

(O-85-230)

ORDINANCE NUMBER O- 16492 (NEW SERIES)

ADOPTED ON AUG 12 1985

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION BY AMENDING SECTIONS 23.0505 [RULE IV, SECTION 5], 23.0706 [(RULE VI, SECTION 6)], AND 23.0806 [RULE VII, SECTION 5], RELATING TO REINSTATEMENT REQUESTS, ACCEPTANCE OF POSITIONS, AND PROVISIONAL APPOINTMENTS, RESPECTIVELY.

WHEREAS, the Civil Service Commission, at its meeting of June 6, 1985, considered and approved changes to several Civil Service Rules [IV, VI, and VII]; and

WHEREAS, it is the Commission's belief that these revisions are necessary for proper administration of the personnel system; and

WHEREAS, the revisions were discussed with employee organizations during the meet and confer process this year and their adoption is accordingly recommended; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending the Rules of the Civil Service Commission by amending Sections 23.0505 [Rules IV, Section 5], 23.0706 [Rule VI, Section 6], and 23.0806 [Rule VII, Section 5] to read as follows:

SEC. 23.0505 REINSTATEMENT REQUESTS

[Rule IV, Section 5 of the Rules of the
Civil Service Commission]

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

(1) Any employee who has served satisfactorily and presently fulfills the minimum requirements for the classification, and who, without fault or delinquency on his/her part, resigns or demotes from his/her position, 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.

The request for reinstatement may be made immediately upon demotion, reduction in status, resignation, or termination and must be made within one year from the date of such action.

(2) Any permanent or probationary employee who has served satisfactorily and is demoted, reduced in status, or terminated as part of an official layoff may, within 60 calendar days of the date of official layoff, request reinstatement to the eligible list and for any comparable or lower class for which the employee meets the minimum requirements at the time of layoff.

(3) 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 according to Civil Service Rule VI. The length of

eligibility shall be determined by the Commission, but shall not exceed two (2) years.

(4) 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 eligibility until the completion of the prescribed period, provided that within such period it shall be placed on succeeding eligible lists for the same class or position.

SEC. 23.0706 ACCEPTANCE OF POSITIONS IN EQUAL OR LOWER GRADE
[Rule VI, Section 6 of the Rules of the Civil
Service Commission]

A person on an eligible list may, with the approval of the Personnel Director, accept certification to an equal or lower level classification, provided no list exists for the equal or lower level classification and the duties and responsibilities are similar. Acceptance of such equal or lower level position shall not forfeit an eligible's rights to be certified to positions for which eligible from the original eligible list.

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 the appropriate number of names are available for selection from the 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 60 calendar days, nor shall there be successive provisional appointments of the same person.

(1) With the approval of the Personnel Director, any person who has retired from the City service may be appointed provisionally to a position requiring special skills or knowledge, as determined by the Appointing Authority, for a period not to exceed 90 working days in any one fiscal year.

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

JK:smm
6/25/85
Or.Dept:Pers.
O-85-230
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Section 23.0505. REINSTATEMENT REQUESTS [Rule IV, Section 5 of the Rules of the Civil Service Commission] Reinstatement to an eligible list may be done under the following conditions:

- (1) Any employee who has served satisfactorily and presently fulfills the minimum requirements for the classification, and who, without fault or delinquency on his/her part, resigns or demotes from his/her position, 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.
- ~~(3)~~ The request for reinstatement may be made immediately upon demotion, reduction in status, resignation, or termination and must be made within ~~two (2)~~ one years from the date of such action.
- (2) Any permanent or probationary employee who has served satisfactorily and is demoted, reduced in status, or terminated as part of an official layoff may, within 60 calendar days of the date of official layoff, request reinstatement to the eligible list ~~for any class in which such service was rendered~~ and for any comparable or lower class for which the employee meets the minimum requirements at the time of layoff.
- ~~(4)~~(3) 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 according to

Civil Service Rule VI. The length of eligibility shall be determined by the Commission, but shall not exceed two (2) years.

- ~~(5)~~(4) 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 eligibility until the completion of the prescribed period, provided that within such period it shall be placed on succeeding eligible lists for the same class or position.

(Old Sec. 23.0505 - CHANGE IN ADDRESS OR FAILURE TO REPLY - Incorporated 1-22-52 by Ord. 5046 N.S., contained in Ord. 4340, N.S. adopted 3-21-50; Amended 1-23-62 by Ord. 8581 N.S.; Repealed 6-19-78 by Ord. 12373 N.S.) (New Section 23.0505 - REINSTATEMENT REQUESTS - Added 6-19-78 by Ord. 12373 N.S.; Amended 5-2-83 by Ord. 0-15958 N.S.)

Section 23.0706. ACCEPTANCE OF POSITIONS IN EQUAL OR LOWER GRADE [Rule VI, Section 6 of the Rules of the Civil Service Commission] A person on an eligible list may, with the approval of the Personnel Director, accept certification to an equal or lower level classification, provided no list exists for the equal or lower level classification and the duties and responsibilities are similar. Acceptance of such equal or lower level position shall not forfeit an eligible's rights to be certified to ~~higher~~ positions for which eligible from the original eligible list.

(Old Sec. 23.0706 - WAIVER - Incorp. 1-22-52 by Ord. 5046 N.S., contained in Ord. 4340 N.S. adopted 3-21-50; Amended 3-24-60 by Ord. 8274 N.S.; Amended 9-19-74 by Ord. 11398 N.S.; repealed 6-19-78 by Ord. 12373 N.S.)

(New Sec. 23.0706 - ACCEPTANCE OF POSITIONS IN LOWER GRADE - Added 6-19-78 by Ord. 12373 N.S.)

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Section 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 the appropriate number of names are available for selection from the 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 60 calendar days, nor shall there be successive provisional appointments of the same person.

- (1) With the approval of the Personnel Director, any person who has retired from the City service may be appointed provisionally to a position requiring special skills or knowledge, as determined by the Appointing Authority, for a period not to exceed 90 working days in any one fiscal year.

(Incorporated 1-22-52 by Ord. 5046 N.S., contained in Ord. 4340 N.S., adopted on 3-21-50; Amended 3-24-60 by Ord. 8274 N.S.; Amended 6-23-76 by Ord. 11856 N.S.; Amended 6-19-78 by Ord. 12373 N.S.)

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

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struikama	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Bayter*, 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

JUL 29 1985

and on AUG 12 1985

~~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

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Bayter*, Deputy.

Office of the City Clerk, San Diego, California

01225

Ordinance Number 0-16492 Adopted AUG 12 1985

Passed and adopted by the Council of The City of San Diego on AUG 12 1985,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struikama	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Bayter, 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

JUL 29 1985

, and on

AUG 12 1985.

~~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

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Bayter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16492 Adopted AUG 12 1985

01225

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
202 "C" STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, OF THE SAN
DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16492
(NEW SERIES)
ORDINANCE AMENDING CHAPTER II, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING THE SECTIONS 23.0800 (RULE IV), SECTION 23.0700 (RULE V), SECTION 23.0800 (RULE VI), SECTION 23.0900 (RULE VII), SECTION 23.1000 (RULE VIII) TO REINSTATE REQUESTS, ACCEPTANCE OF POSITIONS, AND PROVISIONAL APPOINTMENTS ACTIVELY.
Ordinance amends the Civil Service Rules contained in the San Diego Municipal Code by amending section 23.0800 regarding Reinstatement Requests to an eligible list; section 23.0700 regarding Reinstatement by a person on an eligible list of certification to an eligible list classification; and section 23.0900 regarding Reinstatement to a position and in particular a provisional appointment. The period shall not exceed ninety days in any one fiscal year for a person who has retired from City service.
A true copy of this ordinance is available for inspection in the Office of the City Clerk at the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Adopted by the Council of the City of San Diego on August 26, 1985 by the following vote:
Present: Council Members: McColl, Jones, Strickland, Jones, Hedgcock, Jones.
Absent: None.
Voted: 7 Yeas.
Attest:
CITY CLERK: CHARLES G. ABDELNOUR
CITY CLERK: BARBARA BAXTER
I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. O-16492 (New Series) of the City of San Diego, California.
I FURTHER CERTIFY that said ordinance was not finally passed until five calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JULY 25, 1985, at 10:00 A.M., AUG-12, 1985.
I FURTHER CERTIFY that the reading of said ordinance in full was made with by a vote of not less than a majority of the members of the Council, and that there was available for the consideration of each member of the Council and the public prior to the passage a written or printed copy of said ordinance.
CHARLES G. ABDELNOUR
City Clerk of the City of San Diego, California
BARBARA BAXTER
August 28, 1985 27038

I, Michael L. Ungashick, 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 NUMBER O-16492
(NEW SERIES)

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:

August 26, 1985

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

Dated at San Diego, California this 26th day of August, 1985.

Michael L. Ungashick
(Signature)

5 1/8" x 2 x 9.76 = 100.04

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