

ORDINANCE NO. **11856**
(New Series) JUN 23 1976

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3,
DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 23.0801, 23.0802, 23.0803,
23.0804, 23.0806 AND 23.0807 [RULE VII,
SECTIONS 1 THROUGH 6 OF THE RULES OF THE CIVIL
SERVICE COMMISSION] RELATING TO APPOINTMENTS.

WHEREAS, it is desirable to establish probationary periods
as reflective of the level and degree of difficulty of each job;
and

WHEREAS, to accomplish this objective, it is necessary to
provide flexibility to the Civil Service Commission in establishing
such probationary periods; and

WHEREAS, it is further desirable to establish, in accordance
with recent case law, disciplinary safeguards for probationary
employees; and

WHEREAS, these recommended changes to the Civil Service
Rules have been approved unanimously by the Civil Service Commis-
sion and recommended to the City Council for adoption; NOW,
THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter II, Article 3, Division 8 of the
San Diego Municipal Code [Rule VII of the Rules of the Civil
Service Commission] be and the same is hereby amended by
amending Sections 23.0801, 23.0802, 23.0803, 23.0804, 23.0806
and 23.0807 [Rule VII, Sections 1 through 6 of the Rules of
the Civil Service Commission] to read as follows:

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DIVISION 8

APPOINTMENTS

SEC. 23.0801 SELECTION OF APPOINTEES
[Rule VII, Section 1 of the Rules
of the Civil Service Commission]

The appointing authority shall fill vacancies by selecting the number of persons required from the list of eligibles certified by the Personnel Director, unless objection is made to an eligible as provided in Rule VI, Section 8. The appointing authority shall be entitled to select from the full number of eligibles to be certified, as specified in Rule VI, Sections 3 and 4.

SEC. 23.0802 PERMANENT APPOINTMENT
[Rule VII, Section 2 of the Rules
of the Civil Service Commission]

Appointment of a person to a position established without limitation as to duration of employment, following successful completion of the appropriate probationary period as prescribed by the Civil Service Commission shall be considered a permanent appointment, and said person shall be considered a permanent employee.

a. The probationary period shall be regarded as a significant part of the examination process for permanent appointment. This period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the job, and for taking the appropriate action prescribed below whenever, in the opinion of the appointing authority,

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any employee does not meet required employment standards. Prior to taking appropriate action as provided herein, the appointing authority shall hold an administrative hearing for any employee not meeting required standards at which the employee will be given an opportunity to respond.

1. A permanent employee who does not meet employment standards during the probationary period following promotion shall be returned to the previous position or class held during said promotional probationary period without the right to be heard before the Civil Service Commission.

2. An employee who has not attained permanent status in any class, and who does not meet employment standards during probation, shall be discharged without the right to be heard before the Civil Service Commission, provided that upon recommendation of the appointing authority the Personnel Director may approve demotion of the employee to an appropriate class, with the understanding that the employee shall commence a new probationary period.

b. The Civil Service Commission shall establish in the Personnel Manual appropriate probationary periods of up to two years for each class.

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c. It shall be the duty of the appointing authority, during the probationary period of each employee in the Classified Service, to investigate thoroughly the efficiency, conduct and integrity of such employees, and to determine whether or not the employee shall be retained in the City service in the class to which the employee has been appointed.

SEC. 23.0803 LIMITED APPOINTMENT
[Rule VII, Section 3 of the Rules
of the Civil Service Commission]

When it is necessary to fill a position of limited duration, or to fill a permanent position during a national emergency when no fully qualified person is available, the Personnel Director may approve a limited appointment from the appropriate eligible list.

a. Acceptance or declination of appointment with limited status shall not affect the right of a fully qualified eligible to certification to a permanent position.

b. The services of a limited appointee may be terminated at any time, and such action is not subject to review by the Commission.

c. A report of current limited appointments shall be submitted to the Commission in January of each year.

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SEC. 23.0804 IMPROVEMENT OF STATUS
[Rule VII, Section 4 of the Rules
of the Civil Service Commission]

An employee who has been filling a position under a limited appointment or at less than full time, and who has a current performance rating of "Satisfactory" or better, may have his or her status changed from limited to permanent and/or from part time or seasonal to a fuller schedule of work upon recommendation of the appointing authority and the approval of the Personnel Director.

SEC. 23.0806 PROVISIONAL APPOINTMENT
[Rule VII, Section 5 of the Rules
of the Civil Service Commission]

When it is urgent that an immediate appointment be made to fill a vacant position and less than three names are available for selection from the appropriate eligible list, any person approved by the Personnel Director may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established. In no case shall a provisional appointment continue longer than sixty days, nor shall there be successive provisional appointments of the same person.

SEC. 23.0807 EMERGENCY APPOINTMENT
[Rule VII, Section 6 of the Rules
of the Civil Service Commission]

In case of extreme emergency, when it is in the interest of public safety, health, welfare or economy to employ persons most readily available for the performance of certain work, an appointing authority may secure the

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necessary help wherever possible, irrespective of the existence of suitable eligible lists.

a. Within twenty-four hours of making an emergency appointment, the appointing authority shall so notify the Personnel Director in writing, stating the reasons for such appointment and such other information as the Personnel Director may require.

b. Emergency appointments may be canceled at any time by either the appointing authority or the Personnel Director. Such appointments shall last no longer than seven calendar days, but in the absence of available persons and suitable eligible lists and with the approval of the Personnel Director, an emergency appointment may become a provisional appointment, the beginning date of which provisional appointment shall be considered to be the day work commenced under an emergency appointment.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz
Jack Katz
Chief Deputy City Attorney

JK:k:301
3-23-76
Or.Dept.: Personnel

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 8 1976

JUN 23 1976

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 APR -7 AM 8:52
SAN DIEGO, CALIF. (Seal)

MICROFILMED

MAY 10 1978

CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California

Ordinance
Number

11856

Adopted

JUN 23 1976

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ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

IN THE SUPERIOR COURT OF CALIFORNIA
-- IN AND FOR THE COUNTY OF SAN DIEGO --

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

ORDINANCE NO. 11856

(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 8 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 23.0801, 23.0802, 23.0803, 23.0804, 23.0806 AND 23.0807 (RULE VII, SECTIONS 1 THROUGH 6 OF THE RULES OF THE CIVIL SERVICE COMMISSION) RELATING TO APPOINTMENTS.

ENTS

WHEREAS, it is desirable to establish probationary periods as reflective of the level and degree of difficulty of each job; and WHEREAS, to accomplish this objective, it is necessary to provide flexibility to the Civil Service Commission in establishing such probationary periods; and

WHEREAS, it is further desirable to establish, in accordance with recent case law, disciplinary safeguards for probationary employees; and

WHEREAS, these recommended changes to the Civil Service Rules have been approved unanimously by the Civil Service Commission and recommended to the City Council for adoption; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter II, Article 3, Division 8 of the San Diego Municipal Code (Rule VII of the Rules of the Civil Service Commission) be and the same is hereby amended by amending Sections 23.0801, 23.0802, 23.0803, 23.0804, 23.0806 and 23.0807 (Rule VII, Sections 1 through 6 of the Rules of the Civil Service Commission) to read as follows:

DIVISION 8
APPOINTMENTS

SEC. 23.0801 SELECTION OF APPOINTEES

(Rule VII, Section 1 of the Rules of the Civil Service Commission)

The appointing authority shall fill vacancies by selecting the number of persons required from the list of eligibles certified by the Personnel Director, unless objection is made to an eligible as provided in Rule VI, Section 8. The appointing authority shall be entitled to select from the full number of eligibles to be certified, as specified in Rule VI, Sections 3 and 4.

SEC. 23.0802 PERMANENT APPOINTMENT

(Rule VII, Section 2 of the Rules of the Civil Service Commission)

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a. The probationary period shall be regarded as a significant part of the examination process for permanent appointment. This period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the job, and for taking the appropriate action prescribed below whenever, in the opinion of the appointing authority, any employee does not meet required employment standards. Prior to taking appropriate action as provided herein, the appointing authority shall hold an administrative hearing for any employee not meeting required standards at which the employee will be given an opportunity to respond.

1. A permanent employee who does not meet employment standards during the probationary period following promotion shall be returned to the previous position or class held during said promotional probationary period without the right to be heard before the Civil Service Commission.

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b. The Civil Service Commission shall establish in the Personnel Manual appropriate probationary periods of up to two years for each class.

c. It shall be the duty of the appointing authority, during the probationary period of each employee in the Classified Service, to investigate thoroughly the efficiency, conduct and integrity of such employees, and to determine whether or not the employee shall be retained in the City service in the class to which the employee has been appointed.

PATRICIA M. DUTRA

I, Patricia M. Dutra, hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 11856

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

July 8, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

July 8, 1976

Patricia M. Dutra

(Signature)

23 3/4" @ 4.84 = 114.95

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SEC. 23.0803 LIMITED APPOINTMENT

(Rule VII, Section 3 of the Rules of the Civil Service Commission)

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a. Within twenty-four hours of making an emergency appointment, the appointing authority shall so notify the Personnel Director in writing, stating the reasons for such appointment and such other information as the Personnel Director may require.

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 8, 1976.

Passed and adopted by the Council of The City of San Diego on June 23, 1976.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

EDWARD NIELSEN,

City Clerk of The City of San Diego, California.

By **KATHLEEN MARTINEZ,** Deputy

(SEAL)

Pub. July 8, 1976

L.S. 7089

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