

ORDINANCE NO. 2000-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING A PERSONNEL SYSTEM

THE CITY COUNCIL OF THE CITY OF ELK GROVE DOES ORDAIN AS FOLLOWS:

SEC. 1. Adoption of personnel system: In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the following personnel system is hereby adopted.

SEC. 2. Definitions: The terms used to administer the personnel system shall be defined in the personnel rules.

SEC. 3. Administration: The City Manager shall administer the city personnel system and may delegate any of the powers and duties to a Human Resources Manager, Personnel Director or to any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in Section 13 of this Ordinance. The City Manager shall:

- (a) Act as the appointing authority for the City except for the positions of City Attorney and City Manager.
- (b) Administer all the provisions of this Ordinance and of the personnel rules not specifically reserved to the City Council.
- (c) Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.
- (d) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan.
- (e) Have the authority to discipline employees in accordance with this Ordinance and the personnel rules of the city.
- (f) Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to the appropriate position in the competitive service; and performing any other duty that may be required to administer the personnel system.

SEC. 4. Competitive Service: The provisions of the Ordinance shall apply to all offices, positions and employments in the service of the City, except:

- (a) Elective officers.
- (b) The City Manager and any assistants to the City Manager.
- (c) The City Attorney.
- (d) Members of appointive boards, commissions, and committees.
- (e) All department managers.
- (f) Persons engaged under contract to supply expert, professional, technical or any other services.
- (g) Volunteer personnel.
- (h) All Council appointed city officers.
- (i) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (j) Employees, other than those listed elsewhere in this section, who are not regularly employed in permanent positions. "Regularly employed in permanent positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand and forty (1040) hours per year, and has successfully completed the probationary period and been retained as provided in this Ordinance and the personnel rules.
- (k) Any position primarily funded under a state or federal employment program.
- (l) Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority.

SEC. 5. Adoption and Amendment of Rules: Personnel rules shall be adopted by resolution of the City Council. The rules may establish regulations governing the personnel system, including:

- (a) Preparation, installation, revisions and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications of each class.
- (b) Appropriate announcement of the selection process and acceptance of applications for employment.

- (c) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- (d) Certification and appointment of persons from employment lists, and the making of provisional appointments.
- (e) Establishment of probationary testing periods.
- (f) Evaluation of employees during the probationary testing period and thereafter.
- (g) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.
- (h) Separation of employees from the city service.
- (i) The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements.
- (j) The establishment of any necessary appeal procedures.

SEC. 6. Appointments: Appointments to vacant positions in the competitive service shall be made in accordance with this Ordinance and the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. The probationary period shall be considered an extension of the examination process. Physical, medical and psychological tests may be given as a part of any examination.

In any examination the City Manager or his/her designee may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefore.

The appointing authority of employees in the competitive service is the City Manager.

SEC. 7. Probationary Period: All regular appointments, including promotional appointments, shall be for a probationary period of up to twelve months. The appointing authority may extend such probationary period up to six additional months. The probationary period shall commence from the date of appointment. In the event of illness or injury requiring absence from work the number of days absent shall be added to the length of the probationary period. During the probationary period, the employee may be rejected at any time without the right of appeal, hearing or any grievance procedure.

If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the Personnel Officer a statement in writing to such effect and stating that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the termination shall be served on the terminated employee by the Personnel Officer after the expiration of the selection period.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged from the city service as provided in the personnel rules. If no vacancy exists in such position, he shall be placed on a re-employment list as provided in the personnel rules.

SEC. 8. Demotion, Dismissal, Reduction in Pay, Suspension, Reprimand: The City Manager or any appointing power shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend, any regular employee for cause in accordance with procedures included in the personnel rules.

SEC. 9. Right of Appeal: Any employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension, or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this Ordinance or the rules adopted thereunder.

All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this Ordinance.

SEC. 10. Lay-Off and Re-Employment: Lay-off and re-employment actions shall follow the process outlined in the personnel rules.

SEC. 11. Political Activity: The political activities of city employees shall conform to pertinent provisions of state law and any local provision adopted pursuant to state law.

SEC. 12. Contracts for Special Service: The City Manager shall consider and make recommendations to the City Council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The City Council and/or City Manager may contract with any qualified person or public or private agency for the performance of all or any of the following responsibilities and duties imposed by this Ordinance:

- (a) The preparation of personnel rules and subsequent revisions and amendments thereof.
- (b) The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- (c) The preparation, conduct and grading of competitive tests.

(d) The conduct of employee training programs.

(e) Special and technical services of advisory or informational character on matters relating to personnel administration.

Nothing in this Ordinance shall be construed as prohibiting the City Council from contracting out any specified municipal services to other public agencies or private parties.

SEC. 13. Severability: Should any part of this Ordinance be declared invalid, or void or unenforceable, all remaining parts shall remain in full force and effect and shall in no way be invalidated or affected.

SEC. 14. Effective Date: This Ordinance shall become effective thirty (30) days from and after its passage and adoption.

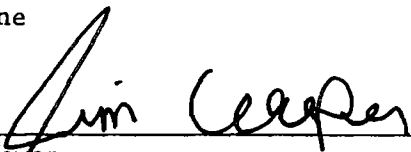
Adopted and approved this 23rd day of August, 2000.

AYES: Council Member(s) Cooper, Soares, Briggs, Scherman, Leary

NOES: Council Member(s) None

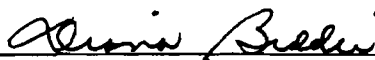
ABSTAIN: Council Member(s) None

ABSENT: Council Member(s) None



Mayor

ATTEST:



City Clerk