

**RULES OF THE BOARD OF
CIVIL SERVICE COMMISSIONERS
JULY 1, 2000**

RULE 1

DEFINITIONS

- Section 1.11** CLASS mean a position or a group of positions sufficiently similar in duties and responsibilities that they are grouped under a common title pursuant to Charter Section 1003. HIGHER CLASS means a class that has been determined by the Commission to be of higher level than another class for purposes of Charter Section 1015 based on a comparison of the duties, responsibilities, requirements, and compensation.
- Section 1.12** CLASS GROUP includes all the positions in a class in a department. THE CLASS GROUP for an employee being laid off includes all positions determined by the Board to have been created form such class group subsequent to his/her original regular appointment therein.
- Section 1.15** DISPLACE means the act of replacing an employee with another employee who has greater displacement seniority pursuant to Charter Section 1015(b).
- Section 1.23** LAYOFF means separation resulting from lack of work, lack of funds, or abolishment of position.
- Section 1.30** RESERVE LIST means the list by class of the names in order of layoff seniority as of the time of layoff of those persons who have completed the probationary period and have been laid off.
- a) DEPARTMENT RESERVE LIST means the reserve list by class for a specific department.
 - b) GENERAL RESERVE LIST means the list by class resulting from the merger, in the order of the greatest amount of layoff seniority, of the reserve lists for all departments except the department to which certification is being made.
- Section 1.33** SENIORITY:
- a) DISPLACEMENT SENIORITY is the length of service in a class group and in all higher classes since original regular appointment to such class, after deducting all absences without seniority credit.

- b) **LAYOFF SENIORITY** in a class means the length of continuous service in that class and all higher classes since original regular appointment to that class, after deducting all absences without seniority credit. (Amended 8-9-73)
- c) **PROMOTIONAL SENIORITY CREDIT** means the credit given in promotional examinations for continuous service.
- d) **RESERVE LIST SENIORITY** is the amount of **LAYOFF SENIORITY** at the time of layoff.

Section 1.34 SERVICE or CITY SERVICE or SENIORITY means service in a class or position as the result of having received a regular appointment or having been granted regular status in accordance with Charter provisions.

- a) **BREAK IN SERVICE** means a separation from city employment caused by abandonment of position, resignation, retirement, or discharge for cause. (Amended 1-10-84)
- b) **CONTINUOUS SERVICE** means service in the classified civil service since original regular appointment, excluding all time prior to a break in service and all periods of absence without seniority credit.

Section 1.35 STATUS CLASS means the class in which an employee was examined, certified, and appointed to a position or in which he/she was granted status in accordance with the Charter.

RULE 5

REGISTER OF ELIGIBLES, CERTIFICATION, AND APPOINTMENT

Section 5.6 Whenever a position is to be filled by certification, the appointing authority shall make requisition upon the form prescribed by the Commission. All requisitions shall be investigated to assure conformance to Board policies and Rules. If the requisition is approved, certification shall be made from the reserve list or register of eligibles for the class to which said position is allocated. (See City Attorney Opinion to the Civil Service Commission, July 24, 1944.)

Section 5.7 When certification is from the reserve list for the department in which the vacancy exists, only the name of the person with the greatest amount of reserve list seniority shall be certified for each position to be filled. (See City Attorney Opinion to Joseph W. Hawthorne, Civil Service Department, January 14, 1946.)

Section 5.8 If there is no name on the reserve list for the department in the class to be filled, the General Manager shall certify in order of standing the names of persons in the top three whole scores from the register of eligibles or general reserve list next in order as specified in Charter Sections 1015(e) and 1009. The General Manager shall certify no less than five names more than the number of positions to be filled, and shall certify such additional whole scores as are necessary to provide sufficient eligibles. Notwithstanding the above requirement, where there are remaining on the eligible list less than five available eligibles over and above the number of positions to be filled and the General Manager finds that it is for the good of the service, the names of all available eligibles may be certified and appointments may be made from those available eligibles. (Amended 6-16-00)

The General Manager may certify the names and addresses of all available eligibles within a range of one or more whole scores whenever such certification is requested by the appointing authority and there are at least five eligibles within such range over and above the number of positions to be filled. (Amended 6-16-00)

Appointments can be made only from among the persons in the whole scores that are certified to provide three whole scores or five more than the number of vacancies filled. If fewer than the initially intended vacancies are filled, then appointments can be made only from those whole scores that would have been certified for the fewer number of vacancies. (Effective 11-28-91)

Section 5.9 If a person declines appointment or fails to report as the result of certification within the time stated on the notice of certification, then upon notification to the General Manager by the appointing officer, the name of the next person on the reserve list or register of eligibles shall be certified. (Amended 6-16-00)

Section 5.13 If a person has been appointed to and is serving in a position described in the requisition as permanent full time, his/her name shall not be certified further to any position from the eligible list for that class. If so appointed and while serving in such position, his/her name shall not be further certified from a reserve list for that class except to that department from which he/she was laid off. (Amended 8-11-61) (See City Attorney Opinion to Lloyd Aldrich, City Engineer, March 12, 1937.)

Section 5.16 A person appointed from an eligible list to a limited position cannot complete a probationary period, accumulate seniority, appeal a suspension or discharge, or be retained if persons who received appointments to permanent positions in the same class group are being laid off.

Section 5.19 A person appointed from an eligible list to an intermittent position cannot complete a probationary period, accumulate seniority*, or appeal a suspension or discharge.

*Seniority as used in Section 5.19 relates only to seniority for civil service purposes, namely layoff and displacement, and does not affect any department policy related to vacation, salary, reemployment, or placement on a seniority basis.

Section 5.30 The Board may designate, as temporary training positions, those positions which are authorized for the express purpose of training persons for a limited period of time. The period of time for which any position is designated as a temporary training position under this section of the Rules may be extended by the General Manager for a maximum period of six months. The Board may also designate as temporary positions those which are authorized in connection with a major change in the operation of a department which change will require the temporary utilization of personnel, or those authorized to employ personnel as a result of grant-funded employment programs. In accordance with the provisions of Charter Section 1013c, a person shall not complete a probationary period, accumulate seniority, or appeal a suspension or discharge while serving in any position so designated.

No person appointed to a temporary position under this Rule shall be transferred to a permanent regular position in the same class unless his or her final general average in the examination from which he or she was appointed would entitle him or her to be certified to the permanent regular position if his or her name were on the eligible list for the class. (Amended 8-5-77)

RULE 6

TRANSFER* AND REVERSION

Transfer under Charter Section 1014*

Section 6.7 The General Manager may approve the transfer without competitive examination of any employee to a vacant position in a different class in the same or different department if: (Amended 9-28-67)

- a) The employee requests the transfer in writing,
- b) The appointing officer or officers approve in writing,
- c) The General Manger finds: (Amended 9-28-67)
 - 1) The employee is incapable of performing satisfactorily the duties of his/her position because of injury or sickness or disability or the employee has completed a probationary period in the City service; and (Amended 6-16-00)
 - 2) The employee has the minimum qualifications for the class to which transfer is requested and is capable of performing the duties of the position; and (Amended 3-28-66)
 - 3) The position to which transfer is requested does not result in promotion. (Amended 8-14-75)
- d) When a transfer is requested by an employee who is capable of performing his/her present duties, the General Manger further finds: (Amended 9-28-67)
 - 1) The employee's seniority in the class to which transfer is requested and higher classes is greater than that of any person on the reserve list for the class and department to which he/she is requesting transfer; and
 - 2) The transfer is for the good of the service.

*See Section 7.14 of these Rules

Section 6.10 The Civil Service Commission may approve the use of Charter Section 1014 transfers to allow employees who are "legally employed" because of a class consolidation the opportunity to obtain status in a new class. The General Manager may also approve the use of Charter Section 1014 transfers for employees who have been affected by class consolidations in the past, who did not obtain status in the consolidated class at the time of the consolidation. Charter Section 1014 transfers approved under this Section will be in accordance with Section 7.14(b). (Added 12-22-98)

RULE 7

LEAVES OF ABSENCE AND SENIORITY*

- Section 7.3** An appointing authority may grant a leave of absence without pay to an employee for a period not exceeding fifteen calendar days without obtaining the consent of the General Manager. The total leaves granted under this section shall not exceed fifteen calendar days in one calendar year. (Amended 8-10-59)
- Section 7.4** An appointing authority may grant a leave of absence without pay to an employee upon the employee's written request, for a period not exceeding one year, subject to the approval of the General Manager. The employee's request shall be made upon the form prescribed by the General Manager and shall state the length of time for which leave is requested and the reason for requesting it. No retroactive leave of absence shall be granted unless the failure to grant it causes undue hardship to the employee. (Amended 3-28-66)
- Section 7.8** In computing seniority, credit shall be given for all continuous service. Layoff and displacement seniority shall be allowed for any absence from a position in the classified civil service only in the following cases: (Amended 12-25-73) (See City Attorney Opinions to Joseph W. Hawthorne, Civil Service Department, August 26, 1947, and to the Board of Public Works, September 8, 1948.
- a) Absence with pay, except that seniority for any such absence resulting from disability not incurred in the line of duty shall be limited to a maximum of one year.
 - b) Absence without pay not exceeding seven calendar days. (See City Attorney Opinion to the Finance Committee of the City Council, August 24, 1950)
 - c) Absence on leave for active service in the armed forces of this State or of the United States or in other forces or services of this State or the United States which satisfy the requirements of Selective Service. (See Charter Section 17 and Section 395 and 395.1 of the California State Military and Veterans Code)
 - d) Absence on leave to accept an emergency, exempt, intermittent, or limited appointment or an appointment to a temporary training position. (Amended 9-14-62) (See Section 7.7)
 - e) Absence on leave while serving a probationary period. However, upon completion of the probationary period, this seniority shall be deleted.
 - f) Absence on leave made necessary by disability incurred in the line of duty.
 - g) Absence on leave for the purpose of loaning the employee to another governmental agency or a private agency engaged in work of interest to the City. The loan must have been requested by the agency, the employee must intend to return to City employment, and the General Manager must

find that the City will benefit from the specific experience to be obtained.
(Amended 6-16-00)

- h) Absence on leave to receive veterans' educational benefits under the provisions of federal or state law.
- i) Absence on leave to serve on a trial jury.
- j) Absence on leave while serving in the Merchant Marine. Employees requesting a leave of absence under this subsection must present proof that they have a valid license issued by the United States Coast Guard prior to the approval of such leave. (Amended 10-27-67)
- k) Absence on leave while serving in the United States Peace Corps Program. (Amended 10-26-67)

Section 7.9 Every employee retiring from City service on disability or voluntary service retirement shall be considered as being on leave of absence with seniority from the effective date of his/her retirement, as designated in his/her application for such retirement, to the date upon which the board of administration acts upon such application.

Section 7.10 Service in a class during a probationary period shall not be credited to that class if the probationary period is not completed because of discharge or resignation from that class.

Section 7.11 Service in a class during a probationary period shall be credited to that class if the probationary period is not completed because of a layoff or termination to accept another City position.

Section 7.12 Seniority shall not be credited for any period during which an employee is retained in error out of seniority order. Seniority shall be credited for any period that an employee is laid off if it is found that he/she should have been employed during that time.

Section 7.13 During the six months' period after the effective date of a tentative transfer, the transferee shall accumulate seniority simultaneously in the class groups from which, and to which he/she is transferred. If the transfer becomes final, seniority accumulated after the effective date of the tentative transfer shall be credited only in the class group to which he/she is transferred. If the transfer does not become final, such seniority shall be credited only in the class group from which tentative transfer was made.

Section 7.14 a) An employee transferred under the provisions of Charter Section 1014 to a permanent position shall be credited in the class group to which the employee is transferred with all the seniority in the class from which the employee is transferred. Any employee transferred under the provisions of Charter Section 1014 shall be considered automatically on leave of absence from his or her last class. If the employee is transferred to a permanent position because of injury or sickness and becomes capable of performing satisfactorily the duties of the class

from which he or she was transferred, or returned to the former class is for the good of the service, the employee may, with the approval of his or her former appointing authority and the General Manager, return from leave of absence. In the event of the return of an employee from a permanent position, the employee shall be credited in the class group to which the employees returns, with all seniority credited to him or her while on leave of absence. Seniority accumulated prior to the employee's transfer to the permanent position shall be credited as if the transfer had not occurred. If the employee is transferred to a temporary training position as defined under Section 5.30 of these Rules and does not promote to another class within the specified training period, the employee automatically shall be returned to his or her former class. (Amended 6-1-78)

b) Employees transferred in accordance with Section 6.10, under the provision of Charter Section 1014, shall not be credited with any seniority for layoff and displacement purposes from their prior class. Employees not on probation at the time of the transfer will not be required to serve a new probation. Employees who are on probation at the time of the transfer will be required to begin a new probationary period. (Added 12-22-98)

Section 7.15 An employee shall accrue seniority only in his/her status class even though the Board has found that such employee is legally employed in a position in a different class than his/her status class.

RULE 8

LAYOFF*

Sec. 8.1. The first person laid off within a class shall be the one in the department in which layoff is being made with the least layoff seniority. The order of layoff of intermittent and limited employees is determined by the appointing authority.

See City Attorney Opinions to the Civil Service Commission, July 24, 1940, and June 23, 1942; to Althea Warren, Library Department, August 12, 1941; to Lloyd Aldrich, Bureau of Engineering, September 19, 1941; to Joseph W. Hawthorne, Civil Service Department, January 9, 1945, November 1, 1945, and August 26, 1947; to Arthur Eldridge, Harbor Department, December 17, 1945; and to the Board of Public Works, September 8, 1948.

Sec. 8.2. If two or more employees have the same layoff seniority, the order of layoff shall be determined by the appointing authority.

Sec. 8.3. The person laid off shall be entitled to displace to a position in a class group in which he/she formerly held a regular appointment and in which there is an employee with less displacement seniority. The employee with the least displacement seniority shall be displaced by the person who is laid off. The employee displaced shall be considered as laid off for the same reason as the person who displaced him/her and shall in the same manner be eligible to displace to a position in a class group in which he/she formerly held a regular position. If two or more employees have the same displacement seniority to a position in a class group, the order of displacement shall be determined by the appointing authority of that class group.

(Amended 1-19-59)

See City Attorney Opinion to Bernard J. Caughlin, Harbor Department, June 4, 1957.

*See Charter Section 1015

Sec. 8.4. An employee may elect to displace in any class and in any department in which he/she has displacement rights or may waive any or all of his/her rights. In the absence of an election by the employee, he/she shall displace in the highest class in which he/she has displacement rights. If he/she has displacement rights in two or more classes at the same level, he/she shall displace in the class in which he/she has the greater displacement seniority. If he/she has displacement rights in his/her highest class in more than one department, he/she shall displace in the department in which he/she has the most displacement seniority. If his/her displacement seniority is equal in two or more classes or departments, he/she shall displace in that class or department in which the employee with the least displacement seniority is working.

See City Attorney Opinion to Burton L. Hunter,
Civil Service Department, October 3, 1940.

Sec. 8.5. All elections and waivers of displacement rights by employees shall be made in writing.

Sec. 8.6. When a function is transferred from one department to another department, the incumbents of all positions transferred shall remain in the original class group for purposes of layoff and reemployment under Charter Section 1015.

Sec. 8.7. If because of inclement weather or unforeseen reason, work is temporarily interrupted, it is not necessary that layoff seniority order be followed in assigning employees. The interruption of work must be known to be temporary, the appointing authority must act in good faith, and an employee must not be deprived of his/her rights or gain an advantage with respect to his/her employment in the classified civil service.

Sec. 8.8. Whenever simultaneous layoffs occur in a class series, the layoff will occur first in the higher class, followed by displacement to the lower class. When displacements in the lower class have been completed, the layoff in the lower class will occur.

(Effective 11-16-72)

RULE 9

RESTORATION TO REGISTER OF ELIGIBLES*

Section 9.1 The General Manager may restore the name of a person to the register of eligibles for the class from which the person was appointed in accordance with the person's final general average if: (Amended 3-28-66)

- a) The person has completed a probationary period in this class.
- b) The person has been reduced in rank or separated from City service without personal delinquency. The period of separation must have been three years or less at the time the person makes his/her request in writing to the appointing authority of the department in which he/she served in the class or to the General Manager. In computing this period of separation, time served on active duty in the armed forces of the United States during this period shall not be included. (Amended 3-28-66)

Note: A person whose name is on a reserve list is not considered to be separated from City service.

- c) The appointing authority of the department in which the person had served in this class recommends his/her restoration, and he/she is eligible for appointment in that department. This requirement shall not apply after July 1, 1964 to those persons who would otherwise require a recommendation for restoration from the Health Department. (Amended 7-17-64) (See City Attorney Opinions to the Board of Public Works, January 18, 1943; to the Civil Service Commission, July 26, 1945; and to chief Alderson, Fire Department, July 30, 1942.)

Restoration under this section shall be to the Open eligible list for entrance level classes, and to the Promotional eligible list for all other classes after first deducting any military credit. (Amended 4-3-64)