

CITY OF EL SEGUNDO

PERSONNEL RULES AND REGULATIONS

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CITY OF EL SEGUNDO

PERSONNEL RULES

RULE 1. PURPOSE AND APPLICATION

These rules are intended to implement and supplement the Personnel Merit System Ordinance and the Classification and Salary Resolution in the establishment and maintenance of an equitable, efficient and uniform personnel program for the City. The rules shall apply to all regular and permanent officers and members of all departments of the City except those expressly excluded from the Personnel Merit System by Sections 2.28.030 and 2.28.040 of the "El Segundo Municipal Code." (Amended Res. 2434, 1972)

RULE 2. ADMINISTRATION

2.1 Personnel Officer

- (a) In the event that the City Manager delegates all or part of his powers and duties as Personnel Officer, as provided in Section 3 of the Personnel Merit System Ordinance No. 586 to another officer or employee of the City, such employee may be employed on a full-time or part-time basis. The position of Personnel Officer may be combined with any other position in the City service provided that the qualifications stipulated in Section 3 of the Personnel Ordinance are met.
- (b) The duties and responsibilities of Personnel Officer may be assumed entirely by the City Manager, entirely by another employee designated as Personnel Officer, entirely by an individual or agency with which the City contracts for their performance, or such duties and responsibilities may be divided among any combination of the foregoing.
- (c) The Personnel Officer shall establish and efficiently maintain in accordance with modern personnel practices all the necessary personnel records of the City including:

1. A roster of officers and employees.
2. An individual employment file for each current and former employee, containing all records, actions, and information related to his work history.
3. Complete position classification records.
4. Complete records of salary plans and schedules.
5. Complete records of each examination given, and the full results of each.

(d) The Personnel Officer shall prepare and submit an estimate for central personnel operations to the City Manager.

### RULE 3. DEFINITION OF TERMS

3.1 As authorized by Personnel Merit System No. 586, Section 25, the terms listed below whenever used in these rules shall have the following meanings:

1. ALLOCATION. The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
2. APPOINTING AUTHORITY. The City Manager as provided in Section 3 of the Personnel Merit System Ordinance No. 586.
3. BOARD OF APPEALS. The Los Angeles County Civil Service Commission.
4. CITY. The City of El Segundo
5. CITY COUNCIL. The City Council of the City of El Segundo.
6. CITY MEDICAL EXAMINER. A medical doctor designated by the City Manager to give and evaluate medical examinations.
7. CLASS. A group of positions sufficiently similar as to duties performed, to degree of supervision exercised and received, to minimum requirements of

education, experience or skill, and to working conditions and such other qualifications that the following may equally apply:

- (a) The same descriptive title may be used to designate each position allocated to the class;
  - (b) The same tests of fitness may be used to determine qualified employees;
  - (c) The same schedule of compensation may be applied to each position in the class;
  - (d) The same basic minimum qualifications may be required of all applicants.
8. CLASS SPECIFICATION. A written description of a class which distinguishes it from any other class in the classified plan and provides a guide for the allocation of all specified positions in the classified service to their proper classes.
9. CLASSIFIED SERVICE. All officers and employees of the City of El Segundo except those specifically eliminated in the Personnel Merit System Ordinance.
10. CONTINUOUS SERVICE. Employment without interruption except for approved leaves of absence or absence to serve in the Armed Forces of the United States, as provided by Section 395 of the Military and Veterans Code.
11. DEMOTION. A change in employment status from one position to another position having a lower maximum rate of pay or a change in duties which are allowable to a class having a lower maximum rate of pay.
12. DISCHARGE. The dismissal and/or separation from the classified service by the appointing authority for cause.
13. EFFICIENCY RATING. An evaluation given an employee on his work performance by his Department Head.
14. ELIGIBLE. The status of a person on an "eligible list," and therefore qualified for appointment by reason of having passed an appropriate merit system examination.

15. ELIGIBLE LIST. A list of names of persons who have passed a particular examination of the merit system for a particular class and who are ranked in order of their final scores.
16. EMERGENCY APPOINTMENTS. Temporary appointment not from an eligible list to a position in the classified service, not to exceed six months.
17. EXAMINATION. The process of testing, evaluating or investigating, and determining the fitness and qualifications of applicants. A medical examination shall be required in all entry level positions and may be required in other cases where deemed appropriate.
  - (a) Assembled examination: An examination conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.
  - (b) Unassembled examination: An examination consisting of an appraisal of training, experience, work history, or any other means for evaluating other relative qualifications of applicants without the necessity for their personal appearance at a specified place.
18. LAYOFF. Termination of employment of an employee or separation from a position without prejudice because of economy, lack of funds or lack of work.
19. MISCELLANEOUS EMPLOYEE. A full time employee of the classified service other than a Public Safety Employee.
20. OPEN COMPETITIVE EXAMINATION. An examination open to qualified applicants both within and outside the Classified Service.
21. PART TIME OR SEASONAL EMPLOYEE. An employee appointed to a position in the classified service who performs the duties of said position on a seasonal or part time basis but who shall not obtain permanent status.
22. PERMANENT EMPLOYEE. A full time employee having served satisfactorily in a position in the classified service for at least one year after appointment from a merit system eligible list.



23. PERMANENT APPOINTMENT. Appointment to a permanent position in the classified service from an eligible list after the satisfactory completion of the Probationary Period.
24. PERSONNEL OFFICER. The City Manager of the City of El Segundo or his designee.
25. POSITION. Any office or job (whether part time or full time, temporary or permanent, occupied or vacant) involving the performance of certain related duties by one officer or employee.
26. PROBATIONARY EMPLOYEE. An employee who has been appointed from an eligible list but who has not yet completed his probationary period.
27. PROBATIONARY PERIOD. A period after appointment to a position-the first twelve months of continuous service for all employees-during which an employee or officer is required to demonstrate his fitness for the position to which he is appointed by actual performance of the duties of the position.
28. PROMOTION. A change in status of an employee from a position in one class to a position in another class having higher duties and responsibilities, higher qualifications and a higher maximum rate of pay.
29. PROMOTIONAL EXAMINATION. An examination for a position in a particular class, admission to the test being limited to qualified employees in the classified service. Such examinations may be designated by the Personnel Officer as:
  - (a) Inter-departmental Promotional: Meaning open to all permanent employees in the City Service; or
  - (b) Departmental Promotional: Meaning open only to permanent employees in the particular department having the vacancy.
30. PUBLIC SAFETY EMPLOYEE. A Fire or Police safety employee, as defined by the State Employees Retirement System.
31. REINSTATEMENT. Reappointment after a break in service to a position in which status has been held.

32. REJECTION. Separation of an employee from the service during his probationary period.
33. RESIGNATION. Termination of employment initiated by an employee.
34. SENIORITY. Total amount of actual service in the classified service, excluding approved leaves of absence in excess of 30 days, but including leaves of absence for service in the Armed Forces of the United States.
35. SEPARATION. Leaving the classified service for any reason including resignation, discharge or dismissal, lay-off, a reduction in force, etc..
36. SERIES. Two or more classes in a particular field of employment representing the various levels of difficulty and responsibility; a ladder of promotional classes.
37. SUSPENSION. The temporary separation of an employee from the classified service for disciplinary purposes without pay.
38. TEMPORARY APPOINTMENT. An appointment by the authorized appointing authority of a person who meets the minimum qualifications for the class. Such appointment shall be for no longer than six (6) months in any one fiscal year.
39. TEMPORARY EMPLOYEE. An employee appointed to a position for a position for a period not to exceed six (6) months.
40. TRANSFER. A change of an employee within a department or between departments from one position to another position in the same class or another class having essentially the same maximum salary, involving the performance of similar duties and requiring substantially the same basic qualifications.

#### RULE 4. APPOINTMENTS

##### 4.1 Request to Fill Vacancies

Whenever a position is to be filled, the Department Head shall notify the Personnel Officer and make written request on the prescribed forms and providing such information as is required. The Personnel Officer shall advise the Department Head as to the availability

of persons for the position from existing eligibility lists.

#### 4.2 Eligible Lists

- (a) Priority for consideration for employment shall be given to the various employment lists in the following order: Re-employment lists; Promotional lists; Open competitive lists.
- (b) The re-employment list for any position shall consist of the names of permanent employees who have been laid off, for lack of work or lack of funds, from a position in the same class or an equivalent class to that in which the vacancy exists. Such names shall be placed on the re-employment list in reverse order of layoff. Employees whose positions have been reallocated to a lower class, but who have not been demoted for cause, shall also have their names placed on the re-employment list for the class from which their position was reallocated.
- (c) Promotional lists shall consist of the names of permanent employees who have been successful in a promotional examination for a higher class than that which they presently occupy. Departmental Promotional lists take precedence over Inter-Departmental Promotional lists.
- (d) Open competitive lists shall consist of the names of persons not employed by the City who have been successful in an examination, or of employees of the City who have passed the examination but have not yet attained permanent status in their present class, or in the case where an examination has been designated as open competitive only, the names of all passing candidates, whether permanent employees, nonpermanent employees or persons not employed by the City, shall be placed on the list in order of their scores.
- (e) Promotional lists and open competitive lists shall be created as a result of an examination as provided in these rules. The names of probationary employees who are laid off for lack of work or lack of funds may be restored to the same eligible list from which

the original appointment was made and in the same rank as when the original appointment was made if it is so requested by the Department Head.

#### 4.3 Certification from Employment Lists

When request for certification from an employment list has been received, certification shall be made in conformance with the following provisions:

- (a) If a re-employment list exists for the class, the highest name on such list shall be certified for each vacancy to be filled. Promotional and/or open employment lists shall not be certified if there are any names on the re-employment list for the class. The Department Head must accept the former employee certified or write specific reasons for rejection to the Personnel Officer. The Personnel Officer has the final authority in determining whether or not such a former employee will be rehired.
- (b) If there are no re-employment lists, then promotional lists will be used. If there are less than three (3) qualified names on the promotional list, the Department Head may request additional highest one or two names to be certified from the open competitive list if such list exists.
- (c) If no re-employment or promotional lists exist, the Personnel Officer shall certify to the Department Head from the open competitive employment list as prescribed in Section 5-B of the Personnel Merit System Ordinance No. 586.
- (d) No person shall be appointed to any Classified Service position unless that person has the qualifications for the position as set forth in the specifications for the class.
- (e) Employment lists shall expire at such time as the Personnel Officer shall determine, provided that:
  - 1. Names shall remain on the re-employment list for a period of not less than three

(3) years after separation from the City. (See Section 4.2(b)).

2. Promotional and open-competitive lists shall have an expiration date of one (1) year from their date of promulgation unless otherwise announced in the notice of examination or unless extended.

4.3.1 Lateral Entry

The position of police officer may be filled by either an individual from an open competitive or lateral entry list. A person employed as a peace officer by the State of California or any other state, county, city, or agency thereof, for a minimum of one year, who holds a Basic Certificate issued by the Commission on Peace Officer Standards and Training, or who can qualify for such certificate, may transfer to the El Segundo Police Department. Candidates will be required to pass a written entrance and one or more of the following:

- (a) Oral
- (b) Demonstration
- (c) Any evaluation of education, experiences, or skills, or any test of manual skills or physical fitness which fairly evaluates the relative capacities of the applicant.

Lateral entry applicants must pass all other requirements of the position of police officer, including but not limited to successful completion of psychometric evaluation, polygraph, background check, interview with the Chief of Police and physical examination.

Lateral entry appointments shall be made by the appointing authority from eligible candidates who have successfully completed all steps of the entry evaluation. If there is both an open competitive and lateral entry list for police officers, either the lateral entry or the open competitive list may be certified to the appointing authority.  
(Amended Res. 3686, 1991.)

#### 4.4 Temporary Appointments

It shall be the policy of the City to require all department heads whenever possible to notify the Personnel Officer of impending or anticipated vacancies in their departments sufficiently in advance so as to allow the establishment of an appropriate eligible list. However, when the demands of the service are such that it is not practicable to give such notification and when no employment list or appropriate combination of lists with three or more names is available except re-employment lists, and if it is not practicable to delay appointment until a new employment list can be prepared and certified, the Department Head may, with the approval of the applicant, recommend provisional appointment of said applicant to the position. As soon as practicable after a provisional appointment has been made, the personnel officer shall cause an examination to be prepared and all positions filled provisionally shall be filled by an appointment from an employment list.

#### 4.5 Reinstatement

The Department Head may, with the approval of the Personnel Officer, reinstate any person who has resigned in good standing from a position in a class in which he had permanent status, provided that such reinstatement is accomplished within one (1) year of the date of resignation. Such reinstatement action may, at the discretion of the Department Head and approval of the Personnel Officer take precedence over any employment list except a re-employment list. Any person so reinstated shall be subject to a new probationary period of the same length as established for new appointees to a position in the class and to the provisions of Rule 10, Section 1, of these rules.

A resignation in good standing shall be construed as a resignation in which the Department Head made recommendation for rehire at the time of such resignation.

#### 4.6 Temporary, Emergency, Seasonal, Intermittent, Part-Time Appointments

A temporary appointment is limited to six (6) months or less and is not normally made from an existing eligible list.

Appointments of the categories stipulated in the title of this section may also specifically apply to positions which are less than full-time and/or not permanent in nature. Such appointments may but need not be made from eligible lists. Any person on an eligible list who accepts employment in one of the said categories shall nevertheless retain eligibility for a full-time permanent position in the class for which he has eligibility.

4.7 Fingerprinting

No person shall be granted an appointment of any category in the service of the City who has not placed a copy of his fingerprints on file with the Police Department. The Chief of Police shall provide reports concerning the outcome of all such fingerprint clearances to the Personnel Officer.

4.8 Loyalty Oath

All City employees are required to sign a loyalty oath as prescribed by the State Government Code Sections 1360, 1362, 1363, 1367, 1368 and 1369.

RULE 5. NOTICE OF EXAMINATIONS

5.1 Posting of Open Examination Notice

Notice of date, time, place and general scope of every open examination shall be posted by the Personnel Officer in a conspicuous place. Such posting shall be not less than two (2) weeks prior to such examination, at the City Hall, at the office of the appropriate department, and at such other places as the Personnel Officer deems appropriate. If the time and place of the examination are not listed and the notice of examination is changed, each applicant shall be notified five days in advance by personal letter or telephone call.

5.2 Posting of Promotional Examination Notice

An announcement of date, time, place and general scope of promotional examinations shall be posted by the Personnel Officer in such places as specified in Rule 5.1 not less than thirty (30) days prior to posting of "Notice of Examinations" at the end of which thirty (30) day period, the plan for examination will be submitted to the City Council for approval if such has not already been approved.

Suitable and effective methods of distributing information relative to job openings and securing the most qualified candidates available for competition shall be practiced. The examination bulletin shall contain all information of importance in the consideration of potential applicants.

## RULE 6. APPLICATIONS AND APPLICANTS

Official application forms shall be available in the Office of the Personnel Officer and at such other places as will facilitate effective recruiting. Any person who requests an application form shall be given one.

### 6.1 Basic Requirements of Applicants

- (a) No requirements as to residence in the City shall be made for any candidate at the time of his application, notwithstanding the fact that residence with the City or any adjacent area may, at the discretion of the Council, be required of a permanent employee of the City.
- (b) Both men and women may apply for any examination announced, except if the class be determined by the appointing authority as requiring either a man or a woman, the examination bulletin shall so state the sex required.
- (c) The Personnel Officer may require applicants to furnish such evidence of good character, temperate habits, sound health and physical ability to perform successfully the duties of the position applied for as he may deem necessary.
- (d) All employees at the time of employment and while employed must have a good credit rating and maintain a favorable record of payment of personal obligations.
- (e) The hiring of relations of presently employed permanent personnel is permissible but subject to all conditions for hiring as called out in these rules and regulations. Employment of relatives, however, will not be authorized within the same department of the City.



6.2 Disqualification of Applicants by Personnel Officer

(Deleted by City Manager in Accordance with Supreme Court Ruling, 1969)

6.3 Disqualification of Applicant by Personnel Officer with Approval of City Manager

The Personnel Officer, with the approval of the City Manager, may disqualify an applicant either before or after the applicant has been examined for any of the following causes:

- (a) That he is physically unfit for the performance of the duties of the position to which he seeks appointment.
- (b) That he has been adjudged guilty of any violation of a penal ordinance or statute or of infamous or disgraceful conduct.
- (c) That he has made any false statement or omission of any significant material fact, or practices, or attempted to practice any deception or fraud in his application, examination or appointment.
- (d) That he is addicted to the use of intoxicating liquors or to the use of harmful narcotics or drugs.
- (e) That he has been dismissed from any public service for inefficiency, delinquency or misconduct.
- (f) For any material cause which in the judgment of the Personnel Officer and City Manager, would render the applicant unfit for the particular position for which the application is filed, including a prior resignation from the City service accepted with prejudice.

6.4 Notice of Rejection

Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Officer, who shall upon the applicant's request, state the reasons for such rejection.

6.5 Incomplete or Defective Applications

Incomplete or defective applications shall be returned to the applicant for amendment. Such applications may be accepted provided the time limit for receiving applications has not expired at the time the application is returned by the applicant. At his discretion, the Personnel Officer may accept such applications after the final date for filing, upon submission of a request giving a reasonable explanation for the delay.

RULE 7. EXAMINATIONS

7.1 Responsibility to Examine

The Personnel Officer shall be responsible for the conduct of examinations for classes of positions within the City's service.

The City Council may, upon recommendation by the City Manager, contract with any responsible personnel agency for the performance of such technical examining services as may be desired.

7.2 Need for Examinations

The Personnel Officer shall determine when examinations are necessary. If there is a vacancy or one is anticipated, or if a temporary appointment is made, an examination will be conducted as soon as practicable to establish or supplement an employment list.

7.3 Subject and Methods of Examinations

The examination content shall be determined or approved by the Personnel Officer, and at his discretion, the method of examining applicants may include one or a combination of the following techniques:

- (a) Assembled
- (b) Unassembled
- (c) Written
- (d) Oral
- (e) Demonstration
- (f) Physical agility

- (g) Any evaluation of education, experience, or skills, or any test of manual skills or physical fitness which, fairly evaluates the relative capacities of the applicants.

#### 7.4 Physical

A medical examination may be required and when such is required, it shall be made at the City's expense by a duly licensed physician designated or approved by the City Manager.

#### 7.5 Lists to be Established by Examinations

The following lists may be established by examinations and shall be so stated in the announcement of the examination:

- (a) Departmental Promotion
- (b) Inter-Departmental Promotion
- (c) Open Competitive

#### 7.6 Conduct of Examinations

The Personnel Officer shall determine or approve the manner and methods of preparation of examinations, and by whom they are to be administered. The identity of persons taking written examinations shall not be disclosed until after the examination papers of all applicants are marked and a passing score established.

#### 7.7 Qualifications Appraisal Board

In examinations where appropriate, the education, experience, personal qualifications and other pertinent information about the candidates may be evaluated by a Qualifications Appraisal Board. If possible, at least one of the members shall be technically familiar with the character of the work in the position for which the applicant will be examined. The weight to be given the evaluation of the above shall be determined by the Personnel Officer.

#### 7.8 Rating

Sound measurement techniques and procedures shall be used in rating the results of tests and in determining the relative ranking of the candidates. At the discretion of the Personnel Officer, failure on any part of an examination may be grounds for declaring

that the applicant has failed the entire examination, or that he is disqualified for subsequent parts of the examination. When this procedure is used, notice shall be given in the examination announcement. The Personnel Officer may also designate any part of an examination as qualifying only, and no numerical weight need be assigned to passing scores in said part.

7.9 Written Test Review by Candidate

- (a) For a period of five working days immediately following the date of the written examination, candidates may inspect a keyed copy only of the examination and submit written protests to the Personnel Officer on any items or parts of the examination.
- (b) The above paragraph notwithstanding, inspection keys will not be provided for form, standardized or copyrighted tests, or essay or problem tests not subject to scoring by an absolute standard.
- (c) The inspection time allowed a candidate will not exceed one-half the amount of the time originally allowed to answer the questions during the administration of the examination. During key inspection a representative of the personnel office will be present to assure that the candidate takes brief notes only regarding any test materials. The candidate may protest any item or group of items or the whole test on the basis of either inappropriateness or inaccuracy.
- (d) Within this review period a candidate may submit a written protest or objection to any items in the examination. Protests should cite authorities or references in support and/or reason for challenge to keyed item in sufficient detail to enable the Personnel Officer to understand the objection and to complete any research which is necessary to evaluate the soundness of the protest. Protests based purely on personal opinion without cited authority may not be entertained by the Personnel Officer.
- (e) Upon the receipt of test or item protests, the Personnel Officer or examination agency shall review the basis for the protests, consulting with subject authorities as

appropriate, and make a determination that the items shall stand as keyed, be eliminated from the test, or that the key be modified. The test shall be scored or rescored accordingly. In any case, the protestants shall be notified of the Personnel Officer's decision.

- (f) Normally, scoring of written tests will not be completed pending disposition of protests. As the needs of the service may require to fill vacancies from employment lists, tests may be scored and other parts of the examination, certification and appointment process completed prior to receipt of or answer to protests. Appointments so made are not subject to legal deficiency even if subsequent test rescoring should alter the rank order of the employment lists.
- (g) Inspection of a candidate's answer sheet or booklet, which is for the purpose of detecting whether any clerical or other error has been made in the scoring of the booklet, shall be allowed for a thirty-day calendar period immediately following the notification to the candidate of examination results. Candidates will be supplied with a keyed answer sheet but are not allowed to review the question booklet during this inspection period. Not more than one hour will normally be allowed for this review during which time a representative of the personnel officer shall be present to assure that no changes or marks of any kind are made by the candidate on his answer booklet or the keyed answer booklet.

#### 7.9.1 Notice of Examination Results

Each candidate in an examination shall be sent written notice of the results of such examination and, if successful, of his final earned score and rank on the employment list.

### RULE 8. PROMOTIONS

#### 8.1 Promotional Examinations Designated

All examinations which are to be held on either promotional only, both Departmental and Inter-

Departmental, or on both an open and promotional basis shall be so designated on the examination bulletin.

## 8.2 Eligibility for Promotional Examinations

- (a) Any employee having permanent status in the City service shall be eligible to compete on a promotional basis in the Inter-Departmental promotional examination provided that he meets the requirements of the class for which the examination is held.
- (b) Notwithstanding the provisions of paragraph (a) of this subsection, police officers hired by lateral entry shall not be eligible for promotional examinations until they have been employed by the City a minimum of two years and meet the total experience, performance, and educational requirements of the promotional position. (Amended Res. 2434, 1972)

## RULE 9. ESTABLISHMENT AND THE USE OF EMPLOYMENT LISTS

### 9.1 Preparation of Employments Lists

Upon completion of scoring of the examination, the names of the applicants shall be listed by the Personnel Officer in the order of the total weighted scores, with the highest first. If the examination was given on both a promotional and open competitive basis, two lists shall be formed. In case of tie scores both applicants shall receive similar treatment which shall include certification at the same time, notwithstanding that such action may require an exception to any of these rules pertaining to numbers of persons certified.

### 9.2 Duration of Employment Lists

Employment lists shall become effective upon the Personnel Officer's certification that the lists were legally prepared and represent the relative ratings of the applicants whose names appear thereof.

Employment lists shall be effective for a period of one year from the date of their establishment, provided that the City Manager may, upon request of the Personnel Officer, extend the period not to exceed twelve (12) months. At the request of the Personnel Officer or on his own motion and for cause, the City Manager may abolish an employment list at any time

before the expiration of the one year period and request a new examination and the preparation of a new employment list for any class or position.

9.3 Combination of Lists

The City Manager may, upon request of the Personnel Officer, combine successive employment lists when insufficient names make such combinations desirable. Eligibles on employment lists for the same class of position shall be placed in the order of their relative ratings on the merged employment list.

9.4 Removal of Names from Employment Lists

- (a) On evidence that the eligible applicant cannot be located by postal authorities. Failure to reply within five (5) days to a letter requesting information as to availability for appointment, or failure to notify the Personnel Officer of any change of address resulting in the return of letters without forwarding by the United States Post Office will be considered. With such evidence, on submission of a request therefore giving acceptable reasons as to why the notice was not returned or change of address not filed, the City Manager may restore the name of an eligible to the employment list.
- (b) Upon receipt of a written statement from the eligible applicant declining appointment and stating that he wishes his name to be removed from the employment list.

9.5 Availability of Eligibles

It shall be the responsibility of eligible applicants to notify the Personnel Officer in writing of any change of address or other change affecting availability for appointment. The Personnel Officer may circularize employment lists or use other methods to determine the availability of eligibles and may indicate the conditions under which appointment may be offered. Eligible applicants who do not indicate willingness to accept employment under the offered conditions will be removed from the list.

## RULE 10. PROBATIONARY STATUS

### 10.1 Probationary Periods

Any person regularly appointed to a position in the classified service shall be placed on probation for a period of one year. The probationary period shall not include the time served under any temporary appointment, but shall date from the time of appointment to a permanent position after certification. Periods of time on leaves totaling more than thirty (30) calendar days, for any reason, shall not be counted towards completion of the probationary period.

10.2 (Deleted per City Attorney, 1974).

### 10.3 Performance Reports

Within ten (10) days prior to the completion of every three (3) months during the probationary period, the Department Head shall furnish the Personnel Officer with a report as to the progress and capacity of the probationary employee, a copy of which shall also be furnished to the probationer.

If recommendation is made for rejection of the probationer by the Department Head he shall furnish a written report of his reasons for said action to the Personnel Officer.

## RULE 11. TRANSFER

### 11.1 Process

With the approval of the Personnel Officer, an employee may be transferred by the Department Head from one position to another position in the same class or a comparable class at the same salary level. If such transfer involves a change from the jurisdiction of one Department Head to that of another, both must consent thereto before the action shall be considered effective.

### 11.2 Notification

Whenever possible an employee being considered for transfer shall be notified of same thirty days in advance of the effective date of such contemplated transfer and his wishes with respect to this action shall be taken into account to whatever extent



practical, consistent with the interest of efficient operations of the department concerned.

RULE 12. LEAVES OF ABSENCE

12.1 Payment and Accrual of Benefits:

Industrial Injury. Employees absent due to industrial injury shall:

- (a) Be paid for all holidays occurring during the time they are on payroll.
- (b) Accrue sick leave.
- (c) Accrue vacation.
- (d) If the employee does not return to work, vacation time accrued prior to date of injury and vacation accrued during absence on industrial injury will be paid.

12.2 Leave of Absence Without Pay:

- (a) Approved leaves of absence shall not be considered a break in service and benefits accrued at the time the leave is granted shall be retained by the employee.
- (b) Employees granted leaves of absence without pay of thirty days or less shall continue to accrue vacation and sick leave, and the time shall count toward longevity.
- (c) Employees granted leaves without pay of more than thirty days but less than ninety days will not accrue vacation or sick leave. Time spent on such leaves will count toward service for the purposes of step increases and longevity.
- (d) Employees on leave of absence without pay for more than ninety days will not accrue vacation or sick leave. Time spent on such leaves shall not count toward service for purposes of step increases or longevity. Any employee returning from such leaves shall receive the same step in the appropriate salary range he received when he began the leave. The employee's anniversary date shall be advanced one month for each 30 calendar

days taken. (Rule 12 added by City Manager Directive, 1970).

**RULE 13. LEAVES OF ABSENCE WITHOUT PAY**

**13.1 Unauthorized Absence - Automatic Termination**

Any employee absent from his position for more than five (5) working days without prior permission of his department head may be considered to have automatically terminated his employment with the City. Such termination shall be final unless said employee furnishes satisfactory reason upon his return for not having obtained prior permission. A second unauthorized absence within two (2) years, regardless of the number of days will be grounds for immediate dismissal.

**13.2 Unauthorized Absence - Other Disciplinary Action**

Any unauthorized absence may be cause for disciplinary action as provided in Rule 14.

**13.3 Authorized Absence**

- (a) Upon the request of the employee and the recommendation of the Department Head and City Manager, a leave of absence without pay may be granted as stated below to an employee. An employee shall not be entitled to a leave of absence as a matter of right but only upon good and sufficient reason.
- (b) Request for leave of absence without pay shall be made as prescribed by the Personnel Officer, and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return. The Personnel Officer shall then make his recommendation and transmit the request to the City Manager. A request for a leave of thirty (30) calendar days or less during any fiscal year, may be approved by the City Manager upon recommendation of the Department Head.
- (c) A leave of absence without pay may be granted by the Council for a period not to exceed one year, provided that the City Council may extend such leave for an additional year.

- (d) Failure of the employee to return to his employment upon the termination of any authorized leave of absence shall constitute a separation from service of that employee unless such leave be extended by order of the Council.
- (e) The Council reserves the right to revoke or cancel any authorized leave for reasons which said Council finds to be sufficient.
- (f) Nothing herein contained shall limit or prevent the Council from granting a military leave of absence without pay for an indefinite period of time to any employee who is called into active military service.
- (g) Nothing herein contained shall limit or prevent the Council from granting a leave of absence without pay for an indefinite period of time to any employee who is injured on the job, or has a serious illness.
- (h) Leave of absence without pay granted by the Council shall not be construed as a break in service or employment, and rights accrued at the time the leave is granted shall be retained by the employee; however, vacation credits, sick leave credits, increases in salary and other similar benefits shall not accrue to a person granted such leave during the period of absence.

An employee reinstated after leave of absence without pay shall receive the same step in the salary range he received when he began his leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each thirty (30) consecutive calendar days taken. (Added by City Manager directive, 1967).

- (i) Requests for leaves of absence without pay due to pregnancy and childbirth shall be treated the same as requests for leaves due to other causes of disability, and shall be processed so as to comply with the 1978 amendment to Title VII of the Civil Rights Act of 1964 (also known as the Pregnancy Discrimination Act) and California Labor Code

Section 1420.35. Specifically, no female employee shall be refused a leave of absence for pregnancy, childbirth, or related medical conditions for a reasonable period of time, which period shall not exceed four months. The employee also shall be entitled to utilize any accrued vacation leave or sick leave during that period of time. An employee requesting leave of absence without pay due to pregnancy or childbirth shall provide a reasonable notice of the date such leave is to commence and an estimated duration of the leave.

An employee may return to work after maternity leave to a like position providing a position is available and she presents to the Personnel Department a physician's statement attesting to her physical condition and ability to return to work. If no position is available for which this employee is capable of assuming, her name shall be placed on a re-employment list for the class of position which she held and retained on this list for a period of one year.

Employees granted maternity leave as per above are eligible for maternity and obstetrical benefits as stated in the Group Health Insurance Plan.

An employee on leave of absence without pay does not accrue sick leave or vacation time while on leave.

An employee who does not return to work upon the expiration of her specified absence will be considered as having resigned.

## RULE 14. DISCIPLINARY ACTIONS

### 14.1 Cause and Extent

Disciplinary measures may be taken for any good and sufficient cause. The extent of the disciplinary action taken shall be commensurate with the offense provided that the prior employment history of the employee may also be considered pertinent. These measures shall apply to all employees including those still serving their probationary period.

## 14.2 Kinds of Actions

The disciplinary actions that may be taken are dismissal, demotion without consent, suspension without pay, reduction in step within range, warning, or any appropriate combination of these.

- (a) Dismissal means the discharge of an employee from the City service on the initiation of the Department Head.
- (b) Demotion without consent as a disciplinary action shall be a reduction in classification or rank to a lower classification or rank, reduction in salary as provided in Ordinance 586, Section 12. Demotion without consent may be made to the lowest classification or rank in the series of classes or a related series to that within which the class is located. Demotion may be made on a temporary basis or until such time that future advancement is earned.
- (c) Suspension without pay shall be a temporary separation from City service and as provided in Section 12, Ordinance 586, Personnel Merit System.
- (d) Reduction in step within range as a disciplinary measure is the withdrawal of increments granted for merit, efficiency and length of service. The maximum reduction in pay that may be given for any one disciplinary action shall be two (2) steps within the range for that class. Reduction in pay shall become effective on the first of the month following the effective date of the disciplinary action. Reduction may be made on a permanent or temporary basis.
- (e) Warning as a disciplinary action means an official notification of the employee that there is cause for dissatisfaction with his services and that further disciplinary measures may be taken if said cause is not corrected. Official warning shall be given in the manner and on forms prescribed by the Personnel Officer. Warning notices shall be made a part of the employee's official personnel record and may be considered as pertinent evidence of information in any

appeal hearing. Warning notices are not subject to appeal.

#### 14.3 Effective Date

A disciplinary action shall be effective as of the time designated by the person or persons authorizing the action, provided that no disciplinary action may be given an effective date which is prior to the date such action is taken.

#### 14.4 Disciplinary Action - Authority to Take

The City Manager shall have authority to take disciplinary action within the provisions set forth in the Personnel Merit System, Chapter 2.28 of the El Segundo Municipal Code.

Department Heads and their subordinates are authorized to issue warning of unsatisfactory service to employees when indicated.

The Personnel Officer shall be notified of any contemplated disciplinary action prior to the time it is taken provided that in emergency situations or other instances when prior notification is not practicable the Personnel Officer may be notified as soon as possible subsequent to the time the action is taken.

Prior to making a final decision to take disciplinary action involving suspension for more than five days, demotion, dismissal, or reduction in pay, the City Manager shall give written notice of the proposed action to the concerned employee. The notice shall include a statement of reasons that a disciplinary action is being proposed and shall include a copy of the charges being considered by the City Manager. A written notice delivered to the employee's last known address shall constitute adequate notice.

After being given a reasonable opportunity to review the charges and the documents and materials on which the proposed disciplinary action is based, the employee shall be given the opportunity to respond to the City Manager either orally or in writing. A reasonable opportunity to review shall mean at least five days. The City Manager may extend the review period to as long as ten days if the charges and supporting materials are complex or if the circumstances require additional time for preparation.

The City Manager is authorized to place any employee on leave of absence without loss of pay at any time that a Department Head or the city Manager is considering charges against such employee.

In an emergency or other instance when it is not practicable to obtain prior approval of the City Manager, a Department Head may place an employee on leave of absence without loss of pay. In such instances notification shall be given to the City Manager the following working day. (Amended Res. 2681, 1976).

#### 14.5 Notice to Employee

- (a) Prior to making any final decision to recommend disciplinary action to the City Manager the Department Head shall, whenever practicable, meet informally with the concerned employee and explain to the employee the reason for the action proposed to be recommended to the Personnel Officer and give the employee an opportunity to respond to the Department Head concerning the matter.
- (b) A permanent employee in the Classified Service or an employee in his or her probationary period shall be given written notice when any disciplinary action is made effective, provided that in emergency situations or other instances when simultaneous notification is not practicable, notification may be given the following working day.
- (c) Notices shall, whenever practicable, be made on forms prescribed by the Personnel Officer and copies shall be submitted to the Personnel Officer for his record as required. (Amended Res. 2681, 1976).

#### RULE 15. EMPLOYEE APPEALS FROM DISCIPLINARY ACTIONS

- (a) Any permanent employee in the Classified Service who has been suspended for a period of six (6) days or more, demoted, dismissed, or reduced in pay shall have a period of ten (10) days following written notification in

which to file an appeal or answer the charges.

- (b) The employee shall forthwith be given in said written notification a statement of the extent and nature of any disciplinary action and a full explanation of the reasons for the action including specific information as to time and place of incidents.
- (c) Each disciplinary action shall automatically be given administrative review by the City Manager, immediately after the written notification, and the City Manager may countermand the disciplinary action or modify the discipline imposed prior to any hearing as hereinafter provided.
- (d) Appeals and requests for hearings shall be filed with the City Manager, and then immediately referred to the Los Angeles County Civil Service Commission or City Council, as the case may be.
- (e) The Commission shall have the right to refuse to hold a hearing in any case in which the appellant fails to present sufficient grounds to warrant hearing.
- (f) Procedures for all hearings to be conducted by the County shall be in accordance with Rules of the Los Angeles County Civil Service Commission.

**RULE 16. GROUNDS FOR DEMOTION, SUSPENSION AND DISCHARGE**

16.1 No person in the Classified Service shall be demoted, suspended or discharged from his position except for the reasons as stated in the Personnel Merit Ordinance No. 586, Section 13.

**RULE 17. REIMBURSEMENT FOR LOSS OF PAY**

17.1 Reimbursement for loss of pay due to disciplinary action which is subsequently revoked or modified shall be made to an employee, but only to the extent of such modification, if any. Any additional salary or wages received from other employment performed during the normal work schedule period of the employee shall be deductible from any City compensation payable under this section.



## RULE 18. GRIEVANCE PROCEDURE

### 18.1 Establishment

In accordance with Section 13 of the Personnel Merit System Ordinance these procedures are established in order to provide adequate opportunities for City employees to bring forth their views relating to any unfair or improper aspect of their employment situation and to seek correction thereof.

### 18.2 Scope and Limitations

The procedures set forth in Rule 13 of these rules shall apply to all employee grievances except where other methods have been specifically prescribed in the Personnel Ordinance and in these rules such as in the matters of dismissal, demotion, or reduction in step within the range.

### 18.3 Procedure

- (a) In any instance of grievance the employee or employees concerned shall first make efforts to resolve such grievance with their immediate supervisor.
- (b) In the event such efforts as are specified in (a) are not productive of a mutually satisfactory solution the employee or employees aggrieved may reduce to writing their complaint. Said complaint shall set forth all the facts necessary to understanding of the issues involved, and it shall be free from any charges or language not germane to the real issue involved.

The grievance complaint shall be signed by the employee or employees and shall be submitted in three (3) copies to the Department Head.

- (c) The Department Head will make such investigation of the facts and issues as is required and will reach a conclusion at the earliest date consistent with the nature of the investigation and with normal conduct of the department's business. Upon reaching such conclusion, but in any event within five (5) working days of the receipt of the grievance statement, the Department Head

shall reply in writing, stating the department's view on the issue involved.

- (d) If the employee wishes to discuss the grievance further, he shall, within two (2) working days of the receipt of the Department Head's reply, so notify the Department Head. The Department Head shall then notify the Personnel Officer of such request and shall submit two (2) copies of the original grievance complaint together with two (2) copies of his reply to the Personnel Officer.
- (e) The Personnel Officer shall then at the earliest possible time, arrange a meeting of the employee, the Department Head, and himself. At such meeting discussion shall be limited to the issues raised in the grievance complaint and an earnest effort shall be made to arrive at a satisfactory resolution of the issue. Such notes and memoranda shall be made of the substance of the issues and conclusions of the meeting as the Personnel Officer deems are required.
- (f) If no final agreement is reached at the meeting, the employee may within two (2) working days request a meeting with the City Manager.

If he wishes to make such request he shall make it in writing in three copies to the Personnel Officer and it shall include a comprehensive statement of any issues that are still in dispute and the specific basis upon which the employee takes issue with the position of the Department Head.

- (g) The Personnel Officer shall then at the earliest possible time arrange a meeting of the employee, the Department Head, the City Manager and himself.

The conclusions and findings of this meeting shall be reduced to writing and shall be final except that in cases, and only in such cases, which involve the alleged violations of the Personnel Ordinance, the Classification and Salary Resolution, or the Personnel Rules, the employee may by written notification to the Personnel Officer within two (2) working days request submission of

the issue to the City Council, stating specifically the paragraphs and subparagraphs of the Ordinance, Resolution or Rules which he alleges are being violated. Provided, however; that for employees represented by the El Segundo Firemen's Association, at the conclusion of the meeting of the employee, the Department Head, the City Manager, and the Personnel Officer, the conclusions and findings of this meeting shall be reduced to writing and shall be final except that in cases, and only in such cases, which involve the alleged violation of the Personnel Ordinance, the Classification and Salary Resolution, the Personnel Rules or a Memorandum of Understanding, the employee may by written notification to the Personnel Officer within two (2) working days request submission of the issue to the Los Angeles County Civil Service Commission, stating specifically the paragraphs and subparagraphs of the Ordinance, Resolution, Rules or Memorandum of Understanding which he alleges are being violated. (Amended Res. 2500, 1973)

- (h) The Personnel Officer shall then submit said request, together with copies of all the pertinent forms, documents, and materials concerned, to the Los Angeles County Civil Service Commission, or City Council as the case may be, to review all such evidence and information as it relates to the specific violation alleged by the employee.
- (i) Notwithstanding any provision in the section, any time limit or state of procedure specified in this section may be waived upon consent of all parties involved.
- (j) Employees represented by the El Segundo Firemen's Association may be represented by persons of their choice at meetings with the Personnel Officer, City Manager or Los Angeles County Civil Service Commission. (Amended Res. 2500, 1973).
- (k) Notwithstanding the provisions of paragraph (g) of this subsection, any employee represented by the El Segundo City Employees Association who chooses not to submit the issue to the Los Angeles County Civil Service

Commission in accordance with paragraph (g) may use the following alternate procedure:

1. Within seven working days the grievant must submit in writing a request for advisory arbitration of the dispute.
2. The grievant (or designated representative) and the City Manager (or his designee) shall first attempt to agree upon a hearing officer. If no agreement can be reached, they shall request the State Conciliation Service to supply a panel of five names of persons experienced in hearing grievances for public employees. Each party shall alternately strike a name until only one name remains. The remaining panel member shall become the advisory hearing officer.
3. The fees and expenses of the hearing officer shall be borne equally by the City and the grievant. All other expenses shall be borne by the party incurring them.
4. The advisory arbitrator shall, as soon as possible, hear evidence and render a decision on the issue or issues submitted to him. If the parties cannot agree upon a submission agreement, the hearing officer shall determine the issues by referring to the written grievance and the answers thereto each step.
5. After a hearing, and after both parties have had an opportunity to make written arguments if so requested, the arbitrator shall submit in writing to all parties his findings and recommendations, which shall be advisory in nature only. (Amended Res. 2635, 1975).

RULE 19. LAYOFF

19.1 Intent of Procedure

- (a) Public interest may require elimination or curtailment of a public service activity which may therefore require the layoff of one or more employees. The following procedure is intended to provide primary consideration to seniority of service. In implementation, the layoff procedure is comparable to the "reverse" of the employment procedure, allowing the appointing authority discretion to select one from three persons subject to layoff.
- (b) No member shall be dismissed because of the discontinuance of the particular office or position held by him, but employees dismissed because of curtailment of expenditures, reduction in force, and for like causes, shall be the last employee or employees, including temporary appointees, that have been appointed to the respective department, until such reductions necessary shall have been accomplished. Vacancies to be filled in the lowest class or rank, resulting from such removal, shall be filled from the last employee or employees that have been appointed to the next higher class or rank, and their places likewise filled under proper distribution has been accomplished; provided further, that in the event said department shall again be increased in numbers, said men dismissed, or reduced in class or rank, under the terms of Section 8B of this Ordinance, shall have the privilege of being re-employed before any new appointments to said department shall be made. Any layoffs in accordance with this Section shall not be subject to appeal and hearing. Any willful violation hereof, or violation through culpable negligence, shall be sufficient ground to authorize the discharge of any officer or employee.

## RULE 20. REPORT OF PERFORMANCE

### 20.1 Policy

It is the policy of the City that regular reports be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is declared to be the responsibility of the City Manager, the department heads and their subordinate supervisors that these ratings be made. It is also declared that it is the responsibility of the Personnel Officer to provide and prescribe the forms and procedures to be used in such reports of performance and to assist in the training of supervisory personnel of the City so that the program of performance reporting will be carried on in a sound and effective manner.

### 20.2 Time for Reporting

- (a) Reports shall be prepared for probationary employees as specified in rule 10.3.
- (b) A report for a permanent employee shall be prepared twice a year and submitted to the City Manager January 1 and July 1 provided that the employee may in addition be given a report of performance at any other time during the year upon his own request and/or at the discretion of the reporting officer and provided further that any employee who has been rated "below standard" or "unsatisfactory" shall be reported on again three (3) months from receiving such rating and again three (3) months subsequent to that.

### 20.3. Authority to Make Reports

The Department Head shall have the authority to prepare reports of performance. He may, however, delegate said authority to such subordinate supervisory employees as are most familiar with the work of the employees to be reported on, provided that he shall review and approve all performance reports of personnel under his jurisdiction.

### 20.4 Review with Employee

It is acknowledged that one of the prime benefits of a sound performance rating system is that it

brings together the employee and his supervisor in a frank and constructive discussion and appraisal of the employee's work and the specific ways in which it may be improved. Therefore, each performance report shall be thoroughly discussed with the employee with this view in mind. The employee shall sign the report to acknowledge its contents. Such signature shall not necessarily mean he fully endorses the contents of said report.

20.5 Distribution of Reports

Reports shall be prepared in three (3) copies. After review and approval of the Department Head, one (1) copy shall be retained by him for his files, one (1) copy shall be returned to the employee, and one (1) copy shall be transmitted to the Personnel Officer. Such copy shall be made a part of the employee's employment history.

20.6 Effects of "Below Standard" and "Unsatisfactory" Ratings

- (a) Any employee who receives an "unsatisfactory" or "below standard" rating will not be eligible to participate in any promotional examination until satisfactory rating is established.
- (b) Any employee who receives an "unsatisfactory" rating will not receive any merit or length of service increment during the period following the report in which the "unsatisfactory" rating is effective. The same shall apply for any employee upon receipt of a second consecutive "below standard" rating. If an employee receives one "below standard" or "unsatisfactory".
- (c) In any case where an employee is rated "unsatisfactory" on two (2) consecutive occasions, or "below standard" on three (3) consecutive occasions, further disciplinary action shall be taken by the Department Head as provided for in these rules.
- (d) Rating shall be the average or composite result of all the items of the Individual Appraisal of Performance and Employee Service Rating reports.

#### 20.7 Protests of Ratings

In any case of protest to a report of performance, the provisions of Rule 18 shall apply.

#### 20.8 Follow-up Reports

As provided in Section 2, paragraph (b) of this rule additional reports at three (3) month intervals shall be prepared for any employee receiving an "unsatisfactory" or "below standard" rating. If said employee improves his performance to such an extent that the appointing authority believes it is justified, he shall indicate the improvement on the report of performance form and may specifically recommend the restoration of any merit increment withheld under the provisions of this rule. Such restoration to be effective at a subsequent date shall be made, however, only on the specific recommendation of the Department Head and with approval of the City Manager.

#### 20.9 Acceptance of Gratuities

Officers and employees of the City are enjoined against accepting any form of gratuity from any person with whom they are transacting or have transacted City Business on behalf of the City of El Segundo. By this, all personnel are admonished not to accept anything of value, where such transfer of value can be construed as a favor or as an inducement in any manner affecting their decisions in the discharging of City business.

### RULE 21. PHYSICAL REQUIREMENTS

#### 21.1 General

The City may require that all applicants and employees be in good health, meet specified physical conditions, and be subject to periodic examinations.

#### 21.2 Employees Physically Incapacitated

No employee shall continue to hold any position in a class when he no longer meets the specified physical requirements or is physically unable to perform fully the duties of such position without hazard to either himself or others.



## RULE 22. OUTSIDE EMPLOYMENT

### 22.1 Policy

A City employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with his duties, functions or responsibilities as a City employee.

### 22.2 Authorization

- (a) Any officer or employee wishing to engage in any occupation or outside activity for compensation shall inform the Department Head of such desire, providing information as to the time required and the nature of such activity, and such other information as may be required. The Department Head shall determine whether or not such activity is compatible with the employee's City employment.
- (b) If the Department Head determines such activity is compatible he may authorize the activity in writing with a copy to the Personnel Officer.
- (c) Said authorization shall be valid only for the work and period prescribed therein.

### 22.3 Determination of Inconsistent Activities

In making a determination as to the consistency or inconsistency of outside activities, the Department Head shall consider among other pertinent factors whether the activity:

- (a) involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of one's City office or employment or,
- (b) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his City

employment or as a part of his duties as a City employee or,

- (c) involves the performance of any act in other than his capacity as a City officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by such officer or employee or the department by which he is employed or,
- (d) involves conditions or factors which would probably directly or indirectly lessen the efficiency of the employee in his regular city employment, or conditions in which there is a substantial danger of injury or illness to the employee.

#### 22.4 Revocation

Permits for outside employment may be issued for such length of time as noted in the permit and all permits are subject to revocation by the Department Head, the City Manager, or the City Council.

#### 22.5 Use of City Equipment Prohibited

- (a) No City owned equipment, autos, trucks, instruments, tools, supplies, machines or any other item which is the property of the City shall be used by any officer or employee while said officer or employee is engaged in any outside employment or activity, for compensation or otherwise, except upon prior order of the City Council.
- (b) No officer or employee shall allow any unauthorized person to rent, borrow or use any of the items mentioned in (a) above except upon prior order of the City Manager.

#### 22.6 Violations and Penalties

- (a) Any violation of the provisions herein contained respecting outside employment or activity, and use of City property, shall constitute sufficient grounds for disciplinary action including immediate dismissal of the employee guilty thereof from the City service.

RULE 23. EMPLOYMENT OF RELATIVES

1. For the purposes of this section, family member shall mean spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew or cousin and the spouses of the children.
2. No person may be employed in any position in a department who is a family member of the department or division head.
3. Family members may not be employed in permanent positions within the same department.
4. No person who is a family member of the City Manager or a member of the City Council may be appointed to a department or division head position.
5. Employees who marry while both are employed by the City will be exempt from the provisions of this section, provided:
  - (a) The marriage partner is not a member of the City Council, the City Manager or a department head; or
  - (b) The occupational relationship of the marriage partners would not be that of immediate superior/subordinate; or
  - (c) The occupational relationships would not permit or facilitate fraud, collusion or diversion of funds; would not adversely affect the integrity of confidential matters or information; would not permit favoritism or would not otherwise affect the security, efficiency or morale of a department operation.
6. If two employees become family members through marriage while both are employed, they shall give immediate written notice of the marriage to the Personnel Officer. The Personnel Officer shall determine, after consultation with the department heads and the employees involved, whether the occupational relationship exempts the employees from the prohibitions of this section. If an adverse determination is made, the employees will be notified in writing that either may within 90 days elect to transfer to another position that

will eliminate the adverse condition, provided such a vacant position exists and the employee can qualify for it. If an acceptable transfer is not completed within 90 days, the employee with the shortest length of service with the City will be terminated. If family members are permitted to retain their positions under this regulation, the Personnel Officer shall annually re-evaluate the effects of the marriage relationship on performance of the employees and the operation of the departments involved. If he determines that the occupational relationship no longer exempts the employees from the prohibitions of this section, the same procedures shall be followed as in the case of an original adverse determination. (Amended Minute Rule, 1974).

#### RULE 24. FORMS AND PROCEDURES

The Personnel Officer shall be responsible for the preparation and revision of such forms, documents, records, and operating procedures as are necessary to the accomplishment of the provisions of these rules, the Personnel Ordinance and the Classification and Salary Resolution, and as required in the administration of any valid part of a sound and equitable personnel program for the City.

#### RULE 25. AMENDMENT OF RULES

##### 25.1 Preparation of Rules

These personnel Rules and Regulations are prepared and approved as provided in Section 3(A) of the Personnel Merit System Ordinance No. 586.

##### 25.2 Power to Amend

The City Council shall have authority to adopt, amend or repeal the Personnel Rules.

##### 25.3 Hearings on Amendments

- (a) The City Manager may initiate investigations and provide hearings relative to any proposed amendment to these Personnel Rules.
- (b) The City Council may direct the City Manager to conduct investigations and provide hearings relative to any proposed amendment to these Personnel Rules.
- (c) All amendments to these rules will be posted in a conspicuous place for a period of thirty (30) days prior to being submitted to the City Council for action.