City of Mill Valley

Personnel Rules

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1. GENERAL PROVISIONS

A. Purpose of Rules. These Rules are adopted in pursuance of the Personnel Resolution for the administration of personnel activities in such manner that all personnel activities shall be conducted without regard for personal, political, racial, religious, or other extraneous matters.

B. Violation of Rules. Violation of the provisions of these Rules constitutes grounds for dismissal, rejection, or other disciplinary action by the appointing authority (City Manager).

2. THE PERSONNEL OFFICER

A. Duties and Powers. The City Manager, or his designated appointee, shall be the Personnel Officer. The Personnel Officer shall administer the position classification plan and recommend revisions thereto; administer the salary and wage plan; keep an official roster of officers and employees and such other records as may be required; enforce the provisions of the Personnel Resolution and these Rules; and perform all lawful and necessary duties essential to the effective administration of the personnel system.

3. CLASSIFICATION OF POSITIONS

A. Preparation of Plan. The Personnel Officer, or any agency selected for that purpose, shall ascertain and record the duties and responsibilities of all positions in the City. The classification plan shall establish appropriate titles for each class of positions, describe the typical duties and responsibilities of the positions in each class, and specify the training, experience, and other qualifications which are necessary and desirable for successful performance of the duties of positions in each class. The classification plan shall be so developed and maintained such that all positions substantially similar with respect to the kind, difficulty, and responsibility of work, are included within the same class, that the same means of recruitment can be used for filling all positions within the class, and that the same schedule of compensation may be made to apply with equity under like working conditions to all positions in the same class.

B. Changes in Duties of Positions. Whenever a need for a change in the duties and responsibilities of any position occurs in which matters of classification may be involved, the department head in whose department the position is located shall notify the Personnel Officer of that fact. The Personnel Officer shall study the matter and recommend to the City Manager the abolition, consolidation, continuance, or reallocation of the position.

C. New Positions. Positions hereafter established shall be allocated to the appropriate existing class or to a new classification by the Personnel Officer.

D. Class Definitions. The class definition shall be a general description of the kind of work involved in positions in the class. It shall not necessarily prescribe the complete duties of any position or limit the authority of administrative officers to prescribe or alter the duties of any position.

E. Examples of Duties. The list of examples of duties shall be illustrative of the kind of work involved in positions in the class, and not necessarily complete or all-inclusive.

F. Desirable Qualifications. The statement of desirable qualifications shall be a general guide for the recruitment of employees. Certain qualifications, when not expressly stated, shall be understood as required. These qualifications include: good physical condition, freedom from disabling defects, citizenship, honesty, sobriety and industry.

4. COMPENSATION

A. Preparation of Plan. The Personnel Officer shall prepare and submit to the City Manager, for his recommendation to the City Council, a proposed salary and wage schedule showing, for each class of positions, minimum and maximum salary or wage rates, and such intermediate rates as he deems desirable. In arriving at such rates, he shall take into consideration prevailing rates for comparable positions in other public employment and private business, the difficulty and responsibility of the work, the usual preparation required, work hazards, conditions of work, and the current cost of living. To aid in the preparation of the salary and wage schedule, comparisons will be made with a group of control cities established from time to time by the City Council.

B. Adoption and Application of Plan. After consideration and adoption by the City Council, with such modifications as it deems necessary, the salary plan shall be applied to all positions. Thereafter, no person holding a position in the service of the City shall receive a salary that is less than the minimum rate, nor greater than the maximum rate, for the class of position which he holds, except as provided in C. below.

C. Immediate Effect of Plan. All persons holding positions in the service who are receiving less than the minimum rate for the class of position which they hold at the time of adoption of the salary plan shall be increased to the minimum rate. All persons receiving more than the maximum rate for the class of position which they hold at the time of adoption shall continue to receive that rate until they are separated from the position by any of the means

of separation provided in these Rules. All persons receiving rates between the minimum and maximum rates for the class of position which they hold shall continue to receive the same salary until such salary is changed in accordance with these Rules, but all future increases or reductions in their salary shall be made to one of the intermediate rates provided.

D. Salary and Wage Plan Explained.

Step 1. The first step is the minimum rate and should normally be the hiring rate for the class. In cases where it is difficult to locate qualified personnel, or if a person of unusual qualifications is engaged, the City Manager may authorize hiring at a higher step.

Step. 2. The second step is an incentive adjustment to encourage an employee to improve his work. Employees should be made eligible for this adjustment after the completion of six months of satisfactory service on a probationary appointment. The adjustment should be made only if recommended by the department and approved by the City Manager. Normally, an employee whose work does not justify a raise to the second step should be released.

Step 3. The third step represents the middle value of the salary range and is the rate at which a fully qualified, experienced, and ordinarily conscientious employee should be paid after a reasonable period of service. An employee who has proven himself fully satisfactory in a given classification for a period of one year or longer after the completion of his probationary period, should be eligible for this step upon recommendation of the department head and approval of the City Manager.

Step 4. The fourth step of the range is to be awarded in the case of work which is above the average for the classification. An employee should be granted the step only in the event his services in the given classification have clearly demonstrated that the quality of his work is above average. The step should be granted only after the employee has served a minimum of one year at the third step, and upon convincing demonstration by the department head that the employee's work is above average, and upon the approval of the City Manager.

Step 5. The fifth step is intended as a reward for outstanding performance. An employee should be eligible for consideration for adjustment to this step only after serving a minimum of one year at the fourth step and upon convincing demonstration by his department head that his work during that period has been outstanding, and upon approval of the City Manager.

Administrative Positions. The City Council shall have the exclusive authority to determine the salary step to be paid and the rate of

adjustment for the position of City Manager. The City Manager shall have the authority to adjust the salaries of all other administrative positions in the City service in accordance with Steps 1, 2, 3, 4 and 5, hereof.

E. Effect of Salary Adjustments.

(1) Range Change. Upon the effective date of a range change, the salary of any employee so affected shall be adjusted to the step in the new range corresponding to the step in the former range or to an intermediate step, as may be determined by the department head with approval of the City Manager. Such adjustment shall not affect the employee's anniversary date.

(2) Reclassification. When a position is reclassified to a range having a different maximum salary, the salary of the incumbent in such positions shall be changed to the step in the new range corresponding to the step in the former range or to an intermediate step, as may be determined by the department head with approval of the City Manager. Such adjustment will not affect the employee's anniversary date.

(3) Promotion. An employee who is promoted to a classification having a greater maximum salary than his former position shall receive the minimum salary for the new range or one step above his old salary, whichever is greater. The effective date of a position shall become the new periodic increase date if the increase in salary is greater than one salary step.

(4) Demotion. An employee who is demoted shall have his salary reduced to the salary rate in the range for the classification to which he has been demoted immediately below the salary rate he received prior to demotion.

(5) Transfer. An employee transferred from one position to another of the same classification, or to a different classification having the same salary range, shall remain at the same salary step. Transfers to positions with different maximum salary ranges shall be administered in the same manner as reclassifications as outlined in (2) above.

5. APPLICATIONS AND APPLICANTS

A. Applications. Application shall be made on forms prescribed by the Personnel Officer. These forms may provide for information covering education, experience, references, and other pertinent items, and may require certification of one or more examining physicians and fingerprints. All applications shall be completed and signed by the person applying.

B. Disqualification of Applicants. The Personnel Officer may refuse to accept an application or, after acceptance, may reject an application or, after

examination, may disqualify a candidate, whenever it is found that the applicant does not possess the minimum qualifications established for the class of positions, or is physically unfit for the performance of required duties, or is addicted to the use of drugs or intoxicating liquors in excess, or has been guilty of any infamous or notoriously disgraceful conduct, or has been dismissed from public service for delinquency, or has made false statements of material facts in his application, or has practiced deception or fraud in securing eligibility, or has otherwise violated the provisions of the law or these Rules. The cause of rejection shall be entered upon the record of the application and filed in conformity with these Rules, and the person affected shall be notified.

C. Age of Applicants. Applicants for the position of police officer or fireman shall have attained the age of 21 years, and shall not have attained the age of 35 years, at the time of appointment.

D. Employment of Husband and Wife. A husband and wife may be employed concurrently provided they are assigned to different departments.

6. EXAMINATIONS

A. Examinations Required. Written, oral, manual, and/or physical examinations may be required for eligibility for any positions.

B. Scope of Examinations. Examinations may be assembled or unassembled, and may include investigation of training and experience, tests of aptitude, particular abilities, general and technical knowledge, manual skill, physical and mental fitness, and such other tests as are required to discover the capabilities of applicants relative to the duties of the position for which the examinations are conducted.

C. Qualifying Grades and Rating Examinations. In all examinations the minimum grade of standing by which eligibility shall be determined shall be based upon all factors of the examination. Failure in one part of an examination may be considered grounds for declaring that the applicant has failed in the entire examination or has been disqualified for subsequent parts of an examination.

D. Notification of Results. Each competitor shall be given written notice of the results of the examination and, if successful, of his final rating and his relative order on the list of successful candidates. Following any written examination, the examination key will be available for inspection for the three working days next succeeding such examination. Any protest or complaint as to the form, content, or administration of the examination may be filed in writing with the Personnel Officer during this 3-day period. Any candidate shall have the right to inspect his own examination papers after all

phases of the examination have been completed and scored, providing that he shall do so within 30 days after the eligible list has been established. An error in grading or rating, if called to the attention of the Personnel Officer within one month after announcement of examination results, shall be corrected. Correction shall not, however, invalidate appointments previously made.

7. ELIGIBLE LISTS

A. Establishment of Eligible List. After each examination has been scored and rated, the names of successful candidates shall be recorded in the order of their standing on the examination.

B. Effective Date. Eligible lists shall continue in effect one year after establishment. They may be extended for a period of not to exceed one year, or abolished before the expiration of the yearly period, upon the recommendation of the Personnel Officer and approval of the City Manager.

C. Removal of Names. The name of any person on an eligible list may be removed by the Personnel Officer if the eligible requests in writing that his name be removed, if he fails to respond to a written offer of employment within five business days next succeeding the mailing of notice, or if a subsequent report of a character investigation is unsatisfactory.

8. APPOINTMENTS

A. Types of Appointments. All vacancies in the service shall be filled by reinstatement, reemployment, promotion, transfer, demotion, or original appointment from an eligible list. In the absence of an eligible list, a temporary, emergency, or limited appointment may be made.

B. Reinstatement. A permanent employee who has resigned in good standing may be reinstated to a vacant position in the same class as his previous position within a period of one year from the effective date of his resignation. Reinstatement shall be on probationary status.

C. Reemployment. The name of each employee who is laid off in accordance with these Rules shall be placed at the head of the eligible list for the class of position which he held, and he shall be given preference in filling vacancies in that class in accordance with the Personnel Resolution.

D. Promotion. In the event it is desired to fill a vacancy by promotion, the Personnel Officer may prepare and administer an examination to those persons holding positions in lower classes. The preparation of the examination and the certification of eligibles shall follow the procedure outlined in these Rules for original appointment.

E. Transfer. An employee may be transferred from one class in one department or organization unit to a position of the same class in another organization unit, or to a comparable class. Such transfer shall not result in a loss to the employee of any accumulated vacation leave or sick leave.

F. Demotion. A position may be filled by demotion of an employee in accordance with these Rules or in the event of a necessary reduction in personnel due to lack of work or funds. An employee may be demoted in preference to being laid off, without the filing of charges.

G. Preparation for Appointment. Insofar as practicable, vacancies should be anticipated sufficiently in advance to permit the Personnel Officer to determine who may be available for appointment, whether or not the position involved is properly classified and, if necessary, to prepare a class specification and to proceed to establish a list of eligibles.

H. Temporary Appointment. Any person meeting the minimum qualifications for the class and acceptable to the department head may be appointed temporarily upon approval of the Personnel Officer. No time spent under temporary appointment shall be credited to the probationary period or used for computing any privileges accruing under the Personnel Resolution and these Rules.

I. Seasonal Appointment. When periodic workloads occur which do not require full-time permanent employees, seasonal help may be employed. Benefits, including vacation and sick leave, shall not accrue to seasonal employees, and such employees shall not acquire permanent status for the period so employed.

9. PROBATIONARY PERIOD

A. Objective of Probationary Period. All original or promotional appointments shall be subject to a probationary period of six months. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any probationary employee whose performance does not meet required work standards.

B. Extension of Probationary Period. With the approval of the City Manager, the Personnel Officer may grant one or more extensions of the probationary period of not to exceed six months duration.

C. Permanent Appointment. At the end of the probationary period, if the department head desires to make a permanent appoint of the employee on probation, he shall file with the Personnel Officer a written statement to the

effect that the employee's services are satisfactory. If the employee's services are not satisfactory, the department head shall file a written statement rejecting the probationer or requesting an extension as defined in B. above.

D. Rejection of Probationer. During the probationary period, an employee may be rejected by the department head without the right of review of any kind. Any employee rejected during the probationary period following promotion shall be reinstated to the position for which he was promoted, unless charges are filed and he is discharged in accordance with the provisions of the Personnel Resolution and these Rules.

10. HOURS OF WORK – OVERTIME – HOLIDAYS

A. Hours of Work. The following provisions shall govern hours of work for City employees, provided that these provisions shall not in any case interfere with essential services to be rendered by a department.

B. Overtime. It is the policy of the City that overtime work is to be discouraged. If, in the judgment of the department head, work beyond the established work week is required, for which compensation in any form is to be made, he shall report the circumstances to the City Manager, and he shall not obligate the City to compensate for such overtime in any form or manner except on the specific advance written authorization of the City Manager; provided that, in case of emergency, to prevent loss of life or damage to property or inconvenience to the public, the department head may authorize such overtime pending the submission in writing to the City Manager of the specific reasons therefor, within five working days after the occurrence of such overtime. Authorized overtime will be compensated for in equivalent time off. The smallest unit of working time credited as overtime shall be one half hour, provided further that when an employee is called back beyond the normal working day, the smallest unit of overtime credited shall be one hour. Fractions of one-half hour worked at different times may not be added together for the purpose of computing overtime worked.

Overtime provisions do not apply to department heads and the following major assistants: Assistant to the City Manager, Assistant Fire Chief, Police Lieutenant, and any other positions as later designated.

Any employee required to serve on jury duty or as a witness at a trial during his normal off-duty hours shall earn overtime for such time. If compensation is paid by the court for such service, the money shall be deposited with the City Treasurer for the general fund.

C. Holidays. For the transaction of municipal business, the following days are declared to be holidays and the days on which municipal business may be suspended: January 1, February 12, February 22, Good Friday from

12-3 p.m., May 30, July 4, Labor Day, September 9, October 12, November 11, Thanksgiving Day, December 25, days on which State and National elections are held, and such other days as may be proclaimed local holidays. If any of the days fall on Sunday, the following Monday shall be considered the holiday.

When a holiday falls on a Saturday, employees will receive an extra day off, which will be added to their accumulated vacation balance.

D. Off-Duty Employment. No employee of the City shall accept gainful employment during off-duty hours unless prior approval has been obtained from the City Manager.

11. LEAVES OF ABSENCE

A. Vacation Leave. Vacation leave with pay shall be credited to all permanent employees with less than five years service at the rate of two calendar weeks for each full year of service. Vacation leave with pay shall be credited to all employees with more than five years service at the rate of three calendar weeks for each full year of service. Upon completion of each 3-month period, the yearly vacation leave shall be prorated and credited to each employee's account. No vacation shall be granted during the original probationary period.

At termination of a permanent employee, fractional periods of vacation shall be figured and credited to the employee's account. Unused vacation time at termination is compensated by payment at the employee's rate of pay. No vacation time is due to any employee who is terminated prior to being certified as a permanent employee.

Vacation leave for employees with less than five years service may not be accumulated beyond four weeks, and for employees with more than five years service, beyond five weeks. Such maximum accumulation shall be enforced only on June 30 of each year, at which time any excess leave will be forfeited.

The time employees may take their vacation shall be determined in each case by the appointing authority with regard for the needs of the service and the wishes of the employee. Requests for vacation leave shall be submitted in writing by the employees to the appointing authority, who shall transmit them to the Personnel Officer with his recommendations.

Vacation leave accumulated and credited to the end of the last quarter may be used at any time, subject to the above approval. Sickness that occurs during vacation leave, upon a doctor's certification, will be considered sick leave.

B. Sick Leave. Sick leave with pay shall be granted to all permanent employees, except as hereinafter provided, at the rate of one (1) working day for each full calendar month of service. At the time of certification to a permanent status, an employee shall be credited with six (6) days sick leave and shall accumulate sick leave thereafter at the rate of one (1) day of sick leave for each full calendar month of service.

Employees in positions compensated by a fixed monthly or yearly salary who are on leave or suspension without pay for more than 10 working days in any calendar month, and firemen working a 24-hour shift who are on leave or suspension without pay for more than five working shifts in any calendar month, shall not accumulate sick leave for that month.

Sick leave shall be charged against an employee's balance as follows:

(1) For members of the fire service, two days for each 24-hour shift, except that no more than five days shall be charged in any 7-day period;

(2) For all other employees, one day for each normal working day.

Sick leave may be taken for absences from duty made necessary by:

(1) Personal illness or physical incapacity, excluding pregnancy, caused by factors over which the employee has no reasonable immediate control;

(2) Injury not incurred in line of day, except where traceable to employment by an employer other than the City;

(3) Medical, dental or eye examination or treatment for which appointment cannot be made outside of working hours.

Special leave with pay may be taken and charged against sick leave credits for:

(1) Death in the immediately family;

(2) Hospitalization of a member of the immediate family, or any member of an employee's household for whom the employee is entitled to claim an exemption under the Federal income tax laws;

(3) Care of a member of the immediate family who is critically ill or injured, though not hospitalized, where such leave is approved by the head of the department.

An employee who absents himself from duty on sick or special leave shall notify the head of the department, or such other person as department rules may provide, early on the first day of absence, of the reason for requiring such leave. Failure to provide notification may be grounds for denial of such leave with pay for the period of absence. Each such absence shall be reported by the department to the Personnel Department, where proper records shall be maintained of all absences.

Holidays and regular days off occurring while an employee is on sick or special leave shall not be charged against such employee's sick leave credits, except that holidays shall be so charged if such employee is a member of the fire-fighting forces working a 24-hour shift.

Sick leave shall not be allowed where the cause of the injury or illness is directly traceable to City employment or to any compensated employment or remunerative occupation of any kind.

Sick leave shall automatically terminate on the date of retirement of the employee or on the date on which an ordinary disability allowance under the retirement system becomes effective.

C. Proof of Illness. In any request for sick leave with pay for three or more calendar days, the department head may require a statement in writing signed by a regularly licensed physician, or the submission of other substantiating evidence, that the employee is incapacitated and unable to perform his duties.

D. Leave Without Pay. The Personnel Officer may grant an employee leave of absence without pay for a period not to exceed one year, whenever such leave is considered to be in the best interest of the service. Such leave shall be requested in writing by the employee, and shall require written approval by the department head and the Personnel Officer. Upon expiration of a regularly approved leave without pay, or upon due notice if the interests of the service make it necessary, the employee shall return to the position held at the time leave was granted.

E. Military Leave. Military leave shall be granted in accordance with State law (provided, however, that any person appointed to fill a vacancy caused by any employee leaving for Federal military service in the Armed Forces of the United States shall be entitled to receive all benefits accorded to permanent employees, other than permanent status, if said employee so

appointed has otherwise become qualified under these Rules to become a permanent employee).

F. Leave to Serve on Jury Duty or as a Witness at a Trial. Whenever a permanent employee is required during normal working hours to serve as a juror, or as a witness at a trial, he shall be granted leave for such purpose upon presentation of jury notice to the appointing authority and the Personnel Officer. He shall receive full pay for the time he serves on the jury, or as a witness, provided that any money which he receives for such duty is deposited with the City Treasurer for the general fund.

12. EMPLOYEE MORALE AND WELFARE

A. Powers of Investigation. The City Manager, or the Personnel Officer, separately or together, may investigate any situation relative to the morale and welfare of the employees in the service, and the City Manager may take such action as he deems necessary.

13. REPORTS AND RECORDS

A. Roster Card. The Personnel Officer shall maintain a service record or roster card for each employee in the service of the City, showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

B. Reports to the Personnel Officer. Every appointment, transfer, promotion, demotion, change in salary, and any other temporary or permanent change in status of employees in the service shall be reported to the Personnel Officer at such time and in such manner as he may prescribe.

C. Access to Administrative Records. The City Manager and the Personnel Officer shall have access to all departmental records, documents and papers of the City; the examination of which will aid in the discharge of their duties.

D. Standards of Performance. It shall be the duty of the Personnel Officer to administer such service rating plan or device as may be approved by the City Manager for the purpose of measuring the efficiency of officers and employees. Such service rating plan shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered, and the observance of regulations and procedures properly governing the performance of the duties of a position.

14. TRAINING OF EMPLOYEES

A. Responsibility for Training. Responsibility for developing training programs for employees shall be assumed by the Personnel Officer. Such training programs may include lecture courses, demonstrations, assignments of reading matter, or other such devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal employees in the performance of their duties.

B. Credit for Training. Participation in, and successful completion of, special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed with the Personnel Officer by the department head.

15. SUSPENSION

A. Suspension. Any person holding an office, position or employment in the service shall be subject to suspension without pay by the department head for the reasons stated below. Such suspension shall not exceed a total of 30 days in any fiscal year.

Such suspension shall be subject to the approval of the City Manager. Prior to such suspension, or at the time such suspension is made, the department head shall give to the employee a written statement of the reasons for such suspension, and shall file a copy thereof with the City Manager.

Suspension may be made for the following causes, or any other cause which is deemed proper by the City Manager:

(1) Unauthorized absence;

(2) The commitment or conviction of any criminal act;

(3) Conduct unbecoming any employee in the public service;

(4) Disorderly or immoral conduct;

(5) Failure to make proper provision for the liquidation of just debts;

(6) Incapacity due to mental or physical disability;

(7) Incompetence or inefficiency;

(8) Insubordination;

(9) Intoxication while on duty;

(10) Neglect of duty;

(11) Negligence or willful damage to public property, or waste of public supplies or equipment;

(12) Violation of any lawful regulation or order made and given by a line superior;

(13) Willful violation of any of the provisions of the ordinances of the City or these Rules.

16. SEPARATION FROM SERVICE

A. Resignation. An employee wishing to leave the service in good standing shall file with the department head at least two weeks notice of his intention to leave the service, and a written resignation stating the effective date and reasons for leaving, unless the department head consents to his leaving sooner. The resignation shall be forwarded to the Personnel Officer, with a statement by the department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. Failure of the employee to give the notice required shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation of any employee who fails to give the required notice shall be reported by the department head immediately.

B. Removal or Discharge. An employee in the service may be discharged at any time by the City Manager, but if the probationary period has been completed, then such discharge must be for cause. Any employee who has been discharged shall be entitled to receive a written statement of the reasons for such action.

The employee may be removed or discharged for the following causes, or such other cause as the City Manager deems proper:

(1) Unauthorized absence;

(2) The commitment or conviction of any criminal act;

(3) Conduct unbecoming any employee in the public service;

(4) Disorderly or immoral conduct;

(5) Failure to make proper provision for the liquidation of just debts;

(6) Incapacity due to mental or physical disability;

(7) Incompetence or inefficiency;

(8) Insubordination;

(9) Intoxication while on duty;

(10) Neglect of duty;

(11) Negligence or willful damage to public property, or waste of public supplies or equipment;

(12) Violation of any lawful regulation or order made and given by a line superior;

(13) Willful violation of any of the provisions of the ordinances of the City or these Rules.