

O. 78-10

ORDINANCE NO. 12141
(New Series)

SEP 7 1977

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.1203 [RULE XI, SECTION 3, OF THE RULES OF THE CIVIL SERVICE COMMISSION] RELATING TO RESIGNATIONS, REMOVALS, SUSPENSIONS AND LAYOFFS.

WHEREAS, the Charter of The City of San Diego was amended in 1975 to give the Civil Service Commission discretion in establishing procedures for conducting hearings for disciplinary actions; and

WHEREAS, it is now desirable to remove inappropriate language and to eliminate the requirement that the Commission predetermine the types of outside employment which are incompatible with City employment; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Division 12, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.1203 [Rule XI, Section 3, of the Rules of the Civil Service Commission] to read as follows:

DIVISION 12

RESIGNATION, REMOVAL, SUSPENSION, LAYOFF

SEC. 23.1203 CAUSE FOR REMOVAL OR SUSPENSION
[Rule XI, Section 3, of the Rules
of the Civil Service Commission]

The following are declared to be causes for removal or suspension from the classified service of the City, though charges may be based on causes other than those enumerated:

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a. That the employee is incompetent or inefficient in the performance of his or her duty.

b. That the employee has been offensive in his or her conduct toward fellow employees, wards of the City, or the public.

c. That the employee has some permanent or chronic physical or mental ailment which incapacitates the employee for the proper performance of his or her duties.

d. That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given by a superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or the public.

e. That the employee has solicited or taken for personal use a fee, gift, or other valuable thing in the course of his or her employment or in connection with it when such fee, gift or other valuable thing is so solicited or given the employee by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

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f. That the employee has failed to pay or make reasonable provision for future payment of just debts when annoyance is caused the employee's superior officer or other City officer or scandal is caused the service because of such failure.

g. That the employee has been convicted of a criminal offense involving moral turpitude.

h. That the employee through negligence or wilful conduct has caused damage to public property or waste of public supplies.

i. That the employee has been guilty of any conduct unbecoming an officer or employee of the City.

j. That the employee has been absent without leave, contrary to the rules of the Commission, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked or canceled by the Commission; provided, however, that if such absence or failure to report is excusable, the Commission may dismiss the charges.

k. That the employee has hindered the regular operation of the department or division because of excessive absenteeism.

l. That the employee has violated the provisions of Section 134 of the Charter of The City of San Diego.

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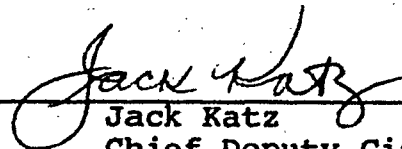
m. That the employee has violated the provisions of Section 135 of the Charter of The City of San Diego.

n. That the employee has failed to obey an order from the City Manager or other department head to terminate or desist from outside employment or enterprise that has been determined to be incompatible with City employment or detrimental to the efficiency of his or her regular City work.

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
Chief Deputy City Attorney

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JK:rc:301
7/20/77
Or.Dept.: Personnel

Passed and adopted by the Council of The City of San Diego on SEP 7 1977
 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"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.
CHARLES G. ABDELNOUR
~~EDWARD NIELSEN~~
 City Clerk of The City of San Diego, California.
 By Allyn D. Newitt, Deputy.

(Seal)

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

AUG 23 1977, and on SEP 7 1977.

~~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.

CHARLES G. ABDELNOUR
~~EDWARD NIELSEN~~
 City Clerk of The City of San Diego, California.
 By Allyn D. Newitt, Deputy.

RECEIVED
 CITY CLERK'S OFFICE
 1977 JUL 25 PM 1:06
 SAN DIEGO, CALIF.
 (Seal)

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Office of the City Clerk, San Diego, California

Ordinance Number 12141 Adopted SEP 7 1977
01485

ATTORNEY'S

San Diego, City of
12th floor, City Admin. Bldg.
202 C Street
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

RESIGNATIONS, REMOVALS, ETC.

ORDINANCE NO. 12141

(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 23.1203 (RULE XI, SECTION 3, OF THE RULES OF THE CIVIL SERVICE COMMISSION) RELATING TO RESIGNATIONS, REMOVALS, SUSPENSIONS AND LAYOFFS.

WHEREAS, the Charter of The City of San Diego was amended in 1975 to give the Civil Service Commission discretion in establishing procedures for conducting hearings for disciplinary actions; and

WHEREAS, it is now desirable to remove inappropriate language and to eliminate the requirement that the Commission predetermine the types of outside employment which are incompatible with City employment; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Division 12, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.1203 (Rule XI, Section 3, of the Rules of the Civil Service Commission) to read as follows:

DIVISION 12

RESIGNATION, REMOVAL, SUSPENSION, LAYOFF
SEC. 23.1203 CAUSE FOR REMOVAL OR SUSPENSION
(Rule XI, Section 3, of the rules of the Civil Service Commission)

The following are declared to be causes for removal or suspension from the classified service of the City, though charges may be based on causes other than those enumerated:

a. That the employee is incompetent or inefficient in the performance of his or her duty.

b. That the employee has been offensive in his or her conduct toward fellow employees, wards of the City, or the public.

c. That the employee has some permanent or chronic physical or mental ailment which incapacitates the employee for the proper performance of his or her duties.

d. That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given by a superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or the public.

e. That the employee has solicited or taken for personal use a fee, gift, or other valuable thing in the course of his or her employment or in connection with it when such fee, gift or other valuable thing is so solicited or given the employee by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

f. That the employee has failed to pay or make reasonable provision for future payment of just debts when annoyance is caused the employee's superior officer or other City officer or scandal is caused the service because of such failure.

g. That the employee has been convicted of a criminal offense involving moral turpitude.

h. That the employee through negligence or willful conduct has caused damage to public property or waste of public supplies.

i. That the employee has been guilty of any conduct unbecoming an officer or employee of the City.

j. That the employee has been absent without leave, contrary to the rules of the Commission, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked or canceled by the Commission; provided, however, that if such absence or failure to report is excusable, the Commission may dismiss the charges.

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

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

September 21, 1977

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

September 30, 1977

Patricia M. Dutra
(Signature)

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of the Charter of The City of San Diego.
That the employee has violated the provisions of Section 128 of the Charter of The City of San Diego.
That the employee has failed to obey an order from the City Manager or other department head to terminate or desist in outside employment or enterprise that has been determined to be incompatible with City employment or detrimental to the efficiency of his or her regular City work.
Section 2. This ordinance shall take effect and be in force on the 15th day from and after its passage.
Introduced on August 23, 1977.
Passed and adopted by the Council of The City of San Diego on September 7, 1977.
AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

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