in a position.

SECTION 3. Violation of these Rules and Regulations:

Violation of the provisions of these Rules and Regulations shall be cause for rejection, suspension, demotion, or discharge.

SECTION 4. Amendments and Revisions:

Recommendations for the amendment and revisions supplementing these Rules and Regulations may be made by the Personnel Officer, after meeting and conferring with affected recognized employee organizations. Amendments and revisions shall become effective upon adoption by the City Council.

SECTION 5. Appeals and Protests:

The appeals and protest rights set forth in these Rules and Regulations are the sole and exclusive administrative remedies for the pursuit of complaints related to the administration of the City Civil Service System.

RULE IV. CONTRACTS FOR SPECIAL SERVICES

The City may contract with any other governmental agency, consultant, business, organization or person for the performance of such technical or special services in connection with personnel selection and administration as may be desired.

RULE V. PERSONNEL OFFICER, REPORTS AND RECORDS

SECTION 1. Personnel Officer:

The Appointing Authority may appoint a Personnel Officer who shall serve as the administrative officer for the Civil Service System. In addition to other duties, as set forth in these Rules and Regulations, the Personnel Officer shall be the custodian of all personnel records and shall be the official upon or with who all notices, requests for leave, complaints, and other official documents shall be served or filed.

The duties of the office of Personnel Officer may be combined with those of any other office in the event the work involved does not warrant, in the discretion of the Appointing Authority, the creation of a special position.

SECTION 2. Personnel Records:

The Personnel Officer shall maintain records for each officer and employee of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, length of service, and such other information as may be pertinent.

SECTION 3. Change of Status Report:

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees, shall be reported to the Personnel Officer in such manner as may be prescribed by these Rules and Regulations and the Code.

RULE VI. CLASSIFICATION

SECTION 1. Preparation of Plan:

The Personnel Officer, or a person or agency employed for that purpose shall, when deemed necessary, ascertain and record the duties and minimum qualifications for all positions in the Classified Service; and after consultation with Appointing Authorities and Department Heads, shall recommend a Classification Plan for such positions. The Classification Plan shall consist of classes of positions in the Classified Service defined by class specifications, including title, examples of duties for positions in each class, a statement of education and experience and other knowledges and abilities required of applicants for positions in each class. The Classification Plan shall be so developed and maintained such that all positions substantially similar are included within the same class, and that the same base pay range may be made to apply with equity under like working conditions to all positions in the same class.

In the preparation of the Classification Plan, the Personnel Officers shall allocate every position in the Classified Service to one of the classes established by the Plan.

SECTION 2. Adoption of Plan:

Before the Classification Plan or any part thereof shall become effective, it shall first be approved in whole or in part by the City Council.

Upon adoption by the Council, the provisions of the Classification Plan shall be observed in the handling of all personnel actions and activities. The Classification Plan shall be amended or revised as occasion requires in the same manner as originally established.

SECTION 3. New Positions:

When a new position is created, before the same may be filled, the Appointing Authority shall notify the Personnel Officer and, except as otherwise provided in Article 1, Chapter 3, Title 2 of the Code or these Rules and Regulations, no person shall be appointed or employed to fill any such position until the Classification Plan shall have been amended to provide therefor and an appropriate employment list has been established for such class of positions.

SECTION 4. Reclassification:

Positions, the duties of which have changed materially so as to necessitate reclassification, may be allocated to a more appropriate class upon recommendation of the Personnel Officer based upon job analysis. No employee shall be reclassified to a class for which they do not possess the minimum qualifications. Reclassification is not intended to be used for the purpose of avoiding the restrictions applicable to demotions and promotions.

RULE VII. PAY PLAN

SECTION 1. Preparation of Pay Plan:

The Personnel Officer, or the person or agency employed for that purpose, shall prepare a Pay Plan covering all classes of positions in the Classified Service, showing the minimum and maximum base pay rates. Base pay rates and ranges shall be established according to the needs of the City service.

SECTION 2. Adoption of Pay Plan:

The Personnel Officer shall submit the proposed Pay plan to the City Council. The Council shall adopt, or amend and adopt, the proposed Pay Plan. Thereafter, no position shall be assigned a base pay rate higher than the maximum or lower than the minimum base pay rate provided for the class unless the pay range for the class is amended in the same manner as herein provided for its adoption.

RULE VIII. APPLICATIONS AND APPLICANTS

SECTION 1. Announcement:

All examinations for classes in the Classified Service shall be published by posting announcements in the Civic Center, on official bulletin boards, and by such other methods as the Personnel Officer deems advisable. The announcement shall specify the title and base pay range of the class for which the examination is announced, place and manner of making applications, the closing date for receiving applications, and other pertinent information.

SECTION 2. Application Forms:

Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering education, experience, and any other information determined by the Personnel Officer to be pertinent. All applications must be signed by the person applying. All applications shall be date stamped.

SECTION 3. Disqualification:

The Personnel Officer may reject any application for any of the following reasons:

- A. Failure to possess or meet the minimum qualifications required for the position.
- B. Physical unfitness for the performance of duties of the position to which the applicant seeks appointment.
- C. Addiction to the habitual excessive use of nonprescribed controlled substances and/or alcohol (for initial hire).
- D. False statement of any material fact on the application, or practice of deception or fraud in connection with any phase of recruitment or selective procedure (for initial hire).
- E. Discharge from other public or private employment for just cause (for initial hire).
- F. Conviction, including pleas of guilty and nolo contendere, of a felony or misdemeanor unless the Personnel Officer finds that mitigating circumstances exist. Factors to be considered include: the relationship, including sensitivity, of the position or classification sought to the conviction; the nature and seriousness of the offense; the circumstances surrounding the conviction; the length of the time elapsed since the conviction; and the age of the person at the time of the conviction (for initial hire).
- G. Reasons, other than the foregoing, which would indicate unfitness of the applicant for the position (for initial hire).

Whenever an applicant is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Officer or the designee of the Personnel Officer. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired. All applications shall be dated stamped.

An applicant who is disqualified for employment under this Section may request reconsideration. Written notice of such request shall be filed with the Personnel Officer or the designee of the Personnel Officer within five (5) working days of receipt of notification of disqualification. The Personnel Officer or the designee of the Personnel Officer shall notify the applicant by mail of the final determination within ten (10) days of filing of request notice.

The applicant may appeal the final determination of disqualification. Such appeal shall be in writing and filed with the City Manager or the designee of the City Manager within five (5) days of the date of the notice of final disqualification. The City Manager, or the designee of the City Manager, shall hear and determine the appeal within thirty (30) days after it is filed. The determination of the City Manager, or the designee of the City Manager, on the appeal shall be final.

Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony.¹

RULE IX. EXAMINATIONS

SECTION 1. Examination Process:

The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of applicants such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluations of daily work performance, work samples, medical tests, successful completion of prescribed training, background investigation, psychometric evaluation, polygraph reference checks, or any combination of these or other occupationally-related tests. The probationary period shall be considered as an extension of the examination process. Examinations shall be designed to provide equal opportunity to applicants by being based on an analysis of the essential requirements of the class, covering those factors related to such requirements, and assuring that all applicants can understand and respond to the questions.

SECTION 2. Promotional Examinations:²

Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the Civil Service System require. Promotional examinations may include any of the selection techniques mentioned in Rule IX, Section 1 of these Rules and Regulations, or any combination of them. Only those permanent, probationary, part-time, or externally funded employees who meet the requirements set forth in the class specification and examination announcement may compete in a promotional examination; provided, however, that all applicants for promotion who at the time of their application are appointed to the position of Clerk Typist, Intermediate Clerk, Senior Clerk, Secretary, or Administrative Secretary in the City service must complete twelve (12) months of service with the City in that position prior to appointment to any other position in the City service.

SECTION 3. Open-Competitive Examinations:

Open competitive examinations may be administered periodically for a single class as the needs of the Civil Service System require. Provided, however, that all applicants who at the time of their application are appointed to the position of Clerk Typist, Intermediate Clerk, Senior Clerk, Secretary, or Administrative Secretary in the City service must have completed twelve (12) months of service with the City in that position prior to appointment to any other position in the City service. The names of eligibles shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule X of these Rules and Regulations:

¹ Refer to Fire MOU

² Refer to Fire MOU

- A. Police Officer: The position of Police Officer may be filled by an open-competitive examination. Open entry applicants, pre-service candidates and Police Reserves shall be eligible to be tested by open competitive examination.
- B. Open Entry Applicant: Open entry applicants shall mean those applicants who have filed an application to take an open-competitive examination for Police Officer. Such applicants shall be required to achieve a passing score on the examination for Police Officer in order to be placed on the employment list.
- C. Pre-Service Candidate: A pre-service candidate must either be currently enrolled in, or be a graduate from, a P.O.S.T. approved basic academy within the last three years at the time of initial testing. Pre-service candidates shall be required to achieve a passing score on the examination for Police Officer in order to be placed on the employment list. Currently employed Police Officers who possess a P.O.S.T. Basic Certificate shall qualify as pre-service applicants.
- D. Police Reserve Applicants: Police Reserve Officer applicants must be serving as a Redondo Beach Police Reserve Officer on the effective date of their application for Police Officer. Police Reserve Officer applicants shall be required to achieve a passing score on the examination for Police Officer in order to be placed on the employment list.

Applicants or candidates must pass each phase of the examination for Police Officer prescribed by the Personnel Officer, that may include, but shall not be limited to, an oral examination, polygraph, psychometric evaluation, background investigation, physical examination, and interview with the Chief of Police. Only applicants or candidates who pass each phase of the examination for Police Officer shall be qualified for placement on the employment list.

SECTION 4. Conduct of Examination:

The City may contract with any competent agency or individual to prepare and/or administer examinations. In the absence of such a contract the Personnel Officer shall see that such duties are performed. The Personnel Officer shall arrange for the use of public buildings and equipment for the conduct of examinations.

SECTION 5. Scoring:

- A. Parts and Weights: All examinations shall include one or more parts to which percentage weights may be assigned, which weights shall total one hundred percent (100%). The weight assigned each part shall represent its relative value in ascertaining the fitness of the applicant. Each part shall be independently scored. This score shall be multiplied by the percentage weight assigned to such part and the sum of the resulting products shall be called the weighted average r final score. The percentage weight assigned each part shall be announced in he bulletin or before the examination is given.
- B. Passing Score: Unless otherwise provided in the bulletin or notice announcing the examination, a final score of at least seventy percent (70%) shall be required for passing. If announced before the time of taking the examination, a minimum score on any part or combinations of parts of the examination may be required.

Conversion formulas may be used when deemed advisable by the Personnel Officer.

- C. **Veteran's Preference Points:** At the conclusion of the testing process, an applicant who is a veteran of a United States armed service and has provided documentation of such service, such as a veteran identification card, along with their application for employment or before the conclusion of the testing process, shall receive five (5) additional points to a passing score.

SECTION 6. Notification and Review:³

Each applicant in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.

Applicants shall have the right to inspect their own examination answer sheet within five (5) working days after the notifications of examination results. Protests regarding examination results may be filed with the Personnel Officer within this period, on the form approved by the Personnel Officer. The Personnel Officer shall review and prepare a written response to any protests prior to preparing an employment list consisting of the names of eligibles qualified in the examination. Appointment shall not be made within five (5) working days from the effective date of the list or after protest, if any, are reviewed by the Personnel Officer.

SECTION 7. Lateral Entry:

- A. **Police Officer:** The position of Police Officer may be filled by lateral entry. A person employed for a minimum of one (1) year by a police department of the State of California recognized by the Commission on Police Officer Standards and Training or as a Redondo Beach Police Reserve for a minimum of one (1) year, may be tested as a lateral entry candidate. Lateral entry candidates shall be required to achieve a passing score on the examination for Lateral Entry Police Officer and possess a P.O.S.T. Basic Certificate in order to be placed on the employment list. Such examination shall include but shall not be limited to an oral examination, polygraph, psychometric evaluation, background investigation, physical examination, and interview with Chief of Police.
- B. **Firefighter and Firefighter/Paramedic:** The position of Firefighter may be filled by lateral entry. A person currently employed as a full-time firefighter by a recognized fire department or district, with a minimum of two (2) years firefighter experience without completion of an academy, or a minimum of one (1) year of experience with completion of an accredited basic recruit academy whose curriculum is equivalent to material presented for Firefighter I Certification, may be employed by the Redondo Beach Fire Department.

The position of Firefighter/Paramedic may be filled by lateral entry. A person who qualifies for lateral entry firefighter and has possessed a valid M.I.C.U. certificate from the county in which he is presently employed, and who successfully meets the training standards established by Los Angeles County

³ Refer to Fire MOU
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Revised 2/19/02

and passes the certification/recertification examination prior to appointment, may be employed by the Redondo Beach Fire Department.

Candidates for Firefighter and Firefighter/Paramedic will not be required to pass a Civil Service examination; however, they must pass all other requirements of the position, including but not limited to, successful completion of appraisal interview, psychometric evaluation, physical examination, physical agility test, and interview with the Chief of the Fire Department.

Only those candidates who are recommended at each of the above described evaluations will be eligible for appointment.

- C. Communications Operator: The position of Communications Operator may be filled by lateral entry. A person currently employed as a full-time Communications Operator by a recognized City or State, with a minimum of one (1) year of service as a police or fire dispatcher, may be employed as a Communications Operator.

RULE X. EMPLOYMENT LISTS

SECTION 1. Employment Lists:

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and maintain an employment list consisting of the names of eligibles who qualified in the examination. Promotional employment lists shall be arranged from highest to lowest scores. Open employment lists shall be arranged alphabetically, by last name, within the following scoring bands:

<u>Score</u>	<u>Band</u>
90 – 100	Best Qualified
80 – 89	Well Qualified
70 – 79	Qualified

SECTION 2. Duration of Lists:

Open employment lists shall remain in effect for one year, unless exhausted or abolished.

- A. Promotional Lists: Promotional employment shall remain in effect for one (1) year and may be extended prior to their expiration date by action of the Personnel Officer for up to one (1) additional year.
- B. Police Officer Open Competitive: Police Officer employment lists shall remain in effect for ninety (90) days and may be extended prior to their expiration date by action of the Personnel Officer for up to three additional ninety (90) day periods.
- C. Police Officer Lateral Entry Lists: Police Officer lateral entry employment lists shall remain in effect for sixty (60) days and may be extended prior to their expiration by action of the Personnel Officer for up to sixty (60) additional days.

SECTION 3. Removal of Names from Lists:

The name of any eligible appearing on a promotional, open, or lateral entry list shall be removed by the Personnel Officer, if the eligible requests in writing that their name be removed, if the eligible fails to respond within five (5) business days to a notice mailed to their last known address, if the eligible accepts appointment to a position and does not report for duty as specified by the Personnel Officer and/or Appointing Authority, or for any reason listed in Rule VIII, Section 3, of these Rules and Regulations. The eligible affected shall be notified of the removal of their name by a notice mailed to their last known address.

The eligible may request reconsideration by the Personnel Officer pursuant to Rule VIII, Section 3, of the Rules and Regulations. The eligible may appeal the final removal determination to the City Manager or the designee of the City Manager pursuant to Rule VIII, Section 3, of these Rules and Regulations.

The names of eligibles on promotional employment lists who resign from City employment shall automatically be dropped from such lists.

SECTION 4. Re-employment Lists:

The names of permanent employees who have been laid off shall be placed on appropriate re-employment lists arranged in order of their right to re-employment pursuant to these Rules and Regulations or an applicable Memorandum of Understanding. Such names shall remain thereon for a period of one (1) year, unless such persons are sooner re-employed.

SECTION 5. Removal of Names from Re-employment Lists:

The name of any person appearing on a re-employment list shall be removed by the Personnel Officer, if said person fails to respond within ten (10) business days to a notice of certification mailed to their last know address.

RULE XI. CERTIFCATION AND APPOINTMENT

SECTION 1. Types of Appointment:

Vacancies in the Classified Service shall be filled by re-employment, transfer, demotion, or from eligibles certified by the Personnel Officer from an appropriate promotional or open employment list. In the absence of persons available for appointment in this manner, temporary appointments may be permitted in accordance with the Code, these Rules and Regulations and applicable memoranda of understanding.

SECTION 2. Notice of Personnel Officer:

Whenever a vacancy in the Classified Service is to be filled, the Appointing Authority shall notify the Personnel Officer. The Personnel Officer shall advise the Appointing Authority as to the availability of employees for re-employment, request for transfers, or demotion, and of eligibles on promotional or open employment lists for the class.

SECTION 3. Certification of Eligibles:

The Appointing Authority shall appoint from the re-employment list, in order of standing, as provided in the Rules and Regulations or an applicable memorandum of understanding, if a re-employment list is available. Otherwise, the Appointing Authority shall indicate whether it is desired to fill the vacancy by transfer, demotion or certification from a promotional or open employment list. If appointment is to be made from an open employment list, the "best qualified" eligibles shall be certified alphabetically, by last name. If there are fewer than three (3) eligibles on an open employment list in the "best qualified" band, the "best qualified" and "well qualified" bands all eligibles shall be certified. If appointment is to be made from a promotional list, the names of the three eligibles with the highest scores who are available for appointment shall be certified.

Whenever there are fewer than three (3) eligibles on a list, the Appointing Authority may make an appointment from among these eligibles, or may request a new employment list. Under this circumstance, and when so requested, the Personnel Officer shall conduct a new examination and establish a new employment list.

SECTION 4. Appointment:

After interview and investigation, the Appointing Authority may make appointments from among those eligibles certified and shall immediately notify the Personnel Officer of the person, or person(s) appointed, and if the eligible appointed accepts the appointment and reports for duty within such period of time as the Personnel Officer and/or Appointing Authority shall prescribe, the eligible shall be deemed to be appointed; otherwise, they shall be deemed to have declined the appointment and their name will be removed from the appropriate employment list.

SECTION 5. Appointment From Higher List:

In the absence of a current employment list for a particular class, the Appointing Authority may make an appointment from a current employment list for a higher class in the same class series or a comparable class. The Personnel Officer shall be so notified and shall notify the person appointed as provided in Rule XI, Section 4 of these Rules and Regulations. Acceptance or rejection of the lower job offer does not jeopardize the eligibles' position on the list.

SECTION 6. Temporary Appointments:

Temporary appointments may be made by the Appointing Authority of qualified persons not on an employment list; in the event that no employment list has been prepared for the position, or that those on the employment list are not immediately available; during the suspension of an employee or officer; or pending final action or proceedings to review a suspension, demotion or dismissal of an employee or officer. Such temporary appointments shall not continue for a period longer than six (6) months and no person shall be eligible to serve as a temporary appointee in any one or more positions for more than an aggregate period of six (6) months in any one fiscal year. No credits shall be allowed in meeting any qualification or in the giving of any test, or the establishment of any employment list, for services rendered under such temporary appointment.

SECTION 7. Emergency Appointments:

To meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake, which threaten public life or property, any legally competent officer or employee may employ such persons, as may be needed for the duration of the emergency, without regard to other regulations affecting appointments. As soon as possible, such appointments shall be reported to the Personnel Officer.

RULE XIII. PROBATIONARY PERIOD

SECTION 1. Permanent Appointment:

All original, promotional, and lateral entry appointments shall be tentative and subject to the probationary period listed below:

- A. Original Appointments
 - 1. Sworn Police Personnel 18 months
 - 2. Fire Safety Personnel 18 months
 - 3. Harbor Patrol Officer 18 months
 - 4. Other classes 12 months

- B. Lateral Appointments
 - 1. Police Officer 12 months
 - 2. Firefighter; Firefighter/Paramedic 18 months

- C. Promotional Appointments
 - 1. All classes 12 months

SECTION 2. Rejection Following Initial Probation:⁴

The Appointing Authority may extend the initial probationary period up to six additional months; provided, however, that there shall be no unilateral extension of probationary periods by the Personnel Officer and/or Appointing Authority beyond established limits for those classes in the Fire and Non-Management bargaining units except where a leave of absence prevents evaluation of the employee's work performance. Probationary employees are subject to a three month and six month performance evaluation. No extended probationary period shall exceed the period of absence. The Personnel Officer shall notify the Appointing Authority and the probationer concerned at least thirty days prior to the completion of any probationary period. If the service of the probationary employee has not been satisfactory to the Appointing Authority, then the Appointing Authority shall file with the Personnel Officer a notice in writing to such effect and stating that the retention of such employee is not desired. If such notice is not filed, the employee will be deemed to be satisfactory.

SECTION 3. Objective of Probationary Period:

The probationary period shall be regarded as an extension of the examination process and shall be utilized to evaluate the efficiency and effectiveness of the employee in performing the duties of the position.

⁴ Refer to Fire MOU
Rules and Regulations for the
Administration of the Civil Service
System of the City of Redondo Beach
Revised 2/19/02

SECTION 4. Release of Reduction of Probationer:

During the probationary period, an employee may be released if on probation after initial appointment, or reduced if on probation after promotion, by the Appointing Authority without cause and without the right to appeal. Written notification of release shall be served on the probationer and a copy filed with the Personnel Officer.

SECTION 5. Rejection Following Promotion:

Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of such probationary period, shall be reinstated to the position from which the employee was promoted unless charges are filed and the employee is discharged in the manner provided in these Rules and Regulations.

RULE XIII. ATTENDANCE

SECTION 1. Attendance:

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Personnel Officer in the form and on the dates he/she shall specify. Absence without prior approval (such approval shall not be reasonably withheld) for (a) Miscellaneous, Management Group, Police Group, and (8) hour day assigned Fire Group of three (3) or more work days; or (b) the twenty-four (24) hour shift Fire Group of two (2) or more shifts, during any calendar year shall be cause for suspension without pay, or discharge.

RULE XIV. TRANSFER, PROMOTION, REINSTATEMENT

SECTION 1. Transfer:

After notice to the Personnel Officer and the employee, the Appointing Authority may transfer an employee at any time, from one position to another position, in the same or comparable class. If the transfer involves movement of the employee from one department to another, both department directors must consent thereto, unless the City Manager orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement or reduction of an employee. No employee shall be transferred to a position for which they do not possess the minimum qualifications. Any employee who has not satisfactorily completed their probationary period shall not be eligible to request a transfer; provided however, that the City Manager may order the transfer of such an employee for purposes of economy and efficiency.

The City Manager shall not authorize the transfer of an employee when it is determined that the transfer is made or proposed (1) with the intent of forcing or causing an employee to resign; (2) because of political or other improper influences; or (3) without notifying the employee in advance of the intention to make such a transfer.

SECTION 2. Promotion:

Insofar as practicable and consistent with the best interests of the Civil Service System, permanent vacancies in the Classified Service shall be filled by promotion, after a promotional examination has been given and a promotional employment list is established. If, in the opinion of the Personnel Officer, a permanent vacancy may be better filled by an open-competitive examination instead of promotional examination, then the Personnel Officer shall arrange for an open-competitive examination and for the preparation and certification of an open-competitive employment list.

SECTION 3. Reinstatement:

Any employee who has been laid off pursuant to Rule XVII of these Rules and Regulations, or has been granted a leave of absence, shall be entitled to be reinstated to their former position in accordance with the rules on leaves of absence and Rule X of these Rules and Regulations.

No employee who has been discharged or who has resigned pursuant to Rule XX of these Rules and Regulations, shall be entitled to reinstatement.

RULE XV. MEDICAL EXAMINATIONS

SECTION 1. Periodic Medical Examination Program:

Periodic medical examinations by a City physician shall be given to all police, fire and management employees. The frequency and extent of any periodic medical examination shall be determined by physician recommendation based on individual employee and family history. Management employees may, with the approval of the Personnel Officer, elect to receive such periodic medical examination from their personal physician. The City shall reimburse employee costs up to the maximum allowed by agreement with a City physician. Physician recommendations resulting from such medical examination may be incorporated into performance expectations and performance evaluations of affected employees.

SECTION 2. Other Physical Evaluations:

The Appointing Authority may require a medical examination at the time of promotion, demotion, reassignment, or other change of status of employee, from one class to another with different physical demands.

Further, the Appointing Authority may require a medical examination whenever it is necessary to determine the physical capabilities of an employee to perform the duties of their position satisfactorily without undo hazard to themselves or others or when there is cause to believe that the employee is under the influence of alcohol or a nonprescribed controlled substance(s). For purposes of this Section, a medical examination may include and shall not be limited to a psychiatric examination. Such medical examination may be concerned only with the medical conditions related to the satisfactory performance of required duties, or protecting the health, safety, and welfare of the employee or the public. If necessary, employees shall be required to authorize the release of only that medical information developed or derived from such medical

examination to the Personnel Officer. Failure to do so may be just cause for disciplinary action.

SECTION 3. Partially or Fully Incapacitated Employee:

Whenever upon medical examination, an employee, who has previously qualified is found unable to satisfy the physical requirements needed to perform the duties of their position, as established by the City's Physical Fitness for Duty Project and by expert medical review of the employee's physical ability to perform the duties of their particular class as described in the Job Analysis prepared by the Industrial Relations and Insurance Support Services (IRISS), together with medical recommendations outlined in the County of San Bernardino Medical Standards Project:

- A. The employee may submit a request to the Appointing Authority for voluntary demotion, or transfer, to another position for which he/she has the minimum qualifications and meets the physical requirements.
- B. The Appointing Authority may reassign, or reduce, the employee to another position for which he/she is qualified.
- C. The Personnel Officer may apply for disability retirement on behalf of the employee, if qualified, pursuant to Government Code Section 21023.5.
- D. If there is no suitable position in which the employee can perform satisfactorily, the Appointing Authority may terminate the employee, subject to the applicable provisions of these Rules and Regulations and the Code.

RULE XVI. DISCIPLINE AND DISCIPLINARY ACTIONS

SECTION 1. Disciplinary Actions:

Any employee in the Classified Service may be suspended by the Appointing Authority, without pay, for up to thirty (30) days, demoted or discharged for the good of the service, disciplinary purposes, or for other just cause.

SECTION 2. Causes for Disciplinary Action:

The causes for disciplinary action shall include, but are not limited to:

- A. Fraud in securing employment.
- B. Incompetency or inability to perform work satisfactorily.
- C. Inefficiency.
- D. Inexcusable neglect of duty.
- E. Insubordination.
- F. Dishonesty.

- G. Reporting for work, or being at work, under the influence of alcohol; or reporting to work, or being at work, under the influence of or in possession of any nonprescribed controlled substance(s).
- H. Conviction of a felony or misdemeanor.
- I. Immorality.
- J. Discourteous treatment of the public or other employees.
- K. Willful disobedience.
- L. Misconduct.
- M. Misuse, theft, damage or destruction of City property.
- N. Habitual tardiness.
- O. Unexcused absence or abuse of leave privileges.
- P. Chronic or excessive absenteeism, with or without excuse.
- Q. Fighting.
- R. Violation of safety rules.
- S. Falsification of records.
- T. Unsafe City driving record.
- U. Violation of departmental or City rules and regulations.
- V. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the City or his/her employment.
- W. Unlawful conduct.
- X. Any other just cause.

SECTION 3. Disciplinary Procedure:

Prior to the suspension, demotion or discharge of any permanent employee in the Classified Service for disciplinary purposes, the following procedures shall be followed:

- A. Written Notice of Proposed Action: Written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include the proposed effective date of the discipline, a statement of the reason(s) for the proposed action, and the charge(s) being considered.

- B. Employee Review: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and, the employee shall be supplied with a copy of the documents.
- C. Employee Response: Within five (5) working days after the employee has had the review opportunity provided above, the employee shall notify the department head of his/her intention to respond, orally or in writing, or both, at the employee's option, to the Appointing Authority concerning the proposed action.
- D. Representation: In the pre-disciplinary procedure, the employee may be represented by counsel or by a representative of the recognized employee organization that represents the employee's class.
- E. Written Notice of Final Action: After consideration of the employee's response, or in the absence of a response, written notice of the final disciplinary action shall be given to the employee. Such notice shall include essentially the same information contained in the notice of proposed action, except that the employee's formal appeal rights shall be stated.

SECTION 4. Emergencies:

When, in the opinion of the Appointing Authority, immediate disciplinary action is required to protect the health, safety or welfare of the public, other employees or the employee himself, the employee may be suspended without pay for up to five (5) days pending the processing of the notices required in Section 3 of this Rule or may be suspended with pay pending conduct or completion of such investigations or hearing as may be required to determine if disciplinary action is to be taken. In the event the investigation develops in the favor of the employee or the notices are not processed, the employee suspended without pay shall be entitled to reinstatement with full back pay and benefits.

SECTION 5. Suspension Appeals:

In the event a permanent employee in the Classified Service is suspended, he/she may file a written request with the Personnel Officer for a hearing on such suspension. The written request must be filed within five (5) working days after the employee's receipt of the notice of suspension.

The hearing on a suspension shall be scheduled as soon as is practicable before the Suspension Appeals Board that shall be composed of three (3) members appointed by the City Council. Such a hearing shall be conducted in the same manner as those held in the case of discharge and demotion of employees. The Suspension Appeals Board shall present a written decision, and in the event the employee is found to have been suspended without just cause, he/she shall be immediately restored to his/her position and shall be entitled to his/her regular pay for the period during which he/she was suspended. The decision of the Suspension Appeals Board shall be final.

During the suspension of an employee or pending final action on proceedings review a suspension, demotion, or discharge of an employee, the vacancy created may be filled by the Appointing Authority only by a temporary appointment.

SECTION 6. Demotion or Discharge Appeals:

Any permanent employee in the Classified Service who has been demoted or discharged from a position may, within five (5) working days after the employee's receipt of the notice of demotion or discharge, file a written demand with the Personnel Officer or City Manager requesting that the Board of Review provided for in these Rules and Regulations review such demotion or discharge, in which case the Personnel Officer shall, without delay, file a copy of said reasons and the answer of the employee, together with such other information as may be provided for in these Rules and Regulations, with the Board of Review.

The City has contract with the County of Los Angeles for its Civil Service Commission, acting as a Board of Review, or through a duly appointed Special Board of Review, or Hearing Officer, under its direction, to hear all appeals on demotions or discharges. Then (10) working days written notice of the time, place, and date of the hearing shall be given to the appellant and to the City by placing such notice prepaid and properly addressed in the United States mail. The Board of Review, or a duly appointed Special Board of Review or Hearing Officer, shall, pursuant to said notice, hold a public hearing at which time it shall hear evidence for and against the aggrieved party. Such hearing may be informally conducted, and the strict rules of evidence need not apply.

In any investigation or hearing conducted by the contracting agency, the Commission, or its duly authorized Board of Review, shall have the power to examine witnesses under oath and compel their attendance, or the production of evidence, before it by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served, and refusal of a person to attend, or to testify, in answer to such subpoena, shall subject such person to prosecution in the same manner as set forth for failure to appear before the Council in response to a subpoena issued by the Council. Each member of a Board of Review shall have the power to administer oaths to witnesses.

All findings shall be based solely on evidence presented at the hearing. Written conclusions of findings by the Board of Review shall be rendered within ten (10) working days after the matter is submitted. Such findings and conclusions of the Board of Review shall be final and shall not be modified by either the City Council or the City Manager and shall be effective on the date rendered.

Costs of demotion and discharge hearings imposed by the Civil Service Commission and not those incurred by the parties shall be borne by the losing party.

SECTION 7. Back Pay Awards:

All back pay awards related to suspension, demotions and discharges shall include interest at the rate and calculable in the manner established for civil action in the Code of Civil Procedures.

RULE XVII. LAYOFF POLICY AND PROCEDURES

SECTION 1. Abolishment of Positions:

Whenever, in the judgment of the Administrative Authority, it becomes necessary in the interest of the economy, lack of work, lack of funds, or reorganization, or because the necessity for a position no longer exists, the City Council may abolish any position or employment in the Classified Service. An employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

SECTION 2. Notification:

Employees to be laid off shall be given, whenever possible, at least fourteen (14) calendar days prior notice.

SECTION 3. Vacancy and Demotion:

Except as otherwise provided, whenever there is a reduction in the workforce, the Appointing Authority shall first demote to a vacancy in the same department, if any, in a lower class for which the employee who is the latest to be laid off in accordance with Section 5 is qualified. All persons so demoted shall have their names placed on the re-employment list.

SECTION 4. Retreatment Rights:

A permanent employee, or an employee on probation following promotion, affected by layoff shall have retreat rights to displace an employee in the same department in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. Temporary employees and initial probationary employees shall have no retreatment rights.

Employees retreating to a lower or similar class shall be placed at the base pay rate representing the least loss of pay. In no case shall the base pay rate be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or a class in the class series.

SECTION 5. Employment Status and Seniority:

In each class within a department, employees shall be laid off or displaced due to retreatment according to employment status in the following order: temporary employee, initial probationary employee, promotional probationary employee, and permanent employees. Any necessary lay-off or displacement affecting permanent employees shall take place in the position of the employee within the affected department and class having the least seniority. Seniority, for the purpose of administering the layoff procedure shall mean continuous full-time service with the City of Redondo Beach.⁵

⁵ Refer to Police MOU
Rules and Regulations for the
Administration of the Civil Service
System of the City of Redondo Beach
Revised 2/19/02

SECTION 6. Re-employment List:

The names of person laid off or demoted in accordance with these Rules and Regulations shall be entered upon a re-employment list. Lists from different departments or at different times for the same class of positions shall be combined into a single list. Such list shall be used by every Appointing Authority when a vacancy arises in the same or lower class of position before certification is made from an employment list.

SECTION 7. Conflict with Memorandum of Understanding:

Where this Rule is in conflict with the layoff procedures or provisions of an adopted memorandum of understanding, the memorandum of understanding shall be deemed to prevail.

RULE XVIII. SEPARATION FROM SERVICE

SECTION 1. Resignation:

An employee wishing to leave the Classified Service in good standing shall file with the Appointing Authority a written resignation state the effective date and reasons for leaving, at least two weeks before leaving the Service, unless such time limit is waived by the Appointing Authority. A statement to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule shall be cause for denying future employment by the City.

SECTION 2. Abandonment of Employment:

Any absence without prior approval of (a) three (3) or more consecutive work days for employees assigned to eight (8) or ten (10) hour days; or (b) two (2) or more consecutive shifts for employees assigned to twenty-four (24) hour shifts, may constitute abandonment of employment, and the employee shall be deemed to have resigned. Such employees may be separated from service without the notice and appeal rights set forth in Rule XVI of these Rules and Regulations.

RULE XIX. REHABILITATION

Where an employee is deemed to be a "qualified injured worker" under the Labor Code and Administrative Director's Rules, and where the City and employee mutually agree, the employee may be assigned to a vacant position in the Classified Service as part of an approved rehabilitation program. Such an assignment will take precedence over any existing re-employment list, promotional employment list or open employment list. If the employee satisfactorily completes the approved rehabilitation program, they will achieve permanent status in the new position and class.

RULE XX. RETURN TO CIVIL SERVICE FROM EXEMPT POSITION

All Civil Service employees of the City, who have successfully completed the probationary period of employment and who are bonafide classified employees of the City, shall, in the event of promotion to an exempt position within the City, have the right to return to their previous Civil Service positions without loss of any seniority, including that in City service and the exempt position, in the event that:

- A. The City Manager determines that the return to the Civil Service position is in the best interest of effective and efficient City administration;
- B. The exempt position is eliminated;
- C. The employee desired to return to their previous position; or
- D. The employee is dismissed from the exempt position for just cause, other than the causes deemed to be valid for discharge from a Civil Service position.

An employee's right to return to their previous Civil Service position shall mean that the employee may return to their previous salary range, or the current salary range, for their previous position, whichever is higher, and the position to which the employee will be assigned shall be similar to their previous Civil Service position in terms of level of responsibility, duties, and prestige.

RULE XXI. TRAINING OF EMPLOYEES

SECTION 1. Responsibility for Training:

Responsibility for developing training programs for employees shall be assumed by the Personnel Officer and department heads. Such training programs may include training courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 2. Credit for Training:

Participation in and successful completion of special training courses may be considered in making advancement and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer.