

**RULES AND REGULATIONS
of the
CIVIL SERVICE BOARD
for
MISCELLANEOUS DEPARTMENTS
CITY OF BAKERSFIELD**

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RULE 1

DEFINITIONS

- 1.01 **APPLICANT** shall mean a person who has made a formal application to take a civil service examination.
- 1.02 **APPOINTING OFFICER or APPOINTIVE POWER** shall mean the department head or his/her authorized representative.
- 1.03 **APPOINTMENT** shall mean the acceptance by a person of a position in City service.
- 1.04 **BOARD** shall mean the Civil Service Board for the Miscellaneous Departments of the City of Bakersfield.
- 1.05 **BUSINESS DAYS** shall mean calendar days exclusive of Saturdays, Sundays and legal City holidays.
- 1.06 **CERTIFICATION** shall mean the submission by the Human Resources Manager of the top three (3) names from an appropriate eligible list to an appointing officer.
- 1.07 **CITY** shall mean City of Bakersfield.
- 1.08 **CITY PHYSICIAN** shall mean a medical doctor chosen by the Civil Service Board.
- 1.09 **CLASS** shall mean a group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and salary range; and the application of common standards of selection, transfer and promotion.
- 1.10 **CLASS SERIES** shall mean a number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.
- 1.11 **CLASS SPECIFICATION** shall mean a written description of a class or position which includes title, class number, a general statement of nature of work, duties, responsibilities and minimum or desirable qualifications.
- 1.12 **CLASSIFIED SERVICE** shall mean all officers and positions in the Civil Service as set forth in Section (208)1 of the Charter of the City of Bakersfield.
- 1.13 **CONTINUOUS SERVICE** shall mean employment by regular employees without interruption except for approved leaves of absence. Reinstatement or re-employment does not make service continuous.

- 1.14 **DEMOTION** shall mean the movement of an employee from one class or position to another class or position having a lower maximum rate of pay.
- 1.15 **DEPARTMENT** shall mean a major administrative unit within the City of Bakersfield.
- 1.16 **DISCHARGE** shall mean termination from City services for cause.
- 1.17 **DIVISION** shall mean a unit of a department.
- 1.18 **ELIGIBLE** shall mean an applicant who receives a final passing rating and whose name appears on an eligible list.
- 1.19 **ELIGIBLE LIST** shall mean a list of persons who have been examined and approved by the Human Resources Manager as eligible for appointment.
- 1.20 **EXAMINATION** shall mean the complete process involved in evaluating, investigating and testing the fitness and qualifications of applicants.
- 1.21 **HUMAN RESOURCES MANAGER** shall mean the City Manager or his/her authorized representative.
- 1.22 **LAYOFF** shall mean separation from a seasonal, part-time or regular position because of workload, economy, lack of funds or because the position has been abolished.
- 1.23 **MINIMUM QUALIFICATIONS** shall mean the minimum qualifications of education, experience, ability, knowledge, licenses and other requirements set by the Board for entrance to examinations, for appointments or for promotions.
- 1.24 **OFFICIAL BULLETIN BOARD** shall mean the bulletin board on the first floor of the City Hall, 1600 Truxtun Avenue, Bakersfield, used for posting of public announcements of the Board.
- 1.25 **OPEN EXAMINATION** shall mean an examination open to the public and not limited to applicants in City service.
- 1.26 **POSITION** shall mean a specific office or type of employment as set forth in the personnel and compensation ordinance, whether occupied or vacant, regular or seasonal.
- 1.27 **PROBATIONARY PERIOD** shall mean a working test period of six months duration during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of the duties of the position.

- 1.28 **PROBATIONER** shall mean an employee who is serving his/her probationary period.
- 1.29 **PROMOTIONAL EXAMINATIONS** shall mean examinations limited to regular employees having Civil Service status.
- 1.30 **RANK** shall mean the numerical position attained on an eligible list by an applicant as determined by the final grade attained by said applicant in a Civil Service examination.
- 1.31 **REEMPLOYMENT** shall mean reappointment of an individual after a break in City service to a position within the class from which he/she has been involuntarily laid off or demoted due to no fault of his/her own
- 1.32 **REGULAR EMPLOYEE** shall mean an employee who has successfully completed his/her probationary period and has been appointed to regular Civil Service status.
- 1.33 **REINSTATEMENT** shall mean reappointment after a break in City service to a position within a class formerly held prior to a voluntary resignation in good standing (or to a lower position within the same class series).
- 1.34 **REMOVAL** shall mean demotion or discharge.
- 1.35 **SECTION** shall mean a unit of a Division.
- 1.36 **SEPARATION** shall mean leaving a position for any reason and includes transfer and reassignment.
- 1.37 **SERVICE** shall mean employment with the City.
- 1.38 **SUSPENSION** shall mean the temporary removal of an employee from duty without pay for disciplinary reasons.
- 1.39 **TERMINATION** shall mean the separation of an employee from City service. Termination may be by death, discharge, layoff, resignation, retirement or work completion.
- 1.40 **TIME IN SERVICE** shall mean the length of time a regular employee has service in continuous City service beginning with his/her probationary appointment to a regular position.
- 1.41 **TRANSFER** shall mean the change of an employee from one division of City service to another.
- 1.42 **UNCLASSIFIED SERVICE** shall mean all elected officers, all members of boards, commissions and all temporary and seasonal employees.

(Rule 1 revised by Miscellaneous Civil Service Board: August 20, 2002 and City Council: September 04, 2002)

RULE 2

GENERAL

2.01 PURPOSE. These rules and regulations are to provide a fair and equitable system for the selection of the best qualified persons for the appointment and promotion of personnel in the municipal service. The selection process shall be on the basis of merit only.

These rules and regulations are further intended to provide for fair and uniform procedures for discharge from City service. These rules and regulations shall be administered without regard to race, creed, religion or national origin.

2.02 AUTHORITY. Under the authority of Section (211)4 of the Charter of the City of Bakersfield, the Civil Service Board for Miscellaneous Departments does prescribe and adopt these Rules which, after approval by the City Council, shall be the rules and regulations of the Civil Service Board for the Miscellaneous Departments and have the force and effect of law.

2.03 DECISIONS OF THE BOARD. All decisions of the Board are final and are not subject to appeal. If questions develop regarding these rules and regulations, they should be made in writing to the Board.

2.04 AMENDMENT OF RULES AND REGULATIONS. Amendment of the Rules and Regulations, or additions thereto, may be proposed at any meeting of the Board and shall become effective upon approval by the City Council.

RULE 3

ORGANIZATION AND ADMINISTRATION

3.01 THE BOARD. The Civil Service Board for the Miscellaneous Departments consists of five (5) board members as prescribed in Section (209)2 of the City Charter. The Board hereby delegates to the Human Resources Manager the following responsibilities:

- A. To enforce and interpret these rules and regulations.
- B. To have charge of all matters pertaining to the preparation and conduct of examinations and, in this connection, shall:
 - 1. Determine the examination to be conducted.
 - 2. Prepare and post bulletins announcing examinations.
 - 3. Make arrangements for and supervise the conduct of the examination, appointing such experts, special examiners and other persons as it may deem necessary. No member of this Board shall sit as a member of the rating panel for any oral examination.

- C. To keep minutes of the proceedings, records of its examinations and such other records as desirable and necessary to administer the Civil Service system.

Any decisions of the Human Resources Manager under subparagraphs A through C above may be appealed to the Civil Service Board.

3.02 ELECTION OF OFFICERS. At the first meeting of each calendar year, the Board shall elect one of its members as Chairperson and another as Secretary who shall hold office until a successor shall be elected and qualified.

- A. The Chairperson shall preside at all meetings of the Board and act as spokesperson for the Board.
- B. The Secretary shall keep the minutes, records and perform other duties as assigned by the Board. In the absence of the Chairperson, the Secretary shall preside at the Board meetings.

3.03 BOARD MEETINGS.

- A. **Regular Meetings:** Shall be held on the third Tuesday of each month at 2:00 p.m. or at such other day or time as the Board, at a prior regular meeting, may designate. When the regular meeting day falls on a holiday, the Board shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting.
- B. **Adjourned Meetings:** The Board may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting.
- C. **Special Meetings:** A special meeting may be ordered at any time by the Chairperson or by any three Board members by delivering personally or by mail written notice to each member of the Board. Notice must also be given to each of the following, after they have filed a written request for such notice: each local newspaper of general circulation, radio and television station such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. A copy of the notice shall also be posted on the Board's official bulletin board. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board.
- D. **Executive Sessions:** The Board may hold executive sessions to consider individual personnel matters in accordance with the Brown Act.

(Rule 3.03 revised by Miscellaneous Civil Service Board and City Council: January 13, 2010)

3.04 MEETING PLACE. All meetings shall be held in the Personnel Office in City Hall, 1600 Truxtun Avenue, unless the notice of a special meeting or the order of adjournment of a regular or adjourned meeting specifies some other place, or unless the Board determines at a prior meeting to meet at some other place. A notice, stating where the meeting will be held, shall be posted on the Board's official bulletin board at least twenty-four (24) hours before the time set for the meeting.

3.05 PUBLIC MEETINGS. All meetings of the Board shall be open and public, except as otherwise provided in these rules.

3.06 RULES OF ORDER. Except as otherwise provided herein, Robert's Rules of Order shall guide the Board in its proceedings.

3.07 QUORUM. Three (3) members of the Board shall constitute a quorum for the transaction of business.

3.08 COMMUNICATIONS. Communications and requests to the Board insofar as practicable shall be in writing. The substance of each request and the action of the Board thereon shall be noted in the minutes.

Communications should be addressed to: Chairperson of the Civil Service Board, City Hall, 1600 Truxtun Avenue.

3.09 MINUTES. The Secretary shall record in the minutes the time and place of each meeting, the names of the Board members present, all official acts of the Board, and the votes of the Board members except when the action is unanimous. When requested by him/her, a Board member's dissent or approval with his/her reason shall be recorded. The minutes shall be written and presented for approval at the next regular meeting. The minutes, or a true copy thereof, certified by the Secretary shall be open to public inspection.

3.10 BOARD RECORDS. Minutes of the Board meetings and findings of the Trial Board shall be considered public record. Other records of the Board shall be confidential by reason of public policy, except as otherwise provided in these rules and regulations. All records of the Board shall be in custody of the Secretary, and disclosure to the public shall be at his/her discretion.

3.11 HUMAN RESOURCES MANAGER. The Human Resources Manager or his/her authorized representative shall:

- A. Administer and make effective the provisions of these rules and regulations, establishing such administrative controls as may be necessary;
- B. Make recommendations relative to matter of policy and for necessary amendments to these rules;
- C. Classify all positions in the classified service, maintain a schematic list of all classes in the classification plan, and prepare and maintain specifications for each class;

- D. Authorize recruitment to fill existing or anticipated vacancies;
- E. Be authorized to make appointments from an appropriate eligible list prior to its certification subject to subsequent approval of the Board;
- F. Conduct examinations, tests and interviews when so directed by the Civil Service Board;
- G. Conduct examinations, tests and interviews when so directed by the Civil Service Board;
- H. Perform all other functions necessary for the proper carrying out of these rules and regulations and the provisions of the Charter relating to Civil Service and such additional duties as may be assigned to him/her from time to time by the Board.

RULE 4

APPLICATIONS FOR EXAMINATIONS

4.01 QUALIFICATIONS OF APPLICANTS. In order to qualify for examination, an applicant must:

- A. Be eighteen (18) years of age.
- B. Meet all the requirements specified in these rules and in the Examination Announcement.
- C. File a written application signed by the applicant on the form furnished by the Board, giving fully and truthfully all the information called for in accordance with these results.

4.02 FILING OF APPLICATIONS.

- A. No applications will be accepted for a position until an examination has been announced.
- B. Applications must be received within the time specified by the Examination Announcement.
- C. The time for filing applications may be extended or reopened by the Human Resources Manager as the needs of the service require, provided notice is immediately posted on the official bulletin board.

4.03 INVESTIGATION AND FINGERPRINTS. In an examination for employment, the Board shall require as a prerequisite for employment, the taking of fingerprints of all applicants or eligible's, and the Human Resources Manager may make special inquiry into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation shall, in the Board's judgment so warrant, be disqualified from taking such examination or having taken said examination and whose name appears on the eligible list shall be removed from said list.

4.04 DISQUALIFICATION. The Board may refuse to examine, or after examination may remove from the eligible list any person:

- A. Who does not meet the requirements set forth in these rules or in the Examination Announcement;
- B. Who is physically or mentally unfit to perform the duties of the position which he/she seeks;
- C. Who is addicted to the use of intoxicating liquors or narcotics or habit-forming drugs;
- D. Who is addicted to gambling or immoral practices or habits;
- E. Who has committed any act involving moral turpitude or of infamous or disgraceful conduct;
- F. Who has been convicted of a felony;
- G. Who has been dismissed from public or private service or resigned not in good standing;
- H. Who has made any false statement or omitted pertinent facts on his/her application;
- I. Who has attempted any deception or fraud in connection with this or any other Civil Service examination;
- J. Who fails to report a complete record of convictions;
- K. Who is a relative pursuant to Rule 7.03 and is prohibited from being appointed;
- L. Who fails to present himself/herself for, or fails to pass the medical examination prescribed by the Board.
- M. Who does not meet the minimum employment standards set forth by the City of Bakersfield as determined by a reference or background check.

(Rule 4.04 revised by Miscellaneous Civil Service Board: November 21, 2000 and City Council: December 13, 2000)

4.05 NOTICE OF NON-ACCEPTANCE. The person against whom action is taken under Rule 4.04 shall be notified promptly of the reasons therefore. Oral notice at the time of filing the application shall be sufficient.

After an application is filed, written notice shall be mailed to the address shown on the application.

4.06 APPLICATIONS NOT RETURNED. All applications when filed become the property of the Board and thereafter may not be returned to the applicant for purposes of amending unless ordered by the Board.

4.07 VETERAN'S PREFERENCE. In order to qualify for Veteran's Preference an applicant must meet the requirements of Government Code §18973, which defines a veteran as anyone who has served full time for 30 days or more in the armed forces in war or in peace in a campaign in which a medal has been authorized by the United States government, or has served 101 consecutive days since January 31, 1955, and who has been released under conditions other than dishonorable but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training Service Act of 1940.

- A. Veterans who have obtained a passing grade of at least 70% in all segments of an examination for entrance employment shall be allowed an additional credit of five (5) points. Current City employees will not receive Veteran's preference.
- B. In order to receive the Veteran's Preference credit, an applicant shall have applied to the Human Resources Division for such credit and have presented evidence of his or her "veteran" status acceptable to the Human Resources Manager, not later than the filing deadline for employment application.
- C. Applicants who fail to apply for Veteran's Preference credit, or do not present the required credentials within the prescribed time allowed, shall be deemed to have waived such credit.

(Rule 4.07 revised by Miscellaneous Civil Service Board: August 20, 2002 and City Council: September 04, 2002)

RULE 5

EXAMINATION

5.01 NOTICE OF EXAMINATION. The Examination Announcement shall be printed and shall contain:

- A. The title, nature of work and maximum and minimum rate of pay for the position to be filled;
- B. The period during which applications for examination will be received;
- C. The subjects of examination and their respective weights, if assigned;
- D. Any special physical or medical requirements and examinations and such special minimum qualifications as to education, training or experience required of applicants.

- E. The Examination Announcement shall be posted on the official bulletin board at least ten (10) days prior to the closing date fixed for filing "Applications for Examinations."

5.02 COMPETITIVE EXAMINATIONS. All examinations shall be competitive. An examination shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities or when a single applicant is scored against a fixed standard.

Types of examinations are:

- A. **Open Examinations:** Open examinations shall be open to all applicants as provided by these rules and who have not been disqualified for cause in accordance with the provisions of said rules.
- B. **Promotional Examinations:** Promotional examinations are open to City employees who have attained permanent Civil Service status and possess the minimum qualifications of the class. In addition, the applicant must possess at least an overall "Standard" rating on his/her most recent performance evaluation report.

Examinations for the creation of eligible lists for promotional positions in the City service shall be ordered as often as may be necessary to meet the needs for such lists. Such examinations shall be known as:

- A. **Interdepartmental Promotional:** Open to eligible employees in the City service.
- B. **Department, Division or Section Promotional:** To encourage internal growth and opportunities, promotional postings will usually be conducted City-wide. However, when circumstances warrant promotions limited to a Department, Division or Section in which the position exists, the Department, Division or Section must obtain prior approval from the Miscellaneous Civil Service Commission prior to posting.

(Rule 5.02 revised by Miscellaneous Civil Service Board: January 15, 2008 and City Council: January 30, 2008)

5.03 SERIES EXAMINATIONS. A series of open examinations for the same class of positions may be announced by a single notice. Such examination may be administered from time to time as applicants are available or as appointments are necessary. A separate eligible list shall be created for each examination of the series in which there are successful applicants provided, however, the Board may prescribe in the Examination Announcement that the names of all applicants who qualify in any examination of the series shall be placed on one eligible list in the order of their final grades. Names shall be removed from such eligible list one year after the date they were placed thereon.

5.04 CHARACTER OF EXAMINATION. All competitive examinations shall consist of one or more parts carrying a specific numerical or percentage weight, as stated in the Examination Announcement or announced at the time of the examination, and shall be designed to qualify and rank applicants in terms of their relative fitness to perform the duties of the class or the position for which the examination was ordered.

5.05 METHOD OF EXAMINATION. The qualification and fitness of applicants shall be determined either individually or in a group or groups by one or more of the following methods:

- A. Written test;
- B. Oral tests of knowledge of ability;
- C. Interviews covering general qualifications, education, training and/or experience;
- D. Performance tests;
- E. Physical tests of strength, stamina or dexterity,
- F. Evaluation of education, training, experience or other qualifications as shown by the applications; or by other information submitted, or by the record;
- G. Questionnaires submitted to references;
- H. Any other appropriate measure of fitness.

5.06 TIME AND PLACE OF EXAMINATION. The applicants will be notified as to the time and place of the examination by either regular mail, telephone or in person.

5.07 POSTPONEMENT OR CANCELLATION OF EXAMINATION.

The administration of an examination, or any part thereof, may be postponed or canceled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board and mailed or telephoned to the applicants. In an emergency where time does not permit such notice, an examination may be postponed or canceled or the place of examination changed by posting a notice on the official bulletin board as soon as possible and in a conspicuous location at the place and time set for the examination.

5.08 LATE APPLICANTS. Any applicant appearing late for an examination may be admitted at the discretion of the Human Resources Manager or his/her authorized representative.

5.09 INABILITY TO APPEAR. If an applicant is unable to appear at the time or place designated and contacts the personnel office prior to the examination, arrangements may be made to give him/her the examination at another time or place if the Human Resources Manager finds:

- A. That substantial and sufficient reason exists for the inability to appear;
- B. That no fraud will be perpetrated; and
- C. That no person taking the examination will be prejudiced or assisted in passing the examination by reason of such special privilege.

5.10 PASSING GRADES.

- A. Unless otherwise provided in the Examination Announcement or other notice announcing the examination, a final score of at least seventy percent (70%) (excluding the veteran's credits or service credit, if any) shall be required to pass.
- B. Where an examination consists of two (2) or more parts, the Board may set a minimum score to be required in any part of such examination, and an applicant who fails to attain such minimum score shall be considered as having failed in the entire examination and shall not be entitled to take the balance of the examination. The minimum score required and the part of the examination to which it is applicable shall be stated in the notice of examination or announced at the time of the examination.

5.11 CITY SERVICE CREDIT. In all open and promotional examinations, applicants now in the service of the City who successfully pass the complete examination will be given one (1) percentage point preference for each year of prior service with the City up to a maximum of five (5) percentage points, provided the prior service is similar or comparable and service is permanent and continuous.
(See Addendum, Page 31)

(Rule 5.11 revised by Miscellaneous Civil Service Board: August 20, 2002 and City Council: September 04, 2002)

5.12 INSPECTION AND REVIEW OF EXAMINATION PAPERS. The examination papers of an applicant shall be treated as confidential records of the Board and shall not be removed from its office and shall be subject to inspection only by the applicant and only during the time and under the conditions set forth as follows:

Except in examinations being held on a Series basis or where form tests are used by a contract with an examining agency, a competitor may within ten (10) days from date of mailing him/her a notice of the results of his/her examination and after filing a written request therefore, inspect his/her examination papers and also a copy of the questions and answers used in the examination, in the personnel office and under the supervision of the Human Resources Manager.

During this period, an examinee may appeal to the Board in writing, from the inclusion of any item or portion of the test, or from the answer indicated as correct for any item, the examinee shall state the item, page number and the reasons or authority in support of his/her contention. An appeal which fails to set forth the reasons or authority for a contention will not be considered. The Human Resources Manager shall submit the appeal to the examining agency for investigation and recommendation to the Board. The examining agency shall state that the appeal may be granted or denied and give reasons for its decision. The Board shall make the final ruling and the examination papers will be scored according to its decision.

5.13 CORRECTION OF CLERICAL ERRORS. Any clerical error may be corrected upon discovery at any time during the life of the eligible list, but no such correction shall affect an appointment made from a certification made prior to the correction.

5.14 RECORDS OF EXAMINATION. The language in this rule referring to a two-year eligibility list was eliminated to be in compliance with revised Rule 6.07, which allows the Civil Service Board the discretion to terminate an eligibility list after a minimum of six (6) months.

The Board shall preserve for the duration of the eligible list the following records of examination:

- A. All applications of those examined, where no oral test or interview was given;
- B. One (1) copy of each written test together with the correct answers and standards used in grading such test;
- C. A description of each performance test, together with the standard used in rating such test;
- D. A copy or description of any other test or measure of fitness employed in the examination together with standards used in rating;
- E. A copy of questionnaires submitted to references;
- F. The Report of Examination containing the names and scores of all applicants on each part of the examination, and in the total examination;
- G. A summary or narrative statement of the examination showing the method of testing used or the general nature of the examination, the weights of the various parts, the time and place each part was given, the minimum scores required and the names of the examiners.

5.15 DESTRUCTION OF RECORDS. All other papers, records, transcripts, recordings, not included in Rule 5.14, accumulated during an examination may be destroyed ninety (90) days after establishment of the eligible list, unless an appeal is pending before the Board or an action has been brought to review the decision of the Board, in which case all papers and records shall be preserved thirty (30) days after the appeal has been terminated or until the action has become final.

5.16 EXAMINATIONS TO BE IMPARTIAL. All examinations shall be fair and impartial. So far as practicable, written examinations shall be so conducted that the identity of applicants will not be known to the examiners or other persons scoring the answers. So far as practicable, different parts of an examination shall be scored separately without the examiners or other persons scoring a part of the examination knowing the applicants' scores in the other parts of the examination. No person shall reveal before the completion of an examination any information about such examination except by announcement to all applicants equally.

RULE 6

ELIGIBLE LISTS

6.01 ELIGIBLE LISTS ESTABLISHED. Upon the completion of an examination, the Human Resources Manager or his/her designee shall establish a list of eligibles for the class or position for which the examination was given. The names of applicants shall be entered upon the eligible lists in order of standing in examination, including veterans' or service credit where applicable. The Board reserves the right to hear and rule upon any complaint dealing with the establishment of any eligibility lists.

At the recommendation of the Human Resources Manager, a class of positions (including but not limited to Light Equipment Operator, Heavy Equipment Operator, etc.) utilized in multiple departments/divisions may be combined on a common unranked eligible list which shall be available to individual departments at the time of a vacancy.

Successful applicants must designate interest in and meet the minimum qualifications of each individual department/division to be considered. The individual departments/divisions will conduct performance examinations to determine final ranking for the hiring interview at which time the "rule of three," 7.02 - Certification of Eligible's, will be utilized.

(Rule 6.01 revised by Miscellaneous Civil Service Board: February 18, 1997; July 18, 2000 and City Council: March 12, 1997; August 16, 2000)

6.02 TIE SCORES. Candidates of equal standing at the completion of all testing shall be certified as a tie score and all such candidates shall have their names placed on the eligible list as a tie.

(Rule 6.02 revised by Miscellaneous Civil Service Board: July 18, 2000 and City Council: August 16, 2000)

6.03 PROMOTIONAL LISTS. The names of competitors who are successful in promotional examinations shall be placed on the promotional eligible list for the class or position for which the examination is given, in the order of their examination is given, in the order of their examination ratings. The promotional list shall take precedence over an open eligible list.

6.04 COMBINING ELIGIBLE LISTS. Whenever an eligible or eligible's are on an open list and have permanent status in City service, and no promotional list exists for the same class and if the department makes a written request that a similar position of a higher level be filled promotionally, then said eligible or eligible's who are on said open list and who are employed by the requesting department may be certified in such manner as if they were on a promotional list for said class.

6.05 REEMPLOYMENT/REINSTATEMENT LISTS.

Reemployment lists are distinguished from reinstatement lists in that appointment from a reemployment list is mandatory while appointment from a reinstatement list is optional and at the hiring department's discretion. Only persons who are laid off or demoted due to no fault of their own may be placed on a reemployment list and only persons who voluntarily resign may be placed on a reinstatement list.

A. Lay-Off (Reemployment Lists). Any person having regular status in the City service who is laid off because of temporary or permanent abolishment of his/her position, provided his/her overall performance evaluations for their last year of employment have been satisfactory, shall have his/her name placed on the reemployment list for the position from which he/she has been laid off or on the reemployment list of a lower position within the same class series. This list will take priority over any other list. The names of persons laid off shall be placed on the appropriate reemployment list in order of seniority as determined by length of service with the City. If a person accepts reemployment to a lower class, that person shall remain on the reemployment list for the position from which he/she has been laid off for the appropriate period of time. A reemployed person shall be placed at the step he/she held prior to their lay off.

B. Resignation (Reinstatement Lists). Any former regular employee having previous employment with the City of Bakersfield and who has resigned in good standing, may make application for reinstatement to the position from which he/she resigned or to a lower position within the same class series. The applicant for reinstatement must meet the minimum qualifications as specified in the current job specification.

If such request is granted by the Board, he/she will be placed on the reinstatement list for the class or position from which he/she resigned. The request shall be referred to the appointing officer of the department from which the person resigned for recommendation. If the Board grants reinstatement privileges to such a person, his/her name shall be placed on the appropriate reinstatement list for a period of one (1) year. This list will not take priority over any other list. It is at the discretion of the hiring department to select from either an eligible list or a reinstatement list. If a hiring department voluntarily decides to appoint a person off the reinstatement list, the employee shall be placed at the salary step recommended by the Department Head and approved by the Human Resources Manager. A reemployed person shall be placed at the step they held prior to their lay off.

(Rule 6.05 revised by Miscellaneous Civil Service Board: August 20, 2002 and City Council: September 04, 2002)

6.06 INACTIVE LIST. An eligible who is not available for immediate certification may, upon request, be placed on an inactive list and may be restored to the active list upon request by the eligible provided said list is still in existence.

6.07 TERMINATION OF ELIGIBLE LIST. An eligible list shall automatically terminate after the expiration of six (6) months unless extended by the Human Resources Manager prior to the expiration date of the list.

- A. An eligible list may be terminated by the Human Resources Manager whenever fewer than three names remain on the list.
- B. An eligible list may be extended up to a maximum of two years.

(Section 6.07 approved by Miscellaneous Civil Service Board: April 18, 1994; revised by Miscellaneous Civil Service Board: December 19, 2000; and City Council: January 17, 2001, July 6, 2005)

6.08 REMOVAL OF NAMES FROM ELIGIBLE LIST. The name of an eligible may be removed from an eligible list:

- A. For any cause as set forth in Rule 4.04 or Rule 7.03.
- B. Eligible has failed to reply within five (5) business days to written inquiry mailed to address shown on application regarding availability for appointment.
- C. Upon communication from the eligible declining an appointment and stating that he/she no longer desires consideration for the position.
- D. Refusal of appointment to the class of position for which the eligible list was established.
- E. For failure to respond within stipulated time for interview or employment.
- F. If certified three (3) times for appointment and has failed to be selected.

6.09 EMERGENCY ELIGIBLE LISTS. Notwithstanding any other provision contained in these Rules and Regulations for the creation of eligible employment lists, the Civil Service Board in emergency situations, disasters and under conditions which require immediate action, has the power to waive the rules herein for the creation of an employment list, which shall take precedence for hiring over any other eligible list.

The Board shall make a finding in writing setting forth the emergency under which the eligibility list is created.

6.10 VOLUNTARY DEMOTION. Voluntary demotion may be sought by any permanent employee to change their status from a position in one class to a position in another class having lesser duties and responsibilities, lower qualifications, and a lower range of compensation within the same Department or as part of a transfer to another Department.

Voluntary demotion must comply with the following criteria:

- A. The employee must be performing his/her job duties in the present permanent position in a satisfactory manner (for purposes of this rule, and employee shall be eligible for voluntary demotion if he/she voluntarily requests demotion, and the Department Head concurs, prior to initiation of demotion proceedings by the employer);
- B. The employee must have been previously certified for the position sought. (Said certification applies to all lesser positions within the same class series, as identified by the Human Resources Director, i.e., prior certification as a Clerk Typist II makes the employee eligible for voluntary demotion to Clerk Typist I.)
- C. The employee must demonstrate the ability to perform the essential job functions of the position sought;

- D. Approval must be obtained from the Department Heads of the Department from which the voluntary demotion is sought and the Department to which the employee seeks demotion, unless the demotion is to occur within the same Department, whereupon, only that Department Head's approval is required; and
- E. Approval is obtained by the City Manager.

An employee who has been granted a voluntary demotion request must serve the applicable probationary period. Failure to satisfactorily complete the probationary period is not a basis to return to his/her former position nor to a lesser position within the same Department/classification.

A request for voluntary demotion may not be used to delay, obstruct, or prevent an otherwise appropriate disciplinary demotion or other disciplinary action.

Voluntary demotion may only be granted to an available/open position.

If the request for voluntary demotion is granted, the employee shall be placed at the salary step within the lower classification recommended by the Department Head.

(SECTION 6.10 approved by the Miscellaneous Civil Service Board: October 18, 1994)

RULE 7

CERTIFICATION AND APPOINTMENTS

7.01 REQUEST FOR CERTIFICATION. Whenever an appointing officer learns that a vacancy has occurred, or is about to occur in his/her department, he/she shall forthwith notify and make requisition of the Human Resources Manager for certification for the vacant position and shall state the department in which the vacancy exists and shall specify the class title and the approximate date when employment will begin.

The appointing officer shall make his/her request for certification as long in advance of the known or prospective date of appointment as possible.

7.02 CERTIFICATION OF ELIGIBLES. Upon receipt of an appointing officer's request for certification or as soon as practicable thereafter, the Human Resources Manager shall furnish to the appointing officer the names and addresses of the persons entitled to certification in accordance with these rules and provisions.

A. Order of Certification Lists

1. The names of the three (3) persons standing highest on the re-employment list for the class or position who have previously been employed in the department making the request;
2. The names of three (3) persons standing highest on the appropriate promotional list for the class or position who are presently employed in the section, division or department making the request;

3. Three (3) persons standing highest on the open eligible list.

B. Number to Certify

1. Except as otherwise provided by these rules, three (3) names shall be certified for each request for certification, except that in the case when more than one (1) position is to be filled in any class in a department at the same time, the number of names certified shall be equal to the number of positions to be filled plus two (2).

Whenever an eligible waives appointment or fails to respond to notice within the prescribed time, the next highest eligible on the list shall be certified.

2. In case there are less than three (3) names on an eligible list, the number thereon shall be certified for appointment, but the appointing officer is not required to make an appointment whereby the Board shall terminate the list.

7.03 NEPOTISM. The rules on nepotism shall be governed exclusively by Bakersfield Municipal Code Section 2.72.130 and 2.27.135.

7.04 APPOINTMENTS. Upon receipt of the certification of eligibles, the appointing officer may proceed with any investigation he may deem necessary.

The appointing officer shall be permitted to examine applications and any reports of investigation of the eligibles certified. However, the appointing officer must interview all three of the eligible's prior to any appointment. Upon determination of his/her selection, the appointing officer shall notify all of the eligible's of his/her decision and shall make arrangements with the appointee for beginning work. Appointments are not final until approved by the City Manager.

RULE 8

PROBATION

8.01 PERIOD OF PROBATION. The probation period shall be the final phase of the examination process and shall be used by the appointing officer for the evaluation of the new employee whose work does not meet the required standards of performance.

8.02 DURATION OF PROBATION. All appointments from officially approved eligible lists for original entrance or promotion shall be subject to the probationary period of six (6) months.

The probationary period shall date from the time of appointment after certification from an eligible list. It shall not include time served as a seasonal or temporary employee or any period of continuous leave of absence without pay exceeding ten (10) working days. Time worked in a different class or position shall not be considered as a part of the probationary period.

8.03 CONDITIONS TO PERMANENT APPOINTMENT. The permanent appointment of a probationary employee shall begin on the day following the end of the probationary period provided that the Human Resources Manager has received from the appointing officer a performance evaluation report indicating that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for permanent appointment.

The appointing officer shall submit the report to the Human Resources Manager at least thirty (30) days prior to the end of the probationary period.

In addition to the above, the employee, pursuant to Section 43 of the Charter, must comply with the residency requirement as established within the applicable Memorandum of Understanding (MOU). Residency beyond the radius as stated in the applicable MOU requires approval of the City Manager.

(SECTION 8.03 revised by Miscellaneous Civil Service Board: February 19, 2019; and City Council: May 8, 2019)

8.04 SEPARATION OF PROBATIONER. A probationary employee who does not have permanent status in a position in the City's classified service may be discharged at any time during the probationary period without cause, right to appeal or hearing. Any employee holding permanent status at the time of promotion who fails to complete the promotional probationary period, shall be returned to his/her former permanent position.

RULE 9

PHYSICAL STANDARDS AND MEDICAL EXAMINATIONS

9.01 MINIMUM STANDARDS. Every applicant shall be in good physical condition, free from disease or defect that would interfere with the successful performance of the duties of the class of which might endanger himself/herself or others; be free from alcoholism, drug addiction or insanity; and, in addition, have physical capacity adequate to insure satisfactory performance of the duties of the class. Any applicant who is physically qualified except for a non-progressive disability which will not interfere with the successful performance of the duties of the class for which he/she is being considered and which will not constitute a hazard to himself/herself or others, will be accepted as meeting the physical standards. Any applicant who has any disease, defect, or limited physical capacity which now interferes, or in the future may interfere, with the successful performance of the duties will constitute a hazard to himself/herself or others, shall be rejected.

9.02 PART OF THE SELECTION PROCESS.

- A. All applicants whose names have been placed on an eligible list for entrance employment with the City must, prior to appointment as a probationary employee, successfully pass a medical examination to be given by the physician designated by the Board.
- C. The Board's physician will be furnished forms by the Board on which to submit his/her report and he/she will state in this report whether or not the candidate is physically qualified for a probationary appointment to his/her position. In doubtful cases, the examining physician shall utilize

diagnostic procedures, including the use of x-ray or other laboratory methods, which, in his/her discretion, would determine the true conditions of the candidate before he/she is finally accepted.

9.03 PHYSICAL STANDARDS. Physical standards for each class or position shall be established by the Human Resources Manager with the approval of the Board. Each class or position shall be included in one of the following groups:

- A. **Group A:** This group shall include classes or positions requiring moderate to rigorous physical labor. Applicants for this group, in addition to meeting the standards of Group B, must have robust health and a high degree of physical stamina.
- B. **Group B:** This group shall include classes or positions normally requiring average to moderate physical labor, but occasionally requires heavy physical effort. Applicants for this group, in addition to meeting the standards of Group C, must have above average vigor and stamina and be free from other physical conditions which are likely to be aggravated by moderate or heavy physical work.
- C. **Group C:** This group shall include classes or positions requiring little average physical effort. Applicants for this group must meet the minimum standards only.

9.04 SCHEDULE OF PHYSICAL STANDARDS. The Human Resources Manager shall maintain a schedule showing the group of each class or position in City service and special requirements if any. The Board may change the schedule and the physical standards of the group at any time. Such change shall not affect persons then holding permanent appointments to such positions.

9.05 DISQUALIFICATIONS. If an applicant fails to meet the designated physical standards, he/she shall be disqualified and his/her names shall be removed from the eligible list for probationary appointment and if appointment he/she shall be released from probation.

9.06 NEW MEDICAL EXAMINATION. Upon promotion, transfer or reassignment to a class for which the physical standards are different than those of the class formerly held by the applicant, a new examination may be required.

9.07 INJURY OR ILLNESS AFTER EMPLOYMENT. If an employee is injured or becomes ill, regardless of whether job incurred or off duty, before he/she shall report for work, he/she shall be physically able to assume all of the required duties of his/her position.

9.08 PHYSICAL STANDARDS FOR CONTINUATION OF EMPLOYMENT. If, in the opinion of the appointing officer, an employee is physically unable to perform all of the duties of his/her position, he/she may order a medical examination by the City physician. In such cases, the doctor's fee will be paid by the City.

If, as a result of any medical examination, the appointing officer concludes that due to physical limitations the employee is unable to perform all of the required duties of his/her position at that time but that the employee will be able to return for unrestricted duty within a reasonable time, he/she shall be placed on an appropriate leave of absence until such time as he/she is physically able to return to duty. If, as a result of any medical examination, the appointing officer concludes that the employee will be unable to return for unrestricted duty within a reasonable time, he/she shall initiate action to remove employee from service in accordance with Rule 11. Such removal shall in no way prejudice or jeopardize any rights the employee is entitled to by employment with the City.

RULE 10

SPECIFICATIONS

10.01 CLASSIFICATION OF POSITIONS. Positions in the classified service shall be classified or reclassified by the Civil Service Board upon request by the City Council or City Manager as provided by Section (217a) 10a of the Charter.

10.02 SPECIFICATIONS. The Human Resources Manager shall maintain written specifications for each class or position in the classified service and when approved and adopted by the Board and City Council, they shall constitute the official specifications of classes in the City service. The official copy of the specifications for each class or position shall be maintained in the Human Resources office and shall indicate the date of adoption or recent revision or amendments. The specifications shall include: the title, nature of work, illustrative examples of work, desirable knowledge, ability, skill, desirable training and medical standards.

10.03 MODIFICATION OF SPECIFICATIONS. The Human Resources Manager may recommend such changes in specifications and/or title as are necessary to meet the needs of the service and more clearly reflect the duties of the position. Such changes shall be referred to the Board and be subject to its review and to the approval of the City Council. If a class or position for which the class specifications are modified is occupied by a permanent employee, he/she shall retain his/her Civil Service status.

10.04 RECLASSIFICATION. Whenever a position is reclassified from one class to a different class, the incumbent shall continue in the former position temporarily until he/she gains eligibility for the new class and receives an appointment subject to and in accordance with these rules.

RULE 11

SUSPENSIONS, DEMOTIONS, REMOVALS, HEARINGS

11.01 AUTHORITY. All suspensions, demotions, removals and hearings will be in accordance with Sections (216)9, (216)9a and (217)10 of the Charter.

Excerpt from Section (216)9 regarding suspensions:

"The authority having the appointive power, as provided for by the City Charter, may suspend from duty for cause for a period not to exceed thirty (30) days in any one instance, any officer or employee affected by this amendment."

Excerpt from Section (216)9 regarding removal or discharge:

"When, in the opinion of the authority having the appointive power, any officer or employee affected by this amendment conducts himself/herself in such a way as to justify his/her removal or discharge on any of the....."

"following grounds: incompetency, habitual intemperance, immoral conduct, dishonesty, insubordination or anything sufficiently irregular to justify removal, demotion or discharge in the opinion of the appointive power."

11.02 CAUSE FOR SUSPENSION, DEMOTION, REMOVAL OR DISCHARGE.

The following reasons shall be deemed sufficient for suspension, removal or discharge provided, however, that such action shall not be limited to these reasons:

- A. Incompetency;
- B. Incapacity due to mental or physical disability to perform required duties;
- C. Drinking while on duty;
- D. Immoral conduct;
- E. Conduct unbecoming an employee in the public service during or outside of duty hours which are incompatible to the public service;
- F. Dishonesty;
- G. Fraud in securing appointment; shall include any false statements made in the Application for Examination;
- H. Neglect of duty;
- I. Insubordination;
- J. Negligence or damage to public property or waste of public supplies or equipment;
- K. Absence without leave;
- L. Work stoppage or strikes;

- M. Addiction to use of narcotics or habit forming drugs;
- N. Conviction of criminal act involving moral turpitude;
- O. Violation of City Charter, these rules or regulations, any ordinance or administrative code or anything sufficiently irregular to justify suspension, removal or discharge.

11.03 SUSPENSIONS. The appointive power may suspend an employee for cause for a period not to exceed thirty (30) days in any one instance. Such suspension shall not be subject to review by the Board.

11.04 PROCEDURE FOR REMOVAL OR DISCHARGE. If, in the opinion of the appointive power, any employee conducts himself/herself in a manner which justifies his/her removal or discharge, the appointive power shall suspend the employee and notify him/her in writing of his/her intentions to file charges for his/her removal. Said notice shall be prepared and sent by regular mail at the same time as suspension from the employee's position is made. A copy of said notice shall be filed with the Board and the City Manager. The appointive power shall prepare or cause to be prepared written charges which shall be served on the accused within thirty (30) days of notice of intent to file charges. The accused must answer said charges within ten (10) days after such service. Failure to answer charges within ten (10) days shall be an admission of the charges by the accused and a waiving of hearing, whereupon the Board shall find the accused guilty as charged and he/she shall be removed and discharged from the City service as of the day of his/her suspension by the appointing officer.

If an answer is received by the Civil Service Board, the City Manager and the authority having the appointive power within ten (10) days, a Trial Board shall be created. The accused shall state in his/her answer to the charges whether or not he/she desires a public or private hearing. Upon receiving appellant's answer to the charges, the Board shall set a date of hearing. The accused shall be given five (5) days notice of the hearing and the time and place of said hearing.

11.05 SERVING CHARGES. Serving upon the accused of charges shall be by personal service, except when the accused cannot be found within the City, service may be made by depositing a copy of such charges in the United States mail, enclosed in a sealed envelope, registered, with postage prepaid, addressed to the accused at his/her last place of residence as the same is shown by the files of the department in which the accused was employed; and failure of the accused to receive a copy of the accusation shall not affect the jurisdiction of the Board to proceed.

11.06 TRIAL BOARD. In accordance with Section (217)10 of the Charter, the Civil Service Board shall be known as the Trial Board. The verdict and judgment of the majority of the Trial Board shall be final and conclusive.

11.07 HEARING OFFICER. At the request of either the Board, the City Attorney or the accused, a Hearing Officer may be appointed by the Board to preside over the proceeding and to rule on matters of procedure including the admissibility of evidence. The Hearing Officer shall be a member of the State Bar of California.

11.08 CONDUCT OF HEARING.

- A. Any member of the Trial Board shall have the power to administer oaths or affirmations in any investigation or hearing pending before the Board. The Board shall be empowered to compel the attendance of witnesses, to examine them under oath and to compel the production of documentary evidence. Subpoenas may be issued in the name of the City and attested by the City Clerk. The Board shall cause subpoenas to issue at the request of any officer or employee who has charges pending against him/her before the Board. The accused may be represented by counsel. All hearings shall be public unless the accused shall request a closed hearing.
- B. If any person in proceedings before the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing, the Board shall certify the facts to the Superior Court in and for the County of Kern and shall request the Court to issue an order directing the person to appear before the court and show cause why he/she should not be punished for contempt.

11.09 EVIDENCE.

- A. Oral evidence shall be taken only on oath or affirmation.
- B. Medical reports from licensed physicians shall be accepted as evidence.
- C. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the accused does not testify in his/her own behalf, he/she may be called and examined as if under cross-examinations.
- D. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

11.10 FINDINGS AND DECISIONS. The decision shall be in writing and shall contain finding of fact, a determination of issue presented and the penalty if any. If the Trial Board shall find that the accused be guilty and, in its opinion, the charges do not warrant dismissal, it shall have the power to punish the accused as in its judgment shall be adequate. The Trial Board shall announce its decision as soon as possible after the hearing. Unless the decision provides otherwise, it shall be effective immediately. Notice of the decision shall be delivered to the accused or counsel, if any, personally or sent by Registered Mail. Such decision shall be final and conclusive.

11.11 REPORT OF HEARINGS. Hearings may be conducted without a stenographic reporter unless some person interested in the hearing requests in writing at least one (1) full business day before the date set for the hearing that such hearing be reported and agrees to pay the cost or fee for such reporting.

11.12 TRANSCRIPTS OF HEARINGS. When hearings are reported, a transcript of the testimony shall be made available upon payment of the actual cost per folio for an original and the actual cost per folio for each copy.

Whenever hearings are recorded, transcripts may be made available to any party upon payment to the Board of the usual charge for such service.

11.13 WAIVER OF HEARING. Pursuant to Section (217)10 of the Charter, an employee's right to hearing shall be waived when an officer or employee affected by this amendment be convicted of a felony, or malfeasance in office, or be adjudged insane by a court of competent jurisdiction, the position shall be declared vacant by the authority having the appointive power and the vacancy shall be filled as proved in these rules.

RULE 12 **PERSONNEL FILES**

12.01 CENTRAL FILE. The City shall keep a central personnel file for each employee.

12.02 INSPECTION. Upon request, an employee may inspect his personnel file(s) subject to the following:

- A. Inspection shall occur during non-working hours, including lunch and break periods, at a time and in a manner mutually acceptable to the employee and the City.
- B. The employee may have an employee representative present during the inspection or may permit their representative to inspect their personnel file by filing a signed and dated authorization.
- D. Copies of materials in an employee's personnel file shall be provided the employee upon request if such materials are to be used in conjunction with the processing of a grievance filed by the employee. The employee shall bear the cost of duplication.
- D. Pre-employment information, e.g., reference checks and responses, or information provided the City with the specific request that it remain confidential, shall not be subject to inspection or copying.

12.03 NOTIFICATION. Employees shall receive a copy of any document placed in the employee's personnel records which is negative in nature.

12.04 EMPLOYEE RESPONSE. Whenever a document is placed in the personnel file with which the employee disagrees with its content, observation or facts, the employee may either file a formal grievance or within thirty (30) days of knowledge, file a written response. Any employee response shall be attached to the document in question and will become a permanent part of the record.

12.05 USE OF PERSONNEL FILES. The employee's central personnel file is utilized by Civil Service Oral Boards during examination. If an employee believes a document placed in his/her file may unjustly harm his/her opportunity before an Oral Board, the employee may petition to have the document sealed for purposes of future Oral Board examinations. With a recommendation from the employee's Department Head and the Director of Personnel, the Miscellaneous Civil Service Board's decision shall be final.

At no time will a regular performance evaluation or employee application be sealed pursuant to this section.