

**Sec. 2160 Personnel Rules.**1. Adoption of Personnel System.

In order to establish an equitable and uniform procedure for dealing with personnel matters; to comply with applicable laws relating to the administration of the personnel process; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit; and to provide a reasonable degree of security for qualified employees, the following Personnel System is hereby adopted.

2. Definitions.

The terms used to administer the personnel system shall be defined in the Personnel Rules and Regulations.

3. Administration.

The City Manager shall be the Personnel Officer. The City Manager may delegate any of the powers and duties conferred upon him. The Personnel Officer shall:

- (a) Act as appointing authority for the City.
- (b) Administer all of the provisions of this article 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 and pay plan and revisions and amendments to such plan. The plan, and any revisions thereof, shall become effective when adopted by resolution of the City Council.
- (e) Have the authority to discipline employees in accordance with this Article and the personnel rules of the City.
- (f) Provide 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 and the certification of lists of persons eligible for appointment to positions in the competitive service.

4. Personnel Board.

The City Council shall serve as the Personnel Board of the City, shall meet at the request of the City Manager or upon call by the Mayor, and shall have the right to subpoena, the power to examine witnesses under oath, the

power to compel the attendance of witnesses, and the power to compel the production of evidence by subpoena. Subpoenas shall be issued in the name of the City and attested by the City Clerk. Each member of the Personnel Board shall have the power to administer oaths to witnesses.

When acting as the Personnel Board, the City Council shall follow such procedures for the conduct of the business as are set forth in the Municipal Code, Personnel Rules and Regulations, and applicable state law.

The duty of the City Council shall be, under the provision of this article and the Personnel System Rules and Regulations, to hear appeals submitted by any person in the competitive service pursuant to this article and the Personnel System Rules and Regulations, and to make findings and render a decision in each case. The decision of the City Council shall be final within the framework of the City government.

##### **5. Competitive Service.**

The provisions of this article shall apply to all offices, positions and employments in the service of the City, except:

- (a) Elective Officers.
- (b) The City Manager, any assistants to the City Manager, and the City Clerk.
- (c) Members of appointive boards, commissions, and committees.
- (d) All department heads.
- (e) Persons engaged under contract to supply expert, professional, technical or any other services.
- (f) Volunteer personnel.
- (g) All Council appointed City Officers.
- (h) 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.
- (i) Employees with part-time appointments.
- (j) Employees with temporary appointments.

Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority.

##### **6. Adoption and Amendment of Rules.**

Personnel rules and amendments or revisions thereof shall be adopted by resolution of the City Council after notice of such action has been publicly posted at least ten (10) days prior to consideration by the City Council. The City Manager shall give reasonable written notice to each recognized employee organization affected by the rules and amendments or revisions thereof proposed to be adopted by the City Council when such rules or amendments are within the scope of representation as defined in State law. Amendments and revisions may be suggested by any interested party and shall be submitted to the City Council through the City Manager.

The rules shall establish regulations governing the Personnel System including:

- (a) Preparation, installation, revision, and maintenance of a position classification and pay plan covering all positions in the competitive service, including employment standards and qualifications for each class.
- (b) Public announcement of the selection process and acceptance of applications for employment.
- (c) Preparation and conduct of examinations and the establishment and use of resulting employment lists containing names of persons eligible for employment.
- (d) Certification and appointment of persons from employment lists, and the making of provisional appointments.
- (e) Establishment of probationary periods.
- (f) Evaluation of employees.
- (g) Transfer, promotions, reinstatement, disciplinary action, and layoff of employees in the competitive service.
- (h) Separation of employees from City service.
- (i) The establishment and maintenance of adequate personnel records.
- (j) The establishment of appeal and grievance procedures concerning the interpretation or application of this article and any rules adopted hereunder.
- (k) Training of employees.

## 7. Appointments.

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit to be ascertained so far as practicable by competitive examination. Examinations may be used and conducted to aid in the selection of qualified employees

and shall consist of selection techniques which will test fairly the job related qualifications of candidates such as achievement and aptitude tests, written tests, personal interviews, performance tests, physical agility tests, evaluation of work performance, work samples, reference and background checks, or any combination of these or other tests. The probationary period shall be considered an extension of the examination process. Physical and medical tests may be given as a part of any examination.

When an appointment is to be made to a vacancy in the competitive service, an employment list containing the names of persons certified by the Personnel Officer to be qualified for the position shall be furnished to the department head. An employment list shall contain at least three (3) names unless this requirement is waived by the department head. The department head shall make a selection from the employment list and recommend an appointment for consideration by the City Manager.

All appointments to positions in the competitive service shall be made by and at the discretion of the City Manager.

**8. Probationary Period.**

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months or longer as determined by the Personnel Rules. During the probationary period, the employee may be rejected any time without the right of appeal or hearing.

**9. Status of Present Employees.**

Any person holding a position in the competitive service who, on the effective date of this article, shall have served continuously in such position, or in some other position in the competitive service for a period equal to the probationary period prescribed in the rules for his class, shall assume permanent status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this article and the personnel rules.

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining permanent status. The probationary period shall be computed from the date of appointment or employment.

**10. Applicability of Rules to Excepted Positions.**

The provisions of the personnel rules relating to attendance and leaves shall apply to incumbents of the full-time positions excepted from the competitive service under Section 5 unless otherwise specified.

**11. Right of Appeal.**

Any employee in the competitive service shall have the right to appeal a disciplinary action.

All appeals shall be processed in accordance with the requirements and procedures as set forth in the Personnel Rules and Regulations adopted pursuant to this Article.

12. Political Activity.

No City employee shall engage in any political activity during hours of employment or while in official uniform.

13. Fair Employment Practices.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, disciplined or discharged, or in any way favored or discriminated against because of political opinions or affiliations, race, color, ancestry, national origin, religious creed, sex, age, handicap, (as defined in Resolution 845-35, eff. 1/16/1985), medical condition, marital status, sexual preference, or because of the exercise of his/her rights under Section 3502 of the Government Code of the State of California relating to participation in the activities of employee organizations.

14. Nepotism.

No applicant for employment shall be offered employment of the City, nor shall any employment continue once obtained, if said employment shall place that employee in a position of supervising directly, or directly or indirectly receiving orders from another employee, who is related to the applicant by blood, marriage, or other close ties so as to create the potential for any conflict or loyalty.

15. Right to Contract for Special Services.

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 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 article:

- (a) The preparation of personnel rules and subsequent revisions and amendments thereof.
- (b) The preparation of classification and pay plans, 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.

16. Severability.

The provisions of this article are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

17. Enforcement and Penalties.

Any person who shall violate the provisions of this article or the rules adopted pursuant to this article shall be guilty of an infraction and, upon conviction, shall be punished by a fine not to exceed \$25.00 for each violation.

18. Repeal of Superseded Ordinance.

Ordinance No. 875 of the City of Arcata, eff. 7/02/1976, is hereby repealed. (Ord. 1033, eff. 4/6/1984; Ord. 1443, eff. 7/18/2014)