

CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: July 20, 2010

TO: Public Safety and Neighborhood Services Committee

FROM: Hadi Dehghani, Personnel Director

SUBJECT: An Ordinance Amending Chapter 2, Article 3, Division 6, of the San Diego Municipal Code by Amending Section 23.0603, Relating to Seniority

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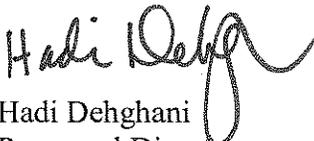
REQUESTED ACTION:

Recommend that City Council approve an Ordinance amending Chapter 2, Article 3, Division 6, of the San Diego Municipal Code by amending Section 23.0603, relating to seniority. Specifically, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I.

BACKGROUND:

As a result of Fiscal Year 2009 employer-employee negotiations, on August 25, 2008, the Fire-Rescue Department and Local 145, International Association of Fire Fighters, AFL-CIO, submitted a joint proposal to the Civil Service Commission to create a Fire Fighter III classification and to revise the City's layoff policy to include the Fire Fighter III classification. On March 5, 2009, the Civil Service Commission recommended approval of the new Fire Fighter III classification. The City Council subsequently approved the Fire Fighter III classification as part of the Fiscal Year 2010 Salary Ordinance.

On August 6, 2009, the Civil Service Commission approved the attached revisions to Civil Service Rule V (Layoff and Reemployment) which are contained in the above cited Municipal Code Section. Also attached are documents prepared by the Office of the City Attorney (i.e., Strikeout Ordinance, Ordinance and City Attorney Digest). Changes to Municipal Code 23.0603 are required to implement the revisions to the City's layoff policy.

  
Hadi Dehghani  
Personnel Director

Attachments

## CIVIL SERVICE RULES

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**LAYOFF AND REEMPLOYMENT**

Section 1. REDUCTION IN PERSONNEL: The appointing authority shall have the power to lay 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 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. The Personnel Director shall furnish to the appointing authority the names of the employees affected in their order of layoff. The order of any appointing board or officer laying off an employee or employees in accordance with the provision of this section for any of the reasons enumerated herein shall be final and not subject to review by the Civil Service Commission.

*(Incorporated 6-19-78 by Ord. 12373; Amended 8-13-79 by Ord. 15000)*

Section 2. ORDER OF LAYOFF: 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 City-wide seniority.

*(Incorporated 6-19-78 by Ord. 12373)*

Section 3. SENIORITY: For classifications in the Police representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class. For classifications in the Fire representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class in the same occupational group. ***However, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of the last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I.*** For unrepresented classifications and classifications in all other representation units, seniority shall be computed according to the date of the employees most recent employment with the City. All ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority.

## CIVIL SERVICE RULES

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**LAYOFF AND REEMPLOYMENT**

*(Incorporated 6-19-78 by Ord. 12373; Amended 8-13-79 by Ord. 15000; Amended 11-28-94 by Ord. 18114)*

Section 4. JOB RIGHTS: Subject to the provisions of Rules VI and IX, a permanent employee whose layoff is imminent shall have the right to 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 to competition for retention in equal and lower classes in which he or she has served satisfactorily.

*(Incorporated 6-19-78 by Ord. 12373; Amended 8-13-79 by Ord. 15000; Amended 11-28-94 by Ord. 18114)*

Section 5. PROBATIONARY EMPLOYEES: Probationary employees who, without fault or delinquency on their part, have been separated from the service or transferred 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.

*(Incorporated 11-17-64 by Ord. 9124 N.S.; Amended 6-19-78 by Ord. 12373)*

Section 6. RE-EMPLOYMENT LISTS FOR REGULAR WORK: 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 service in the class or reduced in rank or status 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 re-employment 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 re-employed 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 re-employed in a department or major division in which they have not, at any previous time, worked as a

February 1, 2001

CIVIL SERVICE RULES

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**LAYOFF AND REEMPLOYMENT**

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 re-employment list unless the appointing authority dismisses the employee from City service as provided in Rule XI.

- (5) Unless the employee is re-employed sooner, his/her name shall remain on the list for two years.

*(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 4-30-74 by Ord. 8817 N.S.; Amended 6-19-78 by Ord. 12373)*

Section 7. REPEALED

*(Incorporated 1-22-52 by Ord. 5046 N.S., contained in Ord. 4340 N.S., adopted on 3-21-50; Amended 3-24-64 by Ord. 8274 N.S.; Amended 6-19-78 by Ord. 12373; Amended 8-13-79 by Ord. 15000)*

OLD LANGUAGE – ~~Struck out~~  
NEW LANGUAGE – Underlined

STRIKEOUT ORDINANCE

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 3,  
DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 23.0603, RELATING TO SENIORITY.

**§23.0603 Seniority**

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

For classifications in the Police representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class. For classifications in the Fire representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class in the same occupational group. However, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of the last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I. For unrepresented classifications and classifications in all other representation units, seniority shall be computed according to the date of the employee's most recent employment with the City. All ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority.

SHS:jab  
07/09/2010  
Or.Dept:Personnel

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 3,  
DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 23.0603, RELATING TO SENIORITY.

WHEREAS, as a result of Fiscal Year 2009 employer-employee negotiations, on August 25, 2008, the Fire-Rescue Department and Local 145, International Association of Fire Fighters, AFL-CIO, submitted a joint proposal to the Civil Service Commission to create a Fire Fighter III classification and to revise the City's layoff policy to include the Fire Fighter III classification; and

WHEREAS, on March 5, 2009, the Civil Service Commission recommended approval of the new Fire Fighter III classification; and

WHEREAS, the City Council subsequently approved the Fire Fighter III classification as part of the Fiscal Year 2010 Salary Ordinance; and

WHEREAS, on August 6, 2009, the Civil Service Commission approved the revisions to Civil Service Rule V (Layoff and Reemployment) which are contained in San Diego Municipal Code section 23.0603; and

WHEREAS, changes to San Diego Municipal Code section 23.0603 are required to implement the revisions to the City's layoff policy; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 3, Division 6 of the San Diego Municipal Code is amended by amending section 23.0603, to read as follows:

**§ 23.0603 Seniority**

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

For classifications in the Police representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class. For classifications in the Fire representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class in the same occupational group. However, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of the last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I. For unrepresented classifications and classifications in all other representation units, seniority shall be computed according to the date of the employee's most recent employment with the City. All ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Stuart H. Swett  
Stuart H. Swett  
Senior Deputy City Attorney

SHS:jab  
07/09/2010  
Or.Dept: Personnel

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

EFFECTIVE DATE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 3,  
DIVISION 6, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 23.0603, RELATING TO SENIORITY.

This Ordinance amends Chapter 2, Article 6, Division 6, of the San Diego Municipal Code, by amending section 23.0603, which contains Rule V, Section 3 of the Rules of the Civil Service Commission to revise the City's Layoff Policy to include the Fire Fighter III classification.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

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

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

SHS:jab  
07/09/2010  
Or.Dept:Personnel