



City of Santa Clara

Meeting Agenda

Civil Service Commission

Thursday, February 8, 2024

7:00 PM

Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue Santa
Clara, CA 95050

The City of Santa Clara is conducting the Civil Service Commission in a hybrid manner (in-person and a method for the public to participate remotely).

• Via Zoom:

<https://santaclaraca.zoom.us/j/86351228305?pwd=eFd5aDRVU0cyYUc0dFhaMjJiUWVSdz09>

Webinar ID: 863 5122 8305

Passcode: 761380

OR

Phone: 1 (669) 900-6833

CALL TO ORDER AND ROLL CALL

Pledge of Allegiance

CONSENT CALENDAR

1.A 24-85 [Action to Approve the Civil Service Commission Meeting Minutes of December 11, 2023](#)

Recommendation: Approve the Meeting Minutes of December 11, 2023.

1.B 24-130 [Action to Approve the Civil Service Commission Meeting Minutes of December 18, 2023](#)

Recommendation: Approve the Meeting Minutes of December 18, 2023.

1.C 24-119 [Note and File the Current Status and Requisition Report Dated January 31, 2024](#)

Recommendation: Note and file the Current Status and Requisition Report dated January 31, 2024

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

- 2 24-83 [Action to Modify Various Class Specifications Listed on Attachment A to: \(1\) Modify the Weighting Plan, and \(2\) Remove the Typing Certification Requirement](#)

Recommendation: Approve the modification to the weighting plan and remove the typing certification requirement, and corresponding requirements, for various class specifications listed on Attachment A

- 3 24-125 [Action to Extend Eligible List for Firefighter I \(Job Code 487\) to February 6, 2025](#)

Recommendation: Approve the request to extend the eligible list for Firefighter I (Job Code 487) by one (1) year with a new expiration date of February 6, 2025

- 4 24-1620 [Action to Adjust the Examination Weighting Plan for Housing Inspector \(Job Code 500\) on an Ongoing Basis](#)

Recommendation: Approve the modified weighting plan to 100% oral board examination for Housing Inspector (Job Code 500) on an ongoing basis

- 5 24-127 [Reappoint John Sontag to the Salary Setting Commission for a Four \(4\) Year Term Ending December 31, 2027](#)

Recommendation: Reappoint John Sontag to the Salary Setting Commission for a Four (4) Year Term Ending December 31, 2027

STAFF REPORT

- 24-86 [Informational Report on Issues Relating to the Classified Recruitment Process](#)

Recommendation: Note and file informational report.

COMMISSIONERS REPORT**ADJOURNMENT**

The next scheduled regular meeting is on March 14, 2024 at 7 PM.

MEETING DISCLOSURES

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City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
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Agenda Report

24-85

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Action to Approve the Civil Service Commission Meeting Minutes of December 11, 2023

RECOMMENDATION

Approve the Meeting Minutes of December 11, 2023.



City of Santa Clara

Meeting Minutes

Civil Service Commission

12/11/2023 7:00 PM Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting the Civil Service Commission in a hybrid manner (in-person and a method for the public to participate remotely).

• Via Zoom:

<https://santaclaraca.zoom.us/j/86351228305?pwd=eFd5aDRVU0cyYUc0dFhaMjJiUWVVSdz09>

Webinar ID: 863 5122 8305

Passcode: 761380

OR

Phone: 1 (669) 900-6833

CALL TO ORDER AND ROLL CALL

Chair Felizardo called the meeting to order at 7:03 PM and led the meeting with the Pledge of Allegiance.

Present 4 - Chair Franklin Felizardo, Vice Chair Tahir Naim , Commissioner Wesley Dudzinski, and Commissioner Arti Purohit

Absent 1 - Commissioner Ron Billingsley

CONSENT CALENDAR

1.A [23-1473](#) Note and File the Current Status and Requisition Report Dated November 30, 2023

A motion was made by Vice Chair Naim, seconded by Commissioner Dudzinski to Note and File the Current Status and Requisition Report Dated November 30, 2023. It was noted that all Commissioners received a letter that was received by the Human Resources Department on December 11, 2023 and would be uploaded as post meeting material to this item.

Aye: 4 - Chair Felizardo, Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit

Absent: 1 - Commissioner Billingsley

1.B [23-1505](#) Action to Approve the Civil Service Commission Meeting Minutes of November 13, 2023

A motion was made by Vice Chair Naim, seconded by Commissioner Purohit, to Approve the Civil Service Commission Meeting Minutes of November 13, 2023.

Aye: 3 - Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit

Absent: 1 - Commissioner Billingsley

Abstained: 1 - Chair Felizardo

PUBLIC PRESENTATIONS

None

GENERAL BUSINESS

2.A [23-1402](#) Reappoint MV Kumar to the Salary Setting Commission for a Four (4) Year Term Ending December 31, 2027

A motion was made by Vice Chair Naim, seconded by Commissioner Dudzinski, to Reappoint MV Kumar to the Salary Setting Commission for a Four (4) Year Term Ending December 31, 2027

Aye: 4 - Chair Felizardo, Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit

Absent: 1 - Commissioner Billingsley

2.B [23-1455](#) Board of Review Hearing for Appeal of Public Employee Disciplinary Action of Pump Maintenance Technician (677)

Commission Conducted the Board of Review Hearing for the Appeal of Public Employee Disciplinary Action of Pump Maintenance Technician (677)

2.C [23-1472](#) Closed Session - Pursuant to Government Code Section 54957(b)(1), a Closed Session of the Board of Review regarding PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE for the Purpose of Deliberation

Commission Convened to Closed Session at 11:00 PM and Returned from Closed Session at 12:02 AM

STAFF REPORT

None

COMMISSIONERS REPORT

None

ADJOURNMENT

Motion was made by Vice Chair Naim, seconded by Commissioner Dudzinski, to Adjourn the Meeting at 12:02 AM and Continue Closed Session to December 18, 2023 at 7:00 PM.

Aye: 4 - Chair Felizardo, Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit

Absent: 1 - Commissioner Billingsley

MEETING DISCLOSURES

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Agenda Report

24-130

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Action to Approve the Civil Service Commission Meeting Minutes of December 18, 2023

RECOMMENDATION

Approve the Meeting Minutes of December 18, 2023.



City of Santa Clara

Meeting Minutes

Civil Service Commission

12/18/2023

7:00 PM

Hybrid Meeting
 City Hall Council Chambers/Virtual
 1500 Warburton Avenue
 Santa Clara, CA 95050

Continued from December 11, 2023

The City of Santa Clara is conducting the Civil Service Commission in a hybrid manner (in-person and a method for the public to participate remotely).

• Via Zoom:

<https://santaclaraca.zoom.us/j/86351228305?pwd=eFd5aDRVU0cyYUc0dFhaMjJiUWVSdz09>

Meeting ID: 863 5122 8305

Passcode: 761380 OR Phone: 1 (669) 900-6833

CALL TO ORDER AND ROLL CALL

Vice Chair Naim called the meeting to order at 7:10 PM and lead the meeting with the Pledge of Allegiance.

Present 3 - Vice Chair Tahir Naim , Commissioner Wesley Dudzinski, and Commissioner Arti Purohit

Absent 2 - Chair Franklin Felizardo, and Commissioner Ron Billingsley

GENERAL BUSINESS

[23-1535](#)

Closed Session - Pursuant to Government Code Section 54957(b)(1), a Closed Session of the Board of Review regarding PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE for the Purpose of Deliberation

Convene to Closed Session

The Commission/Board of Review convened to Closed Session at 7:16 PM. The Commission/Board of Review returned from Closed Session at 8:05 PM.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Vice Chair Naim reported that the Civil Service Commission Board of Review voted unanimously (Aye: 3 - Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit; Absent: 2 - Chair Felizardo, and Commissioner Billingsley) to adopt the findings and render the decision/order on behalf of the Board of Review as set forth in the post meeting material attachment.

PUBLIC PRESENTATIONS

Commissioner Dudzinski requested the City agendaize a report to discuss the letter the Commission received on December 11, 2023 at the February 8, 2024 Civil Service Commission Meeting.

ADJOURNMENT

A motion was made by Commissioner Dudzinski, seconded by Commissioner Purohit, to adjourn the Civil Service Commission Meeting at 8:17 PM.

Aye: 3 - Vice Chair Naim, Commissioner Dudzinski, and Commissioner Purohit

Absent: 2 - Chair Felizardo, and Commissioner Billingsley

MEETING DISCLOSURES

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Agenda Report

24-119

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Note and File the Current Status and Requisition Report Dated January 31, 2024

RECOMMENDATION

Note and file the Current Status and Requisition Report dated January 31, 2024

ATTACHMENT

1. Current Status and Requisition Report Dated January 31, 2024

Current Status and Requisition Report
Dated January 31, 2024

Requisition Number	Classification	Department	Number of Positions Approved to Fill
TBD	Communications Coordinator	City Manager's Office	1
19472	Assistant/Associate Planner	Community Development	1
21301; 22405	Combination Inspector	Community Development	2
21349	Housing Inspector	Community Development	1
2319491	Permit Technician	Community Development	1
2319533	Assistant Electric Utility Engineer	Electric Utility	1
2319549	Electric Meter Technician	Electric Utility	2
2319553	Electric Utility Electrician	Electric Utility	3
2319548	Electric Utility Electrician Technician	Electric Utility	1
TBD	Electric Utility Network Administrator	Electric Utility	2
22340	Electric Utility Programmer Analyst	Electric Utility	2
2319538	Electric Utility Engineer	Electric Utility	2
2319540	Electric Water and Sewer Operator	Electric Utility	1
2319490	Engineering Aide	Electric Utility	2
TBD	Journey Lineworker/Apprentice	Electric Utility	2
2319546	Office Specialist II	Electric Utility	1
2319547	Senior Electric System Operator	Electric Utility	1
2319535/2319536/2319539	Senior Electric Utility Engineer	Electric Utility	3
2319491	Senior Engineering Aide	Electric Utility	1
2319498	Senior Resource Analyst	Electric Utility	1
2319504	Service Coordinator Inspector	Electric Utility	1
2319550	Staff Aide II	Electric Utility	1
2319500	Utility Conservation/Efficiency Coordinator	Electric Utility	1
2419561	Senior Accounting Technician	Finance	1
TBD	Fire Prevention Specialist	Fire	1
2319482	Staff Aide I	Fire	1
TBD	Staff Analyst I	Fire	1
TBD	Library Circulation Supervisor	Library	1
TBD	Cemetery Worker I	Parks & Recreation	1
TBD	Grounds Maintenance Worker I	Parks & Recreation	3
98-19-650C/35-14-689C	Community Service Officer I/II	Police	2
TBD	Jail Services Officer	Police	1
19079	Office Specialist III	Police	1
2319516	Office Specialist IV	Police	1
21347	Police Officer Recruit/Lateral	Police	5
19256/20275/21321	Police Records Specialist II	Police	4
TBD	Public Safety Dispatcher I/II	Police	5
2319516	Associate Engineer	Public Works	1
2319515	Automotive Technician I	Public Works	1
2319524	Equipment Operator	Public Works	1
2319525	Mechanical Maintenance Worker	Public Works	1
2319496	Staff Analyst I	Public Works	1
2319527	Utility Worker	Public Works	1
TBD	Associate Engineer	Water and Sewer Utilities	2
TBD	Equipment Operator	Water and Sewer Utilities	1
2419560	Senior Civil Engineer	Water and Sewer Utilities	1
TBD	Utility Business System Specialist	Water and Sewer Utilities	1

Current Status and Requisition Report
Dated January 31, 2024

Requisition Number	Classification	Department	Number of Positions Approved to Fill
2419563	Utility Crew Supervisor	Water and Sewer Utilities	1
TBD	Water & Sewer Maintenance Worker I	Water and Sewer Utilities	4
		Total	78

*Report only includes classified positions, covered by the Civil Service Rules, excludes unclassified and as-needed recruitments.



Agenda Report

24-83

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Action to Modify Various Class Specifications Listed on Attachment A to: (1) Modify the Weighting Plan, and (2) Remove the Typing Certification Requirement

BACKGROUND

The Human Resources Department proposes to modify various class specifications to remove the typing certification or words per minute (WPM) requirement. The list of classifications that would be impacted by this proposed action is set forth as an exhibit to this agenda report as Attachment A - *List of Impacted Classifications*. The request for Commission approval is based on Personnel & Salary Resolution, Sec. 6(d) which states, "Classification specifications for positions in the Classified Service must first be approved and adopted by the City of Santa Clara Civil Service Commission before they may be approved and adopted by the City Council."

Additionally, it is recommended the weighting plan for classifications where a typing certification is required be modified to reflect removal from the testing process. Generally, this component is referred to as a Qualifying Performance exam. This request is based on the authority of the Civil Service Rule 3.1, "The Commission shall determine whether the examination shall consist of a written, oral, or performance, or psychological, investigative, physical test, or any combination thereof, and shall indicate the procedure in the announcement."

The Human Resources Department brought this request to the Civil Service Commission (Commission) at its April 10, 2023 meeting. After robust discussion, the request was pulled by staff for further evaluation. Upon further review, the City has determined that there is an operational need to request Commission approval to remove this certification and the corresponding speed requirement from all recruitment processes.

DISCUSSION

The Human Resources Department requests to remove the typing certification requirement as part of the recruitment testing process for various classifications represented by the City of Santa Clara Employees' Association (Unit 578).

In an effort to broaden out the candidate pools, it is recommended to remove the typing certification requirement. Many candidates are screened out at the application stage due to not possessing the typing certificate. Candidates have raised concerns regarding typing certification testing accessibility, not enough time during the application period to obtain the certification, and the cost of the exam, which is not a reimbursable expense to candidates. Additionally, many test sites utilized pre-COVID-19 are no longer administering typing tests. Further, typing certifications are considered outdated and are not a strong indicator of a candidate's overall ability to perform the job duties. Hiring Departments will instead assess candidates through various components of

the testing process, including review of qualifications and experience, additional written testing as applicable, the interview process, and during the selected candidate's probationary period.

The typing certification primarily assesses the gross words per minute and gross number of errors by a candidate. It is more important for the City to assess quality of work and writing ability, which will be assessed during the employee's probationary period. Additionally, there have been technological advancements in programs and software which significantly reduce the number of errors an individual may make; therefore, the City believes the typing certification does not provide value and is an obsolete assessment tool to determine success of a candidate in the position. The typing certification provides unnecessary constraints on the City's ability to fill vacancies and screens out otherwise qualified candidates from the recruitment process.

For example, in the most recent Office Specialist III (Job Code 938) recruitment, the City received 81 applications. Of the 81 applications, 20 candidates met the minimum qualifications and possessed a valid typing certificate. Of the 81 candidates, 36 candidates that otherwise met the minimum qualifications did not possess a valid typing certification. This recruitment requires candidates to pass a written test (in addition to possessing the typing certificate) and oral examination interview. Generally, about a third to half of candidate's do not sign up for the written exam or no-show to the written exam. Additionally, not all candidates will pass the written exam. In an effort to broaden out the candidate pool and ensure there are enough qualified applicants to move forward in the process, we allowed the 36 candidates an opportunity to obtain and submit the correct typing certification after the position closed. Only 8 additional candidates were able to provide a valid typing certification and were invited to move forward in the process.

If the Commission determines that the typing certificate is not required as part of the weighting plan, identified as the Qualifying Performance exam, the weighting plan will be updated to remove this component from the testing process. Additionally, if the typing certificate or words per minute (WPM) requirement is specified in the class specification, the class specification will be amended to remove reference to WPM or possession of a typing certification.

There is no proposed change to salary or modifications to the class specifications outside the typing certification references.

The Human Resources Department has reviewed these revisions on several occasions with the impacted bargaining unit. The bargaining unit is in resolute support of these proposed modifications.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to revising the class specifications or modifying the weighting plan.

PUBLIC CONTACT

Public contact was made by posting the Civil Service Commission agenda on the City's official-

notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the modification to the weighting plan and remove the typing certification requirement, and corresponding requirements, for various class specifications listed on Attachment A

Reviewed by: Ashley Lancaster, Human Resources Division Manager

Approved by: Aracely Azevedo, Director of Human Resources

ATTACHMENTS

1. Attachment A - List of Impacted Classifications
2. SCEA Letter to Civil Service Commission

Job Title	Job Code
Account Clerk II	215
Accountant	205
Accounting Technician I	216
Accounting Technician II	217
Buyer	270
Customer Service Representative (CSR)	364
Customer Service Representative (Permit)	369
Financial Analyst	472
Human Resources Assistant	509
Legal Office Specialist	519
Library Assistant I	526
Library Assistant II	528
Office Assistant	933
Office Records Specialist	934
Office Specialist II	936
Office Specialist III	938
Office Specialist IV	939
Purchasing Clerk	678
Senior Accounting Technician	208
Senior Staff Aide	779
Staff Aide I	794
Staff Aide II	795
Staff Aide II - Environmental Programs	795A

February 2, 2024

Dear Civil Service Commission,

The City of Santa Clara Employees' Association (SCEA) is in support of the request from the Human Resources Department to modify the weighting plan and remove the typing certification requirement from various class specifications that are represented by the SCEA group.

Requiring a typing certificate limits the qualified applicant pool and the ability of the City to fill a vacant position with the right candidate for the job. It is difficult to find a testing location. If an applicant can find a testing location, there are limited appointments, preventing the applicant from meeting the application deadline. And there is an out-of-pocket cost to take the test that the applicant will not receive reimbursement for. A typing certificate is an outdated policy that is not required of applicants in today's job market because most people can type with the state of technology in the Bay Area. And a typing certificate is not an indicator of whether or not someone is knowledgeable about using a computer, which is also important, if not more important. All these points ultimately lead to further staffing problems because recruitments are not successful.

The SCEA hopes you will approve the modification to the weighting plan and remove the typing certification requirement, and corresponding requirements, for various class specifications.

Sincerely,



Annette Duerksen

SCEA President

President@santaclaraea.com



Agenda Report

24-125

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Request to Extend Eligible List for Firefighter I (Job Code 487) to February 6, 2025

ACTION AND AUTHORITY

The Fire Department is requesting to extend the eligible list for Firefighter I (Job Code 487) pursuant to Civil Service Rule 4.3 (Duration of Lists) which provides that, "Eligible lists shall remain in force for a period of one (1) year. Eligible lists for sworn promotional positions in the police department shall remain in force for a period of two (2) years. The eligible list may be extended to two (2) years with the approval of the Commission. The eligible list for entry level Police Officers shall remain in force for six (6) months. The Director of Human Resources may abolish an eligible list if that list contains less than five (5) names."

BACKGROUND

The eligible list for Firefighter I (Job Code 487) is scheduled to expire on February 6, 2024. The Fire Department is requesting approval for the Commission to extend the Firefighter I (Job Code 487) eligible list for one (1) year with a new expiration date of February 6, 2025.

DISCUSSION

The Fire Department is requesting a retroactive extension of the Firefighter I (Job Code 487) eligible list, with a new expiration date of February 6, 2025. The extension request was not made in time for the City to bring the request forward at the January 11, 2024 Civil Service Commission meeting; therefore, the request is being brought forward at the next regularly scheduled Civil Service Commission meeting in February.

The Fire Department was awarded a federal Staffing for Adequate Fire and Emergency Response (SAFER) Grant from FEMA in 2022. This grant was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities, with the goal of compliance with staffing, response and operational standards established by the National Fire Protection Association. In order to maintain the level of grant funding, the City must show that it is in compliance with all of the terms and conditions of the grant itself.

One of the terms of the SAFER Grant is "[o]nce the staffing maintenance number is established, you are required to maintain that staffing level throughout the period of performance by taking active and timely steps to fill any positions vacated through attrition, resignation, or termination." The process the City would use to comply with the term of the grant and quickly fill vacancies (should they arise) would be to hire from an existing eligible list, as opposed to initiating an entirely new recruitment process to establish a new eligible list.

Due to the large applicant pool and extensive staff time and costs dedicated to conduct this recruitment, the City would like the flexibility to utilize the recent Firefighter I (Job Code 487) eligible list in the event the City determines to proceed with filling the vacant positions. The eligible list has 97 active and qualified candidates remaining on the list. Extending the eligibility list will expedite the recruitment process in the future and allow the City to fill vacant positions in a timely manner.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no additional cost to the City other than administrative staff time.

PUBLIC CONTACT

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RECOMMENDATION

Approve the request to extend the eligible list for Firefighter I (Job Code 487) by one (1) year with a new expiration date of February 6, 2025

Reviewed by: Ashley Lancaster, Human Resources Division Manager

Approved by: Aracely Azevedo, Director of Human Resources



Agenda Report

24-1620

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Action to Adjust the Examination Weighting Plan for Housing Inspector (Job Code 500) on an Ongoing Basis

BACKGROUND

The Human Resources Department requests Commission approval of a modification to the examination weighting plan for Housing Inspector (Job Code 500). This request is based on the authority of Civil Service Rule 3.1, "The Commission shall determine whether the examination shall consist of a written, oral, or performance, or psychological, investigative, physical test, or any combination thereof, and shall indicate the procedure in the announcement." This request has been coordinated with the Community Development Department.

DISCUSSION

The Human Resources Department in coordination with the Community Development Department is recommending modifications to the examination weighting plan for Housing Inspector (Job Code 500) on an ongoing basis. Currently, the Housing Inspector (Job Code 500) examination weighting plan consists of a 50% written examination and 50% oral board examination. The proposed modification is to make the examination weighting plan a qualifying supplemental and 100% oral board examination.

The City recently conducted a recruitment for Housing Inspector (Job Code 500) which was unsuccessful. During the recruitment process, the City worked with our testing vendor to customize a written exam for Housing Inspector (Job Code 500), as a written examination did not previously exist. The City received a total of 23 applications. 12 candidates did not meet the minimum qualifications or submitted incomplete applications and were screened out. 11 candidates moved forward to the written examination, 4 candidates withdrew from the process and 2 candidates did not pass the written examination. 5 candidates were invited to the oral board examination. At this stage of the process, 2 candidates withdrew, 1 candidate did not pass the oral board examination, and 2 candidates were added to the eligible list.

Although the candidates on the eligible list met the minimum qualifications of the classification, candidates did not possess journey level experience in construction or project management skills, strong communication skills, or strong customer service skills which is expected for incumbents in this classification. The written exam primarily focused on knowledge of building code, plan checking, analytical skills, and mathematics. Although these are important skills for the position, the Department believes they can better assess and gauge construction and project management expertise through the oral board examination process. The oral board examination process will also allow the hiring panel to evaluate the candidates communication skills and customer service abilities. Although knowledge of building code and plan checking is important, the codes may change and

employees have access to code books and resources in the course of their work.

If there are any necessary technical knowledge and skills to assess, the Department will have the opportunity to further assess these items through the application supplemental screening questions, oral board examination (first round), and Department (second round) interview.

There are no recommended changes to the class specification for Housing Inspector (Job Code 500).

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to revising the class specification other than staff time.

PUBLIC CONTACT

Public contact was made by posting the Civil Service Commission agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the modified weighting plan to 100% oral board examination for Housing Inspector (Job Code 500) on an ongoing basis

Reviewed by: Ashley Lancaster, Division Manager Human Resources

Approved by: Aracely Azevedo, Director of Human Resources



Agenda Report

24-127

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Reappoint John Sontag to the Salary Setting Commission for a Four (4) Year Term Ending December 31, 2027

BACKGROUND

Charter Section 702 requires the Civil Service Commission to appoint five (5) members to the Salary Setting Commission. Mr. Sontag was appointed to the Salary Setting Commission effective January 1, 2019, for a four (4) year term and his term expired on December 31, 2023. Mr. Sontag was unavailable when staff reached out to him to confirm his continued interest in serving on the Salary Setting Commission in order for this item to have been brought forward for consideration in December. Mr. Sontag has since expressed his continued interest in serving another term on the Salary Setting Commission.

DISCUSSION

The Civil Service Commission appointed five (5) commissioners to the Salary Setting Commission effective January 1, 2019; three commissioners for a four-year term, and two commissioners for a two-year term. At that time, Mr. Sontag was appointed to a four-year term which expired on December 31, 2023.

There is currently one additional vacancy on the Salary Setting Commission. A recruitment and application period will be held in 2024 to fill that vacancy.

Since Mr. Sontag served one four-year term, he is eligible to serve a second four-year term if reappointed by the Civil Service Commission. A majority vote by the Civil Service Commission is required to reappoint Mr. Sontag to the Salary Setting Commission.

If reappointed, Mr. Sontag will need to schedule an appointment with the City Clerk's Office for administering of the Oath of Office, and other onboarding activities. The Salary Setting Commission will convene again in or around January 2025.

COORDINATION

This report has been coordinated with the City Attorney's Office and the City Clerk's Office.

PUBLIC CONTACT

Public contact was made by posting the Civil Service Commission agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City

Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Reappoint John Sontag to the Salary Setting Commission for a Four (4) Year Term Ending December 31, 2027

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Nadine Nader, Chief Operating Officer



Agenda Report

24-86

Agenda Date: 2/8/2024

REPORT TO CIVIL SERVICE COMMISSION

SUBJECT

Informational Report on Issues Relating to the Classified Recruitment Process

BACKGROUND

The Civil Service Commission (“Commission”) received an anonymous letter on or about December 11, 2023 regarding numerous concerns, including but not limited to personnel matters and the classified and unclassified recruitment process. The Commission requested that this item be Agendized at a future meeting and that staff provide a response. The purpose of this report is to provide clarifying information to the Commission on the classified recruitment process as articulated in the Civil Service Rules and Regulations (“Rules”).

It should be noted that the purview of the Commission is limited in the Rules to aspects of classified employment including the classified recruitment process. Therefore only matters that are subject to the Civil Service Commission’s jurisdiction are addressed in this report. Where applicable, the City will provide clarifying information on components of the hiring process, which may impact classified employees, that are not covered under the Rules.

The letter cites Section 1.1 of the Rules, entitled “Applicability and Objectives,” and provides that the Rules “are applicable to the Classified Service” to “obtain and retain the best qualified persons for appointment to City service,” and “assure that appointments and promotions are made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.”

Although the Rules explicitly govern the classified recruitment process, this tenet is generally applied to the unclassified and as-needed recruitment processes as well, in furtherance of the City’s goals in conducting a fair and transparent recruitment process, and to “obtain and retain the best qualified persons for appointment.” Those candidates which are determined to be the *best qualified* for the position will move forward in the recruitment process, and the *best qualified* candidate will be appointed to the position.

DISCUSSION

Recruitment

The first concern raised in the letter was related to the unclassified Management Analyst (Job Code 008) recruitment. Although this recruitment does not fall under the purview of the Commission, the City wants to clarify the screening process for all recruitments. The authors suggest that some internal candidates in this recruitment were, “‘filtered’ from the gate,” which staff interprets as an assertion that some candidates were unfairly screened out.

The primary step in the competitive screening process for any applicant pool (classified and

unclassified positions) is a screening of each application to determine whether the application was filled out completely (including submission of any required supplemental attachments and responses to supplemental questions), and to confirm the candidate meets the specified minimum qualifications of the position (education, experience, and/or licenses/certifications). The City takes into consideration the applicant's entire application package in making this determination. If a candidate does not meet the minimum qualifications of the position or if they submit an incomplete application, they are screened out from the recruitment process.

Reclassification

The letter expressed concerns regarding the reclassification of a classified employee. For reclassification requests, the City completes a thorough reclassification study of the employee's position, which includes but is not limited to the following: a comprehensive questionnaire about the specific position's duties completed independently by the employee, direct supervisor, and Department Head; interviews with the employee, supervisor, other pertinent staff, and Department Head; review of similar classifications throughout the City; a desk audit which reviews the actual day-to-day responsibilities, job functions, and work completed; a review of sample employee work; and a comparative analysis of the employee's current classification and classifications that may be a better descriptor of the work performed.

Upon recommendation to approve the reclassification request for such positions by the Director of Human Resources, and City Manager approval, the City must then conduct a competitive recruitment for the position. Per the Section 3.17 of the Rules, entitled - "Reclassification," the "Reclassification of a position to a higher classification by the City when filled by a qualified incumbent at the time of reclassification shall provide for the promotion of a permanent employee to the reclassified position in the following manner: (a) Examination shall be closed/promotional. (b) If more than one (1) qualified permanent employee candidate should apply, an examination shall be administered." In other words, if an employee's request for a reclassification is granted, a competitive internal recruitment process must be held for the higher-level position pursuant to the City's rules.

The reclassification process cited in the letter was conducted in accordance to the process described above and pursuant to Section 3.17 of the Rules.

Eligible Lists

The letter further mentioned inaccuracies around the publishing and maintenance of eligible lists. Per Section 4.1 of the Rules, entitled "Order of Eligibles," "Candidates who qualify in an examination for a class shall have their names placed upon the eligible list in the order of their relative final scores ;" *and* Section 4.2 of the Rules, entitled "Promulgation," states that "An eligible list shall be in effect, posted in the order of placement in the Human Resources Office, from the date on which it is established by the Director of Human Resources." Eligible lists are publicly available in a binder in the main Human Resources Department lobby. Eligible lists include the candidate NeoGov identification number (instead of the candidate name for purposes of confidentiality), final candidate score, rank on the eligible list, and eligible list expiration date. Candidates who are placed on an eligible list are sent written notification that details their final score, rank, and eligible list expiration date.

The City also follows the guidelines as set forth in Section 4.8 of the Rules, entitled "Abolishing Eligible Lists." The Rules state that "Eligible lists may be abolished by the Director of Human Resources ... If the list contains fewer than five (5) names." If the eligible list has five (5) or more

names remaining on the list, the list abolishment is brought before the Commission for approval. Before abolishing a list, the Human Resources Department requires Departments to interview all candidates on the eligible list.

Furthermore, in accordance with Section 4.12 of the Rules, entitled "Certification of Eligibles," "The ten (10) highest scores shall be certified for entry level examinations and the five (5) highest scores shall be certified for promotional examinations." The Rules further articulate in Section 4.15, entitled "Call for Interview and Failure to Appear," that "Eligibles whose names have been certified as available for appointment ... may be given notice by mail or otherwise, to report for an interview." The Rules do not require Departments to interview all candidates certified; however, Human Resources does require that Departments are consistent in the method in which they interview. Departments may not arbitrarily pick and choose which candidates move forward to the Department interview but must interview candidates in rank order. The City is following the provisions outlined in the Rules as it relates to eligible lists.

Oral Board Panelists

The letter raised concerns about the use of internal panel members. Section 3.6 of the Rules, entitled "Officials and Employees to Assist," specifies that "City officers and employees may be called upon to draw up, mark, or otherwise assist in examination procedures and it shall be deemed a part of the official duties of such persons to act in such capacity." Therefore, internal employees may serve as panelists.

To ensure a fair and consistent oral board process for all recruitments, Human Resources conducts thorough briefings with all panelists before all oral board examination administrations. Panelists must also sign a confidentiality statement and are instructed to follow the structured classified process for interviews. This includes asking only the pre-determined interview questions and rating candidates based solely on their responses to the interview questions in relation to pre-determined and explicit rating competencies and criteria. The City does allow and may use external panel members where appropriate, but this often will lead to delays in the recruitment process given the challenges with scheduling interviews to accommodate the schedules of those who work for other agencies.

Nepotism

The City hires employees in accordance with "City Manager Directive 033 - Employment of Relatives." Although not within the purview of the Commission, the City thinks it is important for the Commission to be aware of the City's policy when a candidate indicates on their application a family relationship to a City employee. In addition, before a final appointment is made, the City Manager must review and approve the hire.

Additionally, employees are hired at a step that correlates with their education and experience in relation to the minimum qualifications of the position. Departments coordinate with the Human Resources Department to develop an appropriate step recommendation and final approval of hiring salary is approved by the City Manager in accordance with Section 12 of the City's Personnel and Salary Resolution, entitled "Hiring Above the Entry Level Salary," which states that "the entry level salary is defined as Step 1 for Classified Employees and the bottom of the salary range for Unclassified Employees. When a candidate recommended for hire to a classified position in City service is found to possess extraordinary qualifications through former training and/or experience, or when the City is unable to recruit qualified candidates at the first step of the appropriate salary range, the City Manager, on recommendation of the Department Head, may approve the hiring of a

candidate above Step 1, up to and including Step 5.”

Timeline of Recruitments

The letter expressed concerns regarding the length of time it takes to complete a recruitment. There are seven (7) employees who work on recruitments in the Human Resources Department, which include management staff members. Depending on the complexity of the recruitment and steps involved in the process, recruitments generally take anywhere from three (3) - five (5) months to complete. Some recruitments may take longer if the position is more difficult to fill due to the specialty or if it involves a multi-step evaluation process. We would like to note that in the December 11th letter, the authors call for panelists to be made up of “at least 50% of panelists from other agencies.” If this were the case, the timelines above would be further increased.

As the Commission is aware, the City experienced a hiring freeze due to the COVID-19 Pandemic. Staff would like to note there has been a reduction in the City’s vacancy rate which was at 16.30% at the end of Fiscal Year 2022-2023. The City’s vacancy rate as of January 19, 2024 is 12.88%, which demonstrates the hard work and dedication of the staff in the Human Resources Department to fill positions in the City.

Revamp or Update the Civil Service Rules & Regulations

As articulated above, the City is following the provisions outlined in the Rules. At a future point in time, the City would also recommend revising the Rules to update, modernize, and assist in streamlining components of the recruitment process. This item is being discussed with the City Manager’s Office for prioritization and timing of when a full analysis and updating of the City’s Civil Service Rules and Regulations can occur, without negative impacts to the workload of the Human Resources Department.

Summary

As outlined above, the concerns about the lack of transparency are incorrect. The Human Resources Department follows the rules and procedures outlined in the City’s Civil Service Rules as well as the Personnel & Salary Resolution, which are inherently public processes. Whether for an unclassified or classified position, the City’s aim is to *obtain and retain the best qualified* persons for appointment to City service, and to follow the rules outlined in the City’s Civil Service Rules as well as the Personnel & Salary Resolution.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact.

PUBLIC CONTACT

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the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Note and file informational report.

Reviewed by: Ashley Lancaster, Division Manager Human Resources

Approved by: Aracely Azevedo, Director of Human Resources

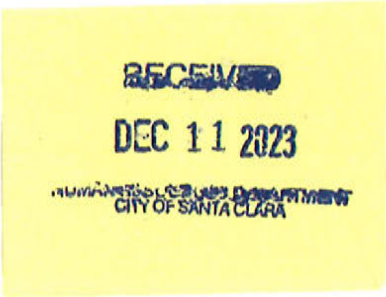
Attachments:

1. Letter to the Civil Service Commission Received on December 11, 2023
2. Civil Service Rules and Regulations
3. Personnel and Salary Resolution
4. City Manager Directive 033 - Employment of Relatives

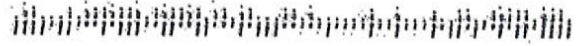
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Commissioner Arti Purohit
Civil Service Commission
1500 Warburton Avenue
Santa Clara, CA 95050



95050-971300

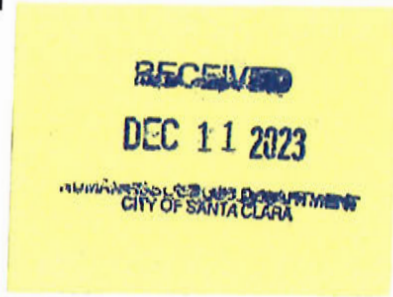


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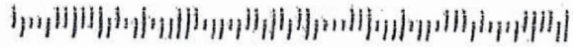
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Commissioner Wesley Dudzinski
Civil Service Commission
1500 Warburton Avenue
Santa Clara, CA 95050



95050-971300



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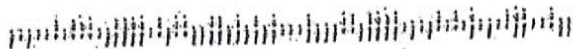
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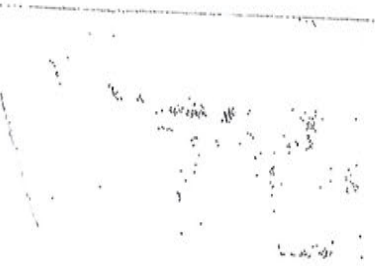
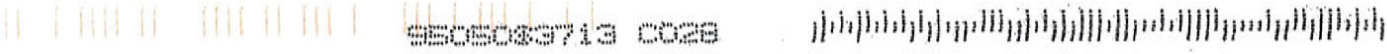
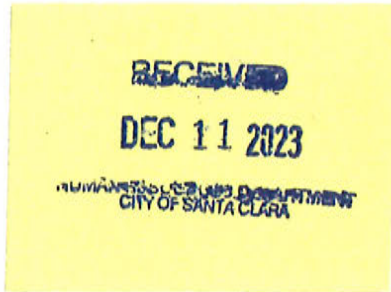
Commissioner Tahir Naim
Civil Service Commission
1500 Warburton Avenue
Santa Clara, CA 95050

95050-371300





Commissioner Ron Billingsley
Civil Service Commission
1500 Warburton Avenue
Santa Clara, CA 95050



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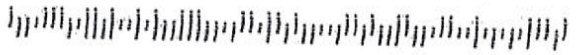
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DEC 11 2023

HUMAN RESOURCES DEPARTMENT
CITY OF SANTA CLARA

Commissioner Franklin J. Felizardo
Civil Service Commission
1500 Warburton Avenue
Santa Clara, CA 95050

95050-371300



Civil Service Commission
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Commissioners,

We, the concerned employees of the City of Santa Clara, are writing to make the Commission, the City Manager and the Mayor and Council aware of the current employment practices and conditions in the City.

1. Recruitment

The recent change in Human Resources management in recent years resulted in many process and procedures changes that no longer represent the culture and ethical standards that the City used to foster.

Per Civil service rules below, the objective of the City's Civil Services Rules and Regulations is to obtain and retain the best qualified persons for appointment to City service and to assure that appointments and promotions are made according to merit and fitness, to be ascertained, so far as practicable, by competitive examinations:

1.1 APPLICABILITY AND OBJECTIVES: The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:

- (a) Obtain and retain the best qualified persons for appointment to City service
- (b) Assure that appointments and promotions are made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

In the most recent Management Analyst position recruitment, internal applicants who have experience, institutional knowledge and education were disqualified to participate in the competitive examinations. Some of the Staff Aide I staff qualified and others who are also Staff Aide I, Staff Analyst I and Staff Analyst II were not qualified to participate in the examination process because they were "filtered" from the gate. Because the Management Analyst position is an unclassified position, it cannot be appealed to Civil Service. The transition between the classified to unclassified should still be appealed to Civil Service to provide existing employees a fair chance for an unbiased evaluation of their merit and fitness. In addition, in this same recruitment, some applicants were allowed to leave the examination and submit their test and come back to finish the test which gave that applicant an unfair advantage.

One of Human Resources' explanations was that the applicants who were qualified have experience outside the City. In addition, the disqualified employees are knowledgeable and experienced in many City processes and tasks for the Management Analyst position in budget, process analysis and other high-level duties required for this Analyst position. And yet they did not qualify to even participate in the examination process. On the other hand, in the recruitment for Deputy City clerk, one of the internal Staff Aide I staff who used to work in a salon was qualified to participate in the

competitive examination for the Deputy City Clerk. It is because the employee was favored by the Assistant City Clerk. In addition, in the most recent recruitment for the Senior Management Analyst position for the City Clerk's Office, the position was reserved for the previous staff who held that position. The employee who left the City, held a position at Lyft or some private company while retaining a consultant position in CCO, and getting top pay for working remotely 100% after their daytime job at the private company. Now that referenced employee has been let go by the private company, and now she will just be hired by the Assistant City Clerk, as the Senior Management Analyst at CCO. It is because people who have connections with higher authorities are given the promotion not by merit from transparent and fair recruitment.

The other issue is reclassification of employees. The "favored" employees are reclassified to a higher position without having the position open for recruitment. For example, [REDACTED] who was an Office Specialist IV at CDD, Planning Division, was reclassified as Staff Aide II when she was not even performing well as an Office Specialist IV. Multiple employees under her supervision have quit over the period of two years, some only lasting for a week. And yet, she is promoted and rewarded for bad behavior. Again, it is because people who have connections with higher authorities are given the promotion not by merit from a transparent and fair recruitment.

These types of practices have been rampant in the City in the recent years with the new management in HR and with some of the executives from Deanna Santana's regime, mostly from City of San Jose.

The City of Santa Clara's recruitment practice used to be transparent and fair. The eligible lists were posted with names, with clear dates of validity. Nowadays, HR controls when they want to abolish the list and extend the list and pick and choose who they want to be on the list. Moreover, the Departments no longer interview everyone who is on the eligible list, only the applicants up to the rank of their favored applicant on the list. If the Department's favored applicant is on rank # 5, the Department can decide just to interview up to that applicant. It is not equal opportunity employment anymore. Again, it is because people who have connections with higher authorities are given the promotion not by merit from a transparent and fair recruitment.

These types of practices are very demoralizing to the loyal and hardworking employees, who are trying to work their way up by experience, taking in higher responsibilities for growth and educating themselves and going through recruitment processes in the hopes to qualify to take the competitive examination. The magic and manipulation going on in the recruitment processes has been obvious to many employees. The City always thanks the employees for their hard work and loyalty in the emails and yet the employees are not valued as "good enough" to promote. There is no succession program in the City. These practices deny the opportunity of appraisal and growth for hardworking and loyal employees.

Reclassification of employees needs to be approved by the City Manager so it can be carefully evaluated, and ultimately approved by the Civil Service Commission. This will prevent a lot of backdoor manipulation of appointments to City Service. There will be check and balance. In addition, the eligible list should be made available electronically on the City's website so there is transparency that will be harder to be manipulated by a few people in Human Resources.

The panel for the recruitment should also be changed to avoid this kind of practice by having at least 50% of panelists from other agencies who will have a more objective assessment in the initial screening. So, if there are three panelists, make it four so it will be 50%. Then the Department may pick from the list of eligible applicants.

2. Nepotism

Nepotism is so rampant in the City especially in the Building & Inspection Department. The staff who are involved in the budget and requisition of the positions in the Department are also the few people who pick the panelists for these recruitments and hire their relatives such as their son, daughter, nephew, niece, relative of a friend, etc. These same few people also hire these new employees at a higher step. Human Resources keep a blind eye on these things. Please confirm this information by reviewing the organizational chart of the Department(s) and the City will find that there is rampant nepotism in the organization. The City gives existing loyal and hardworking employees *zero step increases* due to budget and yet the City hires new employees from being as-needed employees to permanent employees at a higher step than Step 1 with limited experience. When there is nepotism within the organization, promotions, and appraisal are hard to achieve. It is because again people who have connections with higher authorities are given the promotion even though they are not deserving candidates. Sometimes, the candidates are given an advantage by knowing what to expect in the examinations given by their connections.

3. Cross Training & Succession Program

The City has lost a lot of institutional knowledge due to retirement and/or turnovers in the position. When an employee leaves or retires, in a lot of cases, no one is properly trained to take over the position. As a result, over the years, the City has hired retired employees because no one can do their job. It is not because no one is qualified or no one can learn it, it is because no one is trained to learn the duties of the position.

4. Employee Development

Recently the City started to provide employee trainings and we believe that along with succession program, these will be beneficial not only to the employees and the City to help employees grow, boost employee morale, and promote employee retention.

5. Balance of Staffing

A lot of City Departments are top heavy like Human Resources. It is time for the City to evaluate the organizational charts of each department. For example, recruitment takes an exceedingly long time not only because there are multiple open recruitments but because the City only has three (3) recruiters. HR has more management analysts and division managers than support staff who also provide help to internal employees. For example, HR froze the Office Specialist IV position and distributed the duties of that position to the limited office support. As a result of these, HR response time to employee requests often take a long time because of limited employee capacity.

6. Remote Work

There are still permanent employees who work 100% completely from home. In addition, there are also a lot of as-needed consultants working 100% remotely. The permanent employees come in at least three business days in the office. The lack of consistency in the implementation of the City Manager's direction creates low morale and stress between employees because not everyone is treated the same. Some employees have their sick family or children who do not have babysitters. If employees need time away from work, then they should use family sick, vacation or personal leave just like the other employees who are required to follow City policies.

7. Revamp or Update the Civil Service Rules & Regulations

The current Civil Service Rules and Regulations of the City were updated and adopted in 2000. We believe it is time to review, analyze and update these rules and regulations to adapt to current times and current labor laws.

We hope that you take time to evaluate our concerns and hope for improving the employment practices and culture in the organization and the overall morale in the City.

CC: City Manager Office
Mayor & Council

Sincerely,

Concerned City Employees

CITY OF SANTA CLARA
Civil Service Rules and Regulations

Adopted November 28, 2000

Sections 2.23, 4.3, 7.8
Amended March 27, 2001

Section 2.20
Amended April 16, 2002

Section 3.4
Amended June 29, 2004

Section 4.20
Amended December 14, 2004

Section 4.20
Amended June 7, 2005

Section 4.3
Amended January 23, 2007

Americans with Disabilities Act Update
Amended February 24, 2009

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CIVIL SERVICE RULES AND REGULATIONS

SECTION 1 - OBJECTIVES

- 1.1 **APPLICABILITY AND OBJECTIVES:** The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:
- (a) Obtain and retain the best qualified persons for appointment to City service
 - (b) Assure that appointments and promotions are made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
 - (c) Assure, through formal appeal provisions, that disciplinary actions are consistent and made in the best interest of the City.
- 1.2 **CIVIL SERVICE COMMISSION:** The Civil Service Commission consists of five (5) members. Selection and duties are as prescribed by the City Charter, Sections 1010 and 1011.
- 1.3 **CLASSIFIED SERVICE:** Pursuant to the City Charter, Section 1011, the Classified Service consists of all positions in the City service except the following:
- (a) All elective officers;
 - (b) All members of Boards and Commissions;
 - (c) City Manager, Assistant City Manager, Deputy City Manager, City Attorney, Assistant or Deputy City Attorney, City Auditor and City Clerk;
 - (d) Department Heads and Assistant Department Heads,
 - (e) Division Managers,
 - (f) Persons contracted for or employed in part-time positions regarded as "casual", "seasonal" or temporary;
 - (g) Persons contracted for or employed by an agency contracted by the City to render professional, scientific, technical or expert service of an occasional and exceptional character;
 - (h) Volunteers
- 1.4 **ADMINISTRATION:** The City Council shall adopt Civil Service Rules and Regulations governing the administration of the City Civil Service System.
- 1.5 **RESPONSIBILITIES OF THE CITY MANAGER:** The City Manager is the Appointing Authority and is responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service.
- 1.6 **AVAILABILITY OF CIVIL SERVICE RULES:** A copy of the Civil Service Rules and Regulations will be given to all Civil Service employees and to all newly hired classified employees at the beginning of their probationary period. Each employee is to sign a statement that he/she has received a copy. A current copy of the Civil Service Rules and Regulations will be maintained in each department and made available to all employees upon request.
- 1.7 **SEVERABILITY:** If any section, subsection, sentence, clause or phrase of these rules is for any reason held illegal, invalid or unconstitutional by decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more section, subsection,

Civil Service Rules and Regulations (continued)

clause or phrase be declared illegal, invalid or unconstitutional. All existing Civil Service Rules currently or previously in effect are hereby rescinded and repealed.

- 1.8 CIVIL SERVICE RULES – PROVISIONS IN MEMORANDUM OF UNDERSTANDING To the extent provisions in a Memorandum of Understanding are entered into by the City and recognized employee organization conflict with provisions of the Civil Service rules set forth in the Santa Clara Municipal Code, the Memorandum of Understanding shall prevail.

SECTION 2 -RECRUITMENT

- 2.1 GENERAL STANDARDS: Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made.
- 2.2 FAIR EMPLOYMENT PRACTICES: It is the policy of the City to provide equal employment opportunity for all employees and employment applicants based upon merit and job-related knowledge, skills and abilities. Unlawful discrimination based on race, sex, color, religion, religious creed, national origin, partisan politics or political opinions, ancestry, age, marital status, physical disability (including HIV and AIDS), mental disability, medical condition, sexual orientation, or union membership or non-membership, except where such are bona fide occupational qualification requirements of the job or would prevent the employee from performing the essential job duties, is prohibited. (Refer to 2.13 previous CSR&R)
- 2.3 INELIGIBLE APPLICANTS: The City retains the right:
- (a) To refuse to place the relative of one employee under the direct supervision of that employee where such has the potential for creating adverse impact on supervision, safety, security, or morale.
 - (b) To refuse to place relatives in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale.
- 2.4 TYPES OF RECRUITMENT: There shall be three (3) types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:
- (a) Regular Recruitment: A regular recruitment is one which is conducted with a specified time during which applications will be accepted, e.g., with a specified open and final filing date. Following the close of such a process, and providing enough qualified candidates have applied, an examination will be held of all qualified candidates who have applied between the open and final filing date.
 - (b) Continuous Recruitment: A continuous recruitment is one where applications will be accepted on a continuing or on-going basis, with examinations held periodically to update eligible lists.
 - (c) Open-Until-Filled Recruitment: An open-until-filled recruitment has a specific date when applications will be accepted, (e.g., a specific "open" date) but has no specific application final filing date. Examinations will be held when a sufficient number of qualified people have applied. This type of recruitment will close when a candidate is hired.
- 2.5 ANNOUNCEMENT OF EXAMINATIONS: Public announcements of all examinations shall be posted on the bulletin board located in the Human Resources Department for at least three (3) working days prior to the final filing date for applications on all positions and at least five (5) working days prior to the last day of filing applications on all closed promotional positions. Job announcements will be distributed to all City departments. Announcements may also be posted

Civil Service Rules and Regulations (continued)

elsewhere. Copies may be mailed to interested applicants, and other forms of public notice may be used to attract qualified applicants. Announcements shall include at least:

- (a) The class title;
- (b) The compensation;
- (c) A statement of duties and responsibilities;
- (d) The place, manner, and last date to file applications;
- (e) The conditions of competition including minimum qualifications, knowledge, skills, and abilities, scope of the testing, relative weights assigned to parts of the examination, and any other special conditions;
- (f) Such other information as will help applicants understand the nature of the employment and the procedure for participating in the examination.

2.6 APPLICATIONS: Official application forms shall be provided by the Human Resources Department and shall be completed by each applicant.

2.7 FILING TIME: Applications must be filed in the Human Resources Department on or before the final filing date and time specified in the examination announcement.

2.8 NOTICE OF APPROVAL: Each applicant approved for examination shall be so notified within a reasonable time prior to the examination date. Any written notice shall be mailed to the last applicant address on record with the Department of Human Resources.

2.9 GENERAL MINIMUM QUALIFICATIONS:

- (a) Mental and physical ability, with or without reasonable accommodation, to perform the essential job duties of the position as determined by the Commission and as applied by the Director of Human Resources based on submitted evidence and/or examination in accordance with applicable state and federal laws.
- (b) Minimum age, as established by the Director of Human Resources when not in conflict with the City Charter and applicable state and federal laws and regulations.

2.10 APPLICATIONS NOT TO BE RETURNED: Application materials will not be returned to the applicant.

2.11 DISQUALIFICATION: The Director of Human Resources during any step of the examination process may refuse to examine, reject an application during or after the examination of, disqualify, remove from an eligible list, or not certify any person who:

- (a) Is found to lack any of the minimum requirements for the position applied;
- (b) Uses narcotics intoxicating liquors to the extent that job performance is or will be affected by such use;
- (c) Has a physical or mental impairment that is shown to limit a major life activity and presents difficulty in performing any of the essential duties of the position, even with reasonable accommodation, for which he/she has applied;
- (d) Has practiced or attempted to practice deception or fraud in the application, in declarations, or in securing eligibility or appointment;
- (e) Has directly or indirectly obtained information regarding the content of an examination to which an applicant is not entitled;
- (f) Has been dismissed previously for any cause mentioned herein from public or private employment or resigned to avoid such dismissal;
- (g) Has failed to submit the application correctly or within the prescribed time limits;

Civil Service Rules and Regulations (continued)

- (h) If, after the application is submitted for the position of Police Officer, it is discovered during the testing (including the polygraph examination) and/or background investigation process, the applicant knowingly used (unless such use was pursuant to a written prescription) any of the controlled substances itemized in Chapter 2 of Division 10 of the California Health and Safety Code and/or committed a felony while employed as a sworn Police Officer for any agency;
- (i) Is an applicant for a police officer or any communications dispatcher position and is unable to meet the "Job Dimensions" as required by California Commission on Peace Officer Standards and Training (POST).
- (j) Has made a false or misleading statement of material fact in connection with any stage of the examination process;
- (k) Has possession of unauthorized materials, devices or anything of use or assistance in any stage of the examination process;
- (l) Has failed to report at the appropriately scheduled time for an examination or failed to submit the requested paperwork or documentation by prescribed deadline.

2.12. DISQUALIFICATION FOR CONVICTIONS: Conviction, including pleas of guilty and no lo contendere, of a felony may disqualify an applicant from employment by the City unless the Director of Human Resources determines that circumstances relating to the conviction are not such as to require disqualification. In making such determination, the Director of Human Resources shall consider the following factors:

- (a) The employment classification to which the person is applying or being certified, including its sensitivity;
- (b) The nature and seriousness of the conduct;
- (c) The circumstances surrounding the conduct;
- (d) The recency of the conduct;
- (e) The age of the individual at the time of conduct;
- (f) Contributing social or environmental conditions; and
- (g) The presence or absence of rehabilitation or efforts at rehabilitation.

2.13 NOTICE OF DISQUALIFICATION The Director of Human Resources will give written notice of disqualification to any applicant disqualified in a timely manner. Written notice of disqualification may be delivered, or mailed to the applicant at the address shown on the application for employment. Incomplete or deficient applications may be corrected by the applicant before the date of the examination.

2.14 APPEAL OF DISQUALIFICATION

- (a) The applicant may appeal to the Commission any disqualification. Such appeal must be in writing and must be filed with the Commission within ten (10) calendar days following notice or mailing of notice by the Director of Human Resources. The written appeal must contain a statement that clearly identifies the basis for the appeal. The Commission shall hear and determine the appeal within ninety (90) days after filing. Determination of the Commission is final.
- (b) The selection process will continue during the course of the appeal process. The appellant may continue in the selection process pending Commission decision, which shall be final.

2.15 APPLICATIONS CONFIDENTIAL: Any information on application for examination shall not be made public.

2.16 SPECIAL QUALIFICATIONS: Applicants for positions may be required to provide documentary evidence of education, training or experience.

Civil Service Rules and Regulations (continued)

- 2.17 FINGERPRINTING: Applicants, before appointment, and employees, after appointment, may be required to be fingerprinted.
- 2.18 PHYSICAL FITNESS: Each applicant, or person eligible for appointment, may be required to furnish a medical certification from a licensed California physician; or the Commission may designate a licensed California Medical Examiner to determine whether such applicant or person is physically competent to perform the essential job duties of the position, with reasonable accommodation, for which he/she seeks appointment.
- 2.19 OATH: Each new employee shall take an oath or affirmation that he/she will uphold the Constitution of the United States and of the State of California and the ordinances of the City.
- 2.20 QUALIFICATIONS FOR ENTRY LEVEL FIREFIGHTER'S PREFERENCE: To be entitled to Volunteer/Reserve Firefighter's Preference, an applicant must, immediately preceding the date of the examination, file with his/her application a letter signed by the Fire Chief of the Santa Clara Fire Department. That letter must state that the applicant is:
- (a) a current active Volunteer/Reserve Firefighter, and, if applicable
 - (b) list the number of completed years of service that the Volunteer/Reserve satisfactorily served in the City Volunteer/Reserve Fire Department, and, if applicable
 - (c) state that the applicant has attained status "certification" as outlined in the Fire Department Volunteer/Reserves By-Laws.

The letter from the Fire Chief must also specify the number of Volunteer/Reserve preference points to be awarded. A Volunteer/Reserve is entitled to a maximum five (5) preference points, which will be added to the written exam score, under the following conditions:

- (a) The Volunteer/Reserve has achieved certified status; and/or
- (b) The Volunteer/Reserve is currently an active member in good standing in the Volunteer/Reserve Division with at least one (1) year of service.

A Volunteer/Reserve earns preference points according to the following formula:

- (a) One point upon achieving certified status.
- (b) One additional point for each full year of service provided that the individual remained a member in good standing for the entire year.

Under no circumstances is a Volunteer/Reserve eligible for more than five (5) preference points.

- 2.21 QUALIFICATION FOR ENTRY LEVEL POLICE OFFICER'S PREFERENCE: To be entitled to Reserve Police Officer's preference, an applicant must file with his/her application a letter signed by the Chief of the Police Department, stating that the applicant has satisfactorily completed the training program specified in the Police Administration procedures and that the applicant served satisfactorily in the City Police Reserves for a period of at least one (1) year immediately preceding the date of the examination. Each qualified applicant on the entry-level examination only, will be allowed additional credits as follows:
- (a) Santa Clara Reserve Police Officers will be entitled to five (5) preference points which may be added to a passing score in the Police Officer's examination upon completion of the following:

Civil Service Rules and Regulations (continued)

- (1) Satisfactory completion of the basic Peace Officers' Standards of Training (POST) requirements for Reserve Officers;
- (2) Satisfactory completion of in-service field training (FTO) program;
- (3) Recommendation of Chief of Police based on satisfactory service; and
- (4) Presently an active member of the Santa Clara Police Reserve Unit.

(b) In addition, Reserve Officers will be given an additional point for each of the following:

- (1) Completion of two years of satisfactory service - 1 point
 - (2) Completion of three years of satisfactory service - 1 point
 - (3) Completion of four years of satisfactory service - 1 point
 - (4) Completion of five years of satisfactory service - 1 point
 - (5) Completion of six years of satisfactory service - 1 point
- Total Maximum points: Ten (10)

Each qualified reserve police officer applicant who receives a passing score on the examination will have additional points as outlined above added to his/her final score.

- 2.22 QUALIFICATIONS FOR VETERAN'S PREFERENCE: To be entitled to veteran's preference points on entry level positions an applicant must file with his/her application proof of his/her eligibility to qualify for veteran's preference points. Said proof of eligibility requirement may be satisfied by submitting to the City the original or certified copy of a discharge or other release, other than dishonorable, bad conduct, or as an undesirable, from the Armed Forces of the United States showing active military duty for at least eighteen (18) consecutive months. In the event that the discharge is attributable to a service-connected injury or illness, the eighteen (18) month active military duty requirement need not be fulfilled. Each qualified veteran applicant who receives a passing score on the examination shall have five (5) points added to his/her final score.
- 2.23 PREFERENCE POINTS FOR PERMANENT CITY EMPLOYEES: Appointment preference on open/promotional recruitments shall be extended to any City employee with permanent status. Current permanent employee candidates who receive a passing score on the examination will have an additional five (5) points added to his/her final score.
- 2.24 MORE THAN ONE PREFERENCE POINT PROGRAM: An applicant may use only one (1) preference point program and shall make his/her decision as to which preference point program he/she desires to utilize at the time he/she submits his/her application.

SECTION 3 - EXAMINATIONS

- 3.1 PREPARATION: The Director of Human Resources shall direct the preparation of all examinations of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The Commission shall determine whether the examination shall consist of a written, oral, or performance, or psychological, investigative, physical tests, or any combination thereof, and shall indicate the procedure in the announcement. The City may contract for such service with competent public or private agencies regularly rendering such service. Examinations shall be job related, impartial, practical, and so constructed that they reveal the qualifications of the applicant for the class for which he/she is competing.
- 3.2 SCHEDULING EXAMINATIONS: The Director of Human Resources shall schedule and conduct all examinations as the current and anticipated needs of the service require. Scheduled

Civil Service Rules and Regulations (continued)

examinations may be postponed or cancelled or the final filing date extended by the Director of Human Resources by notifying all persons affected and posting public notice.

3.3 CLASS OF EXAMINATIONS: Examinations may be announced as open/competitive, open/promotional or closed/promotional.

- (a) Open/competitive examinations shall apply to entry level positions and be open to all qualified applicants on an equal basis.
- (b) Open/promotional examinations shall be open to all qualified applicants.
- (c) Closed/promotional examinations shall be open to permanent City employees.

3.4 FLEXIBLY STAFFED POSITIONS: The Flexible Staffing policy allows for testing simultaneously for multiple levels within a classification series as well as the promotion of permanent City employees to higher levels within a classification series by methods other than a traditional competitive examination process. This policy is designed to place the City in a more competitive position to recruit and retain well-qualified employees, increase the capability of City department heads to effectively use the positions and employees in their department, and provide on-the-job training opportunities for employees in entry level classifications. At the recommendation of the Department Head, and with the approval of the Appointing Authority or Director of Human Resources, positions in a single series may be flexibly staffed:

- (a) Flexibly staffed positions may be recruited and tested for at any or all levels and filled at any level within the series, as determined by the City.
- (b) One eligibility list is created based on examination results.
- (c) The level at which a candidate is hired is dependent upon the experience and/or education of the candidate and the approval of the Appointing Authority.
- (d) To be appointed to a higher level within a flexibly staffed classification without an additional examination, a permanent City employee must have passed probation in the current level, demonstrate proficiency to the City's satisfaction, and meet all qualification requirements for the higher classification level as described in the class specification.
- (e) Appointments of permanent City employees to higher levels of a flexibly staffed classification are neither guaranteed nor implied and are subject to budgetary constraints and the City's needs, as determined by the Appointing Authority.

3.5 ORAL EXAMINATION:

- (a) An examination may include an oral examination for the purpose of appraising the personal fitness of candidates. Failure to report at the appropriately scheduled time for the examination shall eliminate a candidate from the examination.
- (b) Interview boards shall be assembled and appointed by the Director of Human Resources.
- (c) Interviewers shall mark on forms provided the degree to which, in their judgment, each candidate possesses the desired qualifications. The interviewers' remarks shall be translated into a numerical score.

3.6 OFFICIALS AND EMPLOYEES TO ASSIST: City officers and employees may be called upon to draw up, mark, or otherwise assist in examination procedures and it shall be deemed a part of the official duties of such persons to act in such capacity.

3.7 CONTINUOUS EXAMINATIONS:

- (a) Continuous open examinations for a given class may be administered from time to time as applicants are available or as appointments are necessary. The names of all applicants who qualify in such examinations shall be placed on one eligible list in the order of final

Civil Service Rules and Regulations (continued)

grades. Scores made on one examination may be integrated with the scores made on any subsequent examination.

- (b) A candidate in a continuous examination may not take the same examination within the following six (6) months.
- (c) A police officer candidate may repeat the physical ability portion of the examination after ninety (90) days of his/her last physical ability examination.

3.8 IDENTIFICATION: Written examinations shall be conducted so that no examination paper will disclose the name or identity of the candidate until the examination papers of all the candidates have been scored.

3.9 NON-COMPETITIVE EXAMINATIONS: Non-competitive examinations may be held to test fitness for reinstatement or re-employment in classifications previously held.

3.10 EXAMINATION SCORES:

- (a) The Director of Human Resources shall establish for each test the basic requirements for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.
- (b) Unless otherwise provided in the examination announcement, candidates shall be required to attain a passing score in each part of the examination.
- (c) Failure to achieve a passing score in any part of the examination will exclude the candidate from remaining portions of the examination.
- (d) In examinations composed of several tests which are graded independently, weights shall be assigned by the Commission to each test representing the relative value in ascertaining the fitness of the applicant.

3.11 LISTING OF TIES: If two (2) or more eligibles have the same total score on an eligible list, these eligibles shall be listed on the eligible list in alphabetical order.

3.12 NOTICE OF RESULTS OF EXAMINATION: As soon as the rating of an examination has been completed and the eligible list established, each candidate shall be notified in writing of the result of his/her examination and, if passed, of the final score and his/her relative position upon the eligible list.

3.13 PROTESTS OF EXAMINATIONS

Review of examinations, if permitted under the contract between the City and the written examination owner, for the purpose of contesting the validity of a question or the appropriateness of the answers provided may be granted by the Commission according to the following process.

- (a) Candidate must have notified the Human Resources Department in writing of his/her intention to protest prior to 5:00 p.m. of the next work day following the examination. The questions must be sufficiently identified as to subject matter or number to be readily identifiable to the Human Resources Department and the nature of the inappropriateness must be specified.
- (b) The Director of Human Resources shall review each protested question to determine whether the question is vague or if there is a problem with the answers and shall notify the protestant of the steps taken, if any, to rectify the problem.
- (c) Candidate may appeal the Director of Human Resources' action in resolving the protest about the examination by submitting an appeal to the Commission within five (5) calendar days following notification of the decision of the Director of Human Resources. The written

Civil Service Rules and Regulations (continued)

appeal must contain a statement that clearly identifies what is being challenged and a statement explaining the basis of the challenge.

- (d) The Commission may, after review of the candidate's request and the Director of Human Resources' response to the basis for appeal, permit the candidate to review those items on the examination and the candidate's answer sheet that the Commission feels are appropriate. Should the candidate wish to continue in the appeal process after review, he/she will have the opportunity to present to the Commission any supporting material that he/she feels will establish the appropriateness of the protest.
- (e) The testing process will continue during the course of the appeal process as though there were no appeal. The protesting candidate may continue in the testing process. Should the Commission uphold the appeal, the rating of the protesting candidate and all other similarly affected candidates, will be adjusted. Candidates who have been affected by such adjustment will then be reinstated to the testing process, if required, and be processed from the point at which they have been disqualified. No resulting change shall invalidate certifications or appointments already made.

3.14 REVIEW OF EXAMINATIONS: (Refer to Section 3.14.1, of current CSR&R, page 26)

- (a) Examinations are not viewed as training programs for the candidate and may not be reviewed for the purpose of education.
- (b) The application and examination papers of a candidate are confidential records which shall not be removed from the Department of Human Resources, except as authorized by the Director of Human Resources.
- (c) The copying of questions or answers from any paper made available for inspection is forbidden and shall result in cancellation of eligibility and disbarment from future examinations.
- (d) No candidate shall have the right to inspect papers filled out by an interviewer or an examining board or examining persons in any oral or practical examination, nor examine any answers of any continuous or standardized examination. Nor shall any candidate have the right to inspect records which are exempt from disclosure under the provisions of the California Public Records Act.

3.15 PROMOTIONAL EXAMINATIONS:

- (a) Vacancies in the classified service shall be filled, when practicable, by promotion of permanent employees.
- (b) The method of examination, rules, and the method of certifying, shall be as provided for open examinations, except as otherwise provided.
- (c) Promotional candidates who attain the required minimum qualifications and scores in an open promotional examination shall have five (5) preference points added to his/her final passing score on the eligibility list.

3.16 ELIGIBILITY FOR PROMOTION: A candidate for promotion must have permanent status with the City and must meet all prescribed standards for the class to which he/she seeks promotion.

3.17 RECLASSIFICATION: Reclassification of a position to a higher classification by the City when filled by a qualified incumbent at the time of reclassification shall provide for the promotion of a permanent employee to the reclassified position in the following manner:

- (a) Examination shall be closed/promotional.
- (b) If more than one (1) qualified permanent employee candidate should apply, an examination shall be administered.

Civil Service Rules and Regulations (continued)

- (c) If only one (1) qualified permanent City employee should apply, appointment may be made to the reclassified position without examination with the approval of the Appointing Authority.

SECTION 4 ELIGIBLE LISTS, APPOINTMENTS, PROBATION AND TRANSFERS

- 4.1 **ORDER OF ELIGIBLES:** Candidates who qualify in an examination for a class shall have their names placed upon the eligible list in the order of their relative final scores.
- 4.2 **PROMULGATION:** An eligible list shall be in effect, posted in the order of placement in the Human Resources Office, from the date on which it is established by the Director of Human Resources.
- 4.3 **DURATION OF LISTS:** Eligible lists shall remain in force for a period of one (1) year. Eligible lists for sworn promotional positions in the police department shall remain in force for a period of two (2) years. The eligible list may be extended to two (2) years with approval of the Commission. The eligible list for entry level Police Officers shall remain in force for six (6) months. The Director of Human Resources may abolish an eligible list if the list contains less than five (5) names.
- 4.4 **APPOINTMENTS:** Appointments shall be made from lists of eligibles obtained in the following order:
 - (a) Re-employment lists of permanent or probationary employees laid off through lack of funds or work, or other cause not prejudicial to the service. The names of permanent or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of lay-off.
 - (b) Re-employment lists of employees who have resigned in good standing for purposes other than to accept other employment and who, within one (1) year from the date of their resignation, request that they be placed on the list. Eligibility under this section shall not exceed one (1) year from the date of placement on said list. Certification for employment approved by the Appointing Authority shall be subject, also, to any of the following conditions the Appointing Authority may deem appropriate: (1) medical examination (2) technical knowledge examination (3) physical and/or performance examination (4) polygraph and/or psychological examination (5) a regular probationary period for the position (6) any other appropriate condition/examination.

Said employee may be reinstated at a salary level approved by the Appointing Authority but will be deemed to be a new employee as it relates to vacation, seniority or other benefits related to length of City service.

This may be appealed pursuant to Section 2.14.
 - (c) Eligible lists resulting from open promotional or closed promotional examination.
 - (d) Eligible lists resulting from open, competitive examinations.
- 4.5 **REHABILITATION:** The City has a job rehabilitation (and/or retraining) program within the City or permanent City employees not able to return to their regularly assigned job classification and/or job assignment due to industrial or non-industrial injury or illness.

Civil Service Rules and Regulations (continued)

The purpose of this program is to provide an employee holding permanent Civil Service status, who is prevented from returning to work for the City of Santa Clara in his/her regularly assigned job classification and/or job assignment because of injury or illness, an opportunity to participate in a City sponsored rehabilitation program under the following conditions:

- (a) The employee must be permanently incapacitated from performing the essential functions of his/her current job classification and/or job assignment, with or without reasonable accommodation. Unless the disability and the need for reasonable accommodation are obvious, the limitation(s)/restriction(s) which permanently prevent the employee from continued employment in his/her job classification and/or job assignment must be supported by reasonable and appropriate medical/psychological documentation from an appropriate health care professional about the disability and its functional limitations.
- (b) The City, employee and rehabilitation counselor (if rehabilitation has been implemented through the workers' compensation process) will review other regular job classifications within the City to determine the potential for rehabilitation of the employee into a different City job classification and/or job assignment. In order to be considered an appropriate job classification for assignment under the program, the employee must be capable of meeting the minimum qualifications of the job, including education and experience requirements, and be expected to be capable of successfully performing the essential functions of the new job classification and/or job assignment, with or without reasonable accommodation, within one year of the beginning of the rehabilitation job assignment.
- (c) Once potential rehabilitation job classifications and/or job assignments have been identified, the City will determine if a vacancy exists (or will exist within 60 days) in one or more of the identified job classifications. The City sponsored rehabilitation program may be coordinated with a formal Workers' Compensation rehabilitation program.
- (d) The employee will be assigned to one of the job classifications and/or job assignments which has been determined by the City as an appropriate City sponsored rehabilitation job assignment. Failure on the part of the employee to accept the City sponsored rehabilitation job assignment within a reasonable period of time may terminate the employee's eligibility for further participation in the City sponsored rehabilitation program and the employee may be terminated or retired, if eligible, from City service. Once a City sponsored rehabilitation job assignment has been made, the following patterns will determine what conditions an employee must meet in order to be transitioned from the City sponsored rehabilitation job assignment to appointment as a regular employee in that job classification.
 - 1(a) PROMOTION: If the identified job classification will result in a promotion, the employee will continue at his/her current salary or a salary which is 10% below the entry level salary into that job classification (whichever is higher). He/she will be allowed up to 12 calendar months from the date of appointment into the City sponsored rehabilitation program to meet the minimum qualifications, demonstrate satisfactory ability to perform the essential functions of the City sponsored rehabilitation job classification and/or job assignment with or without reasonable accommodation and become eligible for certification from a promotional eligible list (or if no promotional eligible list for the job classification exists, for certification from an open eligible list) for the job classification.
 - 1(b) In the event the employee is unable to successfully complete the City sponsored rehabilitation program as specified above within the 12-month period, the City sponsored rehabilitation program will be terminated for that employee and the employee may be terminated or, if eligible, retired from City service.
 - 1(c) Upon becoming eligible for certification from the promotional list (or open list, if appropriate) for the job classification, the department head will determine if the employee will be recommended to the appointing authority for promotion into the job classification. Following appointment to the job classification the employee will be

Civil Service Rules and Regulations (continued)

- required to complete the promotional probationary period specified for that job classification and will be placed at the salary level for the classification that is appropriate for any other promotion.
- 1(d) During the rehabilitation process the employee will be afforded up to four (4) opportunities to pass each Civil Service examination required for the job classification, with reasonable accommodation.
 - 1(e) Following appointment to the job classification the employee will be required to complete the promotional probationary period specified for that job classification and will be placed at the salary level for the classification that is appropriate for any other promotion.
- 2(a) LATERAL TRANSFER: If the identified job classification is in a lateral job classification (a job classification that has the same maximum pay rate) the employee's salary will be reduced to 5% below his/her current salary during the rehabilitation program. He/she will be allowed up to twelve (12) calendar months to meet the minimum qualifications, demonstrate satisfactory ability to perform the essential functions of the job classification and/or job assignment and to become eligible for certification from a promotional eligible list (or if no promotional eligible list for the classification exists, for certification from an open eligible list) for the job classification.
 - 2(b) In the event the employee is unable to successfully complete the City sponsored rehabilitation program as specified above within the 12-month period, the City sponsored rehabilitation program will be terminated for that employee and the employee may be terminated or retired, if eligible, from City Service.
 - 2(c) Upon becoming eligible for certification from the promotional list (or open list, if appropriate) for the position, the department head will determine if the employee will be recommended to the appointing authority for transfer to the job classification and the employee will be restored to his/her former salary range. No probationary period will be required.
 - 2(d) During the City sponsored rehabilitation process the employee will be afforded four (4) opportunities to pass each Civil Service examination required for the job classification.
- 3(a) DEMOTION: If the identified job classification is to a demotion (a job classification that has a lower maximum pay rate) the employee will be reduced to 5% below the salary he/she would be placed at in any other voluntary demotion during the rehabilitation program. He/she will be allowed up to twelve (12) calendar months to meet the minimum qualifications for the job classification and demonstrate satisfactory ability to perform the essential functions of the job classification and/or job assignment.
 - 3(b) Upon meeting the minimum requirements for the job classification, the department head will determine if the employee will be recommended to the appointing authority for demotion to the job classification.
 - 3(c) Following the demotion, the employee's salary will be restored to the level which would be in effect following any other voluntary demotion. No probationary period will be required. During the rehabilitation process the employee will be afforded four (4) opportunities to pass each Civil Service examination required for the job classification.
 - 3(d) If an employee is unable to successfully complete the City sponsored rehabilitation program within the 12-month period of time, the City will have completed any obligation it may have to reasonably accommodate the injured or ill worker and may terminate or, if eligible, retire the employee from City service. However, the City

Civil Service Rules and Regulations (continued)

may, at its sole discretion, approve a subsequent City sponsored rehabilitation program.

- 3(e) Nothing in this City sponsored rehabilitation program is intended to limit an employee's right to compete for, and accept appointment in, any other job classification that he/she is qualified for while taking part in the City sponsored rehabilitation program or after it has been completed.

- 4.6 TRANSFERS: As an alternative to appointment from any employment list, a position may be filled by transfer of an employee in the same or a comparable class, upon recommendation of the Director of the hiring Department and approval of the Appointing Authority.
- 4.7 ALTERNATE LIST: If a vacancy exists, the Director of Human Resources may certify names from the eligible list for a related class for which minimum qualifications and examinations are equivalent to or higher than those required for the class in which the vacancy exists.
- 4.8 ABOLISHING ELIGIBLE LISTS: Eligible lists may be abolished by the Director of Human Resources under the following conditions:
- (a) If the list contains fewer than five (5) names.
 - (b) If at any time a class of positions is abolished the existing eligible list for that class may be abolished by the Director of Human Resources.
 - (c) Notice of abolishment of an eligible list shall be mailed to all eligibles whose names appear on the list, at time of recruitment to establish a new list.
- 4.9 INACTIVE LIST: The name of an eligible who is not available for immediate certification, may at his/her written request, be placed on an inactive list and may be restored to the active list from which it was removed upon his/her written request, provided the list is still in existence.
- 4.10 WAIVERS: An eligible may waive consideration of appointment for any reason after his/her name has been certified.
- 4.11 CURRENT STATUS AND REQUISITION REPORT: The Director of Human Resources shall inform the Commission the examinations that are to be scheduled for positions to be filled.
- 4.12 CERTIFICATION OF ELIGIBLES:
- (a) Upon a requisition approved by the Appointing Authority, the Director of Human Resources shall certify names from the appropriate eligible list in the following manner:
 - (1) The ten (10) highest scores shall be certified for entry level examinations and the five (5) highest scores shall be certified for promotional examinations. In cases where identical scores require certification of more than ten (10) names, or five (5) names, all names with identical scores shall be certified.
 - (2) If there is more than one (1) vacancy in one (1) class in the same department, one (1) additional name shall be certified for each additional vacancy.
- 4.13 CHOICE OF ELIGIBLES: If one (1) or more of the persons certified waive or fail to respond to a written notice of certification within the time specified, the Director of Human Resources may certify an equal number of substitute names taken successively in the order of final scores from which the choice shall be made. If less than five (5) names are left for certification, the Appointing Authority may refuse to make a probationary appointment. Should the Appointing Authority desire to select a candidate for appointment other than those certified such appointment may be made from the eligible list, subject to prior approval of the Commission.

Civil Service Rules and Regulations (continued)

- 4.14 NOTIFICATION OF ELIGIBLES: A written notice of certification shall be mailed to the most recent address appearing on the Human Resources Department records of persons certified for appointment. The notice of certification shall instruct eligibles to communicate with the Appointing Authority or his designee within five (5) working days following the date the notice was mailed. The notice shall contain reference to the ability to waive appointment pursuant to Section 4.10.
- 4.15 CALL FOR INTERVIEW AND FAILURE TO APPEAR: Eligibles whose names have been certified as available for appointment, as referenced above, may be given notice by mail or otherwise, to report for an interview. Failure to appear for such interview at the time specified in the notice shall be sufficient grounds for the removal of his/her name from the list of available eligibles and the removal of his/her name from the eligible list for that classification.
- 4.16 REMOVAL FROM ELIGIBLE LIST: An applicant may be removed from a given eligible list by the Director of Human Resources for any of the following reasons:
- (a) Appointment to the classification for which the eligible list was originally established;
 - (b) Request of the applicant for removal from the list;
 - (c) Failure to contact the Appointing Authority within five (5) working days from the date of notice of an interview or offer of appointment;
 - (d) Failure to continue to meet any of the minimum standards, with or without reasonable accommodation, established for the position for which the eligible list was prepared;
 - (e) Determination by the Director of Human Resources that the applicant has violated one or more of the provisions of Sections 2.12 and 2.13;
 - (f) An applicant may be restored to the list by the Director of Human Resources if he/she presents satisfactory reasons for placement on the list. Denial of the request may be appealed to the Commission.
- 4.17 REPORT OF APPOINTMENT: The Appointing Authority shall report to the Director of Human Resources and the City Clerk/Auditor the name or names of persons appointed and the date the service is to begin. If the person is required to file an official bond, the Appointing Authority shall notify the City Clerk/Auditor.
- 4.18 INSPECTION OF RECORDS: The Appointing Authority may inspect all the records of eligibles on file with the Director of Human Resources.
- 4.19 TEMPORARY APPOINTMENT:
- (a) If there are urgent reasons for filling a position and there are insufficient eligibles upon an appropriate eligible list, a temporary appointment may be made by the Appointing Authority pending the establishment of an eligible list.
 - (b) No temporary appointment shall continue for more than thirty (30) calendar days after an appropriate eligible list has been established for the class unless extended by the Commission; such extension shall not exceed an additional thirty (30) calendar day period.
 - (c) The period of temporary appointment shall not constitute eligibility for permanent appointment or a part of the probationary period.
 - (d) The appointee may be terminated, separated, or removed from the temporary appointment at any time. Such termination, separation, or removal must be approved by the City Manager and when so approved shall be final and without the right of appeal.
- 4.20 PROBATIONARY PERIOD: Probationary period is for the purpose of providing a work performance evaluation period prior to filling positions on a permanent appointment basis. The

Civil Service Rules and Regulations (continued)

Appointing Authority shall make each probationary appointment from the certified eligible list. During the probationary period, the Appointing Authority shall evaluate the job performance of each employee and determine whether the employee is fully qualified for permanent appointment.

- (a) The probationary period is defined as follows:
- | | |
|---|-----------|
| Electric Utility Apprenticeships | 36 months |
| Communications Dispatcher I | 18 months |
| Communications Dispatcher II (entry level) | 18 months |
| Community Service Officer I | 18 months |
| Community Service Officer II (entry level) | 18 months |
| Jail Service Officer | 18 months |
| Police Records Specialist I | 18 months |
| Police Records Specialist II (entry level) | 18 months |
| Police Officer | 18 months |
| All other original and promotional appointments | 12 months |
- (b) Any permanent employee who is an applicant for promotion may have their probationary period extended by the Commission to permit the acquisition of required licenses or certificates or completion of training. Regular classified employees may have their probationary period extended by the Commission for reasons of sickness or absence.
- (c) At any time during the time of the probationary period, an employee may be terminated by the Appointing Authority without cause and without the right of appeal. Notification of termination in writing shall be sent to the probationary employee.
- (d) When an individual takes this probationary appointment, if he/she is a City employee with permanent status in his/her former position, he/she maintains his/her right to that former position unless dismissed for cause. This means that if he/she elected to return to his/her former position, it could cause the termination of someone who subsequently filled that position. The right of the employee to return to the former position expires at the end of the current probationary period. Other appropriate openings would be made available to prevent discharge, but if none existed, termination of the displaced employee could necessarily result.
- (e) A six (6) month probationary period shall apply for an employee who has been appointed to a position in the classified service if that employee has worked in an As Needed (temporary) employment status in that same classification, department and division for consecutive periods of employment for a total of 2080 hours immediately prior to appointment to the probationary status.

4.21 PERMANENT APPOINTMENT:

- (a) If, after thorough evaluation during the probationary period, the Appointing Authority finds the probationer fully qualified for permanent status, he/she shall notify the Director of Human Resources prior to the expiration date of the probationary period.
- (b) Failure on the part of the Appointing Authority to certify for permanent appointment or separate said employee from the City service upon expiration of the probationary period shall automatically place said employee in permanent status.

4.22 VOLUNTARY DEMOTION: A demotion may be made upon the written request of an employee, with the approval of the Directors of Human Resources, and the hiring department, and the Appointing Authority.

Civil Service Rules and Regulations (continued)

SECTION 5 REPORTS AND RECORDS

5.1 OFFICE RECORDS:

- (a) The Director of Human Resources shall keep such records as are necessary for transaction and reference and for making reports showing administrative actions, including records of all examinations, eligible lists, records and files of employment history of each employee, history of each position, classification plan, applications and correspondence pursuant to the City's record retention policy.
- (b) The Director of Human Resources shall maintain an official roster containing the names, addresses, telephone numbers, classification, and department of all employees holding positions in the classified service of the City.

SECTION 6 SEPARATIONS AND DISCIPLINE

- 6.1 TENURE OF PERMANENT EMPLOYEES: METHODS OF SEPARATION: The tenure of every permanent employee in the classified service is contingent upon satisfactory performance, adherence to all the rules and regulations of the City and the existence of the position. Any classified employee may be temporarily separated from the service through lay-off, leave of absence, or suspension; or permanently separated through resignation, removal for cause, or through retirement.
- 6.2 REDUCTION IN FORCE: The Appointing Authority shall determine the number of positions and the classes in which the reduction in force is to be made. Among classified employees holding permanent appointments, the order of reduction in force shall be according to the applicable Memorandum of Understanding.
- 6.3 RESIGNATION: An employee in good standing who shall decide for any reason to leave the employ of the City shall submit a formal resignation in writing to the Appointing Authority at least fourteen (14) calendar days before leaving the service. If any classified employee leaves the employ of the City without submitting such a written resignation, the employee may be deemed to have resigned with prejudice, and a record of the same shall be made in employee's personnel records.
- 6.4 REMOVAL FOR CAUSE: No cause is necessary for termination, demotion, suspension, or reduction in pay of any employee other than a permanent employee in the classified service.

The Appointing Authority may cause the termination, demotion, suspension, or reduction in pay of any permanent employee in the classified service for each of, but not limited to, the following causes:

- (1) Fraud in securing appointment
- (2) Incompetence
- (3) Inefficiency
- (4) Inexcusable neglect of duty
- (5) Insubordination or willful disobedience
- (6) Dishonesty
- (7) Under the influence of or the consumption of any alcoholic beverages during working hours

Civil Service Rules and Regulations (continued)

- (8) Under the influence of, or the use of narcotics or habit-forming drugs during working hours, unless prescribed by a licensed California medical doctor or physician
- (9) Absence without leave, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked or cancelled by the Appointing Authority; provided, however, that if such absence or failure to report is excusable, the Appointing Authority may dismiss the charges
- (10) Conviction of a felony
- (11) Conviction of a misdemeanor involving moral turpitude
- (12) Discourteous treatment of the public or other employees
- (13) Political activities as proscribed by law and which are in violation of City policy
- (14) Misuse or abuse of City property
- (15) Failure to observe City Manager's Directives (CMDs), departmental rules and regulations, and all City rules and policies
- (16) Failure to adhere to the City's Code of Ethics
- (17) Any other failure of good behavior or acts either during or outside of duty hours which is incompatible with or inimical to the public service
- (18) Failure to satisfactorily perform the duties of the position, with or without reasonable accommodation
- (19) Failure to cooperate reasonably with superiors or other employees
- (20) Falsification of City records
- (21) Possession or storage of firearms on City premises or work sites, or in City vehicles, excluding sworn law enforcement personnel
- (22) Unlawful manufacture, distribution, dispensation, possession or use of controlled substances as defined by section 102 of the Controlled Substances Act, 21 USC Section 802, in the workplace by employees
- (23) Violation or disregard of published safety rules
- (24) Sleeping on the job
- (25) Violence in the workplace

6.5 **MEDICAL ACTION:** The Appointing Authority may cause the termination, demotion, reduction in pay, suspension of any permanent employee in the classified service for: Inability to perform the essential functions of the job, even with reasonable accommodation.

6.6 **NOTICE:** Written notice of termination, demotion, suspension, or reduction-in-pay, taken by the Appointing Authority under this Section 6, and the specific reasons therefor shall be furnished in writing by 1st class and certified mail to the address on file with the Human Resources Department within three (3) days after such termination, demotion, suspension or reduction-in-pay. Any permanent employee in the classified service against whom such action is taken may appeal the termination, demotion, suspension, or reduction in pay as provided in Section 7 of these rules.

SECTION 7 - BOARD OF REVIEW

7.1 **ORGANIZATION:** The Civil Service Commission (here after called Board) shall meet and act as a Board of Review when required. The Director of Human Resources shall serve as Recording Secretary of the Board, and the Notice of Decision and Findings of the proceedings shall be signed by the members present and voting. Three (3) members shall constitute a quorum. The concurring vote of at least three (3) members shall be required for any decision or recommendation of the Board, other than to adjourn or postpone a meeting.

Civil Service Rules and Regulations (continued)

7.2 POWERS:

- (a) In any hearing conducted by the Board, it shall have the power to subpoena and require the attendance of witnesses, the production of books, papers and other evidence pertinent to the investigation, to administer oaths to witnesses, to examine witnesses under oath in the name of the City. It shall be the duty of the Secretary of the Board to cause all such subpoenas to be served and the refusal of a person to attend or testify in answer to such subpoena shall subject said person to prosecution as provided by law.
- (b) Each member of the Board of Review shall have the power to administer oaths or affirmation to witnesses and to sign subpoena.
- (c) Within thirty (30) calendar days after the proper filing of a written request for a hearing or as soon as possible thereafter as is practicable, the Board shall conduct a hearing.
- (d) The hearing before the Board may be public or private at the option of the employee but the hearings of the Board shall be informal and the rules of evidence shall not apply.

7.3 REVIEW PROCEDURE FOR DISCIPLINE: Any permanent classified employee who has been terminated, suspended, demoted, or received a reduction-in-pay by the Appointing Authority shall be entitled to be heard before the Board of Review at a duly constituted meeting thereof provided a written request therefor has been filed with the Secretary of the Board and the Appointing Authority within ten (10) calendar days from the date of receipt or posting of the written notice of the action taken, as set forth in Section 6.6, whichever occurs first. If the employee fails to file a response within the ten (10) calendar days, or withdraws his/her appeal, the disciplinary action taken by the Appointing Authority shall be final.

7.4 BINDING FORCE OF BOARD'S DECISION: In any case involving a termination, suspension, demotion, or reduction-in-pay the decision of the Board shall be binding upon the employee and the Appointing Authority. It shall not be subject to review by any Court, or other tribunal, except in cases where the decision was procured through fraud, or lack of jurisdiction. Before any such review shall occur in such cases, a petition for reconsideration shall first be presented to the Board wherein such alleged fraud or lack of jurisdiction is set forth, and verified by the petitioner. Petitions for reconsideration of any such decision of the Board shall be filed with Board not later than ten (10) calendar days after rendition of such decision. A decision shall be deemed to have been rendered as of the date of mailing to the employee.

In the event the Board revokes or modifies a termination, suspension, demotion, or reduction-in-pay and orders the employee reinstated, it may direct payment of salary to the employee for the period of time the Board finds the termination, lay-off, suspension, demotion, or reduction in pay was improperly in effect. Refer to Section 7.5 of current CSCR&R, page 50.

7.5 REVIEW PROCEDURE FOR GRIEVANCES: Any employee whose duly processed grievance, and not a termination, suspension, demotion, or pay reduction that has not been resolved to his/her satisfaction by the Appointing Authority, may petition and at the discretion of the Board of Review may be heard before the Board at a duly constituted meeting thereof provided the Board has not previously heard the case, and provided a written request therefore has been filed with the Secretary of the Board and the Appointing Authority within ten (10) calendar days from the date of receipt of the Appointing Authority's final decision on the grievance.

The Appointing Authority may also refer an unresolved grievance to the Board for their consideration and recommendation, whereupon the Board shall hear the case at a duly constituted meeting.

Civil Service Rules and Regulations (continued)

The Board shall, within fourteen (14) calendar days after the hearing is closed and the matter is submitted, render its decision in writing. Copies of said decision shall be directed by the Secretary of the Board to the Appointing Authority and to the employee.

- 7.6 APPEARANCE REQUIREMENT: Unless incapacitated, the appellant making the complaint shall appear personally before the Board of Review at the time of the hearing.
- 7.7 NON-BINDING FORCE OF BOARD'S DECISION: In any case involving a grievance and not a termination, suspension, demotion, or pay reduction, the decision of the Board shall not be binding upon the Appointing Authority but shall be submitted in the form of a recommendation for consideration by the Appointing Authority.
- 7.8 FALSE STATEMENTS UNDER OATH AND REFUSAL TO TESTIFY FORBIDDEN: If any appellant or witness in the classified service makes any false statement under oath relative to the matter being heard by the Commission or the Director on any grounds, he/she shall be terminated from City service and shall not be eligible for appointment to any position in City service for a period of five (5) years. If any appellant or witness in the Classified Service willfully refuses to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he/she shall be subject to disciplinary action, up to and including, termination. The false statement under oath or refusal to testify shall be incorporated in the employee's personnel record and shall be considered as a factor at any time in the future in which he/she may make application for appointment to City Service.

SECTION 8 - DEFINITIONS OF TERMS

The words and terms used in these rules shall be defined and construed as follows.

- 8.1 **ALLOCATION:** The official determination of the class to which a position belongs and the assignment of a position to the appropriate class.
- 8.2 **ANNIVERSARY DATE:** The anniversary of the date an employee was appointed to his/her current position.
- 8.3 **APPLICANT:** A person who, under the rules, has made formal application for employment.
- 8.4 **APPOINTMENT:** The offer of and acceptance of a position by a person in accordance with the provisions of these Civil Service rules.
- 8.5 **APPOINTING AUTHORITY:** The City Manager, and others as provided for in the City Charter.
- 8.6 **BOARD:** The Civil Service Commission convened as a Board of Review.
- 8.7 **CANDIDATE:** An applicant in the process of examination, testing, or on an eligible list.
- 8.8 **CERTIFICATION:** The submission of names of eligibles from an appropriate eligible list to the Appointing Authority by the Director of Human Resources.
- 8.9 **CHARTER:** The Charter of the City of Santa Clara.
- 8.10 **CITY:** The City of Santa Clara.
- 8.11 **CITY COUNCIL:** The duly elected governing body of the City of Santa Clara

Civil Service Rules and Regulations (continued)

- 8.12 CLASS OR CLASSES OF POSITIONS: A group of positions having duties and responsibilities sufficiently similar that the same title, examples of duties and requirements may be applied.
- 8.13 CLASSIFICATION PLAN: The arrangement of positions in classes, together with the titles and specifications describing each class.
- 8.14 CLASSIFIED SERVICE: The classified service shall comprise all positions not specifically included in the City Charter. (See Article XI of the City Charter)
- 8.15 CLOSED PROMOTIONAL EXAMINATION: An examination for which only permanent Employees in the classified service are eligible to compete.
- 8.16 COMMISSION: When used alone, the Civil Service Commission. The Civil Service Commission consists of five (5) members, appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. See Article X, Section 1010 of the City Charter)
- 8.17 CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment, except by authorized absence.
- 8.18 DEMOTION: A change in status of an employee from a position in one class to a position in a lower class; having a lower maximum rate of pay or salary range.
- 8.19 DEPARTMENT: An administrative unit of the City Government.
- 8.20 DESIGNATED SECRETARY: The person appointed by the City Manager to act as liaison between the Civil Service Commission/Board of Review and the Department of Human Resources.
- 8.21 DIRECTOR OR DIRECTOR OF HUMAN RESOURCES: Any reference to the Director of Human Resources also includes the designee of the Director of Resources.
- 8.22 ELIGIBLE: Any person on an eligible or re-employment lift for a given class.
- 8.23 ELIGIBLE LIST: The list of those qualified for employment or re-employment in a class.
- 8.24 EMPLOYEE: A person holding a position in the City classified service.
- 8.25 EXAMINATION: Any form of competition, as defined under Section 2.
- 8.26 FLEXIBLY STAFFED POSITIONS: Positions in a single series that may be hired at entry level or journey level.
- 8.27 LEAVE OF ABSENCE: Written permission to be absent from duty for a specified period or purpose, with the right to return before or at the expiration of the period.
- 8.28 MEMORANDUM OF UNDERSTANDING: A binding agreement on wages, hours, benefits and other conditions of employment for designated classes, that has been agreed to by the City management and the recognized representative of employees in a bargaining unit and that has been adopted by the City Council.

Civil Service Rules and Regulations (continued)

- 8.29 OPEN COMPETITIVE EXAMINATION: An examination for which all qualified applicants are allowed to compete and which is not restricted to current permanent employees of the City.
- 8.30 OPEN PROMOTIONAL EXAMINATION: Examination in which any qualified applicant may be eligible to compete.
- 8.31 ORIGINAL APPOINTMENT: The first appointment of an employee to a classified position.
- 8.32 PAY REDUCTION: The temporary reduction in pay of an employee for disciplinary purposes.
- 8.33 PERMANENT EMPLOYEE: An employee who has satisfactorily completed a probationary period.
- 8.34 PERMANENT POSITION: A position which will continue for more than six (6) months.
- 8.35 POSITION: A combination of duties budgeted for by a department and assigned to a classification.
- 8.36 PROBATIONARY PERIOD: The probationary period is defined to be that initial period after appointment to a position in the classified service during which an employee is not entitled to appeal his/her failure to achieve permanent status in said position. It is the working test period during which an employee is required to demonstrate his/her fitness for the duties to which he/she is appointed by actual performance of the duties of the position. The probationary period is an integral part of the examination process.
- 8.37 PROMOTION: Advancement from a position in one class to a position in a higher class.
- 8.38 PUBLIC NOTICE: Announcements of examination, meetings, hearings, or other actions of the Civil Service Commission on official bulletin boards in the City Hall or in the office of the Human Resources Department and elsewhere as appropriate or necessary.
- 8.39 QUALIFIED: An applicant or appointee who meets the employment standards for a class as herein established.
- 8.40 REASONABLE ACCOMMODATION:
1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the qualified applicant desires; or
 2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. (29 CFR Ch. 14 §1630.2(o)(2))
- 8.41 RECLASSIFICATION: The reassignment or change in allocation of an individual position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or complexity of duties and responsibilities in such position.
- 8.42 REDUCTION IN FORCE: Separation of employee from the classified service without fault on the part of the employee, and because of lack of work, lack of funds, or in the interests of economy.

Civil Service Rules and Regulations (continued)

- 8.43 RE-EMPLOYMENT LIST: A list of persons with permanent or probationary status in a class, who have been laid off, are returning from a military leave of absence or who have resigned in good standing and who are entitled to preference in appointment to vacancies in that class.
- 8.44 REINSTATEMENT: The re-employment of an employee who has permanent or probationary status in a class, who has been laid off, is returning from a military leave off absence or who has resigned in good standing and who is entitled to preference in appointment to vacancies in that class.
- 8.45 RESIGNATION: The voluntary action of an employer which separates him/her from his/her position.
- 8.46 SEPARATION: Any discontinuation of employment.
- 8.47 SPECIFICATION: The official description of a class including:
- (a) Title
 - (b) Statement of duties and responsibilities
 - (c) Employment standards, such as education, experience, knowledge, skills and abilities which may be required of applicants.
- 8.48 STATE: State of California.
- 8.49 STATUS: The condition of an employee's present appointment, such as temporary, probationary, or permanent.
- 8.50 SUSPENSION: An involuntary absence without pay imposed by the Appointing Authority for disciplinary purposes or pending investigation of charges.
- 8.51 TEMPORARY APPOINTMENT: An appointment made by the Appointing Authority pending the establishment of an eligible list.
- 8.52 TEMPORARY POSITION: A position of not more than six (6) months duration pending the establishment of an eligible list.
- 8.53 TERMINATION: Separation of an employee from the classified service of the City for disciplinary purposes.
- 8.54 TRANSFER: A change of positions by an employee in the same or comparable class.
- 8.55 UNCLASSIFIED: Those positions defined in the City Charter, Section 1011, to which the provisions of the Civil Service Rules do not apply.
- 8.56 VACANCY OR VACANT POSITION: Any unfilled position in the classified service.
- 8.57 WAIVER: The voluntary written relinquishment of an eligible of any right to consideration for appointment to a specific position.
- 8.58 YEAR: The calendar year, unless designated otherwise.

MEANINGS OF WORDS: Words used in these Rules in the present tense include the future; words used in the masculine gender include the feminine; the singular number includes the plural; the plural includes the singular; and writing includes printing, typewriting, and word processing.

RESOLUTION NO. 18-8498

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA TO ADOPT THE PERSONNEL AND SALARY RESOLUTION, WHICH ESTABLISHES POLICIES AND PROCEDURES WITH REFERENCE TO THE CLASSIFICATION AND COMPENSATION OF POSITIONS, THE STANDARDIZATION OF ATTENDANCE AND LEAVE REGULATIONS, AND RELATED MATTERS WITHIN THE SANTA CLARA CITY SERVICE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, in April 1977, the City of Santa Clara, California ("City") adopted Resolution No. 3830, entitled "Personnel and Salary Resolution";

WHEREAS, on May 10, 1983, the City adopted Resolution No. 4652, amending the Personnel and Salary Resolution;

WHEREAS, on October 11, 1983, the City adopted Resolution No. 4707, amending the Section 29 of the Personnel and Salary Resolution regarding Insurance Benefits;

WHEREAS, on January 7, 1986, the City adopted Resolution No. 5033, amending Section 20 of the Personnel and Salary Resolution regarding Holidays;

WHEREAS, on March 22, 1994, the City adopted Resolution No. 5883, amending Section 31 of the Personnel and Salary Resolution to allow the City Manager to grant medical and personal leaves;

WHEREAS, on July 14, 2009, the City adopted Resolution No. 09-7650, to reflect current policies and procedures regarding the classification and compensation of positions, the standardization of attendance and leave regulations, and other matters; and

WHEREAS, the City has amended the Personnel and Salary Resolution to make certain revisions including, but not limited to, eliminating the control point salary structure, establishing a salary range for Unclassified Employees, and authorizing the City Manager to hire Classified and Unclassified employees above the entry level salary.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City hereby adopts the City of Santa Clara Personnel and Salary Resolution in its entirety as set forth in the attached Exhibit A.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6th DAY OF MARCH, 2018, BY THE FOLLOWING VOTE:

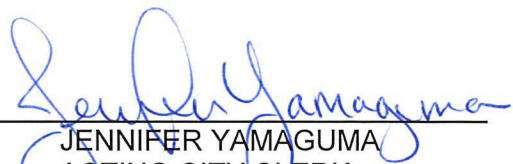
AYES: COUNCILORS: Caserta, Davis, Kolstad, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Mahan

ABSTAINED: COUNCILORS: None

ATTEST:



JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A – Personnel and Salary Resolution

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CITY OF SANTA CLARA
PERSONNEL AND SALARY
RESOLUTION

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Section 1. Short Title

This Resolution shall be known as the "Personnel and Salary Resolution" and is a reenactment of Resolutions 636, 3144, 3830, and 4652.

Section 2. Scope of Application

The provisions of this Resolution shall apply to all City employees. However, where the context of any section or part thereof shows that it is applicable to the Classified Service alone, then such section or part thereof shall not apply to the Unclassified Service and vice-versa. Should this Resolution conflict with any of the provisions of a current Memorandum of Understanding between the City and any of the recognized bargaining units, the provisions of the Memorandum of Understanding shall apply.

Section 3. Definition of Terms

The words and terms defined in this section shall have the following meanings in this Resolution and in any other Resolution classifying and fixing the salaries and compensation or authorizing the employment of personnel in any department or office in the City of Santa Clara.

- (a) "Allocation" – the assignment of a single position to its proper classification in accordance with the nature and scope of duties performed and the authority and responsibilities exercised.
- (b) "Anniversary Date" - the first day worked on a regular basis with the City of Santa Clara (e.g., hire date).
- (c) "Appointing Authority" – the City Manager shall appoint and remove, subject to the Civil Service Provisions of the Charter, all officers and employees of the City, except as otherwise provided by the Charter or this Resolution, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office.
- (d) "Classification (Class)" – a group of positions having duties, responsibilities, and authority sufficiently similar to permit a) grouping under a common title and b) the equitable application of common standards of selection, transfer, promotion, and compensation.

- (e) "Classified Service" – all positions in the City service with the exception of those specifically exempt from the Civil Service Rules and Regulations, per Article XI, Section 1101 of the City Charter.
- (f) "Compensation" – the salary, wage, allowances and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position, but does not include any allowances authorized and incurred as incident to employment.
- (g) "Consumer Price Index" – as defined by the United States Department of Labor, Bureau of Labor Statistics, and applied to the San Francisco-Oakland-San Jose Bay Area for urban wage earners and clerical workers.
- (h) "Continuous Service" – employment with the City without break or interruption. The provisions of Section 11(f) of this Resolution shall apply in computing continuous service for the purpose of this Resolution.
- (i) "Demotion" – a change in status of an employee from a position in one classification to a position of a lower classification with a lower maximum pay.
- (j) "Department Head" and "Division Head" – the manager of a Department or Division respectively, including Elective Officers as defined in the Administrative Code (Chapter 2 of "The Code of the City of Santa Clara, California").
- (k) "Employee", "Regular Employee" or "Incumbent" – a person legally occupying a position in the City service.
 - (1) "Full-Time Employees" – those employees whose position requires the total number of hours prescribed for normal employment in the classification or position. All positions shall be full-time unless otherwise designated or unless the compensation is fixed upon the basis of part-time work.
 - (2) "Part-Time Employees" – those employees in positions which are designated part-time or for which compensation is fixed on the basis of part-time work.

- (l) "Leave of Absence" – permission to be absent from duty without pay for a specified period and for a specified purpose, with the right to return before or at the expiration of the period.
- (m) "Position" – a job in a particular classification with a regularly assigned combination of specific duties and responsibilities.
- (n) "Promotion" – advancement from a position in one classification to a position in a higher classification with a higher maximum pay.
- (o) "Reclassification" or "Reallocation" – a reassignment or change in the allocation of an individual position to a more appropriate classification, whether new or existing, on the basis of material changes in the duties and responsibilities of the position.
- (p) "Salary" – base salary as indicated in the current Salary Range/Schedule for Unclassified Employees and Pay Rate Schedule for Classified Employees, excluding any other pay incidental to employment.
- (q) "Step Increase Date" – the date an employee is eligible to move to the next salary step in the salary range. This date may be the same as the employee's Anniversary Date or it may be adjusted based on a leave of absence, a promotion or a transfer.
- (r) "Sworn Personnel":
 - (1) "Sworn Uniformed Fire Personnel" –personnel of the Fire Department with powers and responsibilities to be directly engaged in fire prevention or suppression work, but excluding volunteer members of the Fire Department.
 - (2) "Sworn Uniformed Police Personnel" –personnel of the Police Department having full police powers and responsibilities to enforce all laws including the California Penal Code, but excluding Police Reserves.
- (s) "Title" or "Classification Title" - the designation given to or name applied to a classification, each position allocated to a classification, and the legally appointed incumbent of a position allocated to a classification. The

meaning of a title is set forth in its corresponding classification specification.

- (t) "Total Compensation" – all of the salary and fringe benefits related to the cost to the City to employ an individual and may include salary, retirement and Social Security, holidays, sick leave, vacation, insurance premiums, uniform allowance, or any other special fringe benefit unique to a particular bargaining group. Allocation of total compensation monies by the bargaining group shall be limited to only those areas already defined in the Memorandum of Understanding, such as, but not limited to, salary, insurance premiums, and uniform allowance.
- (u) "Transfer" – a change in the assignment of an employee from one position to another in the same classification or a comparable classification.
- (v) "Unclassified Service" – all positions in the City service specifically exempt from the Civil Service Rules and Regulations per Article XI, Section 1101 of the City Charter.
- (w) "Unit" - that group of employees found to be an "appropriate unit," as determined pursuant to Employer-Employee Relations Resolution No. 2979, representing those employees who elect such representation.
- (x) "Working Title" - a title other than the official classification title that is used informally in the course of work activities to distinguish amongst positions within the same classification.

Section 4. The Classification Plan

- (a) The City Council, upon recommendation of the City Manager, shall create and adjust classifications of positions in the City Service. This Classification Plan shall consist of classifications defined by class specifications, including a descriptive title, a description of typical duties and responsibilities, and a statement of minimum qualifications for all positions within each classification.
- (b) The City Council, upon recommendation of the City Manager, may create new classifications or divide, combine, or abolish existing classifications and may reassign a classification from one salary range to another.

- (c) At the direction of the City Manager, all positions in the City Service created or established by the City Council shall be allocated by the Director of Human Resources to their proper classifications in the Classification Plan. Allocations shall be determined in accordance with the duties, responsibilities, and authority of each position and shall be based on the principle that all positions shall be included in the same classification if:
- (1) Sufficiently similar with respect to duties, responsibilities, and authority to permit grouping under a common title;
 - (2) Comparable minimum education, experience, knowledge, skill, and ability requirements are demanded of incumbents;
 - (3) Common standards of selection, transfer, and promotion may be equitably applied; and
 - (4) The same salary range may be applied with equity.
- (d) The classification title of a position shall be used in all official personnel and budget records and transactions of the City of Santa Clara. No provisions of this Resolution, however, shall be deemed to prevent the use of a working title that differs from the official classification title of any position provided that the working title is designated by the head of the department in which the position exists.
- (e) Whenever in the judgment of the City Manager it is necessary for the expeditious transaction of the business of the City for a department to employ a person on a temporary basis in a type of position for which there is no classification provided in the Classification Plan, then the City Manager may authorize such employment. In such case the City Manager shall fix the amount of compensation, and may determine the minimum qualifications for such additional employees, and shall limit in advance the period of time the position may be allowed.

Section 5. Amendment and Maintenance of Classification Plan

Whenever one or more new positions are under consideration for possible establishment, or whenever, because of any revision in organization or methods, a

significant change of the duties or responsibilities of any existing position is to be made which may require the reallocation of such position, or whenever a new classification is created to which any position may more appropriately be allocated, or whenever, because of the abolishment or combination of any existing positions or classifications, an amendment to the Classification Plan is required, one or a combination of the procedures stipulated in (a) and (b) shall be observed.

- (a) The Department Head shall report the significant facts relating to such possible changes in writing to the City Manager in the manner prescribed.
- (b) The City Manager, upon written request of any employee or upon his/her own initiative, may initiate an inquiry of the classification of any position.

Upon either of the above initiations, the City Manager may direct the Director of Human Resources to study the assigned duties and responsibilities of any such position and the qualifications required for filling the same, and of the relationships of such positions to other classifications of positions in the Classification Plan.

On the basis of such study, the Director of Human Resources shall then recommend to the City Manager that no change be made in the allocation of the position, or that the position be allocated to a more appropriate classification in the existing Classification Plan or that a new classification be established to which the position would be allocated, whichever is the appropriate action.

The City Manager will recommend to the City Council any changes in the allocation of individual positions, or any changes in existing classifications and classification specifications, which the City Manager deems appropriate. The City Council may then take action to modify the Classification Plan in accordance with the provisions of Section 1103 of the City Charter.

Section 6. Classification Specifications

- (a) The Director of Human Resources shall maintain a written specification for each classification, which, when approved and adopted by the City Council, shall constitute the official specifications of classifications in the

City service. Such classification specifications shall be based on an analysis of the duties and responsibilities of positions in the City service. Each classification specification shall set forth the title of the classification, a description of the responsibilities and typical duties, and a statement of minimum qualifications for performance of the work.

- (b) The official copy of each classification specification shall indicate the date of adoption or latest revision or amendment and will be kept on file in the Human Resources Department. The official copy of each classification specification shall be open to inspection by employees and the general public. The official copy of any specification is available electronically or may be obtained in hard copy from the Human Resources Department for a specified charge.
- (c) Said classification specifications, when adopted, are hereby incorporated herein and made a part of this Resolution by reference. Any modification or amendment thereto may be adopted by a majority vote of the City Council.
- (d) Classification specifications for positions in the Classified Service must first be approved and adopted by the City of Santa Clara Civil Service Commission before they may be approved and adopted by the City Council.

Section 7. Interpretation of Classification Specifications

- (a) Classification specifications are illustrative documents intended to summarize the key characteristics of each classification. Typical duties and responsibilities listed are provided as examples of work that may be performed by incumbents of positions assigned to the classification and are not limiting or restrictive. Each classification should be viewed as a whole and in relation to other classifications in the Classification Plan; consideration should be given to typical duties; responsibilities; authority; required knowledge, skills, and abilities; as well as the minimum qualifications for employment.

- (b) Qualifications commonly required of all incumbents of and applicants for all positions in the City Service shall be deemed to be requirements whether or not they are not specifically mentioned in individual classification specifications; these include, but are not limited to, United States (U.S.) Citizenship or proof of permission to reside and work in the United States if not a U.S. citizen, the ability to perform the essential functions of the job in accordance with the Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA), honesty, sobriety, and industry. Specific minimum qualifications for each classification in the Classified Service are established under the Civil Service Rules and Regulations and approved by City Council; minimum qualifications for classifications in the Unclassified service are approved by City Council.

Section 8. Qualifications of Employees

Incumbents of all classifications in the City service must possess the minimum qualifications prescribed for their classification, including education and/or experience. Applicants to positions in the Classified Service shall be subject to the recruitment and examination procedures described in the Civil Service Rules and Regulations.

Section 9. Compensation Plan

- (a) Classified Employees: The following subsection shall apply to regular Classified employees.
- (1) The current Salary Schedules are on file in the Human Resources Department, and are incorporated by reference.
 - (2) The Salary Schedules constitute the Compensation Plan applicable to all classifications. Step and Range increases are built into the current Salary Schedules as follows: Approximately 5% increase between each Step 1 through 5, approximately 2 1/2% from Step 5 to 6 and from Step 6 to 7, and approximately 2 1/2% difference between each Salary Range. Steps 6 and 7 of said schedules are applicable only as "longevity pay" as set forth in Section 10. All salaries prescribed are monthly rates. For those positions where it

is more appropriate to pay on an hourly basis, the hourly rate of pay equivalent to the proper monthly salary step shall be paid as indicated in the various Salary Schedules.

- (3) The compensation of Classified employees of the City shall be as set forth in the current Salary Schedules.
- (4) The Salary Schedules referred to in this Resolution may from time to time be revised and amended by the City Council.

(b) Unclassified Employees: This section applies to all Unclassified positions.

The Salary Range for Unclassified positions shall be established by the City Council upon recommendation of the City Manager. A Salary Range/Schedule shall be maintained in the Human Resources Department.

Section 10. Application of Compensation Plan for Classified Positions

The Salary Schedules for classified positions, with such amendments as may be adopted by the City Council from time to time, shall have the force and effect and shall be interpreted and applied as follows, except as set forth in Section 12:

- (a) The salaries or rates of compensation prescribed are fixed on the basis of full-time positions, unless otherwise designated.
- (b) The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, or except as herein provided.
- (c) Employees shall be considered eligible for increase in salary according to the following general plan upon approval of the Department Head.
 - (1) The numbers 1, 2, 3, 4, and 5, respectively, denote the various steps in the salary range.
 - (2) Step "1" shall be paid upon initial employment for a period of at least twelve (12) months.
 - (3) Employees shall become eligible for increase to Step "2" upon satisfactory completion of twelve (12) months of service in Step "1."
 - (4) Employees shall become eligible for increase to Step "3" upon satisfactory completion of twelve (12) months of service in Step "2."

- (5) Employees shall become eligible for increase to Step "4" upon satisfactory completion of twelve (12) months of service in Step "3."
 - (6) Employees shall become eligible for increase to Step "5" upon satisfactory completion of twelve (12) months of service in Step "4."
 - (7) Employees may become eligible for an accelerated increase in salary within Steps "1" and "5" for outstanding performance upon recommendation of the Department Head and with the approval of the City Manager. In all such cases the Department Head shall submit written justification to the City Manager.
 - (8) Notwithstanding any other provision contained herein, any classified employee who has been employed for the City of Santa Clara for a total of ten (10) years, and has been employed at Step "5" of the salary range for his/her present classification for at least one (1) year, upon approval of the Department Head, shall receive a pay adjustment to Step "6" based on the current Salary Schedule. Any classified employee who has been employed for the City of Santa Clara for a total of fifteen (15) years, and has been employed at Step "6" of the salary range for his/her present classification for at least one (1) year, upon approval of the Department Head, shall receive a pay adjustment to Step "7" based on the above mentioned Salary Schedule.
- (d) If the Department Head does not approve the scheduled increase, the employee shall be notified ten (10) days prior to his/her Anniversary Date or Step Increase Date. In the event a step increase is denied on an employee's Anniversary Date, but a step increase is granted at a subsequent date prior to the next regularly scheduled Step Increase Date, no change shall be made in the employee's Anniversary Date.
 - (e) If an employee is denied a step increase, he/she may make a written appeal to the City Manager through his/her Department Head within fifteen (15) days of the postmark of his/her letter of notice of denial. The City Manager shall grant the employee an interview within 45 days.

- (f) The pay of any employee may be reduced to a lower step within the established pay range upon recommendation of the Department Head and with the approval of the City Manager, in cases where the quality and manner of work performance do not justify the pay being received. However, employees in the Classified Service having a permanent appointment shall be subject to the procedures set forth in the applicable Civil Service Rules and Regulations.

Section 11. Calculation of Anniversary Dates

(a) Anniversary Date of Employment

For purposes of compensation, the Anniversary Date for Classified and Unclassified employees will be the first day worked on a regular basis with the City of Santa Clara. All salary changes shall be effective as of the commencement of a bi-weekly payroll period. Employees who have an Anniversary Date that falls within the first week of the pay period and have been approved for a step increase will be adjusted on the first day of the pay period during which the Anniversary Date falls. Employees who have an Anniversary Date that falls within the second week of the pay period and have been approved for a step increase will be adjusted on the first day of the pay period immediately following the Anniversary Date. It is the intent of this provision that in no event shall a regular employee be paid under more than one rate of compensation during any payroll period.

(b) Annual Step Increases

If a classified employee remains in the same classification in which he/she received original appointment, he/she may receive the annual salary step increase on his/her Anniversary Date, subject to provisions of Sections 9 and 10 above.

(c) Transfer Within Same Classification or Within Another Classification With Same Salary Range

Should a classified employee be transferred to another classification having the same salary schedule and salary range as the classification in

which he/she has acquired permanent Civil Service status, the same provisions as above shall apply.

(d) Promotional Appointment

Should a classified employee be appointed to another classification to which a higher salary range applies, the Step Increase Date will coincide with the employee's Anniversary Date, subject to the provisions of Sections 9 and 10.

(e) Leaves of Absence

For compensation purposes, a personal leave of absence or any period of time an employee is off without pay (other than for reasons of illness covered by medical leave granted under Section 30 herein, industrial injury or illness or military service), which exceeds thirty-one (31) consecutive calendar days will constitute an interruption in continuous employment. In such instances the length of the leave of absence shall delay the Step Increase Date accordingly. A leave of absence or any period of time an employee is off without pay which does not exceed thirty-one (31) consecutive calendar days shall be considered as continuous employment toward the accumulation of time for the next appropriate step increase.

(f) During any leave provided for by the Family Care and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA), the employee shall retain employee status with the employer, and the leave shall not constitute a break in service, for purposes of longevity, seniority under any Memorandum of Understanding, or any employee benefit plan. An employee returning from leave shall return with no less seniority than the employee had when the leave commenced for any employment related purpose.

Section 12. Hiring Above the Entry Level Salary

The entry level salary is defined as Step 1 for Classified Employees and the bottom of the salary range for Unclassified Employees. When a candidate recommended for hire to a classified position in City service is found to possess extraordinary qualifications through former training and/or experience, or when the City

is unable to recruit qualified candidates at the first step of the appropriate salary range, the City Manager, on recommendation of the Department Head, may approve the hiring of a candidate above Step 1, up to and including Step 5. . For unclassified employees, the City Manager has authority to hire and grant merit increases at any point within the salary range for the job classification.

Section 13. Applicable Pay Rates Following a Change of Status

(a) Pay Rates Following Promotion:

- (1) A classified employee promoted to a classification with a higher salary range shall be compensated at Step 1 of the classification to which he/she has been promoted, provided that Step 1 is at least approximately five (5) percent above the salary before promotion. If Step 1 is not at least approximately five (5) percent above the salary before promotion, the promotional salary shall be adjusted to at least approximately five (5) percent above the former salary unless prohibited by ineligibility to go to Step 6 or Step 7 (longevity steps). If the promotion places the employee on a different Salary Schedule, he/she will then be placed in the salary step that is closest to the salary the employee would have received had the employee received a five (5) percent increase in his/her former Salary Schedule and salary range. The Step Increase Date will coincide with the employee's Anniversary Date.
- (2) In the event that a classified employee is promoted on his/her Anniversary Date, he/she shall first receive any within-range increase to which he/she is entitled in the lower classification, and then the promotional salary adjustment provided in paragraph (1) above. The Step Increase Date will coincide with the employee's Anniversary Date.
- (3) If the promotion places the employee in Step 5 of their Salary Schedule and salary range, the Step Increase Date will coincide with the date of the promotion. Once the employee attains a salary at Step 6 or Step 7 (top longevity salary steps), the Step Increase

Date will be changed to coincide with the employee's Anniversary Date. See Section 10 (c)(8) above.

(b) Pay Rates Following Demotion:

- (1) If a classified employee is demoted to a classification with a lower salary range, the employee shall be assigned to a salary step in the lower range, as follows:

If a disciplinary demotion: The employee will be assigned to a salary step in the lower classification's salary range that earns less money than the employee was earning before the demotion. No change shall be made in the Anniversary Date or the Step Increase Date.

If a non-disciplinary demotion: The employee will be assigned to the salary step in the lower classification's salary range that the employee would have reached if the employee had never promoted to the higher classification. No change shall be made in the Anniversary Date or the Step Increase Date.

- (2) Unclassified Employees: In the event of a demotion of an Unclassified Employee, the adjusted salary shall be as approved by the City Manager.

(c) Pay Rates Following Transfer:

When a classified employee transfers from one position to another in the same classification or to another classification to which the same Salary Schedule and salary range is applicable, the employee shall remain at the same salary step and shall retain his/her Anniversary Date and Step Increase Date.

Section 14. Applicable Pay Rates Following Salary Range Increases and Decreases

- (a) If a salary range for a given classification increases, the incumbents of the classifications affected shall have their existing pay adjusted to the same step in the new salary range (Step 2 to Step 2, Step 3 to Step 3, etc.).
- (b) Except in the case of an overall Salary Schedule adjustment, if a salary range is decreased, incumbents shall retain their same dollar amount of

pay within the lower salary range. If the employee's present rate exceeds the maximum step of the lower salary range, the employee shall continue to receive the same dollar amount, which shall be designated a "Y" rate and indicated by a capital "Y" following the salary each time it appears on personnel records or transactions. Said "Y" rate shall be cancelled when the Salary Schedule and salary range reach the employee's original pay rate or upon vacancy of the position.

- (c) If a salary range change becomes effective on an employee's Anniversary Date, he/she shall first receive any within-range adjustment to which he/she is entitled and then receive his/her corresponding step adjustment.
- (d) If a salary range change becomes effective on the date an employee is promoted to a higher classification, he/she shall first receive any corresponding step adjustment to which he/she is entitled in the lower classification, and then the next higher step promotional adjustment as provided in Section 13(a) above.

Section 15. Salary on Reclassification of Positions

- (a) If a position is reclassified to a classification having the same maximum salary, the salary and the Anniversary Date of the incumbent shall not change.
- (b) If a position is reclassified to a classification which has a higher salary range, the salary shall be adjusted in accordance with Section 14(a) above.
- (c) If a position is reclassified to a classification with a lower salary range, the incumbent's salary shall not change, as provided in Section 14(b) above.

Section 16. Initial Adjustments to Compensation Plan

Subject to the provisions of this Resolution, the salary ranges referenced by this Resolution shall be applicable to all positions allocated to classifications listed in the Classification Plan, a copy of which is on file in the Human Resources Department. Each employee shall be paid the salary or compensation in accordance with the salary range prescribed for the classification to which his/her position is allocated.

Section 17. Hours of Work

All City employment is based on a forty hour work week with the following exception:

Shift personnel in the Fire Department work twenty-eight (28), twenty-four (24) hour scheduled duty shifts in a six (6) pay-period cycle.

Section 18. Overtime

THIS SECTION IS SUBJECT TO APPLICABLE FEDERAL AND/OR STATE LEGISLATION AND/OR CITY RESOLUTION.

- (a) It is the policy of the City of Santa Clara to avoid overtime work whenever possible. The City recognizes however, the obligation to provide services to the community and, on occasion, may require employees to extend work shifts or to be called back to work due to emergencies, personnel shortages, or required workloads.

Employees contacted for overtime work have an obligation to affirmatively respond to this need unless incapacitated or due to extenuating circumstances beyond the control of the employee and reasonably acceptable to the City. Failure on the employees part to affirmatively respond to such requests and/or to acceptably document such extenuating circumstances or incapacitation will be in violation of the City's rules and regulations and may be subject to formal disciplinary action.

- (b) The Department Head or designee shall authorize overtime.
- (c) Compensatory time off shall be taken as determined by the Department Head and shall be at the employee's convenience where practical. If the employee does not take the time off, the employee shall be paid at the employee's regular rate of pay.
- (d) All classified employees will be paid overtime or be eligible for compensatory time off in accordance with existing policy.
The employee may not accrue more compensatory leave hours than permitted by the current MOU or Department policy.
- (e) Unclassified employees are not entitled to overtime compensation. The monthly salary shall be considered full compensation for all hours worked.

Section 19. Holidays

(a) With the exceptions stated below, employment holidays are:

New Year's Day
Martin Luther King Jr. Day
President's Day
Spring Holiday
Memorial Day
Independence Day
Labor Day
Admission Day
Columbus Day
Veterans' Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

and every day appointed by the City Council as a holiday. On days appointed by the City Council as "special" or "limited" holidays, City offices shall remain open and shall function in their normal and usual manner.

- (b) A special or limited holiday is a holiday applying only to one or more job classifications, and not generally observed Statewide by all employers. Holidays listed in Section 19(a) are not special or limited holidays.
- (c) If a holiday falls on Sunday, the holiday will be observed on Monday. If a holiday falls on Saturday, the holiday will be observed on the preceding Friday. Except for sworn Police and Fire Department personnel working shifts, regular employees will receive eight (8) hours of compensatory time off if the "observed" holiday falls on their scheduled day off.
- (d) For employees of the Recreation Division of the Parks and Recreation Department: If an employee works 40 hours in a workweek that includes a holiday, the employee will be paid double time and a half for the hours worked on the holiday. If the employee works 32 hours or less in a week that includes a holiday, the employee will be paid double time for the hours worked on the holiday.

Section 20. Vacations

- (a) Regular employees shall accrue vacation leave on a bi-weekly basis, provided that the employee is in a paid status for at least two-thirds (2/3)

of the hours of the pay period (53.4 hours or 74.67 hours for 24-hour employees), at the rate set forth by the current Memorandum of Understanding.

- (b) Maximum vacation accrual will be set forth in the current Memoranda of Understanding.
- (c) Vacation time off shall be subject to approval of the Department Head. Vacation eligibility will be as set forth in the current Memorandum of Understanding subject to any limitations contained therein.
- (d) Vacation time off for Department Heads shall be subject to the approval of the City Manager.
- (e) In accordance with the current Memorandum of Understanding, regular employees who separate from City service with accrued vacation time shall be paid for unused vacation on the effective date of separation. Employees may use vacation time on his/her last day(s) of City service to continue in a paid status without being present.
- (f) In case of the death of an employee, payment for accrual vacation shall be made to the estate of the employee, or in accordance with State law.

Section 21. Vacation/Sick Leave Conversion

- (a) For all employees except 24-hour Employees
Employees in this category have the option, subject to approval, of converting sick leave to vacation leave on a two-to-one basis. The maximum allowable exchange will be 96 hours of sick time for 48 hours of vacation leave per calendar year. Minimum exchange will be 8 hours sick leave for 4 hours of vacation.
- (b) For all 24-hour Employees
All provisions are the same as in the preceding section except the conversion ratio will be three-to-one; the maximum allowable exchange will be 216 hours of sick leave for 72 hours of vacation leave; minimum exchange will be 12 hours of sick leave for 4 hours of vacation leave.
- (c) General Rules for Vacation/Sick Leave Conversion

The vacation/sick leave conversion program set forth in this resolution is intended to provide a means for the individual employee to convert sick leave to vacation leave on the ratio set forth in this section. Such conversion, either to convert sick leave to vacation leave or vice versa shall be subject to the following conditions:

- (1) All requests to convert sick leave to vacation leave shall be submitted in writing to the Department Head in advance of intended vacation utilization.
- (2) The granting of such conversion and subsequent use will be at the discretion of the Department Head.
- (3) If the employee has not been permitted the use of the converted vacation leave within twelve (12) months, and has submitted at least one written request for utilization, the employee will have the option to re-convert the vacation leave to sick leave in reverse ratio* to the original conversion. This conversion will be allowed only for previously converted sick leave to vacation and will not be permitted for regularly accrued vacation leave.
- (4) If an employee, after converting sick leave to vacation leave, exhausts all of his/her remaining sick leave, he/she may make a written request to the Department Head to re-convert vacation leave to sick leave on a reverse ratio* basis. A written physician's statement attesting to the illness/injury is required and requests are subject to Department Head approval.
- (5) Sick leave converted to vacation is not available for use during the same pay period as the conversion.
- (6) This section only applies to employees whose Memorandum of Understanding allows for the temporary overaccrual of vacation. If an employee has converted sick leave to vacation and will exceed his/her vacation maximum accrual at the end of the calendar year, he/she will have the option to re-convert vacation leave back to sick leave on a reverse ratio* basis. Such re-conversion shall be limited

to previously converted sick leave to vacation and may not exceed the amount necessary to reduce the accrued vacation to the maximum allowable. Regularly accrued vacation leave, including vacation leave accrued in excess of the maximum allowable, will not be eligible for this re-conversion to sick leave.

*NOTE: As used in this section, "reverse ratio" is intended to mean that the ratio of sick leave to vacation leave will revert to the original ratio at the time of the initial conversion.

Section 22. Sick Leave

- (a) Sick leave shall be accrued at the rate 96 hours per calendar year (3.7 hours per bi-weekly pay period). For purposes of determining eligibility for sick leave accrual, employees must be on a paid status for at least 36 hours, excluding overtime, sick leave, family sick, family death, or personal leave, during the bi-weekly pay period. (Paid vacation, compensatory time off (CTO), holidays, and emergency paid leave, in addition to actual time worked, count toward the minimum hours required for accrual.)
- (b) Fire Department employees on a twenty-four (24) hour shift shall accrue 288 hours sick leave per calendar year (11.07 hours per bi-weekly pay period). For purposes of determining eligibility for sick leave accrual, Fire Department employees working on a shift basis must be in a paid status at least 50 hours during the bi-weekly pay period, excluding overtime, sick leave, family sick leave, family death leave, or personal leave. (Paid vacation, compensatory time off (CTO), holidays, and emergency paid leave, in addition to actual time worked, count toward minimum hours required for accrual.) However, Fire Department personnel not employed on a 24-hour shift basis shall accrue sick leave as set forth in the Section 22(a).
- (c) Sick leave accrued in a pay period may not be used during the same pay period.
- (d) Accrued sick leave may be used for leave consistent with leave under the Family Medical Leave Act (FMLA), the California Family Rights Act

(CFRA), Government Code Section 12945(b)(1) or death of a member of the employee's immediate family (immediate family as defined by FMLA or CFRA).

- (e) In the event of a death of a member of an employee's immediate family, the employee may use accrued sick leave as family death leave with approval of the City Manager (see Section 23: Bereavement Leave).
- (f) Not more than 48 hours of the employee's accrued sick leave (or six (6) shifts for 24-hour Fire employees) may be used as family sick leave within a calendar year for the care or attendance of members of his/her immediate family. "Immediate family" is defined as: spouse, parent, step-parent, child, step-child, sibling, grandparent, grandchild, aunt or uncle, niece or nephew, first cousin, parent by marriage, son or daughter-in-law, sibling by marriage, foster parent, domestic partner, anyone residing with employee, and anyone dependent on employee for care. The City Manager or designee may approve the use of additional sick leave.
- (g) Upon a doctor's certification that the employee is disabled because of pregnancy, or childbirth, or related medical condition, the employee may utilize accrued sick leave.
- (h) Accrued sick leave may be used for industrial injury or illness, as follows:
 - (1) Accrued sick leave may be applied during industrial injury or illness leave.
 - (2) If a Public Safety employee assigned to Fire Units #1 and #9B and Police Units #2 and #9A has exhausted his/her year of pay pursuant to Section 4850 of the State of California Labor Code, Sick Leave may not be used to supplement temporary disability pay pursuant to Section 4853 of the State of California Labor Code. This is not intended to deny any represented employee a cash payoff for any unused sick leave, upon disability retirement as provided for elsewhere in this document.
- (i) The City Manager or the employee's Department Head may require the employee to provide a physician's certificate, or otherwise, confirming that

the employee was sick during any period of sick leave. If an employee uses 40 hours or more of sick at one time, the employee shall provide to the Department Head a doctor's note certifying that the employee is physically able to perform the essential functions of the employee's position upon the employee's return to work.

- (j) A medical leave of absence for one calendar year without pay may be granted by the City Manager. If the employee is unable to return to work at the end of one year of leave of absence without pay, his/her service shall be terminated or retired.
- (k) A medical leave of absence granted by the Family and Medical Leave Act of 1993 (FMLA) or the California Family Rights Act (CFRA) will run concurrently with any paid leave.
- (l) Sick leave will have an unlimited accrual for use. However, payment of sick leave at retirement will be limited to a maximum of 1,500 hours (or 3,000 hours for 24-hour Fire employees). For employees who have accumulated more than 1,500 hours (or 3,000 hours for 24-hour Fire employees), the employee shall not be permitted to receive payment at retirement for more than the hours they had on the books as of January 1, 2004, plus 1,500 hours (or 3,000 hours for 24-hour Fire employees).
- (m) Employees leaving City service, except when on military leave, shall forfeit all sick leave benefits except as noted below. Sick leave may be used during a period of vacation prior to separation only with medical certification.
- (n) Employees whose service with the City aggregates fifteen (15) years or more shall be entitled, upon retirement, to payment for sick leave then accumulated for continuous service upon the following basis:
 - (1) Sick leave hours earned at the rate of ninety-six (96) hours per year shall be converted to their dollar equivalent based on the regular rate of pay last held by the employee, and those with 25 years or more service shall be entitled to be paid 75% of said accumulated sick leave;

- (2) those with 20 years or more service shall be paid 50% of said accumulated sick leave; and
- (3) those with 15 years or more service shall be paid 25% of said accumulated sick leave.
- (o) Sick leave hours earned by Fire Department public safety employees on a twenty-four (24) hour shift basis, shall first be divided in half and the balance converted to their dollar equivalent based on the reduced twenty-four (24) hour average hourly rate of pay last held by the employee, and then paid on the same schedule as that set forth above.
- (p) In the event of death of an employee, all accrued sick leave shall be paid to the employee's estate at full value.
- (q) No City employee shall be entitled to paid sick leave under any of the following circumstances:
- (1) Disability arising from any sickness or injury purposely self-inflicted or caused by the employee's willful misconduct, including, but not limited to, intoxication and misuse of narcotics or drugs.
(Employees may use sick leave for alcohol or drug addiction rehabilitation consistent with the existing Civil Service Rules and Regulations.)
- (2) Sickness or disability sustained while on an unpaid leave of absence.
- (3) Disability or illness arising from compensated employment other than with the City of Santa Clara.
- (r) Sick leave shall not be used in lieu of, or in addition to, vacation except as stated herein.
- (s) Separation of an employee's continuous employment or service, except by reason of layoff for lack of work or funds, shall abrogate all sick leave accrued to the time of such separation, regardless of whether or not such person subsequently reenters the City service.
- (t) "Observed" holidays occurring during sick leave shall not be counted as a day of sick leave.

- (u) Upon written determination from a qualified workers' compensation or City physician that the employee is declared permanently incapacitated for further duty due to injury or illness, the City will apply for a disability retirement immediately, in accordance with the retirement administrative procedures.

Section 23. Bereavement Leave

- (a) The City will provide employees with a paid bereavement leave benefit to attend to the customary obligations arising from the death of a member of the employee's immediate family, as defined in this section.
 - (1) Employees are eligible to receive up to forty (40) hours (or three (3) shifts for 24-hour Fire employees) of bereavement leave in the event of the death of a parent, child, or sibling of the employee, employee's spouse, or employee's domestic partner (including, in each case, step, adoptive and in-law), spouse or domestic partner.
 - (2) Employees are eligible to receive up to three (3) work days, regardless of shift assigned, (or two (2) shifts for 24-hour Fire employees) of bereavement leave in the event of the death of a grandparent, grandchild, aunt or uncle of the employee, employee's spouse, or employee's domestic partner (including, in each case, step, adoptive and in-law).
 - (3) Employees are eligible to receive up to one (1) work day, regardless of shift assigned, (or one (1) shift for 24-hour Fire employees) of bereavement leave in the event of the death of a great-grandchild, great-grandparent, niece, nephew, or first cousin of the employee, employee's spouse, or employee's domestic partner (including, in each case, step, adoptive, and in-law).
- (b) The bereavement leave benefit is based on each death occurrence and is not charged through the total compensation model (Salary Adjustment Form).

- (c) Up to forty (40) hours (or five (5) shifts for 24-hour Fire employees) of additional bereavement leave may be charged as family death leave to an employee's sick leave balance with City Manager approval.
- (d) At the request of the City, the employee will provide verification.

Section 24. Military Leave

Military leave with pay shall be granted in accordance with the applicable sections of the Military and Veterans Code of the State of California and federal law.

The employee will receive full City pay for Military Leave up to 30 calendar days on an annual basis. Any Military Leave exceeding 30 calendar days will require the employee to utilize other approved time off, excluding sick leave. If the employee does not have sufficient accrual balances to cover Military Leave exceeding 30 calendar days, he/she may request a Personal Leave of Absence without pay.

Section 25. Jury Duty

No deductions shall be made from the pay of a regular employee for the hours that jury duty intrudes upon the assigned work shift providing that he/she submits any jury fees collected to the City. Employees may keep mileage fees received as reimbursement for the use of a private vehicle. An employee accepted for jury duty shall immediately notify his/her Department Head.

Section 26. Court Appearance as a Witness

No deductions shall be made from the salary of an employee who has been subpoenaed as a witness as a result of having observed an event or occurrence while on City duty providing he/she submits the witness fee. The same procedures are to apply as in the above paragraph.

Section 27. Uniform Allowance

A standard uniform regulation shall apply to designated Police and Fire Department uniformed personnel. Eligibility and annual amounts to be paid by the City will be based upon criteria as set forth in current Memorandum of Understanding. Payments for uniform allowance will be made bi-weekly.

Newly hired personnel will not receive uniform allowance during the initial twelve (12) continuous months of employment in the classification eligible for uniform allowance. Upon satisfactory completion of 12 months of employment, payment in the

amount equal to full uniform allowance (where applicable) will be paid for the initial 12 months of employment inclusive of any partial amount which would have been incurred in a previous year (on a pro-rated basis).

The City shall also provide for the repair of, or replacement based on the remaining useful life of the uniform article damaged while actively engaged in the line of hazardous duty in the Police and Fire service. All safety equipment supplied by the City damaged while actively engaged in the line of hazardous duty shall be replaced at no cost to the employee.

Section 28. Insurance Benefits

Types of insurance:

1. Health, Dental, Short and Long Term Disability, and Life Insurance: The City may arrange for and make available to City of Santa Clara employees the following group insurance benefits: Health, Dental, Short and Long Term Disability, Life Insurance, Voluntary Employees Beneficiary Association (VEBA), Employee Assistance Program and Flexible Spending Plan. The City has the obligation to change, alter, modify or the right to discontinue such plans when mandated by the provider. Current contracts for these insurance benefits shall be on file in the City Clerk's Office.
2. Health Allocation: Employee Bargaining Groups shall, on a once a year basis, commencing with the beginning of the calendar year, designate a fixed maximum monthly sum to be paid by the City for all represented employees toward applicable insurance premiums.

To be eligible for the health allocation, a represented full-time employee must be on a paid status for at least 80 hours (112 hours for 24-hour employees) in the month prior to the month of coverage. Part-time employees will have access to full health and dental benefits, but the total health allocation will be pro-rated to hours worked.

If the premiums for the individual employee exceed the amount allocated, the balance is paid by a salary deduction from the paycheck of the individual employee or under special circumstances, paid directly by the employee.

If the premiums are less than the monthly amount allocated, the difference will be refunded twelve (12) times a year.

3. Insurance Premium Payments During Periods of Work-related Injuries: For an employee who is temporarily disabled due to an accepted workers' compensation claim and has not earned the health allocation, the City will continue to pay the required premiums up to the amount of the health allocation until the employee is able to return to full duty or is declared permanent and stationary. However, should the injury be determined by the City's Workers' Compensation Third Party Administrator and/or the Workers' Compensation Appeals Board to not be service connected, the employee shall repay the City in full the premiums paid on his/her behalf.

Section 29. Retirement Benefits

Pursuant to Section 1200 of the City's Charter, the California Public Employees' Retirement System is the Retirement System of the employees of the City. As a condition of employment, employees of the City automatically become members of the Public Employees' Retirement System. The current contract between the City of Santa Clara and the Public Employees Retirement System is on file in the City Clerk's Office.

The Retirement System is divided into two Retirement Formulas, for Public Safety Employees and Miscellaneous Employees, as follows:

- (1) Public Safety Employees – 3.0% at age 50 Retirement Program (“Classic”); 2.7% at age 57 (“New”).
- (2) Miscellaneous Employees – 2.7% at age 55 Retirement Program (“Classic”); 2.0% at age 62 (“New”).

Section 30. Leave of Absence Without Pay

A leave of absence without pay may be granted as follows:

- (a) The City Manager may grant a leave without pay not to exceed one (1) calendar year.
- (b) Maternity Leave.

The term “maternity leave” refers to a leave of absence without pay because of pregnancy, childbirth, or related medical conditions. Pursuant to the Federal Pregnancy Discrimination Act (Pub. L. 95-555, 92 Stat.

2076 (1978) 42 U.S.C. 2000e), the rules and regulations issued pursuant thereto by the Equal Employment Opportunity Commission and Section 12945 of the California Government Code, the City Manager may grant a leave without pay not to exceed four (4) months for disability caused by pregnancy, childbirth, or related medical conditions. The City Manager may extend the leave up to eight (8) additional months.

The employee will give reasonable written notice of the need for maternity leave and her estimated duration of the leave.

Accrued vacation time (pursuant to Section 20) and accrued sick leave (pursuant to Section 22) may be used by the employee during the maternity leave.

(c) Family Leave.

Pursuant to the federal "Family and Medical Leave Act of 1993" (FMLA) and the California Family Rights Act (CFRA), the City Manager may grant a leave without pay for up to twelve (12) workweeks in a rolling twelve (12) month period for the care of an employee's spouse, child, or parent who has a serious health condition or the employee's own serious health condition that makes the employee unable to perform the functions of his/her position. The City Manager may authorize additional unpaid leave to increase the total leave without pay to one (1) calendar year. When the employee has requested a Medical Leave of Absence without Pay or Maternity Leave of Absence and Family Medical Leave simultaneously, FMLA leave shall run concurrently with such leaves.

Section 31. Right of Employee to Retain Position

When a leave of absence with or without pay is granted, it is with the definite understanding that the employee will be restored to the position vacated by him/her at the expiration of his/her leave.

Section 32. Temporary Changes in Work Schedules

- (a) General Rule – Temporary changes in work schedules shall be made whenever required. However, such changes shall be considered emergencies and emergency overtime rules shall apply whenever:

- (1) less than fourteen (14) hours advance notice is given to eight (8) hour, nine (9) hour, ten (10) hour, or twelve (12) hour shift employees; or
 - (2) less than forty-two (42) hours advance notice is given to Fire Department employees working a twenty-four (24) hour shift.
- (b) During the City's Annual Cleanup Campaign, the City may temporarily change the regular hours of work, on regular work days, of employees, upon 14 hours advance notice. Change in assignment for employees must be limited to shifts commencing up to one hour either prior to their regular shifts or up to one hour after the commencement of their regular shifts at straight time salary. Employees so assigned will work a nine (9) hour work day excluding unpaid time for meals. Any hours in excess of a regular (e.g., 9/80) schedule will be paid at the prevailing overtime rate.

Section 33.

This Resolution supersedes Resolutions Nos. 636, 3144, 3830, 4652, 7650 and amendments thereto.



ADMINISTRATIVE CODE

CMD NUMBER 33

CITY MANAGER'S DIRECTIVE-PROCEDURE

DATE: August 14, 2012

CANCELS: December 24, 1997

SUBJECT : EMPLOYMENT OF RELATIVES

POLICY : The City of Santa Clara does not discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of marital status. No employee, prospective employee, or applicant shall be improperly denied employment, a training program leading to employment, or benefits of employment on the basis of his or her marital status.

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, domestic partnership, or other marital state for the purpose of this anti-discrimination policy.

Immediate Family Members include the following:

1. Spouse
2. Parent
3. Sibling
4. Child

Spouse is defined as a partner in marriage as defined in California Family Code §300, or a registered domestic partner, as defined in California Family Code §297.

Notwithstanding the above provisions, the City of Santa Clara retains the right, in accordance with California Government Code §12940(a)(3) :

1. To refuse to place one immediate family member under the direct supervision or evaluation of the other immediate family member where such has the potential for creating adverse impact on supervision, safety, security, or morale.
2. To refuse to place both immediate family members in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interest. Immediate family members shall not be employed in the supervisory-subordinate relationship even if the familial relationship results from marriage after the employment relation was formed.

CMD NUMBER 33

3. To maintain or adopt bona fide health plans which provide additional or greater benefits to employees with dependents than to those employees without or with fewer dependents. Where such a bona fide health plan discriminates against individuals on the basis of marital status, benefits shall not be conditioned upon whether an employee is "head of household," "principal wage earner," "secondary wage earner," or other similar status.

No immediate family member of an active City Council Member, City Clerk, Police Chief, City Manager, City Attorney, City Auditor or another City Council-appointed employee, may become an employee of the City during the term of that Council Member, City Clerk, Police Chief, City Manager, City Attorney, City Auditor for the period of employment of the City Council-appointed employee.

No employee shall appoint, employ or participate in a hiring decision involving any immediate family member, nor use his or her position to influence another City employee to hire an immediate family member, in contravention of this policy.

All employees shall refrain from intervening in any employment matter involving an immediate family member and shall refrain from involvement in any employment matter which may be viewed as a conflict of interest.

City employees shall not directly supervise an immediate family member. The supervisor-subordinate relationship shall be interpreted to include all levels of supervisors within the chain of command, not just the immediate supervisor.

Cross Reference:

CMD 131 – Equal Employment Opportunity (EEO) Policy and Discrimination Complaint Procedure
California Government Code §12940
Santa Clara City Charter Section 900