

POLICIES OF THE PERSONNEL DEPARTMENT  
CITY OF LOS ANGELES

Includes Revisions Through  
July 2014

## TABLE OF CONTENTS

Sec.

1. Appeals and Disqualifications
2. Deleted 6-16-00
3. Civil Service Commission Rules
4. Training for Examinations
5. Commission Meetings and Right of Appearance
6. Eligible Lists, Certifications, and Declinations
7. Emergency Appointments
8. Examinations - Applications for
9. Examinations - Grades in
10. Examinations - Medical
11. Examinations - Open Competitive
12. Examinations - Oral Interviews
13. Examinations - Promotional
14. Examinations - Proctors for
15. Examinations - Protests in
16. Examinations - Requirements for
17. Examinations - Weights in
18. Examinations - Written
19. Examinations - Late Written Test Administration
20. Exemptions
21. General Manager Personnel Department
22. Half-Time or Intermittent Positions
23. Handicapped Persons

24. Disciplinary Appeals
25. Leaves of Absence
26. Deleted 6-16-00
27. Restoration, Requests for
28. Reversion, Requests for
29. Seniority
30. Service Pins
31. Transfer
32. Veterans Preference
33. Discipline
34. Status
35. Out of Class Assignment
36. Examinations - Special Examining Assistants
37. Examinations - Job Analyses/Validation Studies
38. Examinations - Status Purposes

(Amended 6-16-00)

1. Appeals and Disqualifications:

1.1 The General Manager or designated staff member shall hear individual appeals on such matters as criminal record disqualifications, background disqualifications, medical limitations, disqualifications in examinations, and denied requests for late test administration, restorations, and late acceptance of necessary documents; and shall act upon such appeals in conformance with established Commission policy. The decision of the General Manager or staff designated to hear the appeal shall be final unless the appellant requests that the Board review the appeal, subject to the appeal limitation established in this section.

Any applicant who is disqualified shall be notified of such disqualification and of the appeal procedure.

a. Background Appeals

For background appeal as designated by the Board, the Board may delegate authority to the General Manager or a review panel. In those instances, the decision of the General Manager or review panel shall be final and the Commission shall not entertain any subsequent appeal of the General Manager's or review panel's decision.  
(Amended 10-23-08)

b. Medical and Psychological Appeals

For medical and psychological appeal issues pertaining to Peace Officer, Firefighter, or civilian job applicants, the Board may delegate authority to the Medical Appeal Review Panel. In those instances, the decision of the review panel shall be final and the Commission shall not entertain any subsequent appeal of the review panel's decision.

For medical and psychological appeal issues pertaining to current City employees, the Board may delegate authority to the Medical Appeal Review Panel. In those instances, the decision of the review panel shall be final and the Commission shall not entertain any subsequent appeal of the review panel's decision.

(Amended 3-13-08)

1.2 The name of a disqualified eligible shall not be removed from the eligible list, but shall be withheld from certification until such time as the disqualification is removed.

If the person disqualified has already been appointed, either regular, limited, or emergency, a copy of the letter of disqualification shall go to that employee's appointing authority. This letter shall indicate that unless the disqualification is appealed within ten days of the date of the letter, the appointing authority is to consider the letter of disqualification as a request to terminate the employee, and that the employee should notify the appointing authority if the disqualification is being appealed.

The Board's action shall be reported to the appointing authority. Further, if the Board denies the appeal, the appointing authority shall be requested to terminate the employee.

### 1.3 Employment of Person with Criminal Records.

- a. In the employment of persons with criminal records, the Board of Civil Service Commissioners has a dual obligation. The citizens whom it represents have a right to expect that City employees are persons of good character and repute. On the other hand, there is an obligation to recognize that conviction of a crime represents undesirable behavior but does not necessarily continue to be characteristic of the offender, particularly after the passage of time and events.
- b. It is the policy of the City to employ rehabilitated offenders for jobs that would not be in conflict with their conviction records.

An applicant's record will be evaluated on the basis of the following factors:

- (1) Whether any law proscribes employment in the affected class or position;
  - (a) Conviction for workers' compensation fraud shall result in disqualification. (Amended 6-17-04)
- (2) The nature and seriousness of the conviction(s), and the circumstances under which the conviction(s) occurred;
- (3) The age of the person at the time of conviction(s) and the recency of the conviction(s);
- (4) The number of convictions;

- (5) The relationship of the conviction(s) to the affected class or position;
  - (6) Evidence of rehabilitation and maturing, including particularly the employment record with respect to job responsibility and duration;
  - (7) Truthfulness in admitting the previous record;
  - (8) Any other factor relevant to the individual's suitability for employment.
- c. Review of applicants with respect to criminal records is made after an examination has been completed and an eligible list prepared. The information reviewed includes the following:
- (1) The convictions as reported by the applicant on the application form;
  - (2) The applicant's summary criminal history information record with the Los Angeles Police Department;
  - (3) The applicant's summary criminal history information record maintained through fingerprints by the State, FBI, or armed forces.
- d. The employment categories noted below have been established to provide a framework, which is not to be considered as all-inclusive, of areas of concern for various types of disqualifying offenses for which the applicant or candidate has been convicted.

<u>Classes or positions involving:</u>	<u>Potentially disqualifying offenses:</u>
<ul style="list-style-type: none"> <li>(1) Peace officers or carrying a side arm</li> </ul> <p>NOTE: <u>Any felony conviction in this category is automatically disqualifying pursuant to Government Code Sec. 1029 or Penal Code Sec. 12021.</u></p>	<ul style="list-style-type: none"> <li>(Any narcotics offense</li> <li>(Manslaughter</li> <li>(Two or more minor offenses within the year</li> <li>(A history of minor offenses</li> <li>(Two or more drunk driving offenses</li> <li>(Three or more plain drunk offenses</li> <li>(Driver's license on</li> </ul>

- |  |  |
|--|--|
|  | probation, revoked,<br>or suspended<br>(On probation<br>(Petty theft   |
| (2) Operation of automotive<br>or construction equip-<br>ment  | (Repeated offenses<br>for drunk driving<br>or moving traffic<br>violations<br>(Any narcotics offense<br>in excess of one<br>minor conviction for<br>personal use of<br>marijuana |
| (3) Custodial, warehousing,<br>security, accounting,<br>auditing, investing,<br>licenses, permits,<br>handling monies, and<br>inspection and inves-<br>tigation activities | (Crimes against<br>property and revenue<br>(Any narcotics offense<br>in excess of one<br>minor conviction for<br>personal use of<br>marijuana                                    |
| (4) Routine access to pri-<br>vate property  | (Crimes against<br>property<br>(Crimes against the<br>person   |
| (5) Routine contact with<br>children   | (Crimes against the<br>person and public<br>decency<br>(Crimes against<br>children<br>(Any narcotics<br>offense  |
| (6) Routine physical con-<br>tact with the public  | (Crimes against the<br>person and public<br>decency<br>(Crimes against<br>property<br>(Any narcotics<br>offense  |
| (7) All classes and posi-<br>tions   | (Any conviction<br>within the year for<br>more than one minor<br>offense<br>(On parole for less<br>than one year since<br>release from prison                                    |

(A history of convictions that suggests the absence of rehabilitation  
(Any conviction for workers' compensation fraud

(Amended 6-17-04)

Since job duties of many classes vary among job assignments, an applicant may be evaluated in more than one category. With this in view, an appointing authority may request a background investigation of any candidate for employment. Such an investigation will occur usually after certification and before appointment, and will be based on the appointing authority's identification of the specific area(s) of concern (i.e., 2 through 6 above) that will provide guidance to the Personnel Department in assessing the candidate's suitability for employment.

- e. When positive information is developed from summary criminal history records, the convictions will be compared to those listed by the applicant. An open applicant will be disqualified for failing to admit convictions on the application (except that an applicant is not required to list offenses, the records of which have been sealed, or where there has been dismissal from conviction pursuant to the Penal Code).

A candidate will not be disqualified if it appears to the Appeals Hearing Officer that an honest attempt was made to list convictions fully and truthfully, and that the omitted offenses can be considered an oversight.

Promotional candidates are not required to list misdemeanor convictions occurring prior to original appointment provided the candidate has been working for the City for at least one year and there has been no conviction in the interim.

- 1.4 When a City employee is arrested, the fact of such arrest will be reported to the employing department if a conviction for that arrest would ordinarily merit disqualification under established standards.

When a City employee is convicted of a crime that would ordinarily merit disqualification, the Personnel Department will disqualify the employee on appropriate eligible lists and:



- a. request the appointing authority to terminate the employee, in accordance with the procedure identified in 1.2 above, if the person has not completed the probationary period; or
- b. forward the information on the conviction to the appointing authority for such action as it considers appropriate if the employee has completed the probationary period.

The Civil Service Commission requires that all City departments treat arrest and/or conviction information confidentially.

1.5 When a bulletin has a statement regarding disqualification for serious or numerous traffic violations, disqualification will be based on the following:

- a. Disqualify for a traffic record where the applicant, within the past three years, has been convicted of four or more moving violations or has been involved in four or more accidents or a combination of four or more convictions for moving violations and accidents, EXCEPT
  - (1) that no applicant will be disqualified with a driving record clear of accidents and convictions for moving violations for the past year, and with no more than five moving violations and accidents combined within the past three years, and
  - (2) accidents for which the applicant can produce written evidence, satisfactory to the Personnel Department staff, that the applicant was not at fault, will not be counted.
- b. Operating departments are urged to apply these same standards for employees assigned to driving positions for training purposes, and to other positions requiring a significant amount of time driving City vehicles. The Personnel Department staff is directed to assist operating departments in obtaining the traffic record of employees assigned or being considered for assignment to such positions.

1.6 Work history: Disqualification shall result if:

- a. The applicant has been discharged, or resigned to avoid discharge, for personal delinquency within the last three years unless a stable and satisfactory record of

employment, military service, or training has since been established; or

- b. The applicant has been discharged or resigned to avoid discharge within the last three years for inability to meet performance standards in the same kind of work unless a stable and satisfactory record of employment, military service, or training in the same kind of work has since been established; or
- c. The applicant's work record, including number and type of positions held, reasons for separation, and duration of unemployment, when considered in light of the type of work being sought, clearly indicated that the person would be a poor employment risk.

All discharges from employment, regardless of when they occurred, and all other employment may be checked to determine cause of separation and eligibility for rehire. A candidate may be disqualified for failing to admit a prior discharge, with the following exceptions:

- (1) Discharges occurring prior to employment by the City need not be listed on promotional examination applications, provided that the discharge was not for inability to perform the same kind of work for which application is made.
- (2) Discharges occurring more than ten years prior to filing an application need not be listed on open examination applications.

A present City employee's record of prior discharge, not involving falsification, will not be cause for disqualification under Rule 3.5 if: (1) the Board has previously approved the employee's work record on appeal; or (2) the appointing authority gives the employee a strong, favorable recommendation; or (3) the discharge occurred prior to employment by the City and the employee was originally approved by staff for employment despite the discharge record.

City employees who have been discharged shall be disqualified in all civil service examinations in which they are a candidate or an eligible. Names of employees who have been served with a notice of disciplinary suspension for a period of more than five calendar days shall be withheld from certification until the expiration of the period of suspension.

(Revised 8-17-79)

1.7 Deleted 8-17-79

1.8 Deleted 8-17-79

1.9 Deleted 8-17-79

1.10 a. It is the policy of the Board of Civil Service Commissioners to require that the application and all other records submitted by the applicant in connection with obtaining employment under the Civil Service System of the City be complete and accurate in all major aspects.

In those cases in which an applicant knowingly includes false or misleading information, or omits significant information on an application or other record submitted in connection with obtaining employment, staff shall notify the candidate in writing of the penalty for such actions which may include disqualification in the examination, removal from all eligible lists for which the candidate may have been previously examined, and a bar from participating in future examinations for a specified period of time. The candidate shall also be advised of the right to request that a designated Hearing Officer review staff's findings and proposed penalty.

The decision of the Hearing Officer shall be final unless the appellant requests that the Board review the appeal. The appellant will be advised that future employment or promotion with the City may not be permanently barred if complete and accurate information is included on applications and other records submitted in connection with future examinations.

b. If, during the conduct of any portion of an examination, a candidate commits a fraudulent act to gain an advantage in the examination, staff shall notify the candidate in writing of the penalty for that fraudulent act which may include disqualification in that and other current examinations, removal from all eligible lists for which the candidate may have been previously examined, and a bar from participating in future examinations. The candidate shall also be advised of the right to request that a designated Hearing Officer review staff's findings and proposed penalty.

The decision of the Hearing Officer shall be final unless the appellant requests that the Board review the appeal. The record of any candidate found to have committed a fraudulent act in an examination shall be reviewed by the General Manager before that person is allowed to compete in any future examination.

The General Manager shall report in summary to the Board on all penalties sustained by staff for fraudulent acts committed by candidates.

The following shall be used by staff as a guideline for identifying acts which would be considered fraudulent when committed in an examination. Not all acts are included; only those which are of greatest significance or are the most common. Penalties for each fraudulent act are also included. The penalty shall be determined following a review of the alleged incident and consideration of related factors such as the number of warnings issued and the possibility that instructions were not heard or understood by the candidate. It should be noted that some fraudulent acts are so severe that a lifetime disqualification is considered the only appropriate penalty.

RECOMMENDED PENALTIES FOR CLASS I ACTS:

Disqualification in the examination, removal from all eligible lists, and permanent disqualification from taking future examinations.

EXAMPLES OF CLASS I ACTS:

Taking a test for someone else, or having someone else take a test (impersonation)

Switching answer sheets with another candidate

RECOMMENDED PENALTIES FOR CLASS II ACTS:

Disqualification in the examination, and up to a 5-year disqualification from taking future examinations and removal from all eligible lists.

EXAMPLES OF CLASS II ACTS:

Providing and/or being provided with answers by tapping, coughing, gesturing, signaling, etc.

Using unauthorized aids such as crib notes, calculators, etc.

Clearly observed looking at other candidates' answers despite being warned not to do so

Intentionally removing test materials from test site

RECOMMENDED PENALTIES FOR CLASS III ACTS:

Disqualification in the examination, and up to a 3-year disqualification from taking future examinations and removal from all eligibles lists.

EXAMPLES OF CLASS III ACTS:

Failure to turn in all test materials at test site

Viewing test material before being told to

Beginning test before being told to begin

Continuing to mark answers after time is called

c. The General Manager may request the City Attorney to prosecute any candidate who knowingly includes false or misleading information, or omits significant information on any application or other record submitted in connection with obtaining employment under Municipal Code Section 43.21 and/or may request the appointing authority to take appropriate disciplinary action, if the candidate is a City employee.

d. The General Manager may request the City Attorney to prosecute any candidate who impersonates any other person or allows any other person to impersonate the candidate under Municipal Code Section 43.39. The General Manager may also request the candidate's appointing authority to take appropriate disciplinary action for any fraudulent act committed in an examination if the candidate is a City employee.

(Amended 5-19-94)

1.11 a. In evaluating an applicant's background for employment, an applicant shall be considered for disqualification for conduct such as, but not limited to, that listed below where it can be shown that the

conduct would interfere with or prevent effective performance in the type of employment sought:

- (1) History of garnishments or failure to pay just debts.
- (2) Habitual use of intoxicating beverages to excess, or illegal use of narcotics or dangerous drugs.
- (3) Unethical conduct.

b. In evaluating such conduct, consideration shall be given to:

- (1) The nature and seriousness of the conduct;
- (2) The circumstances surrounding the conduct;
- (3) The recency of the conduct;
- (4) The age of the applicant at the time;
- (5) Causative, social or environmental conditions; and
- (6) The absence or presence of rehabilitation or efforts toward rehabilitation.

(Effective 2-01-74)

1.12 A candidate who contacts, or attempts to contact, any rater in an examination regarding that candidate's score or interview or other candidates' scores or interviews shall be subject to disqualification in the examination. The General Manager may request that any City employee who receives a failing grade in an interview and contacts or attempts to contact a rater as described above be disciplined by the City department in which that person is employed, since disqualification would be ineffective in cases where the employee has failed.

(Effective 9-13-74)

1.13 Public Safety Positions - Background Standards

a. The Background Standards for public safety positions in the City of Los Angeles reflect the very high standards demanded of candidates for public safety job classifications and safety sensitive positions within City service. They are designed to identify the kinds of behaviors which are required of public safety officers serving the citizens of the City of Los

Angeles. Each candidate's past choices, judgements, and behaviors will be compared to these demanding standards. Candidates who fall short of demonstrating consistently sound decision making, maturity, and responsible past behaviors in each of these areas will not be further considered for employment in these critical positions.

Each Standard represents an area that is essential for success in public safety employment. Positions such as Police Officer, Police Specialist, Port Police Officer, Special Officer, and Firefighter, along with other public safety positions designated by the General Manager, are positions of special public trust for which these exacting standards have been designed. The City identifies and selects only those individuals with the highest chance of success in their training and in continuing employment in these critical positions. These are highly competitive examinations, with many more candidates than there are positions available in City service. Candidates who are disqualified from employment in these critical positions are asked to remember the highly competitive nature of these examinations and the demanding criteria described below. In each category, some examples of potentially disqualifying behavior are identified. These examples are designed to give candidates a sense of what behavior will be judged as inappropriate, and are not designed to be an all-inclusive listing of disqualifying behavior. **Candidates are asked to critically assess their own background in light of these Standards before beginning the examination process.**

#### THE STANDARDS

- (1) INTERPERSONAL SKILLS, SENSITIVITY, AND RESPECT FOR OTHERS

Public safety officers must be able to draw on extraordinary levels of tact and diplomacy to achieve their goals while dealing with the diverse population of the City of Los Angeles. They must be able to use advice, appropriate warnings and persuasion to engender cooperation from the public. Additionally, they must be able to work effectively either as an individual or as a member of a larger team. Each candidate shall demonstrate an understanding of the skills necessary to deal effectively with others in a cooperative and courteous manner. Desired behaviors may include, but are not limited to:

- a. Understanding the impact of words and behavior on others, and modifying one's own behavior, comments, or course of action accordingly
- b. Concern for the feelings and perspectives of others
- c. Demonstration of impartiality in dealing with issues of age, gender, sexual orientation, race or ethnicity, religion, and cultural diversity
- d. Use of tact and diplomacy to achieve goals, resolve disputes, and to diffuse or deescalate conflict
- e. Ability to work effectively as a member of a team, making appropriate contributions and recognizing the achievements of others

*Examples of Potentially Disqualifying Evidence -  
- Incidents of domestic violence; use of verbal or physical abuse or violence toward others indicating a lack of self-control; inability to get along with others in work or personal life; failure to listen effectively; use of derogatory stereotypes in jokes or daily language; making rude and/or condescending remarks to or about others; use of physical force to resolve disputes; demonstrated overreaction to criticism; inability to work effectively as a "team player"; disruptive/challenging to authority; use of harassment, threats, or intimidation to gain an advantage.*

(2) DECISION MAKING AND JUDGEMENT

Public safety officers must possess extraordinarily good sense and must demonstrate through their past behavior that they can analyze a situation quickly, make sound and responsible decisions, and take appropriate action. Desired behaviors may include, but are not limited to the ability to:

- a. Critically analyze options and determine an appropriate course of action in a given situation
- b. Act assertively and without hesitation, but without overreacting
- c. Make quick, responsible decisions under pressure
- d. Persuade others to own point of view or to desired course of action
- e. Know when to make an exception;



- exercise appropriate discretion
- f. Prioritize competing demands
- g. Simultaneously and appropriately address multiple tasks
- h. Make appropriate choices without constant supervision or detailed instructions
- i. Creatively develop innovative solutions to problems

*Examples of Potentially Disqualifying Evidence - making poor choices given known circumstances; indecision when options are not clear-cut; failure to take action when appropriate or demonstrating insecurity about making a decision; behavior indicating poor judgement or failure to consider appropriate options; failure to learn from past mistakes; inability or unwillingness to modify a position; rigid adherence to rules without consideration of alternative information; failure to see or consider all options; succumbing to peer pressure.*

### (3) MATURITY AND DISCIPLINE

Public safety officers must present a background which demonstrates maturity and readiness for such employment. Their past choices must be free from behavior inappropriate to the position being sought. A significant degree of personal discipline must be displayed to ensure that candidates can consistently refrain from taking actions which may be detrimental to their own health and well-being or the health and well-being of others. They must be able to maintain their composure and stay in control during critical situations, maintain a positive attitude, and accept constructive criticism without becoming defensive. Desired behaviors may include, but are not limited to the ability to:

- a. Refraining from engaging in conduct which, by its very nature, would reflect poorly on the City and limit a public safety officer's ability to do his or her job effectively
- b. Adhering to legal and societal constraints and requirements of conduct
- c. Considering the consequences prior to taking an action

- d. Accepting responsibility for past actions and mistakes
- e. Taking proper precautions and avoid unnecessarily risky behavior
- f. Using constructive criticism to improve performance
- g. Working well in unstructured situations with minimal supervision

*Examples of Potentially Disqualifying Evidence - use of illegal drugs; abuse of alcohol or prescription medications; failure to follow all laws and common rules of conduct; associating with individuals who break the law; being argumentative, defensive, or blaming others (or circumstances) for mistakes made; past behavior which indicates a tendency to resort to use of force to gain objectives; overbearing in approach to resolving problems; unnecessarily confrontational taking unnecessary personal risks; placing others at risk through one's own actions; reacting childishly or with anger to criticism or disappointment.*

(4) HONESTY, INTEGRITY AND PERSONAL ETHICS

Public safety officers are required to demonstrate the highest possible personal integrity through their honesty and ethical conduct. They must be able to maintain high standards of personal conduct, abide by the law, and demonstrate attributes such as truthfulness and fairness in relationships with others. Each candidate must demonstrate a willingness to work within "the system". Examples of behaviors which meet this standard include, but are not limited to:

- a. Being truthful in dealings with others
- b. Fully cooperating and being completely forthcoming during the pre-employment selection process
- c. Admitting and understanding past mistakes
- d. Refraining from using employment or a position of authority for personal gain
- e. Refraining from "bending" rules or otherwise trying to "beat the system"
- f. Accepting responsibility for one's own actions

*Examples of Potentially Disqualifying Evidence - makes false and/or misleading statements or intentionally omits relevant information; purposefully withholds information; minimizes*

*past mistakes or errors; blames others/makes excuses for mistakes; attempts to induce others to give false information; "bends" the rules or uses a position of authority for personal gain; refuses to accept responsibility for improper actions; condones the unethical behavior of others through silence; engages in illegal or immoral activities of such a nature that would be offensive to contemporary community standards of propriety; theft; fraud.*

(5) SETTING AND ACHIEVING GOALS

Public safety officers are required to demonstrate the ability to set and achieve personal and professional goals. Candidates for public safety positions can best position themselves for positive consideration through continuing achievement in the workplace, educational environment, volunteer activities and/or community involvement. Each candidate must demonstrate initiative and the ability to follow through on all commitments without constant supervision and detailed instruction. Candidates have the opportunity to demonstrate their ability to set and achieve goals, their ability to work in a diligent, reliable, and conscientious manner in accordance with specific rules and policies, and their readiness for, and commitment to, public service through the following:

- a. Advancement in the workplace through promotion or increased responsibilities
- b. Completing work as required and on schedule
- c. Meeting high standards for punctuality and attendance
- d. Meeting family obligations
- e. Educational achievement
- f. Involvement in volunteer or community improvement activities
- g. Easily meeting unpredictable or unexpected challenges

*Examples of potentially disqualifying evidence -  
- failure to meet commitments to work, school, family, volunteer or community activities.*

(6) RECORD CHECKS

Candidates for public safety positions are held to exacting standards of behavior throughout all aspects of their lives. Candidates can expect specific inquiry to be made into their past behavior regarding:

- a. The exercise of fiscal responsibility and acceptance of responsibility for financial obligations
- b. Employing safe driving practices
- c. Maintaining stable employment
- d. Obeying laws, rules, regulations, and orders
- e. Military accomplishments

*Examples of potentially disqualifying evidence -  
- past due accounts, discharged debts, late payments, collection accounts, civil judgements and/or bankruptcy; failure to exercise fiscal responsibility commensurate with income; failure to follow all traffic laws; numerous moving and non-moving violations; at fault traffic accidents; terminations or suspensions from work; reprimands or counseling for poor work performance (including Military service); failure to meet obligations (for example, auto insurance, auto registration, selective service registration, IRS requirements, child support obligations, etc.); law enforcement contacts, arrests, and convictions (as appropriate); other than Honorable discharge from the military.*

(Revised October 16, 2003)

b. Use of a Mandatory Pre-Employment Polygraph in the Background Investigation for Police Specialist and Police Officer

A mandatory pre-employment polygraph examination will be administered in the background investigation of all Police Specialist and Police Officer candidates.

The mandatory polygraph examination will be administered for the purpose of addressing critical background issues in the evaluation of the candidate's past conduct to ensure that the candidate meets the Background Standards as set forth by the Board of Civil Service Commissioners.

The polygraph examination shall be conducted by a qualified polygraph operator of the Los Angeles Police

Department, or a designee, using standard equipment and accepted techniques. Each polygraph examination shall be tape recorded in its entirety, including the pre-test, in-test, and post-test phases of the examination.

If during the initial polygraph examination, deception is indicated by the candidate in any of the predetermined areas of concern, an additional polygraph examination will be administered which focuses on that particular area(s) of concern.

(Amended 1-10-02)

c. Use of the Specific Polygraph in the Background Investigation of Firefighter, Police Specialist and Police Officer

A polygraph examination may be recommended for use as an investigative tool when investigating the background of Firefighter, Police Specialist and Police Officer candidates if during the investigation:

- (1) the candidate makes inconsistent or evasive statements concerning potentially disqualifying conduct in one or more background areas. The candidate's statements must represent a clear attempt to withhold information or must contradict previous statements; or
- (2) adverse information concerning the candidate's conduct is discovered which:
  - (a) if true, may be grounds for disqualification in accordance with Civil Service Commission Policy; and
  - (b) has not been admitted by the candidate; and
  - (c) cannot be proven or disproven through the normal investigative process.

Each recommendation to administer a polygraph examination for purposes of (1) above shall include the specific area(s) in which the investigator believes that the candidate was untruthful, and the specific evasive or inconsistent statements made by the candidate.

For (2) above, the recommendation shall include a specific description of the adverse information discovered, and the reason for which such conduct, if true, may be disqualifying.

Each recommendation to conduct a polygraph examination shall be reviewed by the General Manager. If after reviewing the recommendation and supporting reasons, it is determined that a polygraph examination is warranted in accordance with the above conditions, the General Manager shall approve the administration of the polygraph examination.

The polygraph examination shall be conducted by a qualified polygraph operator of the Los Angeles Police Department, using standard equipment and accepted techniques. Each polygraph examination shall be tape recorded in its entirety including the pretest, in-test, and post-test phases of the examination. The candidate shall be questioned about those problem areas which have been clearly identified in the approved recommendation to administer the polygraph examination. Questions involving other background areas may be asked as necessary for purposes of: 1) evaluating candidate's response patterns in the predetermined areas of concern, and 2) resolving apparent areas of deception on the part of the candidate, which if left unresolved would make the reliability of the results of the polygraph examination questionable. A member of the Personnel Department and/or a member of the employing Department may be present as observers.

For each polygraph examination, a quality control analysis and review shall be made by at least two other polygraph experts for purposes of determining the reliability of procedures and validity of chart interpretation.

A candidate shall be considered for disqualification on the basis of the results of the polygraph examination if:

- (1) During the polygraph examination, the candidate admits to disqualifying conduct and evidence of the admission is maintained, or
- (2) The results of the polygraph examination substantiate the concerns which resulted in the decision to administer the polygraph.

Candidates for whom the polygraph results show deception in a background area other than those which led to the decision to administer the polygraph examination, and who have not admitted to disqualifying conduct:

- (1) may be referred for further background investigation, or
- (2) may be considered for disqualification utilizing the polygraph results as a factor in evaluating the total background of the candidate.

(Amended 2-8-01)

- 1.14 In those cases in which the appointing authority has reasonable cause to believe that an eligible or employee should not be assigned to duties which involve the operation of a motor vehicle on City business, the concerned party may request the Personnel Department to review the case. On the basis of a review of the person's driver's license, driving record, and the duties and responsibilities of the positions in question, the Personnel Department shall determine what, if any, restrictions should be placed on the person's operation of motor vehicles on City business. The City shall not assume any responsibility for modifications to equipment or vehicles necessary to accommodate restrictions placed by the Department of Motor Vehicles on a person's driver's license.

Nothing in this Section shall limit in any way the authority of the Personnel Department to otherwise review the driving record of applicants for positions or classes which require extensive driving.

(Amended 6-16-00)

2. Deleted 6-16-00

3. Civil Service Commission Rules:

- 3.1 Fourteen days notice of intention shall be given prior to the approval of any change, amendment, revocation, or modification of the Civil Service Rules when such change is of a minor or technical nature and no opposition is expected. Twenty-one days notice of intention shall be given prior to the approval of any other change, amendment, revocation, or modification of the Civil Service Commission Rules.

4. Training for Examinations:

4.1 The Board of Civil Service Commissioners encourages departments to offer employees training in areas that would enhance performance in current assignments, performance in future assignments in their current class, and that would enhance their upward mobility in general. Organized departmental training efforts to accomplish any or all of these objectives should be on-going.

However, the Board recognizes its obligation under City Charter Section 1019 to prohibit any coaching which utilizes "Special or secret information" or which will result in "either improving or injuring the prospects of any person...".

Generally, the Board views favorably those training programs which are open to as many employees as practical and are without reference to anticipated examination dates. The Board also views efforts by supervisors to counsel, give mock oral interviews, and suggest study material for all employees they supervise as proper and consistent with their responsibilities under the City's Affirmative Action program.

Such efforts by supervisors should be on-going but may also be in connection with a specific examination.

However, the Board of Civil Service Commissioners looks with disfavor upon organized coaching by departments for the purpose of assisting a portion of the candidate group to pass a specific examination. Such coaching or training is looked upon with disfavor inasmuch as it may give a selected group of potential candidates an unfair advantage in the examination or possibly give such appearance.

The basic difference between what would be proper department training and improper department coaching is that the former is offered either as an on-going effort without reference to a specific examination or in the case of a specific examination, as training which is available to all candidates, while the latter is offered to help a select group perform better in a specific examination.

The Board recognizes the difficulty in making specific examination training available to all interested candidates. However, in the interest of fairness, departments conducting such training shall make the training available, including, as needed, making tape recordings of training and copies of handouts available to all interested candidates.



- 4.2 Any test preparation material such as sample questions, tape recordings, video tapes, or test booklets prepared by the Personnel Department, or used with its approval, shall meet the following standards:
- a. It must be available without charge to anyone who wishes it.
  - b. It must use no confidential material.
  - c. Such material must not purport to include or predict specific test content. It may, however, be designed to help familiarize potential applicants with selection procedures, methods, techniques, or instruments.
  - d. The identity of the individual or department which prepared the material must be clearly indicated and the material must include an introductory statement of the purpose such as to familiarize candidates with the selection process.
- 4.3 The Board of Civil Service Commissioners regards any effort or plan to memorize and then reproduce examination content or other confidential material as being not only in violation of the Charter and the spirit of the merit system, but also an endeavor likely to bring discredit on its participants. In particular, information and material obtained as a result of participating in Personnel Department Validation Studies are highly confidential and are improper for use in training programs.
- Individuals, employee groups or organizations are expected to refrain from efforts which are in conflict with the merit system and which may be unlawful. They are also expected to work actively against such schemes, and to scrupulously avoid the use of confidential material however obtained.
- 4.4 The Board of Civil Service Commissioners looks with disfavor upon coaching schools run by City employees for a fee or other form of remuneration, or in which said employees have a financial interest.
- 4.5 Where the Board of Civil Service Commissioners finds improper coaching or other attempts to violate the spirit of the merit system, the Board will take whatever action is appropriate and within its jurisdiction considering the specific circumstances of each case and recommendations by Personnel Department staff.

(Amended 12-5-79)

5. Commission Meetings and Right of Appearance:

5.1 Robert's Rules of Order shall be the standard of procedure. (5-8-40)

5.2 a. Fair and Impartial Hearings. The Civil Service Commission recognizes the right of any City employee who has exhausted all other prescribed remedies, to appear before it and receive a fair and impartial hearing on any matter within the jurisdiction of the Commission.

b. Individual Right to Appear. While the Commission upholds the right of employees to appear personally before it, it also recognizes the right of an employee to be represented by others.

c. Freedom to Join or Not to Join. The Commission believes deeply in the freedom of choice of each employee to belong to any employee organization or to refrain from joining any organization. It is understood, of course, that membership in such organization will not involve improper conflict of interest with the individual's status as a City employee.

d. Responsibility of Organizations. The Commission appreciates the responsibility of employee organizations to represent their members both individually and collectively on any issue or action concerning the employee, the employee organization, or the City service. It recognizes also the hazard of irresponsible organizations claiming representation of employees not wishing such representation or individuals or groups of individuals within an organization alleging to speak for the entire organization. To assist the Commission in evaluating representation before it and to protect both employees and employee organizations, the Commission requires that all employee organizations, wishing or expecting to appear before it to have on file with the Commission a current statement containing the following information:

(1) Name and address of the organization.

(2) Names and titles of officers.

(3) Names of employees authorized to represent the organization to the Commission, and the execution by such employee of the same Loyalty Oath required of City employees. In connection with the policy on Right of Appearance and Representation require as a condition of Right of Appearance for employee groups, authorized representatives of

organizations to sign the complete Loyalty Oath and Affidavit as required of all City employees.  
(7-6-62)

(4) Where organization is specialized, area of specialty.

e. Release of Nonconfidential Information to Employee Organizations. In connection with Civil Service matters on which employee organizations represent their members, nonconfidential information within the Personnel Department will be made available to official representatives of employee organizations in accordance with provisions of Chapter 2, Division 12 of the Los Angeles Administrative Code.

(Amended 6-16-00)

6. Eligible Lists, Certifications, and Declinations:

6.1 If the Personnel Department has an excess of names on any eligible list, these names may be made available to other governmental agencies and to private businesses for their use.

(Amended 11-12-41 and 3-13-51)

6.2 Staff shall investigate and report on any certification which appears to involve the running of lists.

(Amended 1-4-49)

Whenever eligibles are to be certified from a promotional eligible list, and it is apparent that a number of eligibles have recently changed their availability in order not to be certified, a report shall be made to the General Manager before making certification. The changes in availability shall be verified by the General Manager. The General Manager shall give approval before the certification takes place.

Whenever eligibles are certified from a promotional eligible list and more than two decline appointment on such certification, before certifying additional names, all declinations shall be verified by the General Manager. The General Manager shall approve certifying such additional names as are warranted.

(Amended 6-16-00)

The above does not apply when multiple certifications are being made, and several departments are interviewing and appointing simultaneously.

- 6.3 When an eligible's names appears in more than one place on the eligible register, the employee shall be certified in accordance with the highest standing and shall be available for that standing only.
- 6.4 Requests for the certification of male or female eligibles only may be approved by the General Manager if the request is justified by a bonafide occupational qualification.  
(Effective 2-23-73)
- 6.5 On an initial certification from an open competitive list, such as Maintenance Laborer, Clerk Typist, and similar classes, eligibles will be certified regardless of their stated availability. A declination or failure to report on this certification will not be counted against the eligible.  
(7-6-51)
- 6.6 Whenever selective certification to fill positions that require special skills, licenses, language proficiency, or specialized training is requested by an appointing authority in accordance with Section 5.31 of the Rules, such request shall be approved by the General Manager only when specific identification of the special skills, licenses, language proficiency, or specialized training was made on the bulletin.

Where such identification would have been impossible or impractical at the time of filing, an appointing authority may, during the life of an eligible list, request the Board to approve selective certification on the basis of a special skill, license, language proficiency, or specialized training. The appointing authority shall provide specific information regarding the purpose and need for such new selective certification criteria; the efforts made to find the requisite skills, licenses, proficiency, or training among existing employees and eligibles; and the reason(s) that the skill, license, proficiency, or training could not have been identified at the time of the bulletin. Existing eligibles shall be notified of the General Manager's recommendation prior to Board consideration.

(Amended 6-16-00)

7. Emergency Appointment:

- 7.1 The General Manager may approve the nomination for emergency appointment to a regular full-time position if:
- a. There is no eligible available.

- b. The General Manager finds that an emergency exists in accordance with City Attorney Opinions. (Dated 7-29-68 and 4-29-71 to Mrs. Muriel M. Morse, General Manager, Personnel Department).

7.2 The following would be considered in approving an emergency appointment:

- a. The nominating department has approved the examination announcement except when the appointment is to a craft position at a daily rate in the Department of Water and Power.

(Amended 3-23-62)

- b. The nominee meets the requirements of the examination announcement. (When "desirable qualifications" are announced in the bulletin, these shall be considered as minimum qualifications when evaluating emergency applicants).

- c. The nominating department reports in writing that this appointment is necessary to prevent stoppage of public business or because of extraordinary exigency.

- d. If the nominating department has not yet approved the proposed examination announcement, approval for appointment may be given only if the nominee meets the requirements of the last examination announcement, or if none is available, the requirements of the class specification.

- e. If the person nominated for emergency appointment does not meet the requirements given in the examination announcement or the class specification, the appointment may be approved if:

- (1) Qualified persons are in short supply.

- (2) An immediate need exists.

Any such appointments will be identified on the application as "approved for emergency only".

- f. In approving temporary appointments where an examination is in process, preference shall be given to those persons who are candidates.

- g. Nominations for appointment to limited positions shall be subject to the same standards, except that the

nominating department need not have first approved the proposed examination announcement.

- h. In cases where a position is made vacant due to the unexpected, emergency absence of the regular employee and immediate filling of such position is necessary to maintain required standards of operation, the General Manager may approve temporary appointments to such vacant positions not to exceed five calendar days. However, if there is available, working out of the same headquarters, a person whose name appears on the eligible list for that class of employee, that person shall first be offered the temporary appointment.  
(Amended 2-16-62)

7.4 The General Manager may approve a new temporary appointment for a person who has exhausted his/her eligibility for one year of temporary employment if:

- a. The new position is in a different class in the same department and there is a break of one month, except that if it is not possible or feasible to recruit new personnel, no break shall be required.
- b. The new position is in the same class but in a different department and there is a break of one month, except that if it is not possible or feasible to recruit new personnel, no break shall be required.
- c. The new position is a different position, in the same class and in the same department, but there is a break of one month. The same person may not have more than one temporary appointment to a single position class with or without a break in time.
- d. The new position is in a different class and in a different department with no break in time.

The same position may not be filled for a second emergency appointment term whether there is a break in time or not. Thus a single position class can have at most one year during which it is filled by a temporary appointment, unless a regular appointment has occurred in the meantime. Where there is more than one position in the class within the same department, a second temporary appointment may be made of a different person, with or without a break only if the second appointment is to a different position.

(Amended 02-05-12)

8. Deleted per Board action 8-20-82

9. Examinations - Grades in:

- 9.1 Weighted test score(s) in an examination shall be computed to four decimal places.  
Seniority credit in promotional examinations shall be computed to four decimal places.

For promotional examinations, each candidate's promotional seniority credit, computed to four decimal places, shall be added to the total of the candidate's weighted test score(s), computed to four decimal places. The resulting total shall be "rounded off" to the nearest whole number to determine the candidate's final general average.

For open competitive examinations, and upon presentation of satisfactory documentation, candidates entitled to veterans credit shall have five points added to their final general average, but only if the achieved final general average is a passing score.

Candidates in an examination with the same final general average, after rounding to the nearest whole number, will have the same rank on the register of eligibles. When the register of eligibles is certified, all candidates in the same rank will be certified in random order.

(Amended 07-26-12)

- 9.2 Scores of candidates may be released after notices of test results have been mailed.

(Amended 3-10-50)

- 9.3 A bonus, consisting of an amount added uniformly to the score of every candidate who took the test, may be applied to a test or portion of a test consisting of multiple-choice questions and/or other questions or problems for which the raw score is the number of answers scored as correct according to a scoring key.

Raw scores may be converted to percentage scores through use of a formula in: (a) a written or performance test or test section designed mainly to measure speed and/or accuracy in performing a task or a series of tasks; or (b) a physical abilities test.

A decision on bonusing or on a formula for converting raw scores to percentage scores shall, before becoming effective, be approved by the General Manager, an Assistant General Manager, or the Chief of the Examining Division.

The person responsible for approving or disapproving a proposed bonus or conversion formula may take into consideration such factors as: number of vacancies existing or anticipated and the urgency of filling them; subject matter expert opinion of the difficulty level; whether there are subsequent weighted parts of the examination, which would not have their intended impact on results of the examination if the number of candidates admitted to them was low in relation to the number of appointments expected to be made from the eligible list; apparent qualifications of the candidate group; feasibility of attracting a substantial number of qualified new candidates by changing the requirements or by more intensive recruitment; and any available data which may assist in interpreting the scores, such as norms representing performance of other groups on the test, or empirical data on the relation of test scores to success in training or on the job. If the test involved is a written test, any bonus or conversion formula must be decided upon and approved before the identity of candidates is revealed (Section 4.13, Rules of the Board of Civil Service Commissioners).

A bonus or conversion formula shall not be applied to ratings on essay answers, answers to problems, performance tests, or interviews, where such ratings directly express the judgment of the raters on the candidate's qualifications.

(Amended 1-23-81)

- 9.4 Any changes in Reports of Examinations once the lists have been established by the General Manager shall be approved by the General Manager.

(Amended 1-6-48, 2-26-57 and 6-16-00)

10. Examinations - Medical:

10.1 Authority is delegated by the Board to the General Manager to investigate and report to the Board regarding the medical appeals of candidates who meet the standards of Rule Section 13.5 in presenting acceptable medical evidence concerning their deficiencies.

10.2 When medical examinations are given to candidates on eligible registers by departments other than the Personnel Department, these departments are acting as the medical examiner for the Personnel Department. Any candidate



limited by such examination has the right to appeal to the Civil Service Commission, who may, as a result of such appeal refer the applicant to the Personnel Department.

If the Personnel Department recommends favorably or if the appeal is granted, by the Board, the examination given by the department has no force and effect whatever, and candidates will be certified back to that department. The department, may, of course, reject, but only on the basis of "nonselect" and NOT on the basis of the medical limitation.

If a candidate has been examined and approved for placement by the Personnel Department, no medical examination given by a department to which the candidate is certified can be used as a basis of nonselect. Such candidates will continue to be certified to those departments.

(Amended 1-4-65)

10.3 If a candidate has been approved for placement by the Personnel Department and the medical examiner of a particular department finds cause for non-placement that department may exercise the same rights of appeal to the Civil Service Commission as an individual candidate.

10.4 If the Civil Service Commission has found that an applicant is not limited for placement in class, the applicant may not subsequently be limited for the same class except upon presentation of medical reasons for such limitation which are acceptable to the Civil Service Commission. If in making an appointment, hardship to the operating department would result, or if the candidate would be exposed to serious hazard of injury, authority is delegated to the General Manager to approve such limitation subject to appeal to the Civil Service Commission at its next regular meeting.

(Amended 2-5-65)

10.5 Candidates appointed from an open competitive eligible list shall be required to complete a medical examination, as specified in Commission Rule 13, unless they have been approved medically for employment from that list within six months. This period may be extended to one year if the eligible has no history of medical treatment during the period.

In the case of candidates for classes which have been identified as sedentary classes, the medical examination shall consist of a chest X-ray and a review by medical examining staff of a medical history questionnaire completed by the candidate once he/she is scheduled for a

medical examination. The purpose of said review shall be to determine whether the candidate may have a medical condition which would be potentially limiting with respect to placement in the class in question. If the reviewing physician does not identify any potential limitations, the operating department shall be notified immediately that the person is approved for placement. If the physician identifies evidence that the candidate may be subject to a medical condition which could limit the person's placement potential for the class in question, the physician shall conduct a complete medical examination, the results of which shall be processed in accordance with the procedures outlined in the following sections.

An operating department may request that the Personnel Department conduct a complete medical examination of an eligible certified to fill a position in one of said sedentary classes; if (a) the department can submit evidence that the position, although allocated to an otherwise sedentary class, is assigned duties and responsibilities which would warrant a more thorough medical review, or (b) during the course of the certification interview, the department identifies evidence which indicates a likelihood that the eligible is subject to a medical condition which is potentially limiting.

Notice shall be given to all candidates who complete a medical history questionnaire that any fraudulent statement or willful omissions in their completion of said questionnaire shall be sufficient cause for termination if it is determined after the person is hired that said statements or omissions conceal a condition which limits his/her placement within the position in question.

An operating department may request that an open competitive candidate, who previously has been approved medically, be reexamined by the Personnel Department, if there is evidence to indicate that there has been a deterioration in the eligible's physical condition to the point where that person would not be physically capable of performing the duties of the position to be filled.

The General Manager, Personnel Department, may require medical examinations for all eligibles on the same certification. Any decision as a result of such medical examinations may be appealed in accordance with Commission Rule 13.5.

(10.1 through 10.5 Amended 3-26-81)

10.6 For all positions outside the sworn fire and police services, the Personnel Department shall conduct examinations of certified eligibles and employees as required according to existing procedures. Eligibles shall be evaluated in light of the physical and, where necessary, psychological abilities required to perform the duties of the class as described in the class specification.

On the basis of this evaluation, eligibles shall be medically classified in one of two categories as follows:

- a. no limitations with respect to the classification - this finding shall indicate that the applicant is physically and psychologically capable of performing the full range of duties of the class.
- b. medically limited - this finding shall be stated in terms of medical or physical limitations which must be placed on the person with respect to his or her performance of the duties of the class in question.

In some cases, it may be necessary for the Personnel Department to obtain additional medical information from the eligible in order to complete the evaluation. In such cases, the Personnel Department shall assign provisional limitations as appropriate in light of the information currently available. These limitations shall assume the continuing existence of the limiting condition and shall be stated in terms of the maximum limitation consistent with the condition indicated. The eligible shall be notified that the limitations have been assigned and that he/she will be considered for the position in light of these limitations until such time as the eligible is able to provide additional information which would warrant a change in the limitations. Eligibles subject to provisional limitations shall be treated pursuant to these procedures as any other limited eligible.

(Amended 6-16-00)

- 10.7 a) In those cases in which the medical limitations on an eligible's work activities would appear to limit placement in the class in question, the Personnel Department shall review the duties of the class to determine whether it is likely that there are positions in the class which may be modified to accommodate the limitations placed on the eligible. In those cases in which there is clearly no way to accommodate the person's limitation, the eligible shall be notified of this finding in writing.

Said notification shall include an explanation of the basis for denying placement within the class; a statement that the eligible's name will be withheld from further certification to positions within the class; and an explanation of the eligible's right to appeal this finding to the Board of Civil Service Commissioners.

Notification shall also be made to the appointing authority which requested the medical examination and to the Certification Unit. On the basis of this notification and until otherwise instructed, the Certification Unit shall withhold the eligible's name from further certifications to fill positions within the class in question. On the basis of this notification, the appointing authority may request certification of an additional eligible.

- b) In those cases in which the Personnel Department finds that an eligible may be placed in the class in accordance with restrictions on work activities, consistent with the eligible's medical or physical condition, notification shall be made to the eligible.

In those cases in which the limitations are temporary in nature, eligibles will be evaluated as otherwise required under these procedures, provided, however, that the temporary nature of such limitations shall be considered in any placement attempts. Moreover, the Personnel Department shall establish a reevaluation date for any person who is appointed to the City Service with such temporary limitations.

(Amended 6-16-00)

- 10.8 Upon determination of medical limitation, Personnel Department staff shall contact the concerned operating department to determine whether the limitations present any problems for the position in question.

Where the department indicates that there may be problems, Personnel Department staff and the personnel office of the concerned operating department shall audit the position for which the eligible is being considered and may record their findings on a Job Analysis and Restructuring Form (JARF). This audit shall be completed and the appointing authority shall be notified within five (5) working days of receipt of the limitations. When evaluating the position and the possibilities for accommodation staff may, as necessary, seek the input of the candidate involved as well as experts from the California Department

of Rehabilitation, Los Angeles Department on Disability or similar organizations. A copy of the JARF shall be forwarded to the appointing authority for consideration in determining whether the eligible may be assigned to the position in accordance with the restrictions placed on his/her work activities. These findings reported in the JARF shall include an evaluation of whether it would be necessary to modify the duties of the position in question or the working environment to accommodate the eligible's restrictions. The Personnel Department and the employing department shall work together in interpreting and applying the restrictions and in evaluating the effects of job restructuring or other accommodations.

If modifications appear to be necessary, the reasonableness of such modifications shall depend on whether they can be made without:

- 1) changing the duties of the position to such a degree that it is no longer properly classified;
- 2) incurring costs which cannot reasonably be met within City budgetary limitations; or
- 3) significantly intruding on the rights or privileges of other employees.

The Personnel Department's recommendations as to placement shall be reported to the eligible and the concerned appointing authority.

- a) In those cases in which it is determined that the eligible may be placed in the position without restructuring the duties or requiring some other accommodation to the restrictions placed on the eligible's work activities, the appointment may be effected. The appointing authority shall be notified that a copy of the restrictions placed on the employee's work activities shall be placed in the operating department's personnel folder for the employee and that it shall be the responsibility of the appointing authority to ensure that the employee is not reassigned to duties or transferred to positions which are incompatible with said restrictions.

In making reassignments or transfers, the appointing authority may consult with or request a review by the Personnel Department in any case in which the change in assignment involves a substantial change in duties

or involves an apparent conflict with the person's limitations.

- b) Whenever it is determined that the eligible may not, on the basis of his/her restrictions, be assigned to the position and that it is not possible for the department to effect reasonable accommodations to the restrictions, the eligible shall be denied placement in the position in question. This finding shall be reported to the appointing authority and to the eligible, and on the basis of this finding, the appointing authority may request the certification of the name of an additional eligible.

Such findings may be appealed to the Board of Civil Service Commissioners. Such appeal, however, shall not prevent the appointing authority from filling the position in question through the appointment of another eligible.

- c) In those cases in which it is determined that an eligible may be placed in the position, provided that the duties of the position are restructured or other accommodations are made to the person's restrictions, it shall be the responsibility of the appointing authority to make such accommodations to the person's disability as it considers reasonable. An appointing authority, however, may not use its inability to effect the accommodations as a basis for requesting additional names.

Any employee or eligible who is denied placement because the appointing authority is unable to accommodate the candidate's limitations may appeal such denial to the Board of the Civil Service Commissioners. Such appeals shall be submitted in writing to the Secretary of the Board within five working days of the notice of denial of placement. The Personnel Department shall submit a report to the Board describing the eligible's medical limitations, the findings of the JARF audit, the recommendations for accommodation, and the basis for the Department's response to the recommendations. In those instances in which an employee appeals the appointing authority's denial of placement, the appointing authority shall be requested to retain the vacant position (or similar position) until such time as the appeal is resolved.

(Amended 6-16-00)

10.9 The names of restricted eligibles who are denied placement in specific positions, as in Sec. 10.8b and c above, shall remain on the register of eligibles for the class in question and shall be available for certification to other positions within the class. Such eligibles who are further certified from open eligible lists shall be scheduled by the appointing authority for a medical evaluation in the same manner as any other eligible. The Personnel Department shall conduct such medical reevaluation as required by existing rules and procedures or as otherwise dictated by sound medical judgement. In those cases in which the Personnel Department continues to find medical limitations, the Personnel Department and the appointing authority shall audit the position according to procedures specified above. Such restricted eligibles who subsequently take promotional examinations and are certified from promotional eligible lists shall be processed as provided below.

(10.6 through 10.9 added 7-3-79) (Amended 6-16-00)

10.10 Whenever a promotional appointment is made to a class which is designated by the Board as a strenuous class, the appointing authority shall require the appointee to complete a Medical Limitation Questionnaire which describes any limitations which have been placed on the person's work activities and which are relevant to the work at hand. The purpose of completing this form is to ensure that a medically limited person is not placed in a promotional position in which the person would, by virtue of his/her medical limitations, be exposed to undue hazard of illness or injury. A copy of this Questionnaire shall be placed in the employee's departmental personnel folder, and one copy shall be sent to the Personnel Department.

In those cases in which the candidate indicates that there are no limitations, the appointment may be effected forthwith, provided, however, that the—Personnel Department shall review each Questionnaire submitted and shall determine within five (5) working days of receipt of the questionnaire, whether medical limitations have previously been assigned to the person's work activities.

Whenever there is a record of limitations which appear to be relevant to the position in question, the appointing authority shall immediately be notified of the limitations. If the employee is unable to provide an explanation, satisfactory to the appointing authority, for the failure to identify limitations the employee will be subject to termination. If the employee is able to provide satisfactory explanation, the person and the position

shall be evaluated as provided in Sections 10.7 and 10.8, above.

In those cases in which the employee reports medical limitations which may be applicable to the class in question, the appointing authority shall determine whether there is an apparent conflict between the person's limitations and the class in question. When there is no apparent conflict, the person may be appointed to the position in question. A statement of the person's limitations shall be transmitted to the appointing authority for inclusion in the employee's departmental personnel folder.

Whenever it appears that the person's limitations may affect placement within the class the appointing authority may request an evaluation by the Personnel Department of the person's fitness for the promotional position in question. The findings of the Personnel Department shall be processed as provided above.

In those cases in which the Personnel Department determines that there may be a conflict between the person's limitations and the duties of the position, the person and the position shall be evaluated as provided in Sections 10.7 and 10.8, above.

(Amended 3-26-81 and 6-16-00)

- 10.11 Eligibles whose limitations have been evaluated and remain on the register of eligibles for further certification shall be evaluated for each subsequent position in terms of their limitations, any changes in the limitations, the duties of the position, and the feasibility of effecting reasonable accommodations to the limitations. Any changes in the limitations placed on such eligibles shall be made a matter of record and may be appealed by the eligible according to the procedures established above.

An eligible or employee on whom medical limitations have been placed may request a reevaluation by the Personnel Department provided that the person is able to present to the Department documented evidence sufficient to warrant a reevaluation.

In those cases in which it is determined upon reevaluation that the person's condition has changed to the point where the restrictions must be modified, notification to this effect shall be made to the eligible, and the appointing authority (if any). All records regarding the person shall be amended to reflect the modification of the



restrictions. Those persons so affected who are still on eligible lists shall be processed as described above on the basis of the medical reevaluation and the resultant medical limitations.

Any person with medical limitations who is appointed pursuant to the provisions above shall, as would any other employee, be subject to subsequent evaluations of work fitness as provided by Sections 13.9 and 13.10 of the Civil Service Rules.

Nothing in these sections shall be construed to limit the authority of the appointing department to request the medical evaluation of any promotional employee pursuant to Section 13.8 of the Civil Service Rules.

(Added 7-3-79 and amended 6-16-00)

- 10.12 Prior to having a medical examination conducted under Section 13.9 of the Board's Rules, an appointing authority shall make an effort to determine whether the condition in question has a demonstrable effect on the employee's ability to perform the duties in question. Where possible, such effort shall include input from the employee and observation of the person's performance in actual work conditions.

In those cases in which there is a demonstrable effect on the person's work activities, the appointing authority shall make an effort to accommodate the person's condition as provided above in these policies. In cases where a medical examination is conducted, that examination shall be administered according to Sections 10.6-10.8, above.

(Added 3-26-81 and amended 6-16-00)

11. Examinations - Open Competitive:

- 11.1 Examinations for entrance level classes will be held on an Open Competitive basis only, except as provided for in Section 13.6 of these Policies. For purposes of this policy, entrance level classes are defined as those classes which are the beginning class in any series of classes, and which require either no experience or experience which cannot be obtained in the City service.

(Amended 5-19-78)

12. Examinations - Oral Interviews:

12.1 The General Manager shall cause daily posting in the interview room waiting area of the names, titles and affiliations of all raters serving on interview boards for that day. Such notice shall include the following statement: "Any candidate in these examinations who attempts to contact a rater before or after the interview regarding the interview shall be disqualified in the examination".

(Amended 8-30-74)

12.2 Oral interview boards shall ask whether or not the candidate has anything further to say before the interview is completed.

12.3 Representatives from City departments may serve on interview boards only in examinations where the Board specifically approves the use of inside raters. Staff shall present a report in each case indicating the reasons for using inside raters.

a. When the Board approves the use of inside raters, representatives from City operating departments who are at least two levels above the candidates shall be used as raters.

b. Where there are large numbers of candidates from more than one department, and representatives from City operating departments are used on the interview board, candidates shall be interviewed by a board containing representatives from more than one department, or a board containing a representative from a department other than the one in which the candidate is currently employed.

(2-9-62)

12.4 In emergencies when raters are unable to serve because of illness or similar reasons, and a suitable substitute cannot be obtained, a personnel analyst may serve on the interview board to provide a third rating, provided, however, that a candidate due to appear before such board may have the option of appearing and being rated by a two-person board which had theretofore been established.

(2-9-62)

12.5 In continuous examinations, the interview may be conducted by the Personnel staff and representatives from operating departments.

(2-23-62)

12.6 With Board approval, employee folders, supervisor's ratings, and departmental personnel records may be made available to interview boards in examinations in which all candidates are from the same department, except that previous examination scores shall be excluded.

(2-9-62)

12.7 The interview board may evaluate a promotional candidate who is on military leave, and not available for interview, on the basis of a supervisory rating (two levels above the candidate) and an evaluation of the training and experience shown on the application.

(2-9-62)

12.8 Staff shall make its recommendation on interview protests to the Board on the basis of the facts at its disposal. The General Manager or the Board shall determine if a protest is to be referred back to the raters for additional information.

(Amended 2-16-79)

12.9 The Board shall from time to time approve and review the instructions to oral boards and the rating forms to be used.

(2-9-62)

13. Examinations - Promotional:

13.1 Confidential ratings of promotability may be used in promotional examinations, when so indicated on the examination bulletin.

(Amended 4-11-73)

13.2 Examinations will not be announced on a departmental promotional basis, except for sworn classes in the Fire and Police Department.

(Amended 11-14-41)

13.3 The call point for promotional candidates will be figured by adding their seniority to their weighted written test percentage score. The call point for a promotional candidate will be the achievement of a percentage score which is not less than the minimum fixed by the Civil Service Rules when the percentage score in the weighted written test and the appropriate seniority credit are added.

(Amended 6-16-00)

13.4 In admitting candidates to promotional examinations, it will be considered that a candidate is in a class of "lower rank" (Charter Section 1009) under any of the following conditions:

- a. If the desired class has duties and responsibilities clearly higher than the candidate's present class, regardless of salary; or
- b. If the desired class has a higher maximum salary than the candidate's present salary; or
- c. If the desired classes in a series such that it clearly offers greater promotional opportunities than the series in which the candidate is now employed; or
- d. If the candidate is on leave of absence from a position, the occupying of which at the time of filing application would make that person eligible under the paragraphs above; or
- e. If the candidate is on a reserve list.  
(Amended 11-14-75)
- f. If the candidate has received an appointment under Section 5.30 of the Civil Service Rules to a temporary position and has been separated from that position for lack of work within the past five years.

13.5 A person who must have or who has a break in service as defined in Rule 1.34 (a) in order to be appointed will not be admitted as a candidate in a promotional examination, nor be eligible for appointment from the promotional eligible list.

(Effective 12-2-83)

13.6 Examinations for classes defined under these Policies as entry-level classes shall be administered only on an open competitive basis except in those cases in which the Board determines that:

1. The examination is being administered for classes such a Craft Trainee, Planning Aide, and Management Aide which have been created and designated specifically to provide for the upward mobility of current City employees; or

2. Employees may qualify for the examination on the basis of an approved training class or program, as in the case of classes such as Electric Distribution Mechanic Trainee; or
3. Employees may be expected to gain significant job preparation through an approved training class or program; or
4. Occasional administration of an examination on a promotional basis will significantly enhance the City's affirmative action efforts.
5. Administration of a promotional examination would be more cost-effective or when the City is facing unusual circumstances such as layoffs. (4-11-97)

13.7 It is the intention of these Policies neither to restrict the City's ability to hire well-qualified personnel nor to restrict entry into the City service to a limited number of the lowest paying positions in the service. Accordingly, the following entry-level examinations will not normally be administered on a promotional basis:

1. Entry-level examinations for classes such as Management Assistant or the Engineering Associate classes which require a significant educational background which cannot be provided by a City-sponsored or approved course or training;
2. Entry-level examinations for classes such as Firefighter or Police Officer which involve a significant career commitment to a single and separate line of promotion or career service; or
3. Entry-level examinations for classes such as Occupational Health Nurse which require significant professional, technical, or journey-level experience which cannot be gained within City Service. (4-11-97)

13.8 In order to ensure equal employment opportunities for open competitive eligibles and to ensure adequate points of entry to the City service, the Board, in approving the administration of an entry-level examination on an open and promotional basis, will also announce its intention to give favorable consideration to requests, according to Charter Section 1009, to certify the open competitive eligible list ahead of the promotional list.

(Added 5-19-78 and amended 6-16-00)

13.9 While continuing to ensure equal employment opportunities for open competitive candidates and adequate points of entry to the City service, if an examination held on an Open Competitive basis is expected to result in an applicant pool in excess of the number of applicants needed to meet the hiring needs, the Department may limit the number of applicants that will be examined, provided that the bulletin announcing the examination states that not all applicants will be tested and specifies the methodology used to determine which applicants will be tested and which will not. Notwithstanding the above, for open competitive exams for specified classifications, all qualified applicants who are current City employees will be tested.

(Effective 02-15-12)

14. Examinations - Proctors for:

14.1 Proctors and Senior Proctors are exempted under Charter Section 1001, and the following is the policy covering the hiring and use of Proctors:

- a. City employees will not be used to administer written tests for classes which are in their line of promotion.
- b. With the exception of the employees of the Personnel Department, no new Proctors will be hired who are employees of the City.

(Amended 3-14-52)

15. Examinations - Protests in:

15.1 Examination protests which are received in the first mail the morning after the close of the protest period shall be accepted.

15.2 To provide additional security for written test materials, no notes made by candidates while reviewing test booklets may be removed from the room where the review takes place. Any such notes, including protests, must be written on paper provided by the Personnel Department and must be turned in to the receptionist in charge. A protesting candidate's notes shall be considered a part of the protest, and shall be available to the candidate in connection with any or all hearings on the protests.

(Amended 9-18-64)

15.3 Three review periods are provided for in the Civil Service Rules: Sections 4.20, 4.22, 4.23. The Rules are very specific regarding those matters which can be protested during each review period. In order to better advise candidates of their protest rights and the limitations of these rights relating to each review period, a written statement will be given to each candidate reviewing a written test; to each candidate prior to the interview/physical abilities test/ performance test; and to each candidate reviewing the final scores. Each written statement will describe the types of protests that may be submitted at that time the process of resolving the protests.

(Effective 2-16-79)

15.4 The Board shall not consider protests merely because a candidate believes a higher score was merited. The Board shall not substitute its judgment for the judgment of the raters. The Board will review protests only when the candidate presents evidence that clearly substantiates a charge of prejudice, fraud, or incompetence in the conduct of the examination.

(Effective 2-16-79)

15.5 The Board shall not consider protests on the content, correctness of the key or the grading criteria for the written test or drafting or plan presentations as it believes that the Department's review procedure is sufficient to provide the candidate with due process.

(Effective 2-16-79)

16. Deleted per Board action 8-20-82

17. Examinations - Weights:

17.1 Examinations shall normally consist of a written test and an interview, although in appropriate cases they may consist entirely of a written test or a performance test.

Examinations may consist entirely of an interview where:

- a. A highly restrictive license or educational requirement is required.
- b. An examination by another agency is required.
- c. A very small number of applicants is expected.

- d. Classes are predominantly supervisory, executive, administrative, or deal mainly in public relations.

Where it is desirable to examine on a continuous basis, the examination may consist of a qualifying written or performance and a 100% interview.

Examinations consisting of a weighted written test and interview shall be weighted as announced in the bulletin.  
(Amended 6-16-00)

18. Examinations - Written:

18.1 The General Manager may authorize the publication of completed keyed written tests or any portion thereof, after the written test has been administered:

- a. When it would be advantageous for use as a recruitment device.
- b. When there is evidence that material is being disseminated and new material must be prepared in any event by staff.
- c. When after a written test is administered, there is evidence that material is being circulated on a restricted basis, the Commission may send copies to the Municipal Reference Library.

(6-25-48 and amended 6-16-00)

19. Examinations - Late Test Administration:

19.1 Late test administration may be approved when a candidate cannot appear on the original test date in:

(Note: Other conditions involved in approving late test requests are listed in Section 19.3)

- a. Open examinations due to
  - (1) religious belief
  - (2) error by a Personnel Department staff member
  - (3) military commitment
- b. Promotional examinations due to
  - (1) religious belief
  - (2) major injury or illness of the employee



- (3) death or imminent death of a member of the employee's immediate family
- (4) required official performance of City business at the time the written test is held, e.g., court appearances or City representative
- (5) legal summons as a juror or witness
- (6) error by a Personnel Department staff member
- (7) military commitment
- (8) substantial financial vacation commitments (over \$200) made prior to publication of the examination announcement. In examinations where subsequent tests are unduly delayed, considerations will be given to commitments made more than 30 days prior to the test.

Requests from City employees taking Open examinations will be evaluated under the criteria for Promotional examinations.

All candidates approved for late written test administration will be required to sign a certificate stating that prior to taking the written test they were not in contact with any person who had taken the written test or who had knowledge of the test content and that questions used in the written test had not been seen or discussions regarding the questions heard.

In highly competitive examinations, where candidates take booklets home, such as Fire and Police promotional examinations, late administration of written tests will not be approved.

19.2 All requests for late test administration must be substantiated and the request must be received by staff within the time indicated below:

- a. If due to religious belief, a letter from the candidate's religious leader must be presented on official stationery. This letter must state that the candidate cannot appear on the test date because of religious convictions or beliefs. Requests must be received no later than three days prior to the test date. A letter received for one examination will be used for all subsequent examinations for a six-month period.
- b. If due to candidate injury or illness, or death or imminent death of a member of the candidate's immediate family, a doctor's statement or other proof must be presented.

Requests must be received at the earliest possible date, but no later than five days after the test date.

NOTE: Immediate family includes father, father-in-law, mother, mother-in-law, brother, brother-in-law, sister, sister-in-law, spouse, child, grandparents, grandchildren, step-parents, step-children, or any relative who permanently resides in the candidate's home.

(Amended 2-13-87)

- c. If jury duty or required court appearance is claimed, a copy of the document requiring these appearances will be required. Requests must be received no later than three days prior to the test date.
- d. If performance of business is claimed, a letter from the candidate's department head or unit supervisor on the employer's official stationery explaining why the candidate cannot appear for the test administration will be required. Requests must be received no later than three days prior to the test date except under emergency conditions where prior notification cannot be made.
- e. If military commitment is claimed, a letter signed by the appropriate commanding officer on military stationery stating the dates of service, including arrival and departure times, will be required. Requests must be received no later than three days prior to the test date.
- f. If substantial financial vacation commitment (over \$200) is claimed, a copy of the dated receipt for such commitment will be required. The commitment must have been made prior to the announcement of the examination. Requests for late test must be received no later than the close of application filing.

In examinations where subsequent tests have been unduly delayed, consideration will be given to requests due to commitments made more than 30 days prior to the test date. Requests for late test must be received no later than three days prior to the first testing date of the subsequent test.

- 19.3 Each request for late administration of an interview, performance or physical abilities test will be reviewed along with substantiating evidence. If the candidate's

request meets the above requirements, staff will also consider, before approving the late test request, the following factors:

- a. availability of the raters, material, equipment, and facilities used in the original test.
- b. number of candidates on the eligible list as opposed to the number of current and anticipated vacancies in the class.
- c. reasonable expectation of the candidate receiving an appointment to a vacancy in the class during the life of the eligible list.
- d. cost effectiveness to the City of reconvening the material, equipment, facilities, and personnel necessary to administer the test.

#### 19.4 Military Written Test Administration:

An employee on military leave wishing to take a written test while in the military service must have the appropriate commanding officer send a letter to the Personnel Department. This letter must state willingness to administer the written test and the address where the test material is to be sent. Copies of this form letter are available in Room 100 of the Personnel Building.

Late written test administration will not be approved for an employee on military leave who is stationed within 125 miles of Los Angeles. (Amended 4-29-83)

An employee who takes a written test in the military service and is unable to complete all portions of the examination will receive a routine notice of ineligibility. However, the Personnel Department will attempt to make arrangements for the employee to take any remaining parts of the examination upon release from active duty. The employee must contact the Personnel Department as soon as possible to complete these tests. (Amended 6-16-00)

#### 19.5 General Information

Each request for late test administration will be reviewed together with substantiating evidence before test administration is approved.

No late test will be approved by staff for reasons other than those listed above. For example, alleged failure of the post office to deliver admittance notices is an unacceptable reason.

All determinations made by staff concerning late test administration may be reviewed by the General Manager. The General Manager's decisions on requests for late testing are considered final. The Board shall not entertain appeals of such decisions pursuant to Section 10.7 of the Civil Service Commission Rules, unless it can be demonstrated that the staff action was not in accordance with the policy stated herein.

All requests for late test administration must be submitted in writing to:

Personnel Department  
Attn: Chief Proctor  
Room 100, Personnel Building  
700 E. Temple Street  
Los Angeles, California 90012

(Amended 1-28-91 and 6-16-00)

20. Exemptions:

20.1 For purposes of exemption under Charter Section 1001, a position shall be considered to be not more than a half-time position if the incumbent works intermittently over a one-year period not more than one-half of a full-time assignment and does not work the equivalent of a full-time assignment for any four-week period. (3-2-62)

21. General Manager Personnel Department:

21.1 Deleted 6-16-00.

21.2 Deleted 6-16-00.

21.3 The Board authorizes the General Manager to take action on establishment of a new class (Rule 2.4) subject to approval by the Board at its next regular meeting and appeals on medical disqualifications subject to further appeal to the Board.

The Board authorizes the General Manager to approve the following actions. When the action taken or decision made

is adverse to a department, appointing authority, or employee, it shall be placed on the agenda for the next regular meeting of the Board:

- a. Transfers
- b. Reversions
- c. Leaves of absence
- d. Restorations to lists

If there is an unresolved appeal on any of the actions above, the matter will be placed on the Board's agenda for consideration.

(Amended 6-16-00)

21.4 Deleted 6-16-00.

21.5 The Board authorizes the General Manager to take action on the following matters. Further, the Board shall not entertain appeals of the General Manager's action unless there are supported claims of fraud, prejudice, or failure to comply with the provisions of these Rules or Policies. All such actions taken by the General Manager shall be periodically submitted to the Commission for approval.

- a. Protests related to the content or correctness of the key or grading criteria of the written test or drafting or plan presentations.
- b. Claims related to the raters; judgment in assigning scores in essay tests, performance tests, physical abilities tests, interviews, drafting or plan presentations, or problems.
- c. Unsupported claims of impropriety in the conduct of any portion of the examination.
- d. Acceptance of claims or additional information submitted after the review period has ended.
- e. Protests concerning an error in scoring which can be factually adjudicated.

(Effective 2-16-79)

- f. Requests for late test administration: performance, physical abilities, qualifying, written, interview.

(Effective 9-7-79)

22. Half-Time or Intermittent Positions:

22.1 In accordance with Civil Service Commission Rule 5.18, the General Manager is authorized to approve making intermittent or half-time positions permanent subject to the condition that such appointments shall be made from among employees occupying said intermittent or half-time positions who indicate their availability for permanent positions and if:

- a. The employees have completed six months of service in the classes to which such positions are allocated; or
- b. The employees' final general averages in the examinations from which they were appointed would entitle them to be certified to such employment if their names were on the respective eligible lists; or
- c. The employees have held permanent positions in the subject classes but have voluntarily transferred to intermittent positions.

(Amended 5-21-76)

23. Handicapped Persons:

23.1 Handicapped persons shall include those persons who have physical or mental conditions which limit their functional capacity.

23.2 To ensure that full consideration be given to handicapped persons, the Civil Service Commission will provide that:

- a. Medical decisions will be based on complete, factual information regarding work conditions, hazards, and essential characteristics of individual positions, ascertained by investigation and examination of the essential duties of the individual positions.
- b. Applicants with impairments shall, where reasonable, be afforded opportunities to demonstrate their knowledge, skill and ability by testing methods adapted to their special needs.
- c. Evaluations shall include an assessment of whether an applicant may utilize an adaptive aid, (e.g., hearing aid, visual aid, artificial limb) sufficiently well to demonstrate the potential for competent job performance based on the essential duties of the

position(s) to which the individual has been certified.

- d. Evaluations shall include an assessment of whether accommodations may be made to the person's functional limitations, if any, without constituting a serious impediment to the efficiency and operation of the work unit involved.

When the appointing authority determines both that the requirements of the position(s) are incompatible with the medical limitations of the applicant being considered and that it is not feasible to effect a reasonable accommodation to the candidate's limitations, the department need not consider the candidate for appointment, and the department will then receive an additional name to consider if requested.

23.3 Applicants will be acceptable unless the nature of their medical limitations is such that:

- a. There are no positions within the particular class the duties of which even with reasonable accommodation the applicant is capable of performing.
- b. Employment would present a hazard at work to the candidate, other employees, or the public.
- c. There is substantial likelihood that employment in the position in question will result in a new injury or aggravate an existing disability to a greater degree than would normally be expected were the person not employed in the position and thus create a compensable liability.

Departments shall consider the appointment of handicapped persons in relation to the essential requirements of individual positions. Special attention should be given both to the degree to which handicapped candidates have compensated for their impairments by the development of special skills or methods or by the use of prosthetic devices, and to the possibility of effecting accommodations to the disability of the applicant being considered.

If the findings of an audit indicate either that the requirements of the position(s) are compatible with the handicap of the applicant being considered or that the duties of the position(s) may be restructured within

reasons to accommodate said handicap, the department considering appointment may not nonselect the applicant on the basis of a medical limitation.

(Amended 5-25-80)

24. Disciplinary Appeals:

24.1 The Board of Civil Service Commissioners recognizes its responsibility in providing a timely processing and resolution of an employee's appeal from discharge or suspension under Charter Section 112. The Board must also provide a thorough review of the employee's appeal in accordance with the legal requirements of the City Charter. Therefore, the time limits provided in this policy for the various steps in processing a disciplinary appeal shall be complied with except when unusual circumstances necessitate additional time in one or more of the steps.

24.2 The Commission Secretary shall select, by a rotational process, five (5) Hearing Examiners from the Hearing Examiner panel list. These names shall be submitted to the employee or his or her designated representative and to the city's representative. Within five (5) days of receipt of the list, the employee and City shall confer to select a Hearing Examiner from the names provided. If the employee and the City are unable to mutually agree on a Hearing Examiner, the Hearing Examiner shall be selected through a process of elimination. Each party shall strike a name from the list until one name remains, who shall be the Hearing Examiner. Both parties may by mutual agreement select a Hearing Examiner whose name does not appear on the list and who is available to conduct the hearing within forty five (45) calendar days. If the Hearing Examiner is unavailable to conduct the hearing within the time period specified, the parties will then select a Hearing Examiner from the initial list of the five names previously offered. If the parties have not contacted the Commission Secretary regarding their Hearing Examiner selection within fifteen (15) working days following the submission of names to the parties, the Civil Service Commission shall have the authority to select a Hearing Examiner from the provided list.

(Amended 9-9-04)

24.3 The Commission Secretary shall promptly notify the Hearing Examiner of his or her selection. The scheduled hearing shall be within forty-five (45) calendar days after the selection of the Hearing Examiner. All concerned parties



shall be notified in writing not less than twenty (20) calendar days prior to the scheduled hearing.

(Amended 6-12-03)

- 24.4 A party requesting a continuance of a hearing must notify the Civil Service Commission Secretary in writing not less than five (5) working days prior to the scheduled hearing. Such a continuance must be agreed upon by both parties or must be approved by the Hearing Examiner where agreement between the parties has not been reached. Subject to approval of the affected Hearing Examiner, the Commission Secretary shall notify all parties of the rescheduled hearing date, which should be within fifteen (15) calendar days of the original hearing date.
- 24.5 Whenever the hearing requires an additional day, the hearing may be continued by the Hearing Examiner. The additional day should be scheduled within twenty-one (21) calendar days of the hearing last held.
- 24.6 At any point in the hearing when it appears a settlement is feasible, such settlement should be effected as early in the proceedings as possible. Settlements include, but are not limited to, resignation, transfer, reassignment, leave, voluntary reversion, and Charter Section 1014 transfer. Once the hearing commences, the Appellant cannot unilaterally withdraw his/her appeal.  
(Amended 11-17-2005)
- 24.7 In accordance with Section 19.35 of the Los Angeles Administrative Code, the Hearing Examiner shall submit a report to the Commission Secretary containing a summary of the evidence considered, findings and recommendations. The Hearing Examiner's report shall be filed with the Commission Secretary within thirty (30) calendar days after the last hearing date.
- 24.8 The Commission Secretary shall calendar the matter to be heard by the Board within twenty-one (21) calendar days after receipt of the Hearing Examiner's report and shall transmit copies of said report to all concerned parties not less than fourteen (14) calendar days prior to the scheduled date for consideration by the Board.
- 24.9 Exceptions shall be filed not less than five (5) calendar days prior to consideration by the Board and shall be provided by the filer to the opposing party. This section does not preclude oral presentations before the Board, which are provided pursuant to Civil Service Rule 12.14.

24.10 Charter Section 1016 provides that the Board must obtain the consent of the appointing authority before substituting a suspension in lieu of a discharge or reducing a suspension. Whenever the Board requests the appointing authority's consent to a substitution or a reduction in the disciplinary action, the appointing authority's representative at the Board meeting shall promptly convey the request and the reason for the request to the appointing authority with the understanding that a written request will follow and that the appointing authority should respond by the next scheduled Board meeting.

(Effective 10-31-80)

25. Leaves of Absence:

25.1 a. The General Manager will review with favor requests for leaves of absences for the following reasons:

- (1) Leave because of injury or illness not in line of duty. Any employee who is granted such a leave shall be required upon return to duty to demonstrate fitness for duty in the class from which leave was granted. This demonstration shall include evaluation by the Personnel Department which shall be based on knowledge of the duties of the class as they relate to work performance and safety of the public, the employee, and fellow workers.
- (2) Leave to take advantage of veterans educational benefits under provisions of federal law unless the employee has not completed a probationary period in any class.
- (3) Leaves for educational purposes if:
  - (a) The course of study to be pursued will increase the employee's training for the job or for promotion in the City service; and
  - (b) The employee certifies that return to the City service is intended.
- (4) Additional periods of leave for educational purposes will be considered if the employee has demonstrated normal and satisfactory progress toward the educational objective.

- (5) Leave for personal reasons if the approval of such leave will not interfere with the work of the department and if the length of service and the quality of performance of the employee merits it. This includes such leaves as leaves to settle estates, to travel, to be with spouse or family, to take care of property, or to take extended vacation and rest.
- (6) Leave to accept an intermittent or limited appointment.
- (7) Leaves to accept other employment if:
  - (a) The General Manager finds that the City will materially benefit from the specific experience to be obtained by the employee in such employment;
  - (b) The appointing authority certifies that there is a replacement available who can perform the required duties in a satisfactory manner and that the employee's absence will not adversely affect the quality of City service;
  - (c) The employee has had a reasonable period of City service; and
  - (d) The employee's services have been requested for a definite, specified period of time.

Leaves of absence for successful candidates for the U.S. Peace Corps program will be viewed with favor notwithstanding the foregoing.

- (8) Leave to work for an employee organization or joint council of employee organizations on City employee relations matters. However, in the case of such requests from management and confidential employees (as defined by the Employee Relations Ordinance) it must be shown that overall management needs will be served by such a leave. Such leaves to be without seniority. (Effective 5-26-72)
- (9) Leave of absence without pay rather than suspension or abandonment of position for an

employee who fails to return from workers' compensation absence because the employee believes sufficient recovery has not occurred and states an intention to carry a claim to the Workers' Compensation Appeals Board.

Such leaves of absence should not extend beyond three months unless the employee files an application for appeal before the Workers' Compensation Appeals Board.

Further action regarding the employment status should be deferred until the case has been heard before the Workers' Compensation Appeals Board.

- b. The General Manager will not view with favor requests for leaves of absence for the following reasons:
  - (1) Leave upon transfer from one department, bureau or major division to a position in another department, bureau, or major division. (NOTE: A tentative transfer accomplishes substantially the same results as a leave of absence.)
  - (2) Extension of leave beyond the probationary period for a person holding another civil service position within the City.
- c. In accordance with Section 7.4 of the Civil Service Commission Rules, the General Manager will not approve requests for leave beyond one year. Renewals shall be accompanied by an explanation from the appointing authority stating the reason for extension.

(Amended 6-16-00)

## 25.2 Return from Leaves of Absence:

Employees on authorized leaves of absence shall be entitled to return from such leaves.

- a. Employees returning from leave of absence due to injury or illness shall be subject to a medical evaluation by a City physician immediately upon their return.
  - (1) Appointments for these medical evaluations shall be made by the employee's department.
  - (2) Whenever possible, the medical appointment shall be made prior to the date of return.

- (3) The employing department shall notify the returning employee to bring a release to return to work from the employee's personal physician together with other pertinent medical information for consideration by the City physician.
- b. If in the opinion of the employing department, employees returning from any leave of absence from the City service have physical or medical conditions which might affect their performance or assignment they may be subject to medical evaluation by a City physician.
- c. As soon as possible after medical evaluation the City physician shall report in writing to the employee's department recommendations regarding the employee's fitness for duty, specifying any physical limitations to be imposed. The report may include:
  - (1) Recommendation for return to full duty;
  - (2) Temporary or permanent limitations on the ability of the employee to perform some or all of the duties of the class;
  - (3) Conditions which would make any further employment hazardous to the employee, fellow employees, or the public.
- d. Any personnel actions based on the medical evaluation and recommendations of a City physician on a returning employee, must be taken by the employee's department.

26. Deleted 6-16-00.

27. Restoration, Requests for:

27.1 Before considering requests for restoration to the list of eligibles, the General Manager will require the appointing authority to state a willingness to rehire and that the City would benefit by re-employment. Such restorations will be approved only where, in the General Manager's opinion, it appears to be for the good of the City service. In making its decision, the General Manager additionally may take into consideration such matters as the number of eligibles available and whether an examination is in process.

All persons seeking restoration shall, prior to appointment, be approved medically by a City physician if they are not currently employed by the City.  
(Amended 6-16-00)

27.2 The General Manager will restore individuals to the original class title for which they were examined. After such restoration, they shall be eligible for certification to any of the converted titles for the particular class and subsequently are assignable to any of the converted titles.  
(7-13-45)

28. Reversion, Requests for:

28.1 The General Manager will approve requests for reversion submitted by City employees who are, in effect, being disciplined by the department in which they are employed by being reduced in rank.  
(12-30-49)

29. Seniority:

29.1 In computing seniority for layoff purposes, the Commission will carry in its records the service of individuals in old class titles as long as individuals appointed under those titles remain in the service of the City.

Service in the new class or position created by reclassification from one or more old class titles shall continue to be credited to the old class titles under which such individuals were appointed. No layoffs shall be made of any individual in old class titles until those who have been appointed to corresponding new class titles shall first have been laid off in accordance with their seniority in the new class. When all individuals originally appointed to new class titles have been laid off in any given class, further layoff shall be from old class titles in the same manner as heretofore.  
(7-3-42)

29.2 The General Manager will grant veterans continuous seniority credit for all military leaves regardless of whether or not the positions they left were affected by layoff during their absence.  
(1-16-45) (Amended 6-16-00)

29.3 Whenever an individual who has full legal status in a class, which subsequently is divided into two or more

classes, is appointed to a position in one of the new classes, seniority in the new class shall be considered to have started on the day of the employee's original regular appointment to the old class. The only effect in such an instance of being appointed from a list is that the individual acquires status rights in the new class and is no longer assignable, except through regular layoff or other procedures, to another class.

No layoff shall be made of any individuals in old class titles until those who have served only in the corresponding new class titles shall first have been laid off in accordance with their seniority in the new class.

(Amended 7-27-48)

30. Service Pins:

30.1 Since one objective of a service pin award program is that the pins be widely worn to identify employees, the manufacturer supplying service pins to the City is permitted to manufacture and sell, to eligible employees, dignified and appropriate items of personnel jewelry incorporating the service pin.

Any employee who loses a service pin may purchase another of the same type.

Any recognized organization of City employees may act as the agent of the manufacturer in the sale of service pins or service pin jewelry.

Service pins or service pin jewelry made by the official supplier of service pins to the City shall be sold only at prices approved by the Purchasing Agent.

Separate pins, or pins as a part of an item of jewelry, shall be sold to an employee only upon certification by this Department, or the personnel section of the employee's own department, that the employee is entitled to such pin and the certification of the employee that the pin will be worn only by that person. These certificates shall not be required when the employee exchanges a pin for one which is part of an item of jewelry.

(Amended 11-22-57)

Service awards are issued to all City employees except employees of the Department of Water and Power and active sworn employees of the Fire Department. Such awards are issued to sworn employees of the Fire Department on the occasion of their retirement from active duty. Pins with

appropriate designations are issued to City employees with 10, 15, 20, 25, 30, 35, 40 and 45 years of service to the City; and appropriate service awards are issued to City employees with 50 years of service to the City.

(Effective 8-30-74)

- 30.2 The awarding of all service pins for 25 years and more of service shall normally be made by the Civil Service Commission, while the awarding of service pins for 20 years or less shall normally be made by the operating department.

Upon the request of any operating department, however, the normal presentation is varied by allowing the department to make the presentation of:

- a. The service pin award of any particular individual.
- b. All service pin awards of any particular category including, if requested, the presentation of all service pins regardless of denomination.

- 30.3 Seniority for service pins will commence at the date of first City appointment, whether this appointment is regular, temporary, or exempt.

Credit will be given for all City employment of half-time or more.

Seniority credit will be given for all absence for which regular Civil Service seniority is given. This will include military service, educational leaves, and leaves to work in exempt positions.

Seniority credit will be given for time worked in the City service prior to a break in service of more than six months.

Seniority credit will be given for service in any City department including the Department of Water and Power, and uniformed Fire and Police.

(Amended 6-18-57 and 11-28-58)

31. Transfer:

- 31.1 It is the policy of the General Manager to approve transfers under the provisions of Charter Section 1014 for the following reasons:



1. Medical reasons due to illness or injury on or off the job.
2. Function is scheduled for elimination or reorganization with a resultant layoff for lack of work.
3. Environment or placement problem will be solved and such solution is for the good of the service, considering those persons on reserve and promotional eligible lists.

(10-25-63 and Amended 6-16-00)

32. Veterans Preference:

32.1 The following documents may be accepted as proof of military service, provided they are dated on or after the day of separation from active service, and include dates of service. They may be in original form, photostatic, or certified copies.

- a. Certificates indicating Honorable Discharge or General Discharge under honorable conditions.
- b. Certificate of transfer to Fleet Naval or Marine Corps Reserve.
- c. Certificate of transfer to Enlisted Reserve Corps.
- d. Orders of Transfer to Retired List.
- e. Report of Separation from Service Department, provided honorable separation is shown.
- f. Certificate of Satisfactory Service or release from Active Duty.
- g. Official Statement from Service Department that honorable separation was effected.

NOTE: The spouse of a veteran who was killed or disabled and unable to work as a result of military service as described in Rule 4.7 is entitled to military credits for five years. A Veterans Administration document certifying the date of death or date after which the person was unable to work shall constitute sufficient proof of eligibility.

(Amended 1-12-79)

32.2 For purposes of determining extensions to the five-year period of eligibility for military credits, the following shall apply:

- a. if the extension involves hospitalization due to service-connected disability, a Veterans Administration document certifying the dates on which the veteran entered and left the hospital shall constitute sufficient proof of eligibility for extension, such extension to be inclusive of the dates certified.
- b. if the extension involves participation in a training or educational process, the veteran must submit satisfactory evidence of enrollment. Such evidence shall normally constitute a statement or transcript issued by the registrar or equivalent. An extension for reasons of vocational training must involve a program structured to require a full-time unpaid effort and approved by a state vocational training agency.

An extension for reasons of education must involve a program of at least 12 undergraduate units or at least nine graduate units at a school listed in ACCREDITED INSTITUTIONS of POST SECONDARY EDUCATION, published by the American Council on Education; or in a school that has its credits accepted as if coming from an accredited institution by at least one accredited school.

The inclusive dates of extension for training or educational reasons shall be: for training, the starting and concluding dates as reported by the training institution; for education, the starting and ending dates of the semesters or quarters during which the veteran was enrolled in the number of required courses.

A veteran's eligibility for extension shall be forfeited as a result of full-time employment during the time of participation in a training or educational process.

(Effective 1-12-79)

33. Disciplinary Action: Policy and Procedures (Revised 6/23/05)

33.1

A. **General**

Fundamentally, the basis of the employment relationship is that, in exchange for salary and other benefits, employees will perform duties for which they are hired in accordance with the standards set for operational efficiency and effectiveness. Employees are expected to consistently report to work on time, carry out assigned duties, and cooperate with the public, co-workers, supervisors, and management to complete the work assigned to their organization. This Policy provides the framework for the implementation of corrective disciplinary action for situations in which employees fail to adhere to the requirements for proper job performance.

It is equally important that recognition be given to the employee who does a job exceptionally well or even goes beyond the normal demands of the job. Management is encouraged to give recognition to such employees by using the Notice of Commendation, Form General 79.

This policy and procedure is a **guide** to constructive, progressive discipline to be used in deciding on corrective action for improper conduct by employees after discussion and oral reprimands have failed.

It is also designed to ensure fair treatment to all employees; to prevent impulsive and unreasonable punishment for improper conduct. The rights of the individual must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.

Initial problems may be minor and not easily definable offenses. This behavior should not be overlooked, as it can grow more serious with time. A private conference can often resolve the problem and give the individual an opportunity to correct the behavior. **Recognition should be given to the employee who has received discipline and has demonstrated that the problem has been corrected.**

**The primary goal of this disciplinary policy is to correct employee behavior or performance.** To achieve that goal requires a mutual understanding among City management, employees, and the Civil Service Commission that the following criteria apply:

- (1) Behavior and performance standards must relate to the duties of the job, and management must make employees aware of them;

- (2) Employees are expected to adhere to standards of reasonable and prudent conduct;
- (3) Employees will be subject to corrective action when they violate those standards;
- (4) Penalties must be appropriate for the type and seriousness of the offense, while employees who commit serious offenses, or who show a pattern of offenses after successive efforts at corrective action, must not remain in City service.

When it is suspected that a violation of a performance standard has occurred, and before deciding whether corrective actions is necessary, department management should conduct a thorough, objective investigation and get all available facts, including the employee's side of the story. If the investigation shows that an offense occurred, the actions required by the department's discipline procedures and policies should be taken. However, if management determines that an offense did not occur, or that the allegation is lacking in substance, a record of the incident should **not** be placed in the employee's file where it might prejudice future actions.

## **1. Probationary Termination**

Although a pre-discipline procedure is not required for a probationary termination, it is advisable that such actions be documented. Management should utilize the probationary period as the working test period of fitness to perform the duties of the job and meet the standards of performance.

A probationary employee should receive periodic counsel regarding their job performance during the probationary period. Such counseling should be documented by the supervisor in a memo to the supervisor's file. A probationary termination should not come as a surprise to an employee. If an employee has not met satisfactory performance standards in all areas by the end of the 4<sup>th</sup> month of probation, management should make a decision regarding the retention of the employee. If termination is appropriate, management should initiate the termination process as soon as practical.

## **2. Discharge or Suspension**

If a discharge or a suspension is being considered for an employee who has completed probation, the courts have ruled that a pre-discipline procedure is necessary (*Skelly v State Personnel Board*). This is the case even when an appeal procedure including a post-discharge evidentiary hearing is available. The purpose of this

procedure is to "minimize the risk of error" in the manager's initial decision. The procedure enables the employee to receive notice of the charges and a copy of the materials upon which the proposed discipline is based, to provide his or her version of the facts surrounding the proposed discipline, and gives the Department an opportunity to reevaluate the proposed decision before it is irreversibly made.

### 3. Offenses During Off-Duty Hours

The following guidelines are provided for conduct that occurs off-duty:

- a. Corrective actions taken should be related to the job performed by the employee, the effect of the offense on the conduct of departmental operations, and should be consistent with any other applicable policies and directives.
- b. For offenses that result in the employee being unable to perform his/her job duties (detention and booking or incarceration for a period of time, loss of driver's license, etc.), periods of absence from work should initially be treated as an unauthorized absence (AW). In cases which are neither felonies nor serious misdemeanors, nor related to the job performed by the employee, the employing department may consider the propriety of granting authorized time off (vacation, overtime, leave without pay) for the employee to consult with an attorney, to appear in court, or to otherwise resolve the problem.

### 4. Option of Resigning to Avoid Discharge

In some circumstances, such as inability to perform satisfactorily, the employee, without coercion, may be afforded the option of resigning to avoid discharge. The decision to resign in lieu of discharge must be voluntary and the employee should be allowed a full working day in which to exercise the option.

The department representative, while explaining the alternative of resignation in lieu of discharge, must notify to the employee in writing of the consequences of resignation: that the resignation will result in the loss of the right of appeal of the discharge to the Civil Service Commission; that the separation will be coded as "resignation in lieu of discharge" in official City records; that the resignation **cannot** be withdrawn after acceptance by the appointing authority; that restoration of the employee's name to the eligible list may not be recommended; and that future re-employment by the City cannot be guaranteed.

## 5. Suspension of Exempt (Salaried) Employee

Under applicable City policies and provisions of the Fair Labor Standards Act, a FLSA exempt (salaried) City employee, as defined in Division 4, Chapter 2, Article 8, Section 4.114 of the Los Angeles Administrative Code, shall not be subject to disciplinary suspension for a period of less than a workweek (seven days; half of the biweekly pay) unless the discipline is based on **violations of a safety rule of major significance or misconduct.**

## 6 Taking Disciplinary Action

The appropriate steps for any supervisor, administrator or manager to follow in taking disciplinary action are outlined in Sections A through F.

**Note:** For advice and guidance on any questions related to this procedure and in emergencies, supervisors should contact the employing department's Personnel Office.

### B. Conducting the Investigation-Non-Emergency Circumstances:

The purpose of the investigation is to ensure that the supervisor has considered all relevant facts through:

- (1) Reviewing any written documentation related to the incident(s) including police reports and citizen complaints;
- (2) Interviewing supervisors, other employees, or citizens who may have knowledge of the incident(s);
- (3) Determining the work rules, practices, job-performance standards, or general standards of behavior involved and the extent to which the employee should reasonably have been expected to know and follow them;
- (4) Reviewing the employee's total work record, including records of past performance, conduct, and attendance;
- (5) Interviewing, when appropriate, the employee to verify facts and obtain a preliminary statement of what happened from the employee's perspective. This interview should be in private, informal, and conducted in accordance with the employing department's rules. The interview may include the employee's representative. (The employee has a right to representation in an investigative meeting that could result in discipline of that employee. Should the employee request a representative, allow the employee a reasonable amount of time to obtain

representation. Note: Employees do not have an entitlement to representation if management is not investigating the employee for possible discipline.) During the interview, the supervisor should avoid argument, and refrain from making statements that could later be used to suggest that a fair investigation was not conducted. The supervisor should make notes documenting what occurred in the interview.

### **C. Conducting the Investigation- Emergency Circumstances:**

Administrative Leave Policy:

Circumstances may occur where it is necessary to remove the employee from the work situation before final decisions can be reached regarding any disciplinary action to be taken. Removal of the employee should take place only when management believes there is a significant risk in allowing the employee to remain on the job.

In such cases, the supervisor should immediately notify the next level supervisor, as well as the employing department's personnel office or other designated office concerning this action. If the next level supervisor or personnel office are not available, or it is impractical to contact them, the supervisor should take the following actions:

- Call 9-1-1 emergency when a weapon is involved or when there is an immediate and direct threat to employees or the public. If the danger is not to this level but assistance is needed, call General Services Security at (213) 978-4670.
- Direct the employee to leave the worksite immediately. Place the employee who posed the immediate threat off work **with pay**.
- If possible, have another, higher level supervisor present when directing the employee's removal.

If an employee is removed from the worksite under emergency circumstances, the circumstances and rationale for the removal should be carefully documented by the supervisor and/or the employing department's personnel office and the procedures outlined above should be followed to the extent feasible under the circumstances. If the next level supervisor or the employing department's personnel office are not available at the time of the employee's initial removal, the supervisor must notify them as soon as possible after the immediate emergency situation has been addressed.

### **D. Due Process Requirements:**

Departmental discipline procedures should be followed for all cases except genuine emergency situations. In emergency situations, steps must be taken as soon as practical to provide any due process rights to which the employee is entitled.



- Give the employee written notice of the proposed action by department letterhead, memorandum or other appropriate form, such as an unsigned copy of Form General 77. The notice must include the reasons disciplinary action is being proposed. The reasons constituting the cause of action should be sufficiently specific to allow the employee to respond. The notice must also advise the employee of the right to representation of choice in responding to management's proposed disciplinary action.
- Provide the employee with copies of the documents or materials upon which the disciplinary action is based. Where the action being considered is subject to appeal under Charter Section 112, and where the appointing authority intends, in accordance with Civil Service Rule 12.11d, to present evidence that the employee is not fit and suitable to perform the duties of the position, that added evidence should be specified and presented to the employee.
- After being given a reasonable opportunity to review the above documents and materials, the employee may respond, either orally, in writing, or through a representative (at the employee's option). If a meeting is held to allow the employee to respond, it should not be an adversarial proceeding. Such a meeting does not require calling or cross-examining witnesses or formally presenting a case supporting the proposed discipline.
- A reasonably impartial and uninvolved reviewer, who possesses the authority to recommend a final disposition of the matter, reviews both sides of the case and makes a recommendation to the appointing authority. The reviewer should not be the same person who investigated the incident(s) which form the basis for the proposed discipline.

**NOTE:** Personnel with Peace Officer status have additional statutory protections under the California Peace Officer Bill of Rights (Government Code section 3300, et seq.). These protections include the Lybarger admonition (Lybarger v. City of Los Angeles). Departments employing personnel with Peace Officer status should incorporate into their disciplinary procedures the appropriate requirements to ensure full compliance with the Peace Officer Bill of Rights.

**E. Implementing Progressive Disciplinary Action:**

In most cases corrective actions should be administered as outlined below, with time to assess whether the employee has corrected the deficiencies. Some infractions, however, may require proceeding directly to more severe levels of discipline.

1. Oral Warning

- (a) Give in private

- (b) Conduct on a one-to-one basis between the supervisor and the employee. Explain to the employee, the employing department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is not corrected, and prepare a memorandum to the supervisor's file documenting the conversation. In some cases, a memorandum to the employee summarizing the discussion, including what was agreed upon, may be in order.

## 2. Written Notice

- (a) Use a memo or the "Notice to Correct Deficiencies" (Form Gen. 78). It must contain a full statement of the reason for issuing the notice.
- (b) Serve the memo or Notice to Correct Deficiencies to the employee in private. Explain to the employee the employing department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance in question is not corrected.
- (c) Send a copy of the Notice to Correct to the departmental personnel office to be placed in the employee's personnel file. If a memo is issued instead of a Notice to Correct Deficiencies, a copy may be sent to the personnel office for inclusion in the employee's personnel file. **Whatever document is placed in the employee's personnel file must be given to the employee first.**

## 3. Suspension or Discharge

- (a) After completion of a thorough investigation and compliance with due process (Skelly) procedures, prepare a "Notice of Discharge, Suspension or Probationary Termination" (Form General 77). Be sure a full statement of the reason for the action is included.
- (b) Obtain approval and signature of the appointing authority.
- (c) Obtain the effective date(s) of the suspension or termination.
- (d) Give a copy of the Form General 77 to the employee in person.
- (e) A suspension should be discussed when the notice is served. Explain to the employee the reasons for the suspension, what is now expected, and what further disciplinary action might result from lack of compliance.

- (f) A discharge notice should be served personally, unless after a diligent search, the employee cannot be found. (If the employee cannot be personally served, document the efforts made to serve the notice on the reverse of the form. Return the form to the employing department's Personnel Office, which will then send the form by certified mail to the employee's last known home address.)
- (g) Certify that the notice was served on the employee and return the original form as soon as possible to the departmental personnel office, which will then forward the original form to the Civil Service Commission.

**F. Last Chance Agreements:**

A Last Chance Agreement is a tool to bring finality to efforts to resolve behavior or performance problems with an employee that have resulted in repeated disciplinary problems. These agreements can be drafted to reflect the particular issues and circumstances of individual disciplinary cases. Such agreements should only be utilized in cases where management believes progressive disciplinary steps have been fully exhausted and discharge is the only available corrective action remaining. Violation of a Last Chance Agreement should result in discharge unless significant mitigating circumstances are present.

### **33.2 GUIDE TO DISCIPLINARY STANDARDS**

This guide lists various offenses, and job performance or behavior standards that should be considered in determining whether an employee's actions constitute an offense subject to discipline. The specific offenses listed are examples of some of the more common types of violations of the standards of conduct by employees for which disciplinary action may be taken. **A specific offense need not be listed in order for disciplinary action to be taken for conduct that violates one of the standards of employee behavior.**

*Various levels of corrective actions for first, second, and third offenses are also presented. These corrective actions are recommendations only and are offered for general reference as a common base for disciplinary action in the City of Los Angeles. The appropriate action for a specific disciplinary case may be either more or less severe, depending on the circumstances of the case. For instance, management should exercise its discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge.*

An offense is considered a "first" offense the first time action is taken by the supervisor under the applicable section of this guide. An offense should be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable actions have been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense should be considered in determining the corrective action.

On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed should not be determined by simply adding together the corrective actions for each offense. In such cases, the appropriate corrective action should be selected from the range of actions applicable for the most serious offense and the severity of the disciplinary action should be determined after considering the less serious offenses.

Similarly, an employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/ or third offenses. Nevertheless, all past offenses in the absence of any intervening pattern of good conduct are indicative of a pattern of unsatisfactory behavior and should be considered when determining an appropriate corrective action. Including a statement of "requiring excessive supervision or continued failure to observe commonly accepted levels of behavior" in

the list of specific charges may be appropriate as a means of connecting unrelated types of offenses committed by a problem employee.

**Employees in supervisory positions and those performing safety/security functions are generally expected to demonstrate a higher level of conscientiousness and integrity with respect to their employment. Accordingly, these employees may be subject to more severe levels of discipline for violations of behavior and/or performance standards because they are held to a higher standard of conduct.**

**MISCONDUCT, ON OR OFF THE JOB, SERIOUSLY REFLECTING ON CITY EMPLOYEES OR EMPLOYMENT**

Standard: Employees must perform their duties in a manner that earns and maintains the trust and respect of their supervisors, other employees, and the public.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Using official position or office for personal gain or advantage	Written Notice to discharge	10 day suspension to discharge	Discharge
2. Engaging in any activity which constitutes a conflict of interest	Written Notice to 30 day suspension	6 day suspension to discharge	Discharge
3. Accepting favors or gratuities for services required on the job	Written Notice to discharge	6 day suspension to discharge	Discharge
4. Disclosing confidential information	1 day suspension to discharge	10 day suspension to discharge	Discharge
5. Engaging in illegal behavior or conduct in conflict with job duties, on or off the job	Written Notice to discharge	10 day suspension to discharge	Discharge

**JOB PERFORMANCE BELOW STANDARD**

Standard: Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. A violation of departmental rules	Oral warning to 5 day suspension	6 day suspension to discharge	Discharge
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
3. Misusing, or failing to use, delegated authority in the performance of duties	Oral warning to 5 days suspension	6 day suspension to discharge	Discharge
4. Personal appearance and hygiene not appropriate for the job in terms of employing department's standards and job safety	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
5. Failure to perform work assignments adequately or promptly	Oral warning to discharge	1 day suspension to discharge	Discharge
6. Failure to carry out supervisory responsibilities adequately	1 day suspension to discharge	5 day suspension to discharge	Discharge

**JOB PERFORMANCE BELOW STANDARD** (Continued)

Standard: Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
7. Failure to remain alert and responsive while on duty, for example: sleeping on the job	Written Notice to discharge	5 day suspension to discharge	10 day suspension to discharge



**ATTENDANCE AND TARDINESS** (See Note A)

Standard: Employees must report for work as scheduled, unless ill, injured, or involved in an emergency.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Unexcused, excessive or patterned absenteeism	Written Notice to 5 day suspension	6 day suspension to discharge	Discharge
2. Failure to follow established procedure for notification of inability to report for work	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
3. Leaving assigned work location without proper approval or appropriate reason	Written Notice to discharge	1 day suspension to discharge	10 day suspension to discharge
4. Frequent or unexcused tardiness	Oral warning or Written Notice	Written Notice to 10 day suspension	10 day suspension to discharge

**Note A:** In some cases it may be appropriate to consider the use of **Disciplinary Pay Status** in lieu of an actual suspension. Disciplinary Pay Status serves as a suspension for disciplinary purposes, but does not place the employee off duty. The use of Disciplinary Pay Status is appropriate for attendance and tardiness infractions and other situations where the absence of the employee from the job is counter-productive.

**IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC**

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination)	6 day suspension to discharge	Discharge	
2. Using abusive language toward or making inappropriate statements to the public, supervisors, or co-workers	Oral warning to 5 day suspension	Written Notice to discharge	6 day suspension to discharge
3. Disrupting the work of other employees	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
4. Making threats (verbal or non-verbal) or engaging in a confrontation with the public, supervisors or co-workers (See Note B)	6 day suspension to discharge	Discharge	
5. Unauthorized possession or use of dangerous weapons, such as firearms or knives, on City property or the job	5 day suspension to discharge	Discharge	

**IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC** (Continued)

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
6. Actions on the job or City property intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs)	Written Notice to discharge	Discharge	
7. Failure to provide information related to work to supervisors or others requiring the information	Written Notice to 10 day suspension	6 to 30 day suspension	Discharge

**Note B.** Employees who: (1) make threats or engage in confrontational behavior; (2) possess and/or use without authorization weapons on City property or the job; or, (3) engage in actions on the job or City property intended to destroy property or to inflict bodily injury represent a potential Workplace Violence threat. Such behavior must be brought to the attention of a supervisor and/or manager and steps taken to convene the employing department's Workplace Violence Assessment team. Refer to the City's Workplace Violence Policy for guidance in handling these matters.

**USE OF ALCOHOL OR CONTROLLED SUBSTANCES**

Standard: While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City and its employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Use of alcoholic beverages or controlled substances while on duty	10 day suspension to discharge (See Note C)	Discharge (See Note C)	
2. Reporting for duty under the influence of drugs or alcohol which results in unfitness to work	10 day suspension to discharge	Discharge	
3. Operating City vehicles or other equipment while under the influence of any alcoholic beverage or any drug(s) or narcotic which will impair operative capability	20 day suspension to discharge	Discharge	
4. Illegally possessing or using drugs or narcotics on the job site or on City property	10 day suspension to discharge	20 day suspension to discharge	
5. Positive drug or alcohol test resulting from a for-cause test administered under the provisions of the U.S. Department of Transportation Drug and Alcohol Testing Policy	20 day suspension to discharge	Discharge	

**USE OF ALCOHOL OR CONTROLLED SUBSTANCES** (Continued)

Standard: While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City and its employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
6. Positive drug or alcohol test resulting from a random test administered under the provisions of the U.S. Department of Transportation Drug and Alcohol Testing Policy	5 day suspension to discharge	20 day suspension to discharge	Discharge

**Note C:** The suggested action may be 1) reduced in severity if the employee successfully participates in an alcoholism or drug abuse rehabilitation program or 2) delayed during employee participation in the program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to have the employee taken home safely and to ensure that the employee is released to the custody of another responsible person.

(Amended 01-24-08)

## **SAFETY**

Standard: All employees must perform their duties in a safe manner.

### **SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Operating City equipment un- safely and/or without the required license or equipment	Written Notice to 5 day suspension	5 day suspension to discharge	Discharge
2. Causing or contributing to an accident by operating City equipment in an unsafe manner	1 day suspension to discharge	5 day suspension to discharge	Discharge
3. Violations of safety rules or practices, which endanger the employee or others or damages City property or equipment	Written Notice to 20 day suspension	5 day suspension to discharge	Discharge
4. Playing tricks or jokes, or engaging in horseplay on the job, which may lead to injury of employees or others, or damage to equipment or property	Written Notice to 10 day suspension	10 day suspension to discharge	Discharge
5. Creating unsanitary conditions	Oral warning to 5 day suspension	6 day suspension to discharge	Discharge

**SAFETY** (Continued)

Standard: All employees must perform their duties in a safe manner.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
6. Failure to carry out supervisory responsibility to ensure a safe work environment.	Written Notice to 5 day suspension	5 day suspension to discharge	Discharge

**FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS**

Standard: City employees must demonstrate personal integrity and honesty both in securing employment and in the performance of duties.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Soliciting, accepting, or offering a bribe	Discharge		
2. Theft of or aiding in the theft of cash, or City property or equipment, as established by proper investigation	Discharge		
3. Intentionally destroying City equipment, property or records without proper authorization	10 day suspension to discharge	Discharge	
4. Providing false information in connection with the employment application process	Discharge		
5. Falsifying City Records such as time reports, mileage reports, expense accounts or other work related documents	Discharge		
6. Falsely claiming sick or allowed pay, falsifying reasons for absence	Discharge		



**FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS** (Continued)

Standard: City employees must demonstrate personal integrity and honesty both in securing employment and in the performance of duties.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
7. A finding of Workers Comp fraud as a result of a proper investigation	Discharge		
8. Using City time, property or equipment without authorization	Written Notice to discharge	6 day suspension to discharge	Discharge
9. Unauthorized removal or possession of City equipment or property	1 day suspension to discharge	10 day suspension to discharge	Discharge
10. Unauthorized removal and/or use of City equipment or material in fabricating articles for private use	Written Notice to discharge	5 day suspension to discharge	Discharge
11. Failure to exercise proper supervisory oversight to protect City assets	Written Notice to discharge	5 day suspension to discharge	Discharge

**STANDARDS OF CONDUCT FOR PEACE OFFICERS**

Standard: Employees performing functions that require peace officer status are required to conduct themselves (on and off duty) in a manner demonstrating respect for the laws they are sworn to uphold and the people and property they are employed to protect. Behavior on and off the job must not reflect negatively upon the City as their employer.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Use of excessive force	30 day suspension to discharge	Discharge	
2. Falsification or destruction of evidence or reports related to investigations	15 day suspension to discharge	30 day suspension to discharge	Discharge
3. Failure to report or take action against officer misconduct, on or off the job	15 day suspension to discharge	30 day suspension to discharge	Discharge
4. Abuse or inappropriate use of Peace Officer status	15 day suspension to discharge	30 day suspension to discharge	Discharge

## **DISCRIMINATION/HARASSMENT**

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public. Actions that create a hostile, offensive, threatening, or intimidating work environment will not be tolerated.

### **SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Failure to comply with City policies on equal employment opportunity, including but not limited to, the recruitment, selection, promotion, training or disciplining of employees.	Oral warning to to discharge	Discharge	
2. Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, or slurs, or making suggestive gestures or displaying images or written material that derogatorily depict or demean people.	5 day suspension to discharge	Discharge	
3. Retaliating against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.	5 day suspension to discharge	Discharge	

**DISCRIMINATION/HARASSMENT** (Continued)

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public. Actions that create a hostile, offensive, threatening, or intimidating work environment will not be tolerated.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
4. Supervisory Standard: Failure to maintain a harassment free workplace for subordinates; failure to foster a discrimination free workplace by one's own individual actions or failure to act; or allowing subordinates to retaliate against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.	5 day suspension to discharge	Discharge	

**SEXUAL HARASSMENT**

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual’s work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Sexual Favors: Implicit or explicit coercive pressure for sexual favors	20 day suspension to discharge	Discharge	
2. Physical:			
a. Any physical conduct or act of a sexual nature, involving the use of force or the threat of force.	Discharge		
b. Unwelcome physical contact in sexual areas, including but not limited to breasts, buttocks, or genitalia.	20 day suspension to discharge	Discharge	
c. Unwelcome touching, rubbing, or any type of physical contact and/or conduct toward other employees, which is sexually suggestive.	1 day suspension to discharge	Discharge	

**SEXUAL HARASSMENT** (Continued)

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
3. Verbal: Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, slurs, or questions of a sexual nature	Oral warning to 20 day suspension	Discharge	
4. Visual: Demonstrating insensitivity to others through non-verbal actions, such as making sexually suggestive gestures; displaying sexually explicit objects, pictures, cartoons, or posters; leering; unwanted letters, gifts, and/or materials of a sexual nature	Oral warning to 20 day suspension	Discharge	

**SEXUAL HARASSMENT** (Continued)

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
5. Hostile Work Environment: Repeated, unwelcome, unwanted actions as described in #1, #2, #3, and/or #4 which create or could lead to a hostile, offensive, threatening, or intimidating work environment	10 day suspension to discharge	Discharge	
6. Retaliation: Retaliating against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions	10 day suspension to discharge	Discharge	

**SEXUAL HARASSMENT** (Continued)

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual’s work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

**SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
7. Supervisory Standard: Failure to take appropriate action to correct and eliminate sexual harassment from the workplace; failure to foster a discrimination free workplace by personal actions or conduct; or allowing subordinates to retaliate against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions	20 day suspension to discharge	Discharge	

(Amended 12-15-95)



## **HAZING**

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment-free workplace. Hazing is a form of harassment. Hazing activities are defined as any action taken or situation created in the workplace, which causes or is likely to cause, bodily danger or physical harm, or personal degradation or disgrace. Hazing includes but is not limited to any form of rite of passage or horseplay that involves engaging in illegal, harmful, demeaning or dangerous acts, which are not consistent with City policy and performing job-related activities. Employees are responsible for maintaining a work environment which is free from any form of harassment including hazing. Employees are further expected to promptly report any hazing incidents to management. Supervisors are also held accountable for reporting hazing incidents to the Department Personnel Director and taking all necessary action to prevent hazing, eliminate hazing in the workplace and to discipline employees engaged in hazing incidents.

### **SUGGESTED ACTIONS**

<b><u>OFFENSE</u></b>	<b><u>FIRST OFFENSE</u></b>	<b><u>SECOND OFFENSE</u></b>	<b><u>THIRD OFFENSE</u></b>
1. Planning or engaging in hazing activities	20 day suspension to discharge	Discharge	
2. Supervisor standard: a. Failure to take appropriate action to correct and eliminate hazing activities from the workplace; failure to foster a hazing free workplace by personal actions or conduct; or, allowing subordinates to retaliate against an employee for reporting hazing activities, for participating in a hazing complaint investigation, or for opposing hazing in the workplace	20 day suspension to discharge	Discharge	
b. Planning or engaging in hazing activities	20 day suspension to discharge	Discharge	(Amended 12-11-08)

34. Status:

34.1 The Civil Service Commission will find an employee "legally employed" in a position which is allocated to a class other than the class for which the employee was examined, certified, and appointed, only in cases in which there has been a change in judgment on the part of the Personnel Department as to the proper allocation of the position occupied by the employee. In such circumstances, a finding must be made that the duties of the employee's position have not changed and that the employee was in fact examined for the duties and responsibilities of the position in question. An employee will not be found "legally employed" merely because an appointing authority has, without the approval of the Personnel Department, assigned an employee duties and responsibilities which are not consistent with those of the class for which the employee was examined and appointed. In cases, however, where the original "out-of-class" assignment was erroneously approved by the Personnel Department, the Board may find the employee "legally employed" in the position to which the employee was appointed or assigned.

(Effective 4-19-74)

35. Out-of-Class Assignment:

35.1 To help insure that City employees are not regularly being assigned duties which differ substantially from those included in the class for which they were examined and appointed, the Personnel Department will notify all City employees each year of a one-month period in which they may request the Personnel Department to review their duties if they believe they are working out-of-class. Any employees who believe they are working out-of-class must submit their request and the reasons for the request, in writing, to the Personnel Department through their appointing authority. It is to be understood that this policy is not intended to restrict employees from requesting that their duties be reviewed at any time they believe they are working out-of-class.

(Effective 2-18-77)

36. Examinations - Special Examining Assistants:

36.1 A Special Examining Assistant is a subject matter expert from an operating department who is used to assist Personnel Department staff in preparing a specified examination or examination materials. The duties of a Special Examining Assistant may include:

- a. reviewing written test questions prior to administration to assess appropriateness and relevancy.
- b. writing written test questions.
- c. assisting in establishing grading criteria.

The Special Examining Assistant will be assisting the Personnel Department during normal working hours and usually in Personnel Department offices.

- 36.2 The Special Examining Assistant will be nominated to the General Manager of the Personnel Department for approval. Names of approved individuals, and the examination for which they will serve, will appear on the next Civil Service Commission meeting agenda to make their approval a matter of public record.

(Amended 2-23-96)

- 36.3 A Special Examining Assistant will be bound by the Civil Service Commission Rules, City Charter and California State Government Code as they relate to the security and confidentiality of test materials, and will be prosecuted fully for any violations.

(CSC Rule Sections 4.31, 4.32; City Charter Sec. 118, 124; California State Government Code Sec. 6200, 6201)

- 36.4 Any candidate who attempts to contact a Special Examining Assistant before or after the administration of the examination concerning the examination shall be disqualified from the examination, (CSC Rule Section 4.30). The General Manager will request that any City employee who receives a failing grade in the examination and who contacts or attempts to contact a Special Examining Assistant as described above be disciplined by the City department in which that person is employed, since disqualification would be ineffective or not applicable.

(Effective 3-9-79)

37. Examinations - Job Analyses/Validation Studies:

- 37.1 The Board of Civil Service Commissioners recognizes the value of supervisory and incumbent input in formal job analyses to facilitate the construction of job-related examinations, and encourages City Departments and employees to actively cooperate when requested.

However, the Board also recognizes its obligation under Charter Section 1019 to prohibit any conditions which will result in "either improving or injuring the prospects of any person . . ." Information from formal job analysis meetings which could be used by incumbents to gain unfair advantage over other candidates in an examination includes specific reference material from which test questions could be written, identification of subject matter experts, and critical areas to be sampled. Use of this "Special or Secret Information" could improve job analysis participant scores to the detriment of other candidates, and would constitute a direct violation of

equal employment opportunity and civil service merit principles.

(Amended 6-16-00)

37.2 The Board of Civil Service Commissioners will regard any effort by an incumbent to use information and material obtained as a result of participating in a formal job analysis to prepare that examination to be in conflict with the merit system. Further, the Board deems that any study participant will have an unfair competitive advantage in the examination and will reject applications filed by participants for such an examination.

(6-27-80)

38. Examinations - For Status Purposes:

38.1 The Board recognizes that there may be instances, following a class consolidation where it is appropriate to approve administration of a special examination for status purposes only.

38.2 Examinations for status purposes are intended to allow only incumbents who have been found "Legally Employed" in a consolidated class (limited to occupying certain positions - Policy 34.1) the opportunity to gain full assignment rights to all positions in the new class. Examinations for status purposes are not intended to fill actual vacancies.

38.3 The appropriateness of administering an examination for status purposes shall be determined by the General Manager on a case-by-case basis. Such a determination shall be included in the staff report to the Board on the proposed class consolidation and shall be based on consideration of the following factors:

- a. The extent to which all incumbents have already been examined or will be formally trained for the essential elements that would be included in the examination for the new class.
- b. The benefits to be derived from an examination for status purposes by the operating departments and/or incumbents.
- c. The effect on candidates who would have been qualified to compete for promotion had the original classes not been consolidated.
- d. The relative savings in cost and/or resources associated with the number of incumbents and the manner of testing.
- e. The appropriateness of transfers under Charter Section 1014 in the new class.

(Added 10-10-80)

## INDEX

<u>SUBJECT</u>	<u>SECTION</u>
Appeals and Disqualifications	1
Civil Service Commission Rules	3
Commission Meetings and Right of Appearance	5
Discipline	33
Eligible Lists, Certifications, and Declinations	6
Emergency Appointments	7
Examinations - Applications for	8
Examinations - Grades in	9
Examinations - Job Analyses/Validation Studies	37
Examinations - Late Written Test Administration	19
Examinations - Medical	10
Examinations - Open Competitive	11
Examinations - Oral Interviews	12
Examinations - Promotional	13
Examinations - Proctors for	14
Examinations - Protests in	15
Examinations - Requirements for	16
Examinations - Special Examining Assistants	36
Examinations - Status Purposes	38
Examinations - Weights in	17
Examinations - Written	18
Exemptions	20
General Manager Personnel Department	21

<u>SUBJECT</u>	<u>SECTION</u>
Half-Time or Intermittent Position	22
Handicapped Persons	23
Hearing Investigations	24
Leaves of Absence	25
Out of Class Assignment	35
Restoration, Requests for	27
Reversion, Requests for	28
Seniority	29
Service Pins	30
Status	34
Training for Examinations	4
Transfer	31
Veterans Preference	32

(Amended 6-16-00)