ORDINANCE NO. 122

(New Series)

FEB 22 1978

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISIONS 5, 6, 7, 11 AND 12 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 6 AND DIVISION 12; BY AMENDING AND RENUMBERING SECTIONS 23.0601, 23.0602 AND 23.0603 (RULE V, SECTIONS 1, 2 AND 3-REEMPLOYMENT); BY AMENDING SECTIONS 23.0507 (RULE IV, Section 7-REINSTATEMENT REQUESTS); 23.0703 (RULE VI, SECTION 3-REQUISITION AND CERTIFICATION); AND 23.1108 (RULE X, SECTION 8-SPECIAL LEAVE WITHOUT PAY); AND BY RENUMBERING SECTIONS 23.1209 AND 23.1210 (RULE XI, SECTIONS 9 AND 10-RESIGNATION, REMOVAL, SUSPENSION AND LAYOFF).

WHEREAS, in January 1977, the Personnel Department undertook a comprehensive review of the City's selection process; and

WHEREAS, such study resulted in a recommendation for amendments to the Civil Service Rules relating to Reinstatement, Layoff and Reemployment and Special Leaves Without Pay; and

WHEREAS, the Civil Service Commission in approving said amendments found that they (1) make the qualifying requirements for reinstatement to eligible lists consistent for all employees and former employees, (2) simplify the certification rule by adding the concept of "additional eligibles" for those who were reinstated to a list or who are returning from a leave of absence, (3) standardize the length of time an employee may remain on a list after layoff or reemployment, and (4) expand the leave of absence rule to allow any satisfactory employee to request a leave; and

WHEREAS, pursuant to Section 118 of the City Charter, the Civil Service Commission submits to the City Council such amendments for consideration and adoption; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Divisions 6 and 12 of the San Diego Municipal Code [Rules V and XI of the Rules of the Civil Service Commission] be and the same are hereby amended by retitling those sections:

	Old Title	New Title
Division 6 [Rule V]	Reemployment	Layoff and Re- employment
Division 12 [Rule XI]	Resignation, Re- moval, Suspension, Layoff	Resignation, Removal, Suspension

Section 2. That Chapter II, Article 3, Division 6 of the San Diego Municipal Code (Rule V of the Rules of the Civil Service Commission) be and the same is hereby amended by amending and renumbering the following sections:

Old Section	Number	New Section	Number
Municipal Code	Rule V	Municipal Code	Rule V
23.0601	[1]	23.0606	[6]
23.0602	[2]	23.0607	[7]
23.0603	[3]	23.0605	[5] -

Amendments to read as follows:

SEC. 23.0605 PROBATIONARY EMPLOYEES
[RULE V, Section 5 of the Rules of the Civil Service Commission]

Probationary employees who, without fault or delinquency on their part, have been separated from the

service or reduced in rank because of lack of work or funds, or because the class has been abolished, shall have their names returned for two years to the eligible list from which they were last certified for employment, and they shall be certified to positions according to Civil Service Rule VI.

SEC. 23.0606 REEMPLOYMENT LISTS FOR REGULAR WORK [RULE V, Section 6 of the Rules of the Civil Service Commission]

Employees who have become permanent after having served the probationary period satisfactorily, and who, without fault or delinquency on their part, have been separated from the service or reduced in rank because of lack of work or funds or because the class of position has been abolished in accordance with Rule I, shall have their names automatically placed on the reemployment list for the class, or subdivision of the class.

- (1) The place of such employee's name on said list shall be determined in the same manner as prescribed for order of layoff, but in reverse order.
- (2) Said employee shall be certified to vacancies in the class or subdivision of the class in accordance with Rule VI.
- (3) Eligibles who are reemployed in a department or major division in which they have worked with permanent status in that class or subdivision thereof for more than 60 days, do not serve a probationary period.
- (4) Eligibles who have attained permanent status in the requested class or subdivision thereof, and who are

reemployed in a department or major division in which they have not, at any previous time, worked as a permanent employee in the class or subdivision thereof for more than 60 days, serve a 60-day probationary period. If the appointing authority terminates the employee during this probationary period, the Personnel Director shall, without a hearing, return the employee's name to the reemployment list unless the appointing authority dismisses the employee from City service as provided in Rule XI.

- (5) Unless the employee is reemployed sooner, his/ her name shall remain on the list for two years.
- SEC. 23.0607 REEMPLOYMENT LISTS FOR SEASONAL WORK [RULE V, Section 7 of the Rules of the Civil Service Commission]

Employees who have served satisfactorily in seasonal employment shall have their names placed on the seasonal reemployment list for the class of position in which they have served, when their eligibility on the regular employment list for the class has expired.

- (1) The order of names on the seasonal list shall be in accordance with the performance ratings received during the most recent season of service. If performance ratings are equal, ties shall be broken first by total length of service in the class, and then by original examination grade.
- (2) Seasonal reemployment lists shall be revised at the beginning of each calendar year. Seasonal

eligibles who fail to work for two consecutive seasons shall automatically be removed from the list and shall have no further Civil Service standing in such class of position.

Section 3. That Chapter II, Article 3, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.0507 [Rule IV, Section 7, of the Rules of the Civil Service Commission] to read as follows:

SEC. 23.0507 REINSTATEMENT REQUESTS
[RULE IV, Section 7 of the Rules of the Civil Service Commission]

Reinstatement to an eligible list may be had under the following conditions:

(1) Any employee who has served satisfactorily at least six (6) months, and presently fulfills the minimum requirements for the class of employment, and who, without fault or delinquency on his/her part, resigns or demotes from his/her position, or due to lack of funds or work is demoted or is terminated, may request reinstatement to the eligible list for any class in which such service was rendered, and/or to the eligible list for a comparable or lower class in the same occupational group. He/she may request reinstatement immediately upon demotion, resignation or termination but within two years from the date of such action.

The Commission shall, in its discretion, grant or deny such request. If the request is granted, the person's name shall be placed on such eligible list, and shall be certified to positions according to Civil Service Rule VI. Eligibility shall continue for a

period of two (2) years, unless the name is removed in accordance with Rule II. Section 7.

- (2) If no appropriate eligible list exists, anyone granted reinstatement under this rule shall have the same eligibility as though there were such a list. After the expiration of the eligible list on which there is a reinstated name, such name shall continue to have eligiblity until the completion of the prescribed two-year period provided that within such period it shall be placed on succeeding eligible lists for the same class of position.
- (3) Any former employee who was discharged, or who resigned under charges, shall not be eligible for reinstatement to any eligible list.

Section 4. That Chapter II, Article 3, Division 7, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.0703 [Rule VI, Section 3 of the Rules of the Civil Service Commission] to read as follows:

SEC. 23.0703 CERTIFICATION
[RULE VI, Section 3 of the Rules of the Civil Service Commission]

Upon receipt of requisition for certification of an eligible to fill a vacancy, the Personnel Director shall certify from the reemployment list the name of the highest ranking eligible who at any previous time worked with permanent status in the same class or subdivision thereof.

(1) In the absence of a reemployment list, the Personnel Director shall certify the names and addresses

of the number of available eligibles equal to the number of vacancies to be filled, plus any additional names of eligibles whose scores are within three whole points of the last eligible so certified; however, the minimum number of names certified shall never be less than the number of vacancies to be filled plus two more names, except that a fewer number may be certified when there is not the required number on the eliqible list. However, the Commission, at its discretion, may authorize the Personnel Director to certify the names and addresses of the first three available eligibles on the list for the class or subdivision of the class. When more than one vacancy is to be filled, the Personnel Director shall certify the number of names equal to the number of vacancies to be filled plus two more names, and, except for promotional examinations, 20 percent of the number of said vacancies rounded to the nearest whole number. making reference to other Civil Service Rule Sections, the former procedure shall be designated, the Rule of Three Ranks and the latter, the Rule of Three.

- (2) In addition to the names certified according to (1) above, or in the absence of any such names, any names on the eligible list as the result of a leave of absence or reinstatement request, or as the result of a layoff of a probationary employee, shall be certified.
- (3) When no eligible list for the class of position exists, or when the eligible list contains less

than three names, a provisional appointment may be approved by the Personnel Director.

(4) No person shall be certified from a promotional eligible list who has been permanently separated from the service of the City.

Section 5. That Chapter II, Article 3, Division 11, of the San Diego Municipal Code be and the same is hereby amended by amending Section 23.1108 [Rule X, Section 8 of the Rules of the Civil Service Commission] to read as follows:

SEC. 23.1108 SPECIAL LEAVE WITHOUT PAY
[RULE X, Section 8 of the Rules of the
Civil Service Commission]

An employee whose work record has been satisfactory and who, for any reason considered good by the appointing authority and the Commission, desires to secure leave from regular duties, may be granted special leave of absence without pay for a period not exceeding one year. For good cause, such leave may be extended, upon approval of the appointing authority and the Commission. such leave is granted to enable an employee to take a position in the Unclassified Service, the Commission may, upon request, grant a leave of absence for the period of actual service of the employee in such Unclassifed position. An employee asking for special leave without pay, shall submit a request on prescribed forms with a transmittal letter, stating the reasons for the request. The appointing authority who endorses such request shall recommend and the Commission shall

determine whether the employee shall be entitled to
the same position upon return from such leave or whether
the employee's name shall be placed on the eligible list
for the class or classes as determined by the Commission.
If appropriate, the employee's return shall be subject
to passing the prescribed City medical examination.

Section 6. That Chapter II, Article 3, Division 12 of the San Diego Municipal Code [Rule XI of the Rules of the Civil Service Commission] be and the same is hereby amended by renumbering the following sections:

Old Section Number	<u>.</u>	New Section No	umber
Municipal Code	Rule XI	Municipal Code	Rule V
23.1209	[9]	23.0601	[1]
23.1210(a)	[10a]	(23.0602 (23.0603	[2] [3]
23.1210(b)	[6]	23.0604	[4]

As a result of such renumbering, Sections 23.0601, 23.0602, 23.0603 and 23.0604 [Rule V, Sections 1, 2, 3, 4 of the Rules of the Civil Service Commission] shall read as follows:

SEC. 23.0601 REDUCTION IN PERSONNEL
[RULE V, Section 1 of the Rules of the Civil Service Commission]

The appointing authority shall have the power to Tay off or suspend any employee because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office, department, division, or bureau. Whenever it becomes necessary to reduce the

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number of employees in a given class, for the reasons enumerated in this section, the appointing authority shall, prior to such impending reduction, notify the Personnel Director of the number of positions in the class to be vacated, and the reasons therefor. Layoff. shall be made by class or, upon the determination by the Personnel Director that separate eligible lists for the class were established in accordance with Rule IV, Section 1, by such subdivision of the class. sonnel Director shall furnish to the appointing authority the names of the employees in the order in which such layoff shall be effected. The order of any appointing board or officer laying off an employee or employees in accordance with the provisions of this section for any of the reasons enumerated herein shall be final and not subject to review by the Civil Service Commission.

SEC. 23.0602 ORDER OF LAYOFF
[RULE V, Section 2 of the Rules of the Civil Service Commission]

A reduction in the number of employees in a class or subdivision of a class shall be made in the following order: Provisional, Limited, Probationary, Permanent. The order of layoff for permanent employees in a class or subdivision thereof shall be determined by Citywide seniority.

SEC. 23.0603 SENIORITY
[RULE V, Section 3 of the Rules of the Civil service Commission]

Seniority shall be computed according to the length

of last continuous service in the class or subdivision thereof, or a higher ranking class. Ties shall be broken by first considering the length of total City service, and then by grades attained in the examination which resulted in certification to the class affected by the layoff.

SEC. 23.0604 JOB RIGHTS
[RULE V, Section 4 of the Rules of the Civil Service Commission]

Subject to the provisions of Rules VI and IX, a permanent employee whose layoff is imminent shall have the right of transfer to any vacant position in the same class or subdivision thereof in any other department. If there is no such vacancy, said employee shall have the right of competition for retention in the next and successively lower classes in which he or she has served satisfactorily with permanent status.

Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

David Morris

Deputy City Attorney

DM:rc:301 11/3/77

Or. Dept.: Personnel

ATTORNEY(S)

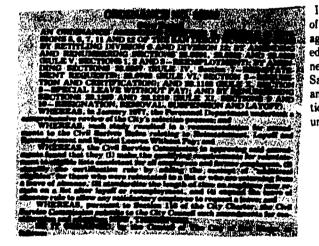
San Diego, City of 12th Floor, City Admin. Bldg. 202 C St. San Diego, Ca 92101 Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

12299 No.

RESIGNATION, REMOVAL, ETC.

IN THE MATTER OF



PATRICIA M. SPAULDING

, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego. and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California. under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12299

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

March 8, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this . 28th day of ... March 19.78 .

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Passed and adopted by the Council of y the following vote:	The City of San D	Diego on	FEB 2	2 2 1978
Councilmen Bill Mitchell Maureen F. O'Connor Bill Lowery Leon L. Williams Fred Schnaubelt Tom Gade Larry Stirling Jess D. Haro Mayor Pete Wilson	Yeas Dala Dala Dala Dala Dala Dala Dala Da	Nays	Excused	Absent
UTHENTICATED BY:	***	Mayor o	PETE WIL	SON n Diego, California.
(Seal)		City Cler	k of The City of	ABDELNOUR San Diego, California. Martinez, Deput
I HEREBY CERTIFY that the fore			- -	,-
lapsed between the day of its introdu	ection and the day	of its final	passage, to w	it, on
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February 7, 1978 I FURTHER CERTIFY that the rest than a majority of the members elected feach member of the Council and the rest than a majority of the members elected feach member of the Council and the c	ordinance was reading of said ordected to the Councile public prior to	of its final d in full per linance in iil, and that the day of	FEB 22 iet to its final full was dispens there was ava fits passage a HARLES G. A	it, on 2 1978 2 1978 passager ised with by a vote of reliable for the consideration written or printed copy
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