

**Council Meeting: June 25, 2013****SUBJECT: Adoption of Amended Civil Service Rules and Regulations****BACKGROUND**

The Civil Service Rules and Regulations are the general conventions and procedures that govern the administration of the City's Civil Service System in accordance with Article 1105 of the City Charter. The current version of the Civil Service Rules and Regulations was last amended in June 2012.

Many of the provisions of the Civil Service Rules and Regulations cover the same or similar provisions contained in Chapter 3 of the Administrative Policy Manual. When changes or updates are made to policies contained in Chapter 3 of the Administrative Policy Manual, it is often necessary to amend the Civil Service Rules and Regulations to ensure consistency between the two documents.

Administrative Policy Manual Chapter 3, Article 31 – Recruitment, Examination and Selection, was recently revised and as a result, the corresponding sections of the Civil Service Rules and Regulations must be amended accordingly.

EXISTING POLICY

In accordance with City Charter Article 1008 (c), after a public hearing, the Personnel Board shall recommend to the City Council the adoption, amendment, or repeal of the Civil Service Rules and Regulations.

DISCUSSION

In the fall of 2012, Administrative Policy Manual Chapter 3, Article 31 – Recruitment, Examination and Selection, was revised to allow probationary employees to participate in Citywide promotional recruitments, as the prior policy language precluded this. The revisions to the Recruitment, Examination and Selection Policy were sent to the Executive Leadership Team and the bargaining units for their review in October 2012. Neither group had any significant concerns with the revisions and the policy was finalized and implemented effective October 30, 2012.

Subsequently, Article 12.06 (Types of Recruitment Processes) and Article 13.03 (Disqualification of Applicants) of the Civil Service Rules and Regulations were amended to reflect the revised language in the

Recruitment, Examination and Selection Policy. Additional amendments were made to the Civil Service Rules and Regulations where the City's standard performance evaluation rating criteria were referenced so as to reflect the City's current terminology of "achieves or exceeds expectations." In accordance with City Charter Article 1008 (c), the amended Civil Service Rules and Regulations were presented at a public meeting of the Personnel Board on January 14, 2013. During this meeting, the Personnel Board voted to recommend to the City Council that the amended Civil Service Rules and Regulations be adopted.

Shortly after the January 14, 2013 meeting of the Personnel Board, additional edits to Administrative Policy Manual Chapter 3, Article 31 – Recruitment, Examination and Selection were determined to be necessary. These edits were needed in order to provide clarification related to eligible lists for recruitments of more than one vacancy of a particular classification. These edits to the policy were reviewed by the Executive Leadership Team in February 2013 and the bargaining units in March 2013. Neither group had any significant concerns with the latest revisions and the policy was finalized and implemented effective April 2, 2013. Section 14.00 (Eligible List) of the Civil Service Rules and Regulations was then amended to reflect the revised language in the Recruitment, Examination and Selection Policy and presented to the Personnel Board on April 15, 2013. During this meeting, the Personnel Board voted to recommend to the City Council that the version of the Civil Service Rules and Regulations containing both the previously recommended and latest amendments be adopted.

Based on the unanimous recommendation of the Personnel Board, the City Council is requested to adopt the amended Civil Service Rules and Regulations.

FISCAL IMPACT

There is no fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

Adopt the amended Civil Service Rules and Regulations as recommended by the Personnel Board.

Reviewed by:

Teri Silva, Director of Human Resources
Prepared by: Doug Baker, Human Resources Manager

Approved by:

Gary M. Luebbers
City Manager

Attachments

1. Article 1008 of the City Charter
2. Article 1105 of the City Charter
3. Civil Service Rules and Regulations with proposed amendments
4. Administrative Policy Manual Chapter 3, Article 31 – Recruitment, Examination and Selection
5. Excerpts from Draft Minutes of April 15, 2013 Personnel Board Meeting

Sunnyvale Municipal Code

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CHARTER OF THE CITY OF SUNNYVALE
Article X Appointive Boards and Commissions

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Section 1008. Personnel Board. Powers and Duties.

The Personnel Board shall have power and be required to:

- (a) Act in an advisory capacity to the City Council and City Manager on personnel administration;
- (b) Hear appeals of any officer or employee in the Classified Service who is reclassified, suspended, demoted or removed, and report its finding to the City Council and City Manager; the findings and conclusions of the Personnel Board shall be final and no appeal may be taken therefrom;
- (c) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the civil service rules and regulations;
- (d) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the City Council may require by ordinance.

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[CHARTER OF THE CITY OF SUNNYVALE](#)
[Article XI Civil Service](#)

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Section 1105. Civil Service Rules and Regulations.

The City Manager shall prepare and recommend to the Personnel Board, Civil Service rules and regulations governing the administration of the City Civil Service system to implement the provisions of this Article.



CITY OF SUNNYVALE
CIVIL SERVICE RULES AND
REGULATIONS

ORIGINAL DATE OF APPROVAL, MAY 1960

PREVIOUSLY AMENDED NOVEMBER 10, 1998

AMENDED JUNE 19, 2012

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SECTION 11.00 GENERAL

11.01 APPLICABILITY AND OBJECTIVES

The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:

- (a) Obtain and retain the best qualified personnel available for service in the Classified Service;
- (b) Assure that appointments and promotions shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
- (c) Assure, through formal appeal provisions, that disciplinary actions, or separations from the service are consistent with the best interest of the City.

11.02 PERSONNEL BOARD

The Personnel Board shall consist of five members selected as prescribed by the City Charter and shall appoint its own Chairperson at the first meeting of each fiscal year. Three members of the Board shall constitute a quorum, and the affirmative vote of the majority of the quorum shall be required to give effect to any action of the Board. The Personnel Board shall:

- (a) Fix the time and place of regular meetings and give reasonable public notice thereof. Special meetings may be convened at the call of the Chairperson or by any three members of the Board after reasonable public notice and notice to the remaining members of the Board; and
- (b) Act as a personnel advisory agency and as a personnel appeals hearing agency as prescribed by the City Charter and by these Rules and Regulations as more fully explained in

Section 19.02.

11.03 CLASSIFIED SERVICE

The Classified Service shall consist of all positions in the City service except the following:

- (a) All elective officers;
- (b) All members of Boards and Commissions;
- (c) The City Manager, City Attorney and any Assistant or Deputy City Attorney.
- (d) The head of each department;
- (e) Persons employed in part-time positions regarded as "casual" or "seasonal";
- (f) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
- (g) Persons employed for a temporary or special purpose for a period of time fixed by resolution of the City Council and in accordance with the City Charter.

11.04 ADMINISTRATION

The City Manager shall be responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service; except that the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office.

SECTION 12.00 RECRUITMENT

12.01 GENERAL STANDARDS

Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made. No applicant shall either be discriminated against or be privileged on account of their protected categories as defined by state and federal law.

12.02 WORKFORCE COMPOSITION

The City shall strive to reflect the demographic composition of the total workforce of the community at all job levels and in all segments of the work force. The City shall provide equal opportunity for all people in all employment policies and practices in accordance with the City's Equal Employment Opportunity Policy.

12.03 REASONABLE ACCOMMODATION

With adequate notice, the City shall provide reasonable accommodation to applicants and City Employees with a disability (as defined by the Americans with Disabilities Act and the California Fair Employment and Housing Act) in order to ensure access to the benefits and conditions of employment, City facilities, and City services.

12.04 MINIMUM STANDARDS

Applicants shall, prior to appointment, meet the minimum standards prescribed by applicable class specifications and shall:

- (a) Pass a medical examination (if required for a specific job classification) administered by a licensed medical practitioner, selected and paid by the City, to determine physical fitness for the position to which an appointment is to be made;

- (b) Subscribe to the Oath of Office as contained in the City Charter;
- (c) All employees are required to be fingerprinted;
- (d) Pass a full background investigation, if required for a specific job classification;
- (f) Pass an alcohol and drug test as required by position or assignment;
- (g) Meet other requirements as prescribed by state or federal law.

12.05 EMPLOYMENT OF RELATIVES

The City Manager, or the designated representative of the City Manager, may refuse to employ any person under the direct supervision of a City official or City employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) to such person, or to employ any person to the same department wherein a direct working relationship with an employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) exists, and where the above appointments have the potential for creating a negative impact on the supervision, safety, security, or morale, or involve potential conflicts of interest.

An application shall not be accepted from nor shall an appointment be made of any member of the Sunnyvale City Council or any Sunnyvale appointive Board or Commission during the term of office to which the member has been elected or appointed, nor within two (2) years thereafter. Nor shall an application be accepted from, or an appointment be made of, any person directly related by blood within the first degree (e.g. father/mother, son/daughter)

or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin), to a member of the Sunnyvale City Council.

12.06 TYPES OF RECRUITMENT PROCESSES

All recruitment processes are conducted in accordance with civil service merit principles.

There shall be three types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:

- (a) Citywide Promotional Recruitment. The applicant group is limited to employees who have regular possess permanent Classified Service status with the City (including probationary employees), meet the minimum qualifications specified on the job announcement, and have received an overall rating of "achieves or exceeds expectations" on their most recent performance evaluation. The requirement to have received an overall rating of "achieves or exceeds expectations" on their most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation.
- (b) Citywide Transfer Recruitment. This type of recruitment may be conducted to fill vacancies in a classification which exists across City departments and/or in a classification that has similar minimum qualifications and the same salary range.
- (c) Open and Competitive Recruitment. This type of recruitment is normally conducted to fill vacancies. A department head may request that any recruitment be conducted on an open and competitive basis.

12.07 SOLICITATION OF APPLICANTS

Announcements of vacancies shall be posted on the City's website and on the bulletin board in the Department of Human Resources and advertised in a manner appropriate to the type of examination to be administered (open, closed promotional — see paragraph 13.02). City departments shall also post announcements of vacancies at each work location.

SECTION 13.00 EXAMINATIONS

13.01 PREPARATION

The City Manager, or the City Manager's designated representative, shall direct the preparation of such tests of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The City Manager, or the City Manager's designated representative, shall determine whether the examination shall consist of a written, or oral, or performance, or psychological, or investigative, or physical tests, or a combination thereof, and shall indicate the procedure in the announcement.

13.02 CLASSES OF EXAMINATIONS

Examinations held to establish a list of eligible candidates for any classification shall consist of one or more of the following parts, as determined and developed by the Human Resources Department. All examinations administered by the City are objective, content-valid and job-related examinations. The following represent the most common types of City examinations utilized:

- (a) Training and Experience Examinations. A training and experience examination is designed to measure the applicants' training and experience as it relates to the

minimum qualifications of the position. This examination process requires applicants to respond to supplemental questions that are rated and scored to determine the best qualified applicants. Those applicants that are determined to be the best qualified will continue with the examination process.

- (b) Oral Examinations. An oral examination is designed to measure candidates' knowledge, skills, and experience determined to be essential to the position, including interpersonal, leadership, problem solving, customer service, supervisory, presentation, and/or oral communication skills. The oral examination is a standard set of questions developed by Subject Matter Experts (SMEs) and is asked of every candidate.
- (c) Written Examinations. A written examination is designed to measure the various knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job.
- (d) Performance Examinations. A performance examination is designed to determine the level of abilities and/or manual skills of candidates to perform the essential functions of the job. The performance examination is a standard set of questions and/or tasks developed by Subject Matter Experts (SMEs) and given to each candidate.
- (e) Physical Agility Examinations. A physical agility examination is designed to determine physical agility, stamina and physical fitness of candidates to perform essential functions of the job.
- (f) Assessment Center Examinations. An assessment center examination is

a series of examinations that are designed to determine the knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job, including role-playing, in-basket, presentation, oral examinations, etc.

- (g) Other Examinations. Other types of selection tools may be developed and administered, including: presentations, personal interviews, typing tests, work samples, background investigations, or any combination of these or other tests as described above. All examinations are developed with the assistance of Subject Matter Experts (SMEs) and administered by the Department of Human Resources.

13.03 DISQUALIFICATION OF APPLICANTS

An applicant may be disqualified during any step of the examination process for any one of the following reasons:

- (a) Using or attempting to use influence to gain advantage in the examination process;
- (b) Making a false or misleading statement of material fact in connection with any stage of the examination process;
- (c) Is found to lack any of the requirements, certificates or qualifications of the classification applied for;
- (d) Making demeaning comments or behaving inappropriately towards others during the course of the examination process in violation of the City's policy against Harassment, Discrimination and Retaliation;

- (e) Withholding relevant information regarding applicant qualifications;
- (f) Using deception or fraud at any stage in the examination process;
- (g) Possessing unauthorized materials, devices, or anything of use or assistance in any stage of the examination process;
- (h) Behaving in a disruptive manner during an examination process;
- (i) Directly or indirectly obtaining information regarding examinations;
- (j) Copying the work of another applicant; or reviewing the examination documents prior to commencement of an examination;
- (k) Arriving at the place of examination after the start time;
- (l) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law;
- (m) Failing to respond to notifications or other correspondence;
- (n) City employees that apply for a promotion and did not receive an overall rating of "achieves or exceeds expectations" on their last performance evaluation; this requirement shall not apply to probationary employees who have not yet received a performance evaluation;
- (o) Physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- (p) Is a current user of illegal drugs;
- (q) Is in violation of Section 12.05 (Employment of Relatives) of the City's Civil Service Rules and Regulations;
- (r) Has had his or her privilege to currently operate a motor vehicle in the State of California suspended or revoked, if driving is required;
- (s) Refusing to execute the Loyalty Oath, as required by State law;
- (t) Is a current City Council member or on a current City Board or Commission during the term of office the member has been elected or appointed, or within two years thereafter;
- (u) For any material cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including but not limited to a prior termination from the City or a significant disciplinary action.

Any applicant disqualified for fraud, deception or dishonesty during any stage of the examination process may not reapply with the City for a period of twelve months.

13.04 GRADING OF EXAMINATIONS

The City Manager, or the City Manager's designated representative, shall establish for each test the basis required for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.

13.05 VETERAN'S CREDITS

Veteran's credits will only be assigned on examinations for positions in the Classified Service which represent the entry-level classification of a job family. To qualify for veteran's credits, an applicant must submit at the time of application, a copy of an

appropriate Department of Defense document indicating veteran status at the time of application. Veterans who attain a passing examination score used to determine placement on the eligible list shall be allowed a credit of three (3) points on that score. Disabled veterans shall be allowed an additional credit of two (2) points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service connected injury or wound which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the Classified Service is receiving disability compensation from the Federal Government.

Applicants who qualify for veteran's credits will have them applied to their final examination score.

SECTION 14.00 ELIGIBLE LIST

14.01 CONTENT

The Department of Human Resources shall prepare and establish the employment eligible list at the conclusion of all examination processes. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative weight assigned to each part of the examination.

The top five eligible candidates, including ties and any bargaining unit inclusions, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional candidate will be referred to the Department for consideration

for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

Direct Referral: For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process(es), establish an employment eligible list and directly refer the eligible candidates to the appointing authority for consideration.

For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.

14.02 DURATION

An employment eligible list shall remain in effect for a period of twelve months, and

may be extended by the Director of Human Resources, at the request of the Department Director, for a period up to an additional twelve months. The exception shall be the Public Safety Lieutenant employment eligible list which will remain in effect for a period of eighteen months with no extensions.

The Director of Human Resources may abolish any employment eligible list when there are two candidates remaining on the list.

The Director of Human Resources may also abolish any open and competitive employment eligible list prior to its expiration date upon recommendation of the Department Director, with approval of the City Manager. Such action shall be permitted only when it is considered to be in the best interest of the City.

14.03 REMOVAL

The Director of Human Resources, or designee, shall remove a candidate from a certified employment eligible list for the following reasons:

- (a) Refusal to accept appointment to an offered position.
- (b) For external candidates, refusal to participate in the selection interview process.
- (c) For internal candidates, refusal, without an approved waiver, to participate in the selection interview process.
- (d) Appointment to the classification for which the eligible list was established.
- (e) Written request from the candidate for removal from the list.
- (f) Failure to contact the Department Director, or designee, within seven

calendar days from being notified of a selection interview or offer of employment.

- (g) Failure to continue to meet the minimum qualifications or minimum employment standards for the position for which the eligible list was established.
- (h) Failure to successfully complete the City's pre-employment process.
- (i) For any of the causes set forth in this section or the Recruitment, Examination and Selection Policy as basis for disqualification of the candidate from the employment eligible list.

A Department Director, with approval from the Director of Human Resources, shall remove an external (not a current regular City employee) candidate from a certified employment eligible list for any job-related reason. In addition to the reasons outlined above, examples of appropriate job-related reasons to remove an external candidate from a certified employment eligible list include: unverifiable information in employment history; unsatisfactory job performance reference check; or any reason listed under paragraph 13.03.

14.04 CERTIFICATION

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with the Certification Procedures section of the Recruitment, Examination and Selection policy.

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human

Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.

Certification to the eligible list will be accomplished by placing the candidate scores in rank order to differentiate their relative performance and referred to a Department for consideration. The Department of Human Resources shall certify the top five eligible candidates to the Department Director, or designee, for consideration for an approved vacancy. One additional eligible candidate will be referred to a Department for consideration for each additional approved vacancy. The candidate names referred to the Department for consideration will be in alphabetical order. The candidates referred to the Department Director, or designee, will be in rank order based on the candidate's final score. All candidates referred to the Department Director are considered fully qualified and eligible for hire.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

(a) Waiver of Certification

Internal candidates may waive certification once upon giving reasons satisfactory to the Director of Human Resources. If the reason is not approved by the Director of Human Resources, then the candidate's name shall be removed from the eligible list from which they were certified. Waivers must be filed in writing with the Director of Human Resources.

There is no provision for external candidates to waive certification or to request a waiver from certification.

(b) Selective Certification

If a vacancy exists within a broad classification, the Department Director, or designee, may request a selective certification of candidates having the specialized qualifications required from the eligible list for that classification. For example, if a department has a requirement that candidates be able to type at a certain rate of speed or use a ten-key.

When selective certification is indicated, the Director of Human Resources, or designee, shall determine which candidates, in order of ranking on the applicable list, have the required special qualifications.

The special qualification may be tested for as part of the examination for the classification. Applicants must be notified of their opportunity to be tested for the special qualification.

Applicants who do not pass the special qualification testing required for selective certification will remain on the original employment eligible list.

SECTION 15.00 APPOINTMENTS

15.01 CLASSES OF APPOINTMENTS

The classes of appointments to positions in the Classified Service shall be Probationary, and Regular. Appointees to each class shall be subject to the conditions and limitations set forth herein.

15.02 PROBATIONARY APPOINTMENTS

Probationary appointments are for the purpose of providing a work performance evaluation period (also known as a "probationary period") prior to filling positions on a Regular Appointment basis. The appointing authority shall make each probationary appointment from the certification list (see paragraph 14.04).

Probationary periods are used to evaluate an employee's work for the period of time prior to an employee obtaining regular employment status with the City. A probationary period will occur when a new employee is hired within regular appointment or grant-funded appointment status or when a current City employee promotes to a new position requiring a probationary period.

The probationary period shall be for the following period of time:

- (a) Thirty-nine (39) pay periods for Public Safety Officers;
- (b) Twenty-six (26) pay periods for Public Safety Dispatchers;
- (c) Thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

As specified below, an employee's probationary period may be extended for the time period indicated upon recommendation of the Department Director or designee, and approval of the City Manager or designee, if

the employee's work performance or work-related behavior does not meet the required standards of the position:

- Up to an additional thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

During the probationary period an employee may be rejected at any time without cause and without the right of appeal upon recommendation of the appointing authority and approval of the Director of Human Resources. An employee does not acquire regular employment status in a position until the probationary period has been successfully completed.

An employee who has obtained regular employment status in a prior lower-level classification and is rejected while on the promotional probationary period will be reinstated to the classification from which the promotion occurred, unless the rejection is due to discharge for cause in which case no reinstatement shall occur. However, if the rejection is due to discharge for cause, the Procedures for Formal Disciplinary Action in Paragraph 21.04 and the Appeal Procedures contained in paragraph 19.02 would apply.

Regular full-time and part-time employees on probationary periods shall be entitled, according to their pay periods of service, to all of the supplementary pay and benefits applicable to employees holding regular full-time and part-time appointments with the same pay periods and/or months of service.

15.03 REGULAR APPOINTMENTS

Regular appointments may be full-time or part-time and are for the purpose of providing a regular complement of employees in the Classified Service to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the appointing authority from employees

successfully completing the probationary period required of employees holding probationary appointments.

15.04 TRANSFER

The City Manager may transfer any employee to another position having the same class specifications or to another position in a different class providing the education, experience, knowledge, skill and ability, and salary of the class are substantially equal to the position from which the employee is being transferred.

SECTION 16.00 PERFORMANCE

16.01 PERFORMANCE STANDARDS

Performance standards shall be established for each department or office and shall specify standards of conduct, appearance, and work performance. These standards shall be expressed in precise and readily understood terms for the guidance of employees and for application by supervisory personnel in evaluating employee performance.

16.02 EVALUATION REQUIRED

- (a) For all regular employees, a work performance evaluation shall be completed at least once each three (3) months for employees on a probationary period and at the conclusion of the probationary period. A performance evaluation is also required to extend an employee's probationary period.
- (b) All regular employees who have successfully completed their probationary period will receive an annual evaluation for the rating period specified in City policy.
- (c) Performance evaluations may be completed more frequently than on an annual basis as determined to be necessary by the employee's

supervisor or manager. This does not preclude the taking of disciplinary action in interim periods between evaluations.

- (d) Performance evaluation rating periods and/or due dates may be modified due to pending personnel actions or leave issues upon the approval of the Director of Human Resources.

16.03 PERFORMANCE RATING

The evaluation of work performance shall be directed to recording significant facts about the quality and quantity of work performed, conduct and work habits on work assignments and other pertinent factors which demonstrate the value of the employees' work performance. Such facts shall be reported by supervisory personnel. A uniform system of appraisal shall be used. Each rating shall be discussed with the employee being rated to the end that the employee understands the rating and the areas in which performance is competent or must be improved.

16.04 USE OF PERFORMANCE RATINGS

Performance ratings are a continuing record of employee performance and progress and shall be used as follows:

- (a) Salary adjustments between the steps established as the scale for a given class shall not be approved unless the employee's work performance achieves expectations.
- (b) Salary adjustments for management employees designated in the City's current salary resolution shall be made in accordance with provisions therefore set forth in said resolution.
- (c) The order of lay-off of employees for a lack of work or funds, or in the interest of economy, shall be determined in accordance with

Section 17.02.

- (d) A Leave of Absence Without Pay shall not be granted unless the overall rating is achieves expectations or better.
- (e) An overall rating of "achieves or exceeds expectations" ~~or better~~ on the most-recent work performance evaluation is required in order for an employee to be eligible to participate in a promotional examination. This requirement shall not apply to probationary employees who have not yet received a performance evaluation.
- (f) Performance ratings shall be considered in disciplinary actions or dismissals.

SECTION 17.00 SEPARATION

17.01 RESIGNATION

An employee under the appointing authority of the City Manager desiring to leave the City's service may do so by filing a statement of resignation in writing with the appropriate department director, Director of Human Resources, or the City Manager at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future employment.

Once the resignation is accepted by the City Manager or designee, the employee may rescind or modify the separation date only upon the approval of the City Manager or designee.

An employee under the appointing authority of the City Attorney desiring to leave the City's service may do so by filing a statement of resignation in writing with the City Attorney or designee at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future

employment.

Once the resignation is accepted by the City Attorney or designee, the employee may rescind or modify the separation date only upon the approval of the City Attorney or designee.

17.02 REDUCTION OF FORCE

When it is necessary to reduce the staff for lack of work or funds or in the interest of economy, the City Manager shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The lay-off of employees shall occur within the classes determined in accordance with the following procedure:

- (a) All employees holding provisional appointments shall be laid off first, except that those employees holding provisional appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously achieved regular status;
- (b) Employees holding probationary appointments shall be laid off next; except that employees holding probationary appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously attained regular status.
- (c) Employees holding regular appointments who have an overall performance rating of less than "achieves expectations" in the last complete performance evaluation shall be laid off next.

- (d) All regular employees having a performance rating of at least "achieves expectations" shall be laid off last in order of seniority of service.
- (e) The names of regular or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of layoff.

17.03 RETIREMENT

Each employee shall be entitled to retirement in good standing upon becoming eligible therefore under the provisions of the retirement plan in force.

SECTION 18.00 REINSTATEMENT

18.01 REINSTATEMENT AFTER RESIGNATION

A permanent City employee in the Classified Service who has resigned from the City in good standing may apply to be reinstated to their former vacant position without examination, within one year from the effective date of resignation.

An application shall be completed and forwarded to the Department of Human Resources and upon review and approval by the appropriate Department Director and the Director of Human Resources, will be placed on the reinstatement employment eligible list, subject to the following conditions:

- (a) The applicant held a regular appointment at the time of separation and resigned in good standing;
- (b) The applicant received an overall rating of "meets achieves or exceeds expectations" on their last performance evaluation;

- (c) The applicant has applied for reinstatement within one year from the effective date of resignation; and,
- (d) The applicant can demonstrate that they meet the minimum qualifications and employment standards of the position.

The submission of an application for reinstatement will not result in an automatic appointment. Reinstatement appointments are made upon the recommendation of the Department Director and upon approval of the City Manager, or designee.

Reinstatement appointments will be required to successfully pass all pre-employment examinations required of the position.

18.02 REINSTATEMENT FROM A REDUCTION IN FORCE LIST

A regular City employee in the Classified Service who has been laid off will be placed on a re-employment list for five years from the effective date of the layoff. Applicants will be listed on the re-employment list in inverse order of the layoff. Applicants whose names appear on a re-employment list as a result of a reduction in force shall be reinstated in the order in which their names appear on the list subject to the following conditions:

- (a) A position is available in the class from which the applicant was separated as an employee.
- (b) The applicant accepts reinstatement within seven (7) calendar days from the date of notification; or notifies the Department of Human Resources within this time period of the desire to remain on the list but not to accept the current opening. Only one refusal is allowed.
- (c) The applicant has not during the period of lay-off incurred any

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disability or condition which would prevent the applicant from performing the essential duties of the position in an acceptable manner with or without a reasonable accommodation.

- (d) The re-employment list shall be retained for five (5) years from the date of establishment.

18.03 REINSTATEMENT FROM MILITARY LEAVE

Employees who are drafted or recalled to military service for long-term assignments are to be separated in accordance with the provisions of the State Military and Veterans' Code. Upon termination of the military service the employee is to be reinstated provided there has been full compliance with the provisions of the code including application for reinstatement within ninety (90) days.

18.04 PRIORITY OF APPOINTMENT

Applicants whose names appear on a re-employment list shall be given priority over all other applicants for appointments to positions for which the applicants have qualified by reason of previous appointment or status.

SECTION 19.00 APPEALS

19.01 GRIEVANCE APPEALS PROCEDURE

Any employee having a grievance arising from employment in the Classified Service, other than that which is subject to the Disciplinary Appeal Procedure, shall seek a resolution to the grievance initially with their immediate supervisor. Should the immediate supervisor be unable or unwilling to arrive at a satisfactory resolution, or be a part of the grievance, the employee may seek resolution with the department head. Should the department head be unable or unwilling to make a satisfactory resolution, or be a party to the grievance, the

employee may then seek resolution from the City Manager. The employee may request the service of the State Mediation and Conciliation Service to advise the City Manager on this matter. The decision of the City Manager shall be final and conclusive.

The foregoing procedure shall not apply to any employee covered by an alternate formal grievance procedure established pursuant to a Memorandum of Understanding entered into between the City and an employee bargaining unit.

19.02 DISCIPLINARY APPEAL PROCEDURE

Any employee in the Classified Service holding a regular appointment who, for disciplinary reasons, is suspended without pay, demoted, dismissed, or subjected to reduction in salary shall be entitled to be heard before the Personnel Board at a duly constituted meeting thereof provided a written request therefore has been filed with the Secretary of the Board within fourteen (14) calendar days from the effective date of the action from which the employee seeks exception. A properly filed written request for a hearing before the Personnel Board shall be processed as follows:

- (a) Within thirty (30) calendar days after the proper filing of written request for a hearing, the Personnel Board shall schedule a hearing, following any review of the action and complaint deemed necessary.

Upon mutual written agreement by the parties, the timeline to schedule a hearing may be extended.

Personnel Board hearings may be continued as determined necessary by the Personnel Board.

- (b) The hearing before the Personnel Board may be public or closed at the

option of the employee, and the employee may be represented by legal or other counsel; however, the hearing shall be informal and the rules of evidence prescribed for duly constituted courts shall not apply. Department of Human Resources and Office of the City Attorney staff shall not be excluded from hearings designated as closed;

- (c) The Personnel Board shall, within fourteen (14) calendar days of conclusion of the aforementioned hearing or hearings, render its decision in writing and the Secretary shall direct copies thereof to the City Manager and the employee requesting the hearing.
- (d) The decision of the Personnel Board may sustain, revoke, or modify the suspension, demotion, dismissal, or reduction in salary and shall be final and conclusive in all respects and shall not be subject to appeal; and
- (e) In the event the Personnel Board revokes or modifies a suspension, demotion, dismissal, or reduction in salary and orders the employee reinstated to the former position, it shall direct the payment of salary to the employee for the period of time the Personnel Board finds the suspension, demotion, salary reduction or dismissal was improperly in effect.

SECTION 20.00 STANDARD OF CONDUCT

20.01 STANDARD OF CONDUCT

An appointment to the Civil Service carries with it certain rights and responsibilities under the law. It is therefore incumbent upon members of the Classified Service to serve the public well and respect the rights of all

to liberty, equality and justice under the Constitution. To this end, members of the Classified Service are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality and devotion to public service. In addition, no public office is to be used for personal gain or the special benefit of any citizen or citizen groups. The public has the right to expect a level of service and conduct that will promote and preserve confidence in and respect for the City Government.

20.02 EMPLOYEE RESPONSIBILITIES

- (a) The public shall be served with courtesy, impartiality, fairness and equality under the law at all times.
- (b) The public interest shall take precedence over all other considerations regardless of conditions or circumstances.
- (c) Employees shall perform the duties to which they are assigned to the best of their ability at all times.
- (d) No person shall be granted or be permitted any consideration, treatment, advantage or favor beyond that which is general practice to grant or make available to the public at large.
- (e) Publicly owned or supported property, equipment, vehicles, labor or services shall be used for public purposes only. Public use shall mean that use which under general practice is available to the public at large, or which understated policy is authorized in the conduct of official business, or other uses as defined by action of the City Council.
- (f) City duty time shall be used for public purposes only.

20.03 CONFLICT OF INTEREST

- (a) Conflict of Interest Codes. Each employee shall comply with such code. The City Clerk will notify employees affected by the Conflict of Interest Code of their responsibilities there under.
- (b) Influencing Decisions. Employees shall not participate in or attempt to use their official positions to influence a governmental decision in which they have a financial interest.
- (c) Public Contracts. Employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Nor shall employees be purchasers at sale, or vendors at any purchase, made by them in their official capacity.

20.04 INCOMPATIBLE EMPLOYMENT

In accordance with State law, members of the Civil Service shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as employees. Employees shall not perform any work, service or counsel for compensation outside of their City employment where any part of their efforts will be subject to approval by any other officer, employee, board or commission of the City.

20.05 GIFTS, FAVORS, AND REMUNERATIONS

No member of the Civil Service shall accept any gift, whether in the form of money, object, favor, loan or promise that would not be offered or given if the member were not a City employee other than what is provided by the City Charter, Administrative Policy and ordinances and resolutions of the City.

20.06 CONFIDENTIAL INFORMATION

Confidential information concerning any employee of the City or any other person, firm, association, group, partnership or corporation, or any property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information nor contrary to applicable state or federal law. Such confidential information regardless of disclosure shall not be used to advance the financial or personal interest of the members of the Civil Service.

20.07 POLITICAL ACTIVITIES

The City may adopt rules regarding political activities which are in conformance with State and Federal laws.

**SECTION 21.00
MISCELLANEOUS**

21.01 ANNIVERSARY DATE

The anniversary date of each employee shall be the date the employee began employment with the City.

21.02 CLASSIFICATION

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the Classified Service according to similarity of authority, responsibility and duties and shall take effect when adopted by the City Council. Positions shall be assigned to a single class when: (1) a similar level of authority, responsibility and duties is required; (2) a similar level of education, experience, knowledge and ability is required; and (3) the same descriptive title can be equitably applied to such positions.

Additions to or changes in the classification plan may be adopted from time to time in the same manner prescribed for the preparation and adoption of the original classification plan;

provided, however, that the sum of the duties, responsibilities and authority assigned to a new class shall constitute a regular full-time or regular part-time assignment in the City service as opposed to a casual or seasonal part-time assignment.

Specifications shall be prepared for each class and shall include:

- (a) The class title;
- (b) A brief description of the class;
- (c) A summary of essential functions performed by the class; and
- (d) A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.

21.03 CLASS SPECIFICATIONS

Class specifications shall be maintained by the Human Resources Department and shall be available for review at all times on the City's website.

21.04 DISCIPLINARY ACTIONS

Any employee shall be subject to discipline, including counseling, documented oral counseling, written reprimands, suspension, demotion, decrease in pay step assignment, or dismissal from the classified service, by the City Manager for the causes for discipline identified in the City's Disciplinary Action and Appeal Policy and listed below:

- (a) Violations of any City Policy;
- (b) Misconduct;
- (c) Misuse of City Property;
- (d) Theft;
- (e) Fighting;
- (f) Discourteous treatment of the public or other employees;
- (g) Consuming, possessing, or being under the influence of alcoholic beverages, non-prescription or unauthorized narcotics, or controlled substances during working hours and/or while on City property or worksite;
- (h) Failure to satisfactorily perform the duties of his/her position;
- (i) Inexcusable neglect of duty;
- (j) Failure to observe applicable rules and regulations;
- (k) Failure to cooperate reasonably with his/her supervisor/manager or coworkers;
- (l) Willful disobedience;
- (m) Insubordination;
- (n) Dishonesty;
- (o) Fraud in obtaining employment with the City;
- (p) Failure to take or subscribe to any oath which is required by law in connection with employment;
- (q) Absence without leave;
- (r) Excessive use of unprotected disability/sick leave.
- (s) Tardiness;
- (t) Falsification of timecards or City records.
- (u) Conviction, including pleas of guilty or nolo contendere, of a felony or misdemeanor if the conviction has a nexus to employee's position;

- (v) Unlawful political activity;
- (w) Unauthorized solicitation on City property;
- (x) Violation of safety rules;
- (y) Violation of City Charter provisions;
- (z) Any violation of departmental conflict of interest codes approved by the City Council and adopted pursuant to Chapter 7 of the Political Reform Act of 1974 (Government Code 87100);
- (aa) Any other act, either during or outside of duty hours which is detrimental to the public service.

Employees may appeal a suspension, demotion, pay step reduction, or dismissal to the Personnel Board as provided herein (see paragraph 19.02) and as specified in the Disciplinary Action and Appeal Policy and/or the applicable Memorandum of Understanding.

21.05 OTHER EMPLOYMENT

Employees in the Classified Service may engage in other employment provided such employment does not conflict or interfere with prescribed duties and does not violate the provisions of Paragraph 20.04.

21.06 PERSONNEL RECORDS

A file shall be maintained for each employee and shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are to be considered confidential information and are to be used or exhibited only for administrative purposes or in connection with official proceedings before the Personnel Board or City Council. However, any employee may examine his/her own file at any reasonable time.

21.07 TRAINING

To the extent possible and practicable, in-service training and work performance opportunities shall be provided to improve daily performance and prepare employees for promotional opportunities. Approved extension or home study courses shall be considered as qualifying education for the purpose of determining eligibility for promotional examinations.

END

 Recruitment, Examination and Selection	Administrative Policy Manual Chapter 3 – Personnel <i>Article 31</i>
	Attachments: None
Effective Date: April 2, 2013	Responsible Department: Human Resources
Prior Version & Notes: Prior versions: August 23, 2012, May 10, 2010, October 20, 2012 Formerly part of Ch. 3, Art. 4, Compensation, Section 19, Subd. 17	

Section. 1. Purpose.

The purpose of this policy is to specify the procedures by which the City of Sunnyvale (City) recruits and selects its employees.

The procedures used to fill City positions are based on a recruitment process to attract the most qualified individuals possible for employment consideration and are consistent with appropriate Federal and State laws and City policy. Applicants for employment shall meet such standards of education, experience, knowledge, skills and abilities of the job classification as are required for acceptable performance of the essential functions of the position(s) to which appointments are to be made.

Section. 2. Policy.

Subd. 1. Reasonable Accommodation – No Discrimination

The City is an Equal Opportunity Employer. It is the policy of the City of Sunnyvale not to discriminate in any employment practices based upon race, color, religion, gender, sexual orientation, marital status, national origin, age (40 and over) or disability, or any other protected class under federal or state law. Applicants requesting accommodations for the examination process(es) should submit a written request to the Department of Human Resources at time of application.

Subd. 2. Initiate a Recruitment to Establish an Employment Eligible List

A. Filling a Vacancy

Department Directors shall submit a completed hiring requisition to the Director of Human Resources in order to fill a vacancy. After a review and approval of the request by the City Manager, or designee, the Department of Human Resources will determine if there is an existing employment eligible list for the classification or if a new recruitment process should be initiated. If an employment eligible list does not exist, the Department of Human Resources will proceed to develop one as soon as possible.

All vacancies in the Classified Service shall be filled by referred candidates that have been certified by the Director of Human Resources, or designee, to the Department Director, or designee.

B. Recruitment Planning Process

The recruitment planning process involves the Department Director, or designee and the Department of Human Resources. Topics that are discussed during a recruitment planning meeting(s) include: ensure that the job description is up to-date and accurately reflects the duties of the position; develop supplemental questions that will be used to further screen the best qualified applicants; identify the Department representatives and/or Subject Matter Experts (SME's) the Department Director, or designee, would like to participate in the application screening process, oral examination process or selection/hiring interviews; identify publications and/or professional websites for advertising and outreach; recommendations for oral examination raters; logistics for the examination process, including, whether applications and oral examination binders will be sent to the oral exam raters in advance of the oral examination; and, associated timelines related to specific outcomes, including application screening, examination timeframes and establishing the employment eligible list.

C. Types of Recruitments

The type of recruitment to be conducted for a given job classification is dependent upon the location and level of the vacancy. All recruitments shall have job announcements which are posted appropriately and describe the classification, the upcoming examination process and final filing dates that the City will accept applications, as described in this policy.

All job announcements detailing the upcoming examination and selection process will be posted for a minimum of five business days, including the first and final filing date, except for limited recruitment, as detailed below.

The Director of Human Resources, or designee, determines which type of recruitment will be conducted and eligible lists established, based upon the guidelines described below. The City's general philosophy is to conduct promotional recruitment processes prior to conducting open/competitive recruitment processes. It is at the Director of Human Resources' discretion, in consultation with the hiring department, to determine whether a vacancy will be filled through a promotional or open/competitive recruitment process.

Citywide Promotional Recruitment. The applicant group is limited to employees who have regular Classified Service status with the City (including probationary employees), meet the minimum qualifications specified on the job announcement, and have

received an overall rating of “achieves or exceeds standards” on their most recent performance evaluation. The requirement to have received an overall rating of “achieves or exceeds standards” on their most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation.

Citywide Transfer Recruitment. This type of recruitment may be conducted to fill vacancies in a classification which exists across City departments and/or in a classification that has similar minimum qualifications and the same salary range.

Open and Competitive Recruitment. This type of recruitment is normally conducted to fill vacancies. A department head may request that any recruitment be conducted on an open and competitive basis. Based upon the needs of the City, the Director of Human Resources, or designee, may determine to incorporate one or more of the following:

Limited Recruitment. In instances where labor market forces result in an expectation of a significant number of applicants, the Director of Human Resources, or designee, may take steps to limit the size of the application pool through:

A shorter application filing period than required for regular recruitment.

Specifying a maximum number of applications which will be accepted, and the recruitment shall close immediately when that number is reached; and/or

Other means which are appropriate to the circumstances.

Continuous Recruitment. In instances where staffing needs are frequent or continuing, or there is a labor market scarcity, the Director of Human Resources, or designee, may announce examinations with no final filing date and conduct recruitments of sufficient duration to ensure that the City’s needs are met.

Selective Recruitment. The Director of Human Resources, or designee, may, within a classification, when a specific position’s duties require a unique or specialized background, restrict recruitment or selection processes to those individuals possessing the specialized background based upon the essential functions of the position. For example, a Staff Office Assistant that requires ten-key usage for a particular assignment.

In all instances, the job announcement will clearly specify the application acceptance period and the final filing date. All job announcements detailing the upcoming examination and selection process will be posted for a minimum of five business days, including the first and final filing date, except for limited recruitment, as detailed above.

Subd. 3. Applicants and Applications

A. Job Announcements

The Human Resources Department will prepare a job announcement to announce an upcoming examination process that contains a description of the typical duties, qualification standards, application filing requirements, examination procedures, associated bargaining unit and benefits and any other relevant information. The description of the job duties and knowledge, skills and abilities (KSA's) required are developed from the City's published classification specifications.

All job announcements, except for limited recruitments as detailed above, shall specify a filing period of at least five calendar days and clearly state a final filing date. The City reserves the right to modify any application and/or examination process once the job announcement is posted.

B. Department Posting

City departments shall immediately post job announcements at each work location. Failure to do so shall not invalidate either the test results or subsequent appointments that result from the testing and selection process.

C. Applications

The Department of Human Resources will accept applications for a current examination process during the period of time established on the job announcement. Each individual interested in City employment, transfer or promotion must file an official application with the Department of Human Resources within the established filing period. Once submitted, applications become the property of the City.

In order to be considered for employment, applicants must meet the stated minimum qualifications and general requirements for City employment. Those who do not qualify are notified.

A complete application will consist of a fully completed City application form with any required documentation and/or responses to supplemental questions as noted on the City's job announcement for examination.

Incomplete, unsigned, faxed and/or late applications will not be accepted.

D. Disqualification of Applicants

The Director of Human Resources, or designee, has the authority to disqualify applicants during any stage of the examination process for any one of the following reasons:

- (1) Use or attempted use of influence to gain advantage in the examination process;
- (2) Makes a false or misleading statement of material fact in connection with any stage of the examination process;
- (3) Is found to lack any of the requirements, certificates or qualifications of the classification applied for;
- (4) Makes demeaning comments or behaves inappropriately towards others during the course of the examination process in violation of the City's policy against Harassment, Discrimination and Retaliation;
- (5) Withholds relevant information regarding applicant qualifications;
- (6) Use of deception or fraud at any stage in the examination process;
- (7) Possession of unauthorized materials, devices, or anything of use or assistance in any stage of the examination process;
- (8) Disruptive behavior during an examination process;
- (9) Directly or indirectly obtains information regarding examinations;
- (10) Copies the work of another applicant; or reviews the examination documents prior to commencement of an examination;
- (11) Arrives at the place of examination after the start time;
- (12) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law;
- (13) Does not respond to notifications or other correspondence;
- (14) City employees that apply for a promotion and did not receive a "achieves standards" on their last performance evaluation. The requirement to have received an overall rating of "achieves or exceeds standards" on their most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation;

- (15) Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- (16) Is a current user of illegal drugs;
- (17) Is in violation of the City's Nepotism Policy in accordance with the City's Civil Service Rules and Regulations;
- (18) Had his or her privilege to currently operate a motor vehicle in the State of California suspended or revoked, if driving is required;
- (19) Refuses to execute the Loyalty Oath, as required by State law;
- (20) Is a current City Councilmember or on a current City Board or Commission during the term of office the member has been elected or appointed, or within two years thereafter;
- (21) Is related within the second degree of lineal or collateral consanguinity, to a current member of the City Council;
- (22) For any material cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including but not limited to a prior termination from the City or a significant disciplinary action.

Any applicant disqualified for fraud, deception or dishonesty during any stage of the examination process may not reapply with the City for a period of twelve months.

Any Public Safety Officer applicant who is disqualified as part of the background process will be ineligible to reapply to the City for a period of eighteen months.

Subd. 4. Examinations

The Director of Human Resources shall be responsible for the structure, development, validation, scheduling, administration and scoring of all examinations.

The Director of Human Resources may recommend contracting with any competent agency or individual for the preparation or scoring of examinations. The Director of Human Resources, or designee, shall arrange for use of facilities, equipment and related matters for the conduct of examinations.

Examinations shall be designed to provide an opportunity to all candidates, based on an analysis of the essential requirements of the classification, and testing only those factors that relate to those requirements.

The selection methods used in the examination process shall be impartial and shall consist of selection criteria which will fairly test the qualifications of candidates.

A. Types of Examinations

Examinations held to establish a list of eligible candidates for any classification shall consist of one or more of the following parts, as determined and developed by the Human Resources Department. All examinations administered by the City are objective, content-valid and job-related examinations. The following represent the most common types of City examinations utilized:

Training and Experience Examinations: A training and experience examination is designed to measure the applicants' training and experience as it relates to the minimum qualifications of the position. This examination process requires applicants to respond to supplemental questions that are rated and scored to determine the best qualified applicants. Those applicants that are determined to be the best qualified will continue with the examination process.

Oral Examinations: An oral examination is designed to measure candidates knowledge, skills, and experience determined to be essential to the position, including interpersonal, leadership, problem solving, customer service, supervisory, presentation, and/or oral communication skills. The oral examination is a standard set of questions developed by Subject Matter Experts (SMEs) and is asked of every candidate.

Written Examinations. A written examination is designed to measure the various knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job.

Performance Examinations: A performance examination is designed to determine the level of abilities and/or manual skills of candidates to perform the essential functions of the job. The performance examination is a standard set of questions and/or tasks developed by Subject Matter Experts (SMEs) and given to each candidate.

Physical Agility Examinations: A physical agility examination is designed to determine physical agility, stamina and physical fitness of candidates to perform essential functions of the job.

Assessment Center Examinations: An assessment center examination is a series of examinations that are designed to determine the knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job, including role-playing, in-basket, presentation, oral examinations, etc.

Other Examinations: Other types of selection tools may be developed and administered, including: presentations, personal interviews, typing tests, work samples, background investigations, or any combination of these or other tests as described above. All examinations are developed with the assistance of Subject Matter Experts (SMEs) and administered by the Department of Human Resources.

B. Oral Examination Interview Panels

When utilized for a given examination, oral examination interview panels shall be administered in a fair, objective and unbiased manner. Structured job-related interview questions and scoring methods are developed by the Department of Human Resources, in conjunction with the Department Directors, or designees.

Departments shall submit their recommendations for oral examination raters to serve as an interview panelist to the Department of Human Resources on the basis of their knowledge, experience and overall background. Interview panelists shall complete a confidentiality agreement and review the candidate names prior to the administration of the examination to ensure that neither biases nor conflicts exist.

If an in-house interview panelist is selected, he or she shall not be involved with either the review and/or the scoring of the applications to determine the best qualified applicants, or with the final hiring decision following certification of the employment eligible list.

C. Relative Weights of Exams

Unless otherwise stated, the minimum passing score for all qualifying examinations is 70%.

Candidates may be required to attain a specified percentage in one or more tests as a condition to continue as a candidate in the examination process. Any such specified requirement will be announced prior to the examination.

The relative weights of the tests, each to the other, will be determined in advance of administering the examination process (es). For examinations comprised of more than one part, a candidate's final score shall be the total of the weighted percentage scores for the various parts of the examination plus veteran's credits, when applicable.

Specific parts of an examination may be designated as additional information and have no percentage value.

The examination process may be changed as deemed necessary by the Director of Human Resources.

D. Notice of Examination Results

The Director of Human Resources, or designee, shall notify each candidate of their status based upon the results of the examination process and whether they have been placed on an employment eligible list. It is City policy not to release scores or rank order; however, candidates will receive notice of whether they will be referred to a Department for a selection/hiring interview.

Certification to the eligibility list will be accomplished by placing the candidate names in rank order, based upon their final score in order to differentiate their relative performance. The top five eligible candidates, including tie scores and any bargaining unit inclusions, will be referred to a Department for consideration for an approved vacancy. One additional eligible candidate will be referred to a Department for consideration for each additional approved vacancy. The candidate names referred to the Department for consideration will be in alphabetical order.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

All candidates referred to the Department Director are considered fully qualified and eligible for hire.

E. Veteran's Credits

Veteran's credits will only be assigned on examinations for positions in the Classified Service which represent the entry-level classification of a job family. To qualify for veteran's credits, an applicant must submit at the time of application, a copy of an appropriate Department of Defense document indicating veteran status at the time of application. Veterans who attain a passing examination score used to determine placement on the eligible list shall be allowed a credit of three (3) points on that score. Disabled veterans shall be allowed an additional credit of two (2) points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service connected injury or wound which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the

Classified Service is receiving disability compensation from the Federal Government.

Applicants who qualify for veteran's credits will have them applied to their final score.

Subd. 5. Eligible Employment Lists

A. Establishment of Employment Eligible List

The Department of Human Resources shall prepare and establish the employment eligible list at the conclusion of all examination processes. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative weight assigned to each part of the examination.

The top five eligible candidates, including ties and any bargaining unit inclusions, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional eligible candidate will be referred to the Department for consideration for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

Direct Referral: For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process (es), establish an employment eligible list and directly refer the eligible candidates to the appointing authority for consideration.

For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.

B. Duration of Employment Eligible Lists

An employment eligible list shall remain in effect for a period of twelve months, and may be extended by the Director of Human Resources, at the request of the Department Director, for a period up to an additional twelve months. The exception shall be the Public Safety Lieutenant employment eligible list which will remain in effect for a period of eighteen months with no extensions.

C. Candidate Name Removed from Employment Eligible List

The Director of Human Resources, or designee, shall remove a candidate from a certified employment eligible list for the following reasons:

- (1) Refusal to accept appointment to an offered position.
- (2) For external candidates, refusal to participate in the selection interview process.
- (3) For internal candidates, refusal, without an approved waiver, to participate in the selection interview process.
- (4) Appointment to the classification for which the eligible list was established.
- (5) Written request from the candidate for removal from the list.
- (6) Failure to contact the Department Director, or designee, within seven
(7) calendar days from being notified of a selection interview or offer of employment.
- (7) Failure to continue to meet the minimum qualifications or minimum employment standards for the position for which the eligible list was established.
- (8) Failure to successfully complete the City's pre-employment process.
- (9) For any of the causes set forth in these policies as basis for disqualification of the candidate from the employment eligible list.

A Department Director, with approval from the Director of Human Resources, shall remove an external (not a current regular City employee) candidate from a certified employment eligible list for any job-related reason. In addition to the reasons outlined above, examples of appropriate job-related reasons to remove an external candidate from a certified employment eligible list include: unverifiable information in employment history; unsatisfactory job performance reference check; or any reason listed under the disqualification of applicants section of this policy.

D. Abolishment of Employment Eligible List

The Director of Human Resources may abolish any employment eligible list when there are two candidates remaining on the list.

The Director of Human Resources may also abolish any open and competitive employment eligible list prior to its expiration date upon recommendation of the Department Director, with approval of the City Manager. Such action shall be permitted only when it is considered to be in the best interest of the City.

E. Re-employment from a Reduction in Force (RIF) Re-employment List

A regular City employee in the Classified Service who has been laid off will be placed on a re-employment list for five years from the effective date of the layoff. Applicants will be listed on the re-employment list in inverse order of the layoff. Applicants whose names appear on a re-employment list as a result of a reduction in force shall be reinstated in the order in which their names appear on the list subject to the following conditions:

- (1) A position is available in the class from which the applicant was separated as an employee.
- (2) The applicant accepts reinstatement within seven (7) calendar days from the date of notification; or notifies the Department of Human Resources within this time period of the desire to remain on the list but not to accept the current opening. Only one refusal is allowed.
- (3) The applicant has not during the period of lay-off incurred any disability or condition which would prevent the applicant from performing the essential duties of the position in an acceptable manner with or without a reasonable accommodation.
- (4) The re-employment list shall be retained for five (5) years from the date of establishment.

F. Reinstatement to an Employment Eligible List

A permanent City employee in the Classified Service who has resigned from the City in good standing may apply to be reinstated to their former vacant position without examination, within one year from the effective date of resignation.

An application shall be completed and forwarded to the Department of Human Resources and upon review and approval by the appropriate Department Director and the Director of Human Resources, will be placed on the reinstatement employment eligible list, subject to the following conditions:

- (1) The applicant held a regular appointment at the time of separation and resigned in good standing;

- (2) The applicant received an overall rating of "meets or exceeds standards" on their last performance evaluation;
- (3) The applicant has applied for reinstatement within one year from the effective date of resignation; and,
- (4) The applicant can demonstrate that they meet the minimum qualifications and employment standards of the position.

The submission of an application for reinstatement will not result in an automatic appointment. Reinstatement appointments are made upon the recommendation of the Department Director and upon approval of the City Manager, or designee.

Reinstatement appointments will be required to successfully pass all pre-employment examinations required of the position.

Subd. 6. Certification Procedures

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.

Certification will be accomplished by placing the candidate scores in rank order to differentiate their relative performance and referred to a Department for consideration. The Department of Human Resources shall certify the top five eligible candidates to the Department Director, or designee, for consideration for an approved vacancy. One additional eligible candidate will be referred to the Department for consideration for each additional approved vacancy. All candidates referred to the Department Director are considered fully qualified and eligible for hire.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each approved vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

A. Waiver of Certification

Internal candidates may waive certification once upon giving reasons satisfactory to the Director of Human Resources. If the reason is not approved by the Director of Human Resources, then the candidate's name shall be removed from the eligible list from which they were certified. Waivers must be filed in writing with the Director of Human Resources.

There is no provision for external candidates to waive certification or to request a waiver from certification.

B. Selective Certification

If a vacancy exists within a broad classification, the Department Director, or designee, may request a selective certification of candidates having the specialized qualifications required from the eligible list for that classification. For example, if a department has a requirement that candidates be able to type at a certain rate of speed or use a ten-key.

When selective certification is indicated, the Director of Human Resources, or designee, shall determine which candidates, in order of ranking on the applicable list, have the required special qualifications.

The special qualification may be tested for as part of the examination for the classification. Applicants must be notified of their opportunity to be tested for the special qualification.

Applicants who do not pass the special qualification testing required for selective certification will remain on the original employment eligible list.

Subd. 7. Department Hiring/Selection Interviews

The Department Director, or designee, shall interview all referred candidates certified by the Department of Human Resources as quickly as possible. Every effort will be made to provide candidates with appropriate written notice of the selection interview of at least five business days.

The Department Director, or designee, is responsible for following legal guidelines related to appropriate employment and selection activities; maintaining required selection and employment documentation; communicating status with the candidates; and, conducting appropriate reference checks.

The Department of Human Resources will act as a resource to the Department Director, or designee, and will provide templates, guidance on what interview questions cannot be legally asked and will proctor all department hiring/selection interviews where there is not a Department Director in attendance. The Department of Human Resources will also provide guidance by reviewing/assisting with the development of hiring/selection questions, but it is not required to have that review.

Except in the case of a direct referral. A direct referral is made when there are five or fewer qualified applicants that meet the minimum qualifications. In this case, there is no further examination process; all qualified applicants are placed on the employment eligible list and sent over to the Department Director, or designee, for consideration. Because there is no examination process associated with the direct referral, the Department Director, or designee, shall submit their hiring/selection interview questions to the Department of Human Resources for review and approval prior to the selection/hiring interview.

The Department Director, or designee, is responsible for the final hiring decision.

Subd. 8. Appointment

After the Department Director, or designee, has concluded their department hiring/selection interview, reference/background checks and has made their selection, a conditional offer of employment may be made to the final candidate.

A. Offer of Employment Procedure

When the Department Director, or designee, notifies a candidate that s/he has been selected, the candidate should be cautioned that the job offer is contingent upon the candidate successfully completing the pre-employment process, which may include a physical examination conducted by a City-selected physician, and is also contingent upon the Department of Human Resources receipt and review of information provided by the Department of Justice regarding the processing of the candidate's fingerprints.

Candidates should be advised not to give notice to their present employer until they have completed the pre-employment process and the contingency has been removed from the City's offer of employment. City employees promoting or transferring to a classification that requires a pre-employment process will be scheduled by the Department of Human Resources for those pre-employment processes.

Upon receiving the findings from the pre-employment process, the Department of Human Resources will notify the Department Director, or designee, that has made the conditional offer of employment. At this point, the department is authorized to contact the final candidate and establish an effective employment date.

B. Salary Placement

Any step placement higher than Step 1 or 85% of the Salary Range must be approved by the City Manager, or designee, prior to a conditional offer of employment being made to a final candidate outside of City service.

Salary placement for promotional processes will be in accordance with the appropriate Memorandum of Understanding or Salary Resolution.

Salary placement for transfers does not change and additional increases will be in accordance with the appropriate Memorandum of Understanding or Salary Resolution.

C. Personnel Action Form

A completed and approved Personnel Action Form (PAF) shall be submitted to the Department of Human Resources to initiate the pre-employment process.

All employment selection paperwork, including applications and referral lists, shall be completed by the Department Director, or designee, and returned to the Department of Human Resources within one week of making the conditional offer of employment. Notes related to the department's selection interview process shall be maintained by the department for a period of time that is consistent with the City's records retention policy relating to application and employment documentation.

The Department of Human Resources, upon receipt of the required Personnel Action Form (PAF), will send confirmation of the final offer of employment along with a packet of new employee information. The new employee will be scheduled to meet with the Department of Human Resources staff to complete the required new employee paperwork on their first day of employment.

Subd. 9. Definition of Terms

A. Appointments to Positions in the Classified Service from a Recruitment, Examination and Selection Process

- (1) Probationary Appointment: Probationary appointments are for the purpose of providing a work performance evaluation prior to filling positions on a regular or permanent appointment basis. Probationary periods are considered part of the recruitment, examination and selection process.

Probationary appointments are made to positions in the classified service upon original entry, subsequent transfer to a different classification or subsequent promotion in City service. All persons appointed shall meet the established qualifications of the classification and shall be appointed according to merit system principles, and as far as practicable, through a competitive examination process, and be certified from the employment eligible list.

- (2) Regular Appointment: Incumbents of positions in the classified service are awarded regular or permanent appointment upon successful completion of a probationary period. Regular appointment entitles the individual to civil service status.
- (3) Grant-Funded Appointment: Grant-funded appointments are made to unique classifications that are budgeted under a specific grant or determined funding source that does not impact the General Fund, and are expected to last twelve months or longer.

All persons appointed shall meet the established qualifications of the classification and shall be appointed according to merit

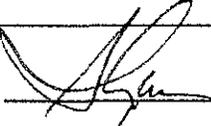
system principles, and as far as practicable, through a competitive examination process.

Persons who are appointed to classified service grant-funded positions shall receive the same benefits associated with the appropriate bargaining unit and shall sign an acknowledgement of their grant-funded status prior to commencing employment with the City. Those persons appointed to classified service grant-funded positions will be notified when the grant has expired and will be separated from City service in accordance with existing City layoff processes and procedures.

- B. Classification. All positions, sufficiently similar in duties, authority, responsibility and working conditions to permit grouping under a common title. Each class specification typically includes the title, a description of the typical duties and responsibilities of the work, and the minimum qualifications of the position. Class specifications are descriptive and not restrictive.
- C. Employment Eligible List. A list of names of persons who have successfully completed an examination process for a classification and have earned a qualifying score, ranked on the list in the order of the score earned.
- D. Examination. A test or a series of tests, where candidates demonstrate their particular qualifications for the classification. The testing or selection techniques used in the examination process shall be impartial and relate to those subjects which fairly measure the relative capacities of the classification to which they seek to be appointed.
- E. Final Score. The final percentage attained by the candidate in an examination, or examination process, as computed from the percentages earned in each part of the examination, weighted as set forth in the job announcement.
- F. Minimum Qualifications. The minimum requirements of the classification, including education and experience; required knowledge, skills and abilities; and required licenses and certificates are the minimum qualifications required to perform the job on day one of the job. Most class specifications allow for equivalent combinations of education and training which provide the knowledge, skills and abilities to perform the required duties; the listed knowledge, skills and abilities correspond with the most common and illustrative of the typical duties noted and are not all inclusive. Unless otherwise noted, required licenses and certificates are required at time of application.
- G. Promotion. The movement of an employee from a position in one classification to a position in another classification having a higher salary range than the employee's current salary range. All promotions shall be as a result of a competitive recruitment,

examination and selection process. Salary placement for a promotion is in accordance with applicable MOU's and/or the City's Salary Resolution.

- H. Transfer. The movement of an employee within the same classification, or the movement of an employee to another classification with the same top salary and the same, or similar, minimum qualifications.

City Manager's signature: 
Date: <u>4-2-13</u>

Excerpts from Draft Minutes of April 15, 2013 Sunnyvale Personnel Board Meeting

SCHEDULED PRESENTATION

Revisions to Civil Service Rules & Regulations – Doug Baker, Human Resources Manager
Nickey moved the amendments to the Civil Service Rules and Regulations be adopted.
Seconded by Sellers and unanimously carried.