

CITY CHARTER – JULY 2000

Sec. 1003. Classification of Positions.

The Board of Civil Service Commissioners shall establish classes for all positions of employment. The positions classified by the board shall constitute the classified civil service of the City, and no appointment to any of these positions shall be made except in accordance with the rules adopted by the board under the authority of this Article (the civil service rules).

Each class shall be given an appropriate title and shall include all positions sufficiently similar in respect to duties and responsibilities and that have the same requirements as to education, experience, knowledge and ability; the same tests of fitness; and to which the same schedule of compensation may apply with fairness.

Sec. 1004. Civil Service Rules.

The board shall promulgate civil service rules to carry out the purposes of this Article in accordance with applicable law. All rules and any changes to those rules shall be made in writing. The board shall give notice by publication in some daily newspaper circulated in the City of Los Angeles of the place or places where the rules may be obtained, and the date, not less than 30 days after the date of publication, when the rules shall go into effect. The civil service rules shall provide for, among other subjects, examinations, leaves of absence, transfers, temporary appointments, disciplinary hearings, layoffs, and procedures for the review and appeal of determinations by the general manager of the Personnel Department with respect to the civil service provisions of the Charter.

Sec. 1009. Promotion.

The board shall by its rules provide for promotion in the classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among members of lower ranks who apply for the examination and who have the experience and qualifications required by the board as a prerequisite for taking the examination. The general manager of the Personnel Department shall submit to the appointing authority for each promotion the names of eligible applicants in accordance with Section 1010.

In rating eligible candidates, the board shall make an allowance of credits for past service. The announcement of the examination shall state that credits will be given for past service. Upon the written request of the appointing authority, the board may certify the names of those applicants having the highest ratings on the open competitive eligible list whose scores before adjustment for preferential credits are higher than the score of the highest available applicant on the promotional eligible register after credits for past service have been added. Names of candidates shall be removed from the register of

eligibles for promotion after they have remained on the register for two years without re-examination.

Promotional examinations shall be held at intervals necessary to maintain a register of eligibles for promotional positions in which there are vacancies. The method and rules governing examination and certification for promotions shall be the same as provided for applicants for original appointment, except as otherwise provided in this section.

Sec. 1013. Temporary Appointment.

- (a) Length of Appointment.** To prevent the stoppage of public business or to meet extraordinary exigencies, any appointing authority may make temporary appointments to classified positions in accordance with civil service rules that the board shall prescribe. The board shall have the power to authorize such temporary appointments for up to 120 days. If the board is unable to establish an eligible list or if the eligible list is established but no employees can be secured from the list, the board may provide by rule for an extension of a temporary appointment for a period not to exceed an additional 120 days.
- (b) Termination.** Any temporary appointment shall terminate immediately when a regular appointment can be made unless the board finds that for a specified period it is necessary that the temporary employee remain to orient or train the new regular appointee.
- (c) Temporary and Intermittent Appointments.** The civil service rules shall provide for the tenure of persons appointed from a register of eligibles to positions determined by the board to be temporary or intermittent in character. Any rules adopted pursuant to this subsection shall provide that when appointment is made to a position determined to be temporary or intermittent, the provisions of Section 1011 with respect to period of probation and completion of appointment shall not apply.

Sec. 1014. Special Reassignments.

- (a) Reassignment Without Examination.** In addition to and notwithstanding the provisions of Section 1015, the board may by its rules provide for status and seniority for civil service employees in classes other than those for which they were examined, where:

 - (1) An employee is incapable of performing satisfactorily the duties of his or her position because of injury, sickness or disability; or
 - (2) An employee has completed a probationary period in the City service.

(b) Requirements for Reassignment. Any rules adopted by the board pursuant to this section shall provide that:

- (1) no employee may be placed in a different class without first receiving the employee's written consent to the reassignment;
- (2) no change of class status may be allowed if it would result in a promotion;
- (3) no employee may be placed in a different class unless the employee possesses the minimum qualifications required for the class and the capability of performing the required duties;
- (4) no employee who is placed in a different class pursuant to the provisions of this section may be credited with more seniority than accumulated in the employee's former class.

Sec. 1015. Layoffs.

In addition to all other matters, the board shall by its rules provide for the following:

- (a) Order of Suspension and Restoration.** The civil service rules shall provide the manner and order, not inconsistent with the provisions of this section, in which all persons employed in the classified civil service shall be suspended and restored where the suspension results from lack of work, lack of funds or abolishment of position or otherwise, excepting suspension for personal delinquency. In all cases, suspension and restoration shall be based upon seniority as provided in this section, or as provided by the civil service rules.

No assignment of employees to positions within a class, except as provided in this section, for which no different examination requirements have been established by the board shall affect the requirements of this section governing suspension and restoration for lack of work, lack of funds or abolishment of position or otherwise. In all of these cases, all employees within the same Class-Group, as defined below, and for which similar examinations are required by the board shall be considered as one Class- Group for purposes of suspension and restoration.

Whenever suspension other than for personal delinquency is to be made in any class in an office, department, bureau or major division in a department having control of its own funds (Class- Group), the person to be suspended shall be selected in the order determined by length of service in such class and in classes of higher rank since regular appointment in the classified civil service, after deducting periods of absence in accordance with the civil service rules. Persons having the shortest length of service shall be suspended first.

- (b) Displacement.** Any person so suspended shall be entitled to displace the person holding a position in a Class-Group in which a regular position was formerly held by the person so suspended, who has the shortest length of service in such Class-Group and in classes of higher rank after deducting periods of absence as provided by the civil service rules. Any person entitled to displace a person may

fill instead, with the consent of the appointing authority, a vacant position in the Class-Group in which he or she is entitled to displace. In the event an employee exercises his or her right to displacement, the employee shall receive the salary at the level of the highest paygrade in the Class-Group, which the employee held prior to leaving the Class-Group.

- (c) **Determination of Class-Groups.** The Class-Group in which suspension is to be made or the Class-Group in which restoration is to be made, shall include all positions created from such Class-Group after the original regular appointment therein of the person suspended or restored. The determination of the board as to the Class- Group from which such positions were subsequently created shall be final and conclusive.
- (d) **Reserve List.** A reserve list shall be established in each class in each office, department, bureau or division of a department having control of its own funds which shall consist of the names of those persons who have been regularly appointed or promoted to, and have served beyond the probationary period in a class and have been suspended for causes other than personal delinquency. Each person whose name appears on the reserve list, until regularly restored to a position in the class in the office, department, bureau or division from which he or she was suspended shall be certified for appointment to a position in the class in the office, department, bureau or division from which he or she was suspended. The name of any person who has been out of the service of the City for more than five years shall be permanently removed from the reserve list.
- (e) **Order of Certification.** Whenever any vacancy is to be filled, it shall be filled by certifying in the following order:
 - (1) from the reserve list, if any, in the class and office, department, bureau or major division in which the vacancy exists, the name of the person with greatest length of service in the class and all classes of higher rank, or by transfer of a person whose service in the class and classes of higher rank is greater than that of any person on the reserve list.
 - (2) from the promotional list, if any, provided for in Section 1009, of the office, department, bureau or major division where the vacancy is to be filled;
 - (3) from the reserve list of other offices, departments, bureaus and major divisions as provided in the civil service rules;
 - (4) by certifying from the appropriate register of eligibles provided in this Article.

As to certifications to be made from other than the reserve list of the office, department, bureau or major division in which the vacancy exists, the board may by its rules provide that when the list or register from which certification is to be made does not contain as many names as may be certified for any vacancy or vacancies under the provisions of Section 1010, additional names, up to but not exceeding the maximum number allowed, shall be certified from the list or register next in the order as provided above.

- (f) **Procedural Review.** The board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the Charter for removal, discharge, or suspension for cause; but the question of the necessity for suspension for lack of work, lack of funds or abolishment of position shall not be subject to review by the board.