

# Civil Service

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The Civil Service System regulates hiring, promotion and other aspects of employment with the City of New Haven. The system is governed by local Charter and Ordinances, as well as the Civil Service Rules, which outline Civil Service procedures. The Rules are in place to help ensure that the hiring process is competitive and fair.

Generally, the City uses examinations to measure a potential candidate's "merit" for the particular position. After each exam, the City establishes an "eligibility" list. This list consists of all candidates who pass the exam by rank order and is available to each City agency with open positions in the corresponding title. Candidates are contacted for interviews as the needs of these agencies require. Current policy requires agencies to review the top three scorers remaining on the list for appointment to a vacant position, a procedure known as the Rule of Three.

Some positions available within the City do not require an examination. See all job opportunities listed on our (<http://www.cityofnewhaven.com/HumanResources/CityJobPostings.asp>)City Job Postings page. ([https://www.newhavenct.gov/gov/depts/hr/looking\\_for\\_a\\_job/job\\_postings.htm](https://www.newhavenct.gov/gov/depts/hr/looking_for_a_job/job_postings.htm)).

## Civil Service Board

The Civil Service Board is established by the City of New Haven in the City Charter, Article XXX. The Board is an autonomous body of City of New Haven citizens. Duties of the Civil Service Board include creating new positions, revising existing ones, and certifying eligibility lists. To learn more about Boards and Commissions and how to become involved, visit [Boards and Commissions](https://www.newhavenct.gov/gov/depts/comm/default.htm). (<https://www.newhavenct.gov/gov/depts/comm/default.htm>)

## Civil Service Rules

These Civil Service Rules have been adopted by the Civil Service Board in accordance with the authority and responsibility vested in the Board by the Charter of the City of New Haven.

These Rules govern appointments, promotions and other matters for the classified service for the City.

[http://www.cityofnewhaven.com/HumanResources/pdfs/New%20Haven%20Civil%20Service%20Rules%20Adopted%2011-19-07%20and%20Effective%202-1-08\\_v1.pdf](http://www.cityofnewhaven.com/HumanResources/pdfs/New%20Haven%20Civil%20Service%20Rules%20Adopted%2011-19-07%20and%20Effective%202-1-08_v1.pdf))Read the Civil Service Rules here. (<https://www.newhavenct.gov/civica/filebank/blobload.asp?BlobID=23424>)

## Meeting Schedule

When: Fourth Wednesday of each month, unless otherwise scheduled. All projected meeting dates for the calendar year are tentative until confirmed by official meeting notice posted in the City/Town Clerk's Office and on the City Website 24 hours in advance of each meeting.

Where: HR Conference Room, Rm 102 Hall of Records, 200 Orange Street [SB4]

View the [2019 Regularly Scheduled Civil Service Tentative Meeting Dates HERE](https://www.newhavenct.gov/civica/filebank/blobload.asp?BlobID=33232). (<https://www.newhavenct.gov/civica/filebank/blobload.asp?BlobID=33232>)

- [Meetings & Agendas](https://www.newhavenct.gov/gov/depts/hr/civil_service/meetings_n_agendas.htm) ([https://www.newhavenct.gov/gov/depts/hr/civil\\_service/meetings\\_n\\_agendas.htm](https://www.newhavenct.gov/gov/depts/hr/civil_service/meetings_n_agendas.htm))
- [Eligible List Rosters](https://www.newhavenct.gov/gov/depts/hr/civil_service/eligible_list_rosters.htm) ([https://www.newhavenct.gov/gov/depts/hr/civil\\_service/eligible\\_list\\_rosters.htm](https://www.newhavenct.gov/gov/depts/hr/civil_service/eligible_list_rosters.htm))

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**Departments & Divisions**

[\(/cityservices/default.htm\)](https://www.newhavenct.gov/cityservices/default.htm)

**City Services**

[\(/cals/default.htm\)](https://www.newhavenct.gov/cals/default.htm)

**City Calendar**

**CITY OF NEW HAVEN**

**CIVIL SERVICE RULES**

**Adopted by the  
New Haven Civil Service Board  
November 19, 2007**

**EFFECTIVE FEBRUARY 1, 2008**

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## INTRODUCTION

These Civil Service Rules (“Rules”) have been adopted by the Civil Service Board in accordance with the authority and responsibility vested in the Board by the Charter of the City of New Haven. These Rules govern appointments, promotions and other matters for the classified service of the City.

Wherever these Rules call for action by the Board, the Board may authorize the Director of Personnel, the Secretary of the Board, the Chief Examiner or other staff to act on its behalf.

## DEFINITIONS

The following words and terms used in these Rules shall have the meanings indicated below unless the context clearly requires otherwise.

1. *Allocate.* Assign each position to its proper class.
2. *Applicant.* A person who has responded to a job posting or examination announcement for a position in the classified service of the City.
3. *Appoint.* Assigning to a position a person from an eligible list that has been certified.
4. *Appointing Authority.* A person or group having the authority to make appointments to positions in the classified service of the City as prescribed in the Charter, City ordinances and Connecticut State statutes.
5. *Board.* The Civil Service Board of the City appointed pursuant to the Charter.
6. *Certify.* The process of supplying an appointing authority with the names of persons from an eligible list for appointment.
7. *Charter.* The Charter of the City of New Haven, as it may be amended from time to time.
8. *City.* The City of New Haven.
9. *Class.* A group of positions sufficiently similar in respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that the same minimum qualifications may be required and that the same salary range may be made to apply with equity.
10. *Classified Service.* All positions in the City service not now or hereafter specifically included in the unclassified service as defined in the Charter.

11. *Day.* A business day on which the Department of Human Resources is open, unless a Rule specifies "working day" which shall mean the working day of the employee.
12. *Dismissal.* The complete separation of an employee from City employment.
13. *Eligible.* A person listed on an active eligible list.
14. *Eligible List.* An employment list established by competitive examination.
15. *Employee.* A person occupying a position within the classified service of the City who is paid salary or wage for services rendered.
16. *Layoff.* The involuntary non-disciplinary separation of an employee from a position.
17. *Leave.* An approved type of absence from work.
18. *Open Competitive Examination.* An examination open to all persons, whether employed by the City or not.
19. *Permanent Employee.* An employee who has successfully completed his or her probationary period and has been permanently appointed to a position in the classified service by the appointing authority.
20. *Position.* A group of duties and responsibilities requiring the employment of one person.
21. *Probationary Employee.* An employee who has not completed his or her working test period.
22. *Probationary Period.* A working test period during which an employee's skills, aptitudes and adjustments are appraised prior to his or her permanent appointment in that position.
23. *Promotional Examination.* A competitive examination which is open only to employees of the classified service of the City and given for the purpose of establishing a list for a designated class from which to certify persons from an eligible list for promotion.
24. *Promotion.* Advancing an employee from a position in one class to a position in another class having a higher maximum salary range.
25. *Promotional List.* An eligible list established by a promotional examination.

26. *Re-employment List.* An employment list established by listing former permanent employees who have been separated from the classified service by layoff.
27. *"Rule of Three."* The provision of the Charter requiring that appointments or promotions within a class shall be made from those applicants with the three highest scores of those who have passed an examination with a score of at least 70 percent.
28. *Temporary Appointment.* The appointment of a temporary employee to a position in the classified service by the Director of Personnel.
29. *Transfer.* The assignment of an employee from one position to another position in another division or department having similar duties and carrying the same minimum and maximum salary as the position from which assignment is made.
30. *Unclassified Service.* The positions designated as "unclassified" in the Charter and not subject to these Rules.
31. *Vacancy.* A position existing or newly created which is not occupied.

## **RULE I - CLASSIFICATION PLAN**

### **Section 1. The Classification Plan**

The classification plan shall consist of a series of class specifications. For each class or position in the classified service, there shall be a separate specification consisting of a title, a statement of the scope of the work, an enumeration of typical tasks performed by the employees in the class, and a section containing minimum qualifications for appointment.

### **Section 2. Content of Specifications**

The class title of each specification shall be descriptive of the work to be performed by the employees assigned to the class.

The scope of the work shall indicate the kind of work to be performed and the degree and kind of supervision involved.

The enumeration of typical tasks shall include items of work which are assigned to employees in that class. It shall not be deemed to contain all the tasks performed by any one employee, nor shall it be interpreted to limit the tasks to which the employee may be assigned. Any of the tasks enumerated are subject to expansion or complete abolition.

Qualifications shall enumerate minimum requirements of education, training, experience, special skills and competencies required for the position, and any specific physical requirements for the position.

### **Section 3. Preparation of Classification Plan**

The classification plan for the employees in the classified service shall be prepared and maintained current by the Director of Personnel.

### **Section 4. Classification Plan Approval**

The classification plan changes shall become effective when approved by the Board.

### **Section 5. Distribution of Classification Plan**

Upon approval of the classification plan by the Board, the Director of Personnel shall prepare and distribute copies of said plan.

### **Section 6. Changes in the Plan**

(a) Minor changes in class specifications may be made by the Director of Personnel without advance approval by the Board. Minor changes in class

specifications are those which do not result in the class moving to a salary grade with a higher maximum salary range. Annually, the Director of Personnel shall provide to the Board a report of those class specifications in which minor changes have been made during the preceding year.

(b) Changes in class specifications which are not minor shall be recommended by the Director of Personnel and shall become effective when approved by the Board. The Director of Personnel shall also make a recommendation to the Board and the Board shall determine whether the change in the class specification is so substantive as to require an examination for appointment to the class.

#### Section 7. New Classes of Positions

Whenever the Board of Aldermen creates a new position, for which there is not an existing class specification, the Director of Personnel shall prepare a new class specification. Said specification shall become effective when approved by the Board.



## **RULE II - APPLICANTS AND APPLICATIONS FOR EXAMINATIONS**

### Section 1. General Requirements

All applicants must, in order to take an examination, meet the minimum requirements as stated in the class specification or examination announcement.

### Section 2. Responsibility for Original Documents

The City shall not be held responsible for the safekeeping of any original documents such as discharge papers, degrees or licenses. Certified copies shall be accepted as proof that the applicant possesses such documents.

### Section 3. Causes for Disqualification from Taking an Examination. *(See Also Rule IV, Section 4.)*

Entrance to an examination may be denied based upon causes other than those enumerated in this section.

- (a) An applicant shall be denied entrance to an examination if the applicant:
  - (i) lacks any of the minimum qualifications as stated in the examination announcement or the class specification;
  - (ii) has had his or her name removed from an eligible list for the same class for which he or she is now applying, except that disqualification shall not occur if the prior removal was based solely on refusal of two offers of appointment or on the applicant's request;
  - (iii) has made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud or cheating in his or her application or any prior examination;
  - (iv) has used or attempted to use political pressure or bribery to secure advantage in the examination.
- (b) An applicant may be denied entrance to an examination:
  - (i) if the Board finds that there was a material breach of test security rules by the applicant in a prior examination;
  - (ii) based on the applicant's removal from an eligible list for the same class due to failure to meet the terms of a conditional offer of employment.

#### Section 4. Acceptance and Rejection of Applications

(a) Filing of applications:

- (i) All applications for entrance to an examination shall be made in the manner prescribed on the examination announcement and at such time as specified in the announcement. All applications for employment shall be on such forms as furnished by the Director of Personnel and filed in the prescribed manner. An application for employment must be completed and signed prior to appointment from an eligible list.
- (ii) Defective applications may be returned to the applicants only once for correction or amendment. Failure to return the corrected or amended application to the Director of Personnel on or before the date specified will be sufficient cause for rejection.
- (iii) All applications shall become the property of the City and shall not be returned.
- (iv) An application for an examination postmarked or received after the date specified in the examination announcement, shall be rejected. Applications for untested positions may be rejected if postmarked or received after the date specified in the position announcement, in the discretion of the Director of Personnel. Application forms or other materials postmarked or received after the date specified in a conditional offer of employment may be rejected, in the discretion of the Director of Personnel or the appointing authority.
- (v) Whenever an application for entrance to an examination is rejected, notice of such rejection and the reason for the rejection shall be given to the applicant prior to the time notices are mailed to appear for examination.
- (vi) The time for filing applications may be extended or re-opened by the Director of Personnel as the needs of the City require.
- (vii) No person involved in reviewing applications or in the preparation, conducting or holding of an examination shall be permitted to be a candidate in such examination.

(b) Required degrees, licenses, certificates and registrations:

For a position requiring a degree, license, certificate or registration as evidence of professional or technical proficiency, the Director of Personnel may require the submission thereof at the time of application for entrance to the examination or may

designate another time for submission such as when verification of such documents is part of the examination process. However, such submissions must take place prior to an applicant's taking of an examination.

(c) Veteran application procedures:

A veteran claiming preference points shall file upon entrance to the examination or at any other time designated by the Board but prior to completing an examination, proof of his or her service in the armed forces and honorable separation therefrom and submit for the inspection of the Board his or her honorable discharge or certified copy of his or her service record and, in case of disability claim, proof of such disability from the Veteran's Administration.

(d) Application procedures for persons domiciled in the City:

A person domiciled in the City claiming preference points shall file upon entrance to the examination or at any other time designated by the Board but prior to completing an examination, such proof of his or her domicile as the Director of Personnel shall require.

## Section 5. Appeals

An applicant who is denied entrance to an examination may file an appeal with the Board. The applicant shall notify the Board of writing of the appeal and the reason for contesting the denial of entrance to the examination. The appeal must be filed within seven (7) days of the notice of rejection. The Board shall hear the appeal at its next regularly scheduled meeting or special meeting called for the purpose of hearing the appeal. Following the Board's action on the appeal, the secretary of the Board shall give written notice of the Board's decision to the applicant and to the Director of Personnel.

## **RULE III – EXAMINATIONS**

### **Section 1. Examination Announcement**

(a) The Director of Personnel shall give public notice of all competitive examinations as provided by the Charter.

(b) The Director of Personnel shall give the examinations such other publicity as he or she may deem necessary to attract the optimum number of qualified applicants.

### **Section 2. Kinds of Examinations**

Examinations shall be announced and administered as one or more of the following kinds:

- a) promotional competitive examinations in which only qualified City employees in the classified service may compete;
- b) open competitive examinations in which only qualified City employees may participate;
- c) open competitive examinations in which all qualified applicants may participate.

The Director of Personnel, in consultation with the appointing authority, shall determine the kind of examination to be given for a position.

### **Section 3. Character of Examinations**

Examinations shall be practical in nature, shall relate to matters which fairly measure the relative fitness and capacity of the applicants to discharge the duties of the position they seek, and shall take into account character, training, experience, knowledge, skill and ability and, to the extent applicable, physical and mental fitness.

No questions in any examination shall relate to political affiliation or to any class or status protected from discrimination by law.

The competitive nature of the examinations shall not be construed to require that there be more than one person eligible to take an examination.

### **Section 4. Development and Administration of Examinations**

(a) The City may employ a Chief Examiner, whose duties include assisting the Director of Personnel in the development and administration of all examinations.

The City also may engage qualified professional testing agencies or consultants for this purpose.

(b) City employees or third parties may serve as subject matter experts to assist in the development or administration of an examination. Those who serve as subject matter experts shall maintain the confidentiality of all aspects of the examination. Any employee who serves as a subject matter expert shall be subject to discipline for breach of this duty to maintain confidentiality, in accordance with applicable personnel policies or collective bargaining agreements.

## Section 5. Types of Tests

Examinations may contain one or more of the following tests, or any combination thereof. The Director of Personnel shall recommend to the Board the type(s) of tests to be included in an examination, and the Director of Personnel's decision shall become final unless the Board acts at its next regular or special meeting to modify the recommendation.

- a. Written tests.
- b. Oral tests. When only oral examinations are deemed advisable, then so far as is practicable, a record of such oral questions and of the test taker's answers thereto shall be kept.
- c. Performance, job simulation or other practicum type tests.
- d. Physical tests of strength, fitness and agility.
- e. Evaluation of experience and training which may include panel interviews, by City or third party interviewers, designed to evaluate predictors of job related skills and behaviors, including interpersonal and communication skills.
- f. Verification of having completed one or more methods of licensure or certification for a particular class or skill(s) required for a class, including but not necessarily limited to:
  - (i) examination and/or other requirements of a recognized State, Federal or professional organization;
  - (ii) completion of a program offered by a technical high school or institution of higher education;
  - (iii) completion of an apprenticeship program for a trade or occupation;
  - (iv) industry certification.

- g. Service ratings, for promotional examinations.
- h. Such other types of tests as the Board may, in its discretion, approve.

#### Section 6. Medical Examinations

The Board may require a medical examination of a person who is offered appointment or who is appointed in order to determine the person's fitness for duty, in accordance with applicable State and federal law.

#### Section 7. Service Ratings

Where service ratings are required as part of a promotional examination, the appointing authority shall furnish such ratings to the Director of Personnel on such forms as may be prescribed by him or her, within 30 days of the request.

#### Section 8. Postponement and Cancellation of Examinations

The Director of Personnel may postpone or cancel examinations at any time for any reasons considered good and sufficient. All qualified applicants shall be notified of the cancellation or postponement.

#### Section 9. Conduct of Examinations

Examinations shall be conducted under the general direction of the Board and by qualified examiners as determined by the Board.

- a. Applicants shall be refused admittance to take an examination or any portion thereof once the instruction phase for the examination or portion thereof has commenced.
- b. An applicant may be refused admission to take a test or asked to leave the test site if those administering the test determine that the applicant's presence would be disruptive to the testing process or a threat to others taking the test.
- c. Once having left the examination room for any cause whatsoever, except as directed by the examiner or the monitor, applicants will not be permitted to return to complete the examination.
- d. No communication between or among those taking an examination or test is permitted once the instruction phase has commenced.

- e. The content of an examination is confidential and may not be discussed or disclosed by any person taking the examination to any other person until the examination is completed.
- f. There shall be no removal of any examination papers from the testing location unless expressly authorized by those conducting the examination.

#### Section 10. Scoring of Examinations

The examination grades shall be based on a scale of one hundred points.

#### Section 11. Preference Points

(a) Any person who has served in time of war, in the army, navy, air corps, marine corps or coast guard of the United States and has been honorably discharged therefrom shall be entitled to have added to such person's rating in an open competitive examination ten points on a scale of one hundred if such person is eligible for disability compensation or pension from the United States through the veterans' administration, or five points on a scale of one hundred if such person is not so eligible, provided that such person shall be within the age limit specified for appointment to the position or class of position for which the examination is held, is capable of performing the essential functions of such position, and attains without such added points the minimum rating prescribed for passage of such examination. No preference points for veterans shall be allowed for any promotional examination.

(b) Any person domiciled in the City on the date of the announcement of an open competitive examination who attains the minimum rating prescribed for passage of such examination shall thereafter be accorded five additional points on a scale of one hundred points in determining their rank on the eligible list approved by the Board for such examination. These points shall be in addition to any preference points accorded to veterans pursuant to the Charter. No preference points for being domiciled in the City shall be allowed for any promotional examination.

#### Section 12. Notice of Results of Examinations

When an eligible list has been established, each competitor shall be notified by mail of the result of his or her examination and, if successful, of his or her relative position on the eligible list.

#### Section 13. Examination Papers and Materials; Appeals and Examination Review

(a) All examination papers and related examination materials are the property of the City.

(b) A person who takes an examination may request confirmation of the accuracy of his or her test score. This request must be in writing and submitted to the

Chief Examiner no later than ten (10) days after receiving notice of his/her score. The Chief Examiner shall respond no later than ten (10) days after the promulgation of the corresponding eligible list.

(c) No examination paper or any part thereof or any statement rated as part of the examination in connection therewith shall be subject to alteration, addition or emendation by the applicant, or to remarking, except that the Chief Examiner may correct any manifest error in scoring.

(d) Examination review may be offered for developmental purposes only, in the discretion of the Chief Examiner. The materials available for examination review, as well as the time, manner and location of such review, shall be determined by the Chief Examiner. Whenever an examination is developed by a testing agency or consultant, the examination review process shall be subject to and may be limited by the terms and conditions of any applicable agreement between the City and the testing agency or consultant.

#### Section 14. Re-examination

No person who has entered any examination for a position and failed therein or who has withdrawn therefrom shall be admitted within six months from the date of such examination to a new examination for the same class.



## **RULE IV - ELIGIBLE LISTS**

### **Section 1. Eligible Lists**

Within sixty (60) days after the completion of an examination involving less than 100 candidates and within one hundred and twenty (120) days after the completion of an examination involving 100 or more candidates, the Director of Personnel shall recommend to the Board approval of an eligible list for each class of position in the classified service for which either open or promotional examinations have been given.

In deciding whether to approve an eligible list, the Board shall consider whether the examination for the class of position was:

- (a) developed and administered in compliance with the Charter and these Rules;
- (b) determined by testing professionals to be a valid test(s) of fitness and ability of the applicants for the position; and
- (c) in accord with the principles of civil service.

When the Director of Personnel recommends approval of an eligible list, the Director shall certify to the Board that the examination was in conformance with the above standards.

Said eligible list shall be kept on file in the office of the Secretary to the Board.

### **Section 2. Effective Date**

An eligible list shall be in effect from the date on which on which the Board certifies the list.

### **Section 3. Duration of Eligible Lists**

The Board shall set the duration of an eligible list at the time it is approved and the Board may thereafter extend the duration of the list. The Board's actions shall be subject to the following:

- (a) An eligible list shall initially be in effect for one year, or until 75 percent of the list has been exhausted, whichever comes first; provided, however, that the Board shall be notified in advance of a list expiring, so that the Board has the opportunity to extend its duration.
- (b) Prior to its exhaustion, the Board may extend the duration of a previously approved eligible list provided that no eligible list shall be in effect for more than two years.

The original certification date of any list shall not be changed by subsequent corrections, amendments, or modifications to the list.

#### Section 4. Removal of Eligibles From List

(a) The Board may remove a person's name from an eligible list for any of the causes enumerated in Rule II, Section 3, or for any of the following reasons:

- (i) The person violated the procedures for taking an examination, including but not limited to those concerning material that may be brought into the examination room, or those designed to protect the security of the examination.
- (ii) The person does not satisfy the terms of a conditional offer of employment.
- (iii) The person is not eligible to work in the United States.
- (iv) The person fails to respond within ten (10) days to a written notice of inquiry from an appointing authority or designee concerning availability for employment, or to arrange for or report to an employment interview.
- (v) The person submits a written request to the Board to be removed from such list.
- (vi) The person has declined a second opportunity for appointment from such list.
- (vi) The person has been appointed to a position from such list.
- (vii) The person is on a promotional list and resigns from the service.
- (viii) The person has been dismissed from any City employment for cause or resigned from City employment under charges constituting cause for dismissal.
- (ix) The person has been convicted of a crime and that conviction has been considered in accordance with Section 5 of this Rule.

(b) When action is taken under this section for reasons other than failure to satisfy the terms of a conditional offer of employment, the name of the person affected, if it be upon any list, shall, after due notice to such person and an opportunity to be heard if he or she so desires, be stricken from such list. The name of any person

who fails to satisfy the terms of a conditional offer of employment shall be stricken from such list after due notice to such person.

#### Section 5. Effect of Criminal Record

Subject to the approval of the Board, an applicant for a sworn police or fire position may be removed from an eligible list because of a prior conviction of or plea to a crime, in accordance with standards applied by the appointing authority to a conditional offer of employment, provided that the records of the conviction or plea have not been erased in accordance with State law.

Subject to the approval of the Board, an applicant for any other position in the classified service shall not be removed from an eligible list solely because of a prior conviction of or plea to a crime. An applicant may be removed from an eligible list based on conviction of or plea to a crime, provided that the records of the conviction or plea have not been erased in accordance with State law, if the Director of Personnel, after consultation with the appointing authority, determines that the applicant is not suitable for the position sought after considering the following factors:

- (i) the nature of the crime and its relationship to the position for which the person is applying;
- (ii) the degree of rehabilitation of the person following his or her conviction;
- (iii) the time elapsed since the conviction.

#### Section 6. Change of Address

Each person on an eligible list shall file with the Director of Personnel a written notice of any change of address, and failure to do so may cause his or her name to be removed from the list.

## **RULE V - METHOD OF FILLING VACANCIES**

### **Section 1. Requests**

Written requests for the names of persons eligible for appointment shall be made to the Director of Personnel by the appointing authority whenever:

- (a) a vacancy occurs or is anticipated.
- (b) additional employees are required.

The Director of Personnel shall advise the appointing authority as to the availability of employees for re-employment, employees eligible for transfer, promotional eligible lists or open eligible lists for the class.

### **Section 2. Types of Appointments**

All vacancies in the classified service shall be filled by re-employment, transfer, or from an appropriate promotional or open competitive eligible list, if available.

### **Section 3. Priority of Lists**

Appointments shall be made from existing lists in the following order of preference:

- a) Re-employment list;
- b) Eligible list (promotional);
- c) Eligible list (open).

### **Section 4. Appointment from Re-employment List**

Upon receipt of a written request for an eligible list to fill a vacancy, the Director of Personnel shall transmit from the re-employment list the names of the persons who previously worked for the City and in the particular class. If no one on the list has previously been employed by the City in said class, the Board shall follow the procedures specified hereafter.

### **Section 5. Appointment By Transfer**

Upon receipt of a written request to fill a vacancy, the Director of Personnel shall transmit the names of the persons approved for consideration for appointment to the particular class or a class similar to that of the vacancy. The Director of Personnel shall report to the Board at each of its regular meetings all transfers effected since the date of the prior regular meeting.

## Section 6. Appointment from Eligible List

Upon receipt of a written request for a list to fill a vacancy which has not been filled by reemployment, the Board shall transmit to the Director of Personnel and to the appointing authority the list of candidates who have successfully passed the examination with their respective scores arranged in order from highest to lowest.

No appointments or promotions within any class shall be made from an eligible list except from those with the three highest scores of those who shall have passed an examination with a score of at least seventy per centum and are on the list of those eligible under these Rules.

## **RULE VI - RE-EMPLOYMENT**

### **Section 1. Re-employment List**

An employee who without fault or delinquency on his or her part has been separated from the classified service because of lack of work or funds, shall have his or her name automatically placed on the re-employment list for his or her class of position.

- a. The placing of such employee's name on said list shall be determined in the same manner as prescribed in Rule XII, Section 4, for order of layoff, but in reverse order.
- b. Said employee shall be certified to vacancies in his or her class in accordance with these Rules.
- c. Unless the employee is re-employed sooner, his or her name shall remain on the list for the duration of the list.

Upon its establishment, the Board shall set the duration of the reemployment list. The duration shall be as determined by the Board, in its discretion, unless specified in a collective bargaining agreement.

### **Section 2. Reinstatement**

(a) A person who has resigned from a permanent position, or who has been removed or otherwise separated therefrom for any cause other than fault or delinquency on his or her part, may be reinstated without examination, at any time within one year from the date of such separation, in a vacant position in the same class and range provided that for original entrance to such position there is not required by these Rules, in the judgment of the Board, an examination involving tests or qualifications different from or higher than those involved in the examination for appointment to the position formerly held by such person.

(b) Upon the written request of an appointing authority, stating the essential facts regarding a reinstatement proposed under the foregoing clause, the Board will, if such reinstatement be in accordance with law and these Rules, issue its certificate to that effect to such appointing authority.

## **RULE VII – APPOINTMENTS**

### **Section 1. Selection of Appointees**

The appointing authority shall appoint from a reemployment list, from those eligible for transfer or from an eligible list certified by the Board as provided in the Charter.

### **Section 2. Permanent Appointment**

Appointment of a person to a position established without limitation as to duration of employment, following his or her successful completion of the appropriate probationary period hereinafter prescribed, shall be considered a permanent appointment, and said person shall be considered a permanent employee. If the appointing authority fails to act and the employee has completed the required probationary period, said employee shall be considered a permanent employee and entitled to all rights and privileges of a permanent employee duly recommended and appointed.

### **Section 3. Emergency Appointment**

In case of extreme emergency as determined by the Mayor, when it is in the interest of public safety, health or welfare to employ persons most readily available for the performance of certain work, an appointing authority may secure the necessary help from suitable eligible lists if available.

Acceptance of an emergency appointment shall not affect the right of a fully qualified eligible to appointment to a permanent position.

The services of an emergency appointee may be terminated at any time by the appointing authority and such action shall not be subject to review or appeal.

### **Section 4. Temporary Appointment**

When there is no eligible list in effect for a particular class in the classified service, the Director of Personnel, with the approval of the Board, may fill a vacancy in such class by temporary appointment for not more than 90 working days and within that period an examination for the class shall be given. The Director of Personnel may extend a temporary appointment for up to an additional 90 working days, but shall do so only once for a given appointee.

## **RULE VIII - PROBATIONARY PERIOD**

### **Section 1. Probationary Period**

All original and promotional appointments shall be tentative and subject to a probationary period of 90 working days.

### **Section 2. Objective of Probationary Period**

The probationary period shall be regarded as a significant part of the examination process for permanent appointment. This period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her job, and for rejecting any probationary employee whose performance does not meet the required standards of work.

### **Section 3. Employee Performance Report**

A report of performance of each probationary employee shall be made by the appointing authority or designee to the Director of Personnel at the end of the 40th and 80th working days during the probationary period. In addition, if a probationary period is extended beyond 90 working days, the appointing authority shall make a performance report to the Director of Personnel not later than the 10<sup>th</sup> working day prior to the end of the extended probationary period.

### **Section 4. Rejection of Probationer**

During the probationary period, an employee may be rejected at any time by the appointing authority if he or she does not meet employment standards, and such an employee shall be discharged without the right of appeal.

Written notification of the rejection shall be served on the probationer and a copy filed with the Board.

### **Section 5. Rejection Following Promotion**

Any employee rejected during a probationary period following a promotional appointment or at the conclusion of such a probationary period shall be returned to the position or class from which he or she was promoted without the right of appeal.

Written notification of the rejection shall be served on the probationer and a copy filed with the Board.



## Section 6. Approval of Permanent Appointment

The final performance report of a probationary employee shall indicate whether or not the employee is recommended for permanent appointment and shall be sent to the Board.

## Section 7. Temporary Appointment

Time spent and work performed as a temporary appointee shall not be credited to the required probationary period.

## **RULE IX – TRANSFERS**

### Section 1. General

A person who has been permanently appointed to a position in the classified service may be transferred without examination to a similar position in the same or similar class in any other department, where there is a vacancy in the classified service.

### Section 2.

A person who has been permanently appointed to a position in the classified service may be placed on a transfer list with Board approval. A person on the transfer list shall be eligible for appointment to a position in the same class or a class similar to that from which transfer is sought provided that for entrance to the position proposed to be filled by transfer, there is not required by these Rules, in the judgment of the Board, an examination involving test or qualifications essentially different from or higher than those required in an examination for original entrance to the position from which transfer is sought.

## **RULE X - PROMOTIONS**

### **Section 1. Method of Examination**

The method of examination, the rules governing the same, and the method of certifying, shall be the same as for applicants for open competitive examinations. Promotions shall in every case involve a definite change in duties and an increase in responsibilities.

### **Section 2. Application for Promotional Examination**

Each eligible who wishes to compete for promotion must fill out the prescribed application for promotion and comply with all requirements established for original appointment.

### **Section 3. Temporary Promotions**

- (a) An interim or temporary appointment to a higher position made necessary by reason of sickness, disability, authorized leave of absence or military leave of absence of a regular employee may be authorized by the Director of Personnel with the approval of the Board without examination upon the written request of an appointing authority who shall set forth full information regarding such request.

All such temporary promotions shall continue only during period of sickness, disability, authorized leave of absence or military leave of absence.

- (b) An interim or temporary appointment to a higher position made necessary by reason of separation, retirement, resignation or other permanent absence of a regular employee may be authorized pending Civil Service examination either by open competitive or promotional examination as provided in these Rules.

No temporary promotion shall be approved or an employee continue to hold a temporary promotional position whenever a qualified eligible is available to assume said position permanently except as otherwise provided in these Rules.

- (c) No such temporarily promoted employee shall be retained in the higher classification after the person replaced returns to duty notwithstanding the creation of another vacancy after the eligible list has expired.

## **RULE XI - VOLUNTARY DEMOTION**

### Section 1. General

A person who has been permanently appointed to a position in the classified service may be voluntarily demoted without examination to a similar position in a lesser class and lower range in any other department where there is a vacancy, provided, that for original entrance to the position proposed to be filled by demotion, there is not required by these Rules, in the judgment of the Board, an examination involving tests or qualifications essentially different from those required in an examination for original entrance to the position which is sought. Demotion shall follow the normal lines of promotion in reverse order.

### Section 2. Appointing Authority

Upon written request of an appointing authority, stating the facts with reference to a proposed demotion, accompanied by the consent, also in writing of the appointing officer from whose jurisdiction the demotion is made, in addition to the consent of the employee, the Board will, if such demotion be in accordance with law and the provisions of these Rules, issue its certification to that effect.

## **RULE XII - RESIGNATION, REMOVAL, LAYOFF**

### **Section 1. Resignation**

An employee in the classified service who desires to resign in good standing shall submit his or her written resignation to the appointing authority two weeks prior to leaving the service unless the appointing authority consents to his or her leaving sooner.

Such resignation shall be forwarded to the Director of Personnel by the appointing authority indicating the actual disposition of the resignation.

### **Section 2. Removal**

An officer or employee of the City in the classified service who has completed the probationary period prescribed in accordance with these Rules and the Charter may be removed from office or employment for cause, which cause shall not be political, by the appointing authority.

### **Section 3. Layoff and Reduction in Personnel**

The appointing authority shall have the power to lay off any employee because of lack of funds, lack of work, or where there has been insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, in any office, department, agency, division or bureau.

Whenever it becomes necessary to reduce the number of employees in a given class because of lack of funds, lack of work, or where there has been insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, the appointing authority shall, prior to such impending reduction, notify the Board of the number of positions in the class to be vacated and the reason therefor.

A reduction in the number of employees in a class shall be made in the following order: temporary, probationary, permanent.

Layoff shall be determined in the order of seniority within each class within the total classified service.

## **RULE XIII- -LEAVES OF ABSENCE**

### **Section 1. Special Leaves Without Pay**

A permanent employee who for medical reasons is unable to perform his or her duties or who desires to engage in a course of study such as will increase his or her usefulness to the City, and who desires to secure leave from his or her regular duties accordingly may be granted special leave of absence without pay for a period not to exceed one year, depending upon the needs of the City and upon the recommendation of the appointing authority and the approval of the Board. Such leave shall not be extended nor shall it be granted for an employee to assume another position in the classified or unclassified service of the City or to assume a position in any other jurisdiction, public or private.

An employee asking for such special leave without pay shall submit his or her request in writing to the appointing authority and the Board. Upon approval in writing of the appointing authority and the Board, such leave shall be granted for the period specified. Whenever leave is required by law the appointing authority and the Board shall approve the leave.

### **Section 2. Leaves of Absence – Less Than Thirty Days**

Subject to any fiscal requirements specified by the Board of Aldermen, an appointing authority may grant a leave of absence with or without pay when such leave does not exceed thirty calendar days.

Section 3. The provisions of this Rule shall not be in effect on or after February 1, 2008, with the following sole exception:

If a collective bargaining agreement provides for leaves of absence in accordance with or pursuant to this Rule, this Rule shall remain in effect until that collective bargaining agreement expires and shall sunset for the affected bargaining unit when its successor collective bargaining agreement is effective.

## **RULE XIV - UNSKILLED LABOR SERVICE**

### Section 1. General

Unskilled laborers in the classified service shall be placed on appropriate eligible lists after qualifying in such examination as the Board may prescribe.

Unskilled laborers in the unclassified service, pursuant to the Charter, shall be eligible for appointment without civil service examination.

All applicants for unskilled laborer positions must fulfill the applicable requirements for City employment specified in Rule II.

### Section 2. Procedure for Appointment of Unskilled Laborers in the Unclassified Service

Upon request from a department head to fill a vacancy in an unskilled laborer position, the Director of Personnel shall forward to said department head the applications of those on file who are seeking such a position. In the event that there are no suitable candidates on file, the Director of Personnel shall post a notice of the vacancy and/or advertise for applicants.

## **RULE XV – GENERAL**

### Section 1. Savings Clause

If any section or part of a section of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, the force and effect of any or all other section(s) or part(s) of a section(s) of these Rules.



# City of New Haven

## Sexual Harassment Policy and Administrative Procedures

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**Purpose:** The purpose of this policy is to set acceptable standards of conduct for all municipal employees by providing a work place free of discrimination based on sex and sexual orientation. Sexual harassment is a form of sexual discrimination and is therefore unlawful. Sexual harassment is prohibited by Civil Rights Act 1964 as amended in 1972, the Connecticut Fair Employment Practices Act amended effective October 1, 1980 and the Code of the City of New Haven Sec. 12½. Employees of the Board of Education will be exempt under this policy because the New Haven Board of Education adopts and enforces its own policies in compliance with State law.

**Issuing Authority:** The Chief Administrative Officer is the issuing authority for this policy.

**Enforcement Authority:** Daily administration is the responsibility of all Coordinators and Department Heads.

### Policy

1. The City will provide a work atmosphere that is conducive to productivity.
2. The City will take disciplinary action against any employee found to have engaged in sexual harassment of another employee. The extent of discipline will depend upon the nature and severity of the offense.
3. In the event an investigation finds that the complainant falsely accused another employee of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate disciplinary action.
4. This policy will be enforced at all levels of municipal government including but not limited to employees, applicants for employment, vendors, volunteers and visitors.
5. Forms of sexual harassment include unwanted sexual advances; employee harassment of non-employees; harassment of employees by non-employees; male harassing female coworker; female harassing male coworker; same-sex harassment; and unwanted physical contact.
6. The City will provide all department heads and coordinators with a working understanding of sexual harassment, and prevention and actions to take when sexual harassment complaints are brought to their attention.

### 7. Complaint Resolution

- A. **Informal Procedures.** The informal process is discretionary and is not required prior to filing a formal complaint.

Any person who wishes to pursue the informal process, however, should do the following:

**City of New Haven**  
**Sexual Harassment Policy and**  
**Administrative Procedures**

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- promptly notify the offender that his/her conduct is unwelcome, inappropriate and illegal and should cease immediately, or
  - make the complaint known to his/her Department Head, or
  - notify the Director of Human Resources when the Department Head is the offender.
- B. **Formal Procedures**. In the event that the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint:

- Immediately file the complaint, i.e., a written description of the offensive conduct with the Affirmative Action Officer or the Director of Human Resources or the Commission on Equal Opportunities.
  - All complaints must be filed within 180 days of occurrence in accordance with State Law.
  - The recipient, i.e.: the Director of Human Resources, the Affirmative Action Officer or the CEO, must acknowledge receipt of the complaint within 10 days.
  - A thorough, objective and complete investigation of all allegations will be undertaken by the recipient of the complaint or his/her designee.
  - The investigator(s) shall make a written report of the results of the investigation to the Director of Human Resources within 90 days of receipt of the complaint.
  - Copies of the complaint and report will be provided to the complainant and respondent.
  - An investigator(s) may consult with the Office of Corporation Counsel on any formal complaint.
  - The Department Head, the Director of Human Resources, and the Affirmative Action Officer will endeavor to protect the confidentiality and legal rights of all parties involved.
  - The Director of Human Resources, the Affirmative Action Officer or the CEO shall take appropriate actions.
8. Persons filing charges of sexual harassment are instructed to notify the investigator(s) of any attempt at retaliation. Retaliation by anyone is a violation of the Civil Rights Act Sec. 704(a). Department Heads will be required to:
- mediate any informal complaints.
  - notify the Director of Human Resources and/or the Affirmative Action Officer of anyone wishing to file a formal complaint.
  - maintain files on all sexual harassment complaints.

**Definitions**

**Sexual Harassment:** Is the introduction of unwelcome sexual activities, advances, comments, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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**Sexual Harassment Policy and**  
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- a) submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo); or
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Examples of sexual harassment include but are not limited to:**

Verbal

- sexual propositions, sexual innuendo, or suggestive comments
- sexually teasing or kidding, practical jokes, jokes about gender specific traits
- whistling, cat calls, verbal slurs or stereotypic comments
- gender based remarks about someone's clothing, body or sexual activities
- requesting sexual favors in exchange for employment or to avoid negative consequences

Non-verbal

- giving gifts of a personal nature, sexually explicit materials such as posters, cartoons, pictures, calendars or similar materials
- displaying of foul or obscene printed or visual materials

Physical

- touching or rubbing oneself sexually around another person
- hugging, patting, pinching, or brushing against another person's body
- sexual gestures with hands or through body movements
- assault, attempted rape, rape

In addition to being examples of sexual harassment, incidents of assault, attempted rape, rape and similar actions constitute criminal behavior and will be reported by the City to the proper authorities.

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Issuing Authority: 

Effective Date: 12/11/09

Previously Revised: Date 3/83 12/09

A copy of this policy is available for review at the Department of Human Resources and is also available on the City's computer network at N:\POLICIES or the City's website at <http://www.cityofnewhaven.com/HumanResources/Policies.asp>

# City of New Haven Workplace Violence Policy

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**Purpose:** The purpose of this statement is to notify employees that the City of New Haven has a policy of zero tolerance for acts of violence in the workplace by or among its employees. This policy is inclusive of acts and/or threats of violence, including intimidation, by and to employees, property or premises of the City.

**Issuing Authority:** The Chief Administrative Officer is the issuing authority of this policy.

**Enforcement Authority:** Daily administration and enforcement is the responsibility of all Coordinators and Department Heads.

## Policy

1. Acts or threats of violence in the workplace by City employees may result in disciplinary actions up to and including suspension(s) or termination(s), and will not be tolerated by the City.
2. The goal of the City is to prevent and intervene when acts of violence or threats occur including intimidation, by and to City employees, property or premises. The Director of Human Resources and or the Director of Labor Relations will investigate and report all threats or acts of violence and take appropriate action to protect employees and City property and premises. All reports will be confidential.
3. Employees are strongly encouraged to report any acts of violence towards themselves or City property without fear of reprisal. Reports should be made to their Department Head, the Director of Human Resources at 946-6767 or to the Employee Assistance Program (EAP). Contact Human Resources at 946-8252 for current EAP provider information. In cases of immediate emergency call 911.
4. Department Heads are required to make an immediate report of any threat or act of violence to the Director of Human Resources.

## Definitions

**Violence in the Workplace:** Any comment or behavior that would be interpreted by a reasonable person as indicating the potential of physical violence toward people or property. Some examples include:

- a) Physical assault, threat to assault, or stalking an employee or customer.
- b) Possessing or threatening with a lethal weapon, vandalism or arson.
- c) Racial epithets or other derogatory remarks associated with hate crimes.
- d) Bizarre or offensive comments condoning or inciting violent events or behaviors.
- e) Harassing phone calls, voicemails, or email messages.

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Issuing Authority: 

Effective Date: 12/11/09

Previously Revised: Date 12/09

A copy of this policy is available for review at the Department of Human Resources, and on the City's computer network at NAPOLICIES also on City's website at <http://www.cityofnewhaven.com/HumanResources/Policies.asp>

## Human Resources Administration

Under the direction of the Human Resources Director, the Administration Division of the Human Resources Department oversees all functional areas of responsibility in the department, coordinates two community programs (Kids and the Power of Work, and the Summer Youth Employment Program), serves as the liaison to the Civil Service Board and is responsible for managing the department's budget.

## Community Programs



### Kids and the Power of Work (KAPOW)

KAPOW exposes 4<sup>th</sup> through 8<sup>th</sup> grade students to career opportunities and helps them connect what they are learning to their futures in the workplace - and life!

Employee volunteers are assigned to one class at a local elementary school, visiting seven times during the school year for one hour to teach KAPOW's fun and easy to use lessons. Before the lessons begin, a one-time training shows them how the lessons work, ensuring they will be successful, and have a great time doing it! Participation makes a valuable contribution to the future of our community's young people and helps them learn about careers in public service.

Learn more about the [KAPOW](#) Program.

### Summer Youth Employment Program (SYEP)

Career Source Broward (CSBD), formerly known as Workforce One has partnered with the City of Fort Lauderdale to implement a Summer Youth Employment Program (SYEP). All of the students in this program are residents of the City of Fort Lauderdale who qualify for the low income threshold established by the CSBD. The City takes this opportunity to interface with the community by reaching out to its youth. These students learn life lessons such as responsibility and being part of a team and job skills. The City also provides additional workshops on setting career goals, how to budget money, how to get a job and how government works. Overall, the program protects at-risk youth in the community. Up to 70 residents, ages 16 through 18 years old, participate in the program. The program runs for 8 weeks between June and August. Eligible students work a maximum of 30 hours per week.



Students must apply directly with [CSBD](#).

### Civil Service Board

The Civil Service Board consists of three members, one recommended for appointment by the mayor, one recommended for appointment by the city manager, and a third member recommended for appointment by the regular employees of the City of Fort Lauderdale. Each member is appointed for a full term of four years, by resolution of the City Commission. The principal function of the board is to serve in an appellate and advisory capacity in the administration of the personnel program. It is the duty of the Civil Service Board and it has the power to:

1. Hear appeals of any regular employee in the method provided in the personnel rules.
2. Represent the public interest in the improvement of personnel administration in the City service.
3. Advise the City Commission, the City Manager and the Personnel Director on problems concerning personnel administration.
4. Advise and assist the Personnel Director in fostering the improvement of personnel standards in the City service.
5. Make any inquiry which it may consider desirable, concerning the administration of personnel in the City service and to review any personnel action which may appear to be arbitrary, capricious or illegal, and make recommendations to the Personnel Director with respect thereto.
6. Make annual reports, and such special reports as it considers desirable, to the City Commission and to the City Manager concerning personnel administration in the City service and recommendations for improvement herein.
7. Adopt the classification plan to propose amendments or revisions thereto.

Additional Information can be found in the [City Code of Ordinances](#), Section 6.04.

Current board membership [Civil Service Board Members](#).

## ARTICLE VI. CIVIL SERVICE SYSTEM

### Sec. 6.01. Civil service established.

There is hereby established a civil service system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, demotion, dismissal, suspension, removal and discipline of certain of its officers and employees.

The civil service system established herein shall be based upon principles that provide for: Recruitment from all segments of society and selection and advancement on the basis of relative ability, knowledge, and skill under fair and open competition; fair and equitable treatment in all personnel management matters without regard to politics, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for constitutional and statutory rights of individual privacy; fair and equitable compensation, considering the local (and national where applicable) rates paid by public and private employers, with incentives and recognition for excellent performance; high standards of integrity and conduct and concern for the public interest; efficient and effective use of the city work force; retention of employees who perform well, correction of performance of those whose work is inadequate, and separation of those who cannot or will not meet required standards; improved performance through effective education and training; protection of employees from arbitrary action, personal favoritism or political coercion; and protection of employees against reprisal for lawful disclosures of information.

The civil service system shall not be abolished or substantially modified except upon approval by referendum vote. All of the benefits accruing to employees under former civil service provisions inure to their benefit, except as herein provided and changed.

The civil service system and the personnel rules and regulations adopted pursuant thereto shall not apply to nor be maintained for regular employees in the classified service who are covered by a collective bargaining agreement.

### Sec. 6.02. Classified and nonclassified service.

All offices and positions of the city shall either be in the nonclassified service or in the classified service. The city manager and deputy city manager, city attorney and deputy city attorney, city clerk and city auditor shall be appointed by resolution of the city commission. Assistant city attorneys shall be appointed by the city attorney. Commission assistants shall be appointed by the City Commission. Assistant city clerks shall be appointed by the city clerk and assistant city auditors shall be appointed by the city auditor. All other nonclassified personnel shall be appointed by the city manager, who shall be empowered to execute employment contracts with such employees. The duration of such employment contracts shall not exceed two (2) years, and the pay provisions shall be in conformance with the salary range established in the city's pay ordinance. All positions in the classified service shall be filled in accordance with personnel rules and regulations; provided, however, that all positions in the classified service which, once filled, are subject to the provisions of any collective bargaining agreement shall be exempt from the applicability of such personnel rules and regulations. Positions in the nonclassified service shall be filled on the basis of relative ability, knowledge and skill. Such employees shall be entitled to fair and equitable compensation, with incentives and recognition for excellent performance. The nonclassified service shall include the following positions and levels:

- (a) The city manager and/or acting city manager.
- (b) Deputy city manager and deputy city attorney.

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- (c) Assistant city managers.
  - (d) Administrative assistants to the city manager.
  - (e) The city attorney and assistant city attorneys.
  - (f) All management category I positions.
  - (g) City clerk and assistant city clerks.
  - (h) Commission assistants.
  - (i) City auditor and assistant city auditors.

Nonclassified personnel may not be assigned the duties of a vacant classified position except in accordance with personnel rules and regulations.

The classified service shall include all positions in the city's service, except those specifically placed in the nonclassified service. All persons in the classified service shall be subject to the civil service rules and regulations; provided, however, that regular employees in the classified service who are subject to a collective bargaining agreement shall not be subject to civil service rules and regulations.

(Ord. No. C-96-50, § 1, 9-17-96; Ord. No. C-04-38, § 1, 7-26-04 ; Ord. No. C-08-25, § 2, 6-17-08/11-4-08)

### **Sec. 6.03. Status of present employees and offices.**

A person displaced from a nonclassified position for any reason other than misconduct shall be permitted to return to the highest job class previously held in the classified service, provided a vacant position exists in such job class. In cases where no such vacant position exists, the city manager shall consider the employee's length of service and contribution to the organization, and based upon such review may authorize a nonbudgeted position for such employee until a budgeted position becomes vacant.

Any person who was in the classified service prior to the effective date of this charter shall retain his or her status as a classified employee for the duration of his or her employment in that position or until such time as he or she chooses to accept a nonclassified position.

(Ord. No. C-18-47 , § 17, 1-22-19)

### **Sec. 6.04. Civil service board; created; composition.**

- (a) *Purpose of board.* There shall be a civil service board, the members of which shall be residents and electors of the City of Fort Lauderdale, who shall be in sympathy with the application of merit principles in connection with public employment. No member of the board shall hold or be a candidate for any elective public office.
- (b) *Membership; appointment, etc.* The civil service board shall consist of three (3) members, one (1) of whom shall be recommended for appointment by the mayor, with approval of city commission; one (1) of whom shall be recommended for appointment by the city manager; and the third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale who are in the classified service as of May 31 of the year of the appointment. Each member shall be appointed by resolution for a full term of four (4) years, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of his or her term of office. The present members of the board shall serve until the expiration of their terms of office or until their successors are appointed and qualified. If the office is vacated by death, resignation, removal or other effective cause prior to expiration of the term, the vacancy shall be filled by appointment by the city commission upon recommendation of the proper authority, for the balance of the unexpired term. All regular full terms shall be for a period of four (4) years from the expiration of the

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preceding term. Recommendations for appointment by the mayor and city manager shall be made to the city commission in writing at least twenty (20) days prior to expiration of the term of the member whose successor it is the duty of such officials, respectively, to recommend for appointment.

Recommendations for appointment by the employees shall be made in the following manner: At least forty (40) days before expiration of the term of the member to be filled upon recommendation of civil service employees, civil service employees shall be notified that for a period of seven (7) days sealed nominations will be received for members of a nominating committee representing the civil service employees. Any regular employee in the classified service shall have the right to nominate any other regular employee in the classified service as a member of such nominating committee. At the expiration of seven (7) days from such notification, a list of all eligible employees so nominated shall be printed and delivered to each employee in the classified service, with instructions to vote for five (5) of the employees so nominated within seven (7) days thereafter. Upon tabulation of the results, the five (5) employees receiving the highest number of votes shall become the nominating committee to nominate three (3) candidates for the office to be filled. Upon vote of the regular employees in the classified service, the person receiving the highest number of votes, and otherwise qualified, shall be recommended to the city commission for appointment. The city manager's designee and two (2) city commissioners appointed by the mayor shall constitute the election board and shall certify the results to the city commission in writing.

No person shall be eligible to be a member of the civil service board who is an officer or employee of the city or who is serving the city upon an advisory board or in any other capacity (except as a member of the civil service board), nor shall the husband or wife of such a person or other relative (as defined by law) of such a person be eligible for membership.

If, because of lack of sufficient time, or other valid reason, except willful failure to so do, proper nominations are not made before the expiration of a term, the incumbent shall hold over until his or her successor is appointed and qualified, but the term of the new appointee shall run for the balance of the full four-year term only. If, for any reason the mayor, city manager or employees of the city should fail to make their respective recommendations for appointment within sixty (60) days after expiration of a term, the city commission shall appoint a qualified person to membership upon said board, whose term shall run for the balance of the unexpired term only.

All members of the board shall file an oath to support and defend the Constitution of the United States and of the State of Florida, and to faithfully perform the duties of the office. The members of the board shall elect one (1) of their members to serve as a chairman for a two-year term.

(c) *Duties of the board.* The board shall:

- (1) Hear appeals as outlined in section 6.04(d).
- (2) Review and consider additional personnel rules or amendments to existing rules that may be recommended for adoption, and approve or disapprove, by motion, these rules.
- (3) Review and consider new class specifications or revisions and amendments to existing class specifications and advise the city manager, by motion, concerning these specifications.
- (4) Meet at such times and places as shall be required to conduct the business of the board as outlined in paragraphs (1), (2) and (3), above. Time and place of the meeting shall be specified by the call of the chairman of the board or by a majority of the board. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each board member by the secretary of the board. Two (2) members shall constitute a quorum for the transaction of business.

(d) *Appeals to the board.* Regular employees subject to personnel rules and regulations who are suspended, dismissed or demoted, or who believe the personnel rules have been improperly applied or misinterpreted to their detriment, may appeal to the board within thirty (30) calendar days from the date such action is taken, or from the date an employee by use of reasonable diligence should have become aware of the action causing the appeal, and the board shall hear and take action upon such appeal. Upon such appeal, the



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appealing employee and the city management staff shall have the right to be heard publicly and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the city manager shall reinstate the employee without loss of pay and benefits.

- (e) *Powers of the board.* The board, each member of the board, and the secretary to the board, who shall be designated by the city manager, shall have power to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this charter. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of an offense and punishable as provided in section 1-6 of the Code.

(Ord. No. C-18-47 , § 17, 1-22-19)

### **Sec. 6.05. Pay plan and personnel rules.**

The city commission shall establish a pay plan by ordinance and adopt personnel rules by resolution. The adoption or revision of personnel rules which have been disapproved by the civil service board shall require an affirmative vote of four (4) members of the city commission. The pay plan and personnel rules in effect at the time of the adoption of this article shall remain in full force and effect until changed, adjusted or amended as provided herein.

### **Sec. 6.06. City commission involvement prohibited.**

Neither the city commission, any of its committees, nor any of its members, individually or collectively, shall direct the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner, directly or indirectly, take part in the appointment or removal of any officer or employee in the classified or nonclassified service of the city except as provided in section 6.02 of this article. All inquiry dealing with any portion of the classified or nonclassified service of the city shall be with the city manager, except with regard to assistant city clerks, assistant city auditors, and except with regard to commission assistants, neither the city commission nor any member thereof shall give any orders to any subordinate or officer of the city, either publicly or privately, directly or indirectly. Any violation of the provisions of this section by a member of the city commission shall be grounds for removal from office.

( Ord. No. C-04-38, § 2, 7-26-04 ; Ord. No. C-08-25, § 3, 6-17-08/11-4-08)



# PERSONNEL RULES

Rev: 4 | Revision Date: 9/1/2020 | Print Date: 11/3/2020  
I.D. Number: SOP – Personnel Rules

CITY OF FORT LAUDERDALE, FLORIDA

Human Resources Division

## P E R S O N N E L     R U L E S

with Amendments to September 1, 2020



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# PERSONNEL RULES

## RULE I – GENERAL PROVISIONS

Section 1. Purpose of these rules: These rules set forth the principles and procedures that are to be followed by the city in its personnel program to the end that the city and its employees may have assurance that personnel will be dealt with on an equitable basis, and that the citizens of Fort Lauderdale may derive the benefits and advantages which can be expected to result from a competent staff of city employees.

Section 2. Positions covered by these rules: These rules shall apply to all positions and offices in the city service excepting those of the city manager, deputy city manager, assistant city managers, city attorney, assistant city attorney unless otherwise provided by law, and provided further that these rules shall not apply to those offices and positions in the classified service which, once filled, are subject to the provisions of a collective bargaining agreement and regular employees in the classified service who are covered by a collective bargaining agreement shall not be subject to these rules and regulations unless said agreement otherwise provides.

Section 3. Approval of rules: These rules shall be in force and effect when approved by the city commission and shall have the force and effect of law insofar as they apply to positions covered by said rules.



# PERSONNEL RULES

## RULE II – DEFINITIONS

As used in these rules, unless the context clearly requires otherwise, the following quoted *italic/underlined* words shall have the meaning herein given them, provided however, that the following definitions shall not apply to offices and positions in the classified service which, once filled, are subject to the provisions of any collective bargaining agreement and the definitions herein shall not apply to regular employees in the classified service who are covered by a collective bargaining agreement unless said agreement otherwise provides:

Section 1. Allocate shall mean the act of assigning each position to its proper class.

Section 2. Certify shall mean the act of the personnel director in supplying a department head with the names of applicants who are eligible for appointment to the class and positions in the classified service for which certification is requested.

Section 3. Class shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

Section 4. Continuous service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence, suspension or separation due to layoff; however time lost due to leave of absence, suspension or layoff shall not be included in the determination of length of continuous service. Authorized paid leave of absence shall be included as a part of continuous service.

Section 5. Demotion shall mean the assignment of an employee to a position in a lower class having a lower maximum salary than the class from which the assignment is made.





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Section 6. Eligible shall mean a person listed on an active eligible list.

Section 7. Eligible list shall mean an employment list, promotional list, reemployment list or reinstatement list.

Section 8. Employment list shall mean a list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.

Section 9. Hearing means a public hearing held after public notice, at which any person may have a reasonable opportunity to be heard.

Section 10. Permanent position shall mean any position vacant or filled which is designated as such by the budget or by the city manager.

Section 11. Position shall mean a group of duties assigned to one person or job.

Section 12. Probationary employee shall mean any employee who is serving his probationary period prior to being regularly appointed to a permanent position and class in the classified service.

Section 13. Promotion shall mean the assignment of an employee to a position in a higher class having a higher maximum salary than the position from which assignment is made.

Section 14. Promotional examination means an examination or group of examinations for a position in a certain class, admission to which is limited to employees who hold or have held a position in the classified service.



# PERSONNEL RULES

Section 15. Promotional list shall mean a list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

Section 16. Provisional employee shall mean any employee filling a position in the classified service without competition pending the establishment of an eligible list.

Section 17. Regular employee shall mean an employee who has been appointed to a permanent position in the classified service in accordance with the provisions of the rules after completing a probationary period. They shall also gain status in that class to which appointed.

Section 18. Status is a condition acquired by an employee giving rights, in the manner the rules set forth, to a class.

Section 19. Temporary employee shall mean an employee holding a position other than permanent, except as provided in the rules, which is of a temporary, seasonal, casual or emergency nature.

Section 20. Temporary position shall mean all positions that are not designated permanent.

Section 21. Vacancy shall mean a position existing or newly created, which is not occupied, and for which funds are available, and for the filling of which a valid requisition has been received by the personnel director.

Section 22. Mandatory retirement. “Mandatory Retirement” shall mean retirement upon the attainment of seventy (70) years of age.



# PERSONNEL RULES

## RULE III – ORGANIZATION FOR PERSONNEL ADMINISTRATION

Section 1. The city commission: The city commission shall:

- A. Approve the personnel rules.
- B. Approve the pay plan and all amendments thereto.
- C. Make and confirm appointments to and remove from positions specified by the city charter.

Section 2. The city manager: The city manager shall:

- A. Be responsible to the city commission for the administration of the personnel system subject to these rules.
- B. Appoint or remove all subordinate officers and employees subject to the provisions of these rules excepting those to be appointment and removed by the city commission.
- C. Perform such other duties and have and exercise such other powers in personnel administration as may be prescribed by law and these rules.

Section 3. The personnel director: The city manager shall appoint, in accordance with the provisions of the city charter a personnel director who shall also be secretary to the civil service board who shall be responsible to the city manager for the administrative and technical direction of the city personnel program. He shall be known as the personnel director and shall:



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- A. Administer the provisions of these rules.
- B. Develop and administer such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city service.
- C. Prepare and recommend a classification plan and amendments to the classification plan so that it will reflect on a current basis the duties being performed by each employee in the city service and class to which each position is allocated.
- D. Administer the pay plan including the periodic review of salary and wage levels in the area to the extent that such levels affect city employment and the periodic investigation of factors affecting the economic level of salaries and to make recommendations for amendments to the pay plan.
- E. Delegate performance of duties and acts required to be performed by him to a designee, when he deems it necessary or desirable to do so.
- F. Provide for the establishment and maintenance of a roster of all employees in the city service.
- G. Provide such forms and procedures as he may consider necessary, appropriate, or desirable to carry out the personnel program.
- H. Develop and establish in cooperation with the city manager and the various department heads such training and educational programs for employees in the city service as conditions warrant.



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- I. Attend all meetings of the civil service board.
- J. Perform such other activities with reference to personnel administration not inconsistent with the city charter or these rules, as may be deemed necessary or desirable to enforce the provisions of these rules, as the city manager may direct, or as may be required by ordinance.
- K. Prepare and recommend such rules or amendments to the rules as may be necessary or advisable to carry out the intent and purposes of the city personnel program.
- L. Approve indemnification hold harmless agreements by and between the City of Fort Lauderdale and any other municipality, county and state agency requesting participation of City of Fort Lauderdale employees or agents upon such other municipality's, county and state agency's oral interview panels or boards in order to provide that such other municipality, county and state agency will appear, defend, indemnify and hold harmless the City of Fort Lauderdale and such agents or employees as a result of any litigation which might arise because of the participation of such agents or employees upon oral interview panels or boards of such other municipality, county and state agency.

Section 4. The civil service board: The civil service board shall consist of three members, one of whom shall be recommended for appointment by the major, one of whom shall be recommended for appointment by the city manager, and third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale. Each member shall be appointed for a full term of four years, by resolution of the city commission, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of term of office. It is the principal function of the board to serve in an appellate and advisory capacity in the administration of the personnel program. It is the duty of the civil service board and it shall have the power to:



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- A. Hear appeals of any regular employee in the method provided in these rules.
- B. Represent the public interest in the improvement of personnel administration in the city service.
- C. Advise the commission, the city manager and the personnel director on problems concerning personnel administration.
- D. Advise and assist the personnel director in fostering the improvement of personnel standards in the city service.
- E. Make any inquiry which it may consider desirable, concerning the administration of personnel in the city service and to review any personnel action which may appear to be arbitrary, capricious or illegal, and make recommendations to the personnel director with respect thereto.
- F. Make annual reports, and such special reports as it considers desirable, to the commission and to the city manager concerning personnel administration in the city service and recommendations for improvement herein.
- G. Adopt the classification plan to propose amendments or revisions thereto.



# PERSONNEL RULES

## RULE IV – POSITIONS INCLUDED IN PERSONNEL SYSTEM

Section 1. The city service: The city service shall comprise all offices and positions in the city employ, now existing or hereafter created. The city service is divided into the nonclassified and classified services:

- A. The nonclassified service shall consist of:
  - (a) City commissioners.
  - (b) The city manager and/or acting city manager.
  - (c) Deputy city manager and assistant city managers.
  - (d) Administrative assistants to the city manager.
  - (e) The city attorney and assistant city attorneys.
  - (f) The municipal judge, associate municipal judge and assistant municipal judge.
  - (g) Consultants, counsel, architects, auditors, board and committee members and the like rendering temporary professional services for pay or not for pay. Non-classified personnel may not be assigned the duties of a vacant classified position except in accordance with civil service rules and regulations.
  
- B. The classified service shall comprise all other positions now existing or hereafter created not specifically included in the nonclassified service, provided, however, that all offices and positions in the classified service which, once filled, are subject to provisions of a collective bargaining agreement, shall be exempt from the applicability of the Civil Service Rules and Regulations and regular employees in the classified service who are covered by a collective bargaining agreement shall not be subject to Civil Service Rules and Regulations unless said agreement otherwise provides.



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Section 2. Status of employees in the city service: All persons, excepting part time or hourly rate employees, holding positions in the classified service on the effective date of these rules, and whose positions normally involve continuous year round full time service, and who have served continuously for a period of at least six months immediately prior to the date of adoption of these rules shall be considered to be regular employees and, as such, entitled to the rights, benefits and privileges extended to such employees by the city charter and these rules.

All persons, excepting part time or hourly rate employees, holding positions in the classified service on the effective date of these rules and whose positions normally involve continuous year round full time service and who have not served continuously for a period of six months immediately prior to the date of adoption of these rules shall be considered to be probationary employees and as such subject to the provisions of these rules relating to satisfactory completion of a probationary period.

All persons holding positions in the classified service which do not involve continuous year round full time service or who are compensated on an hourly basis shall be considered as temporary employees.





# PERSONNEL RULES

## RULE V – CLASSIFICATION PLAN

Section 1. The purpose: The classification plan provides a complete inventory of all positions in the city service and accurate descriptions and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the city service.

Section 2. Composition of the classification plan: The classification plan consists of:

- A. Classes of positions which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility, which require similar experience and training at time of recruitment, and which may be compensated fairly from within the same range of pay under similar working conditions.
- B. Class titles which are descriptive of the work performed and which identify each class.
- C. Written class specifications for each class of positions which contain a description of the nature of the work and of the relative responsibility of the positions in the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledges, abilities, and skills necessary for performance of the work, and a statement of required experience and training for recruitment into the class.
- D. An allocation list showing the class title of each position in the city service, as identified by the name of the employee holding that position.

Section 3. Class title: Class titles shall be used in all personnel, accounting, budget, appropriation and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan.



# PERSONNEL RULES

Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes.

Section 4. Class specifications: Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Section 5. Maintenance of the classification plan: The personnel director is charged with the responsibility for the proper and continuous maintenance of the classification plan so that it will reflect on a current basis, the duties being performed by each employee in the city service and the class to which each position is allocated.

The personnel director shall periodically review the classification of positions and upon the basis of his investigation he shall recommend to the civil service board appropriate and necessary amendments to the classification plan in the form of new classes, revisions of existing classes and the abolition of classes no longer required in the plan. Such recommended amendments shall be effective when approved by the board or on the thirtieth day after being recommended to the board providing that prior thereto the board shall not have disapproved them.

Allocations and reallocations within the approved classification plan shall be made as follows:

- A. The personnel director shall study the duties and responsibilities of each new position as it is created and on the basis of this study place the position in the appropriate class within the classification plan for the duties to be performed.



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- B. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the personnel director by department heads.

If these are determined to be permanent, are more than minor changes, and justify a reallocation to a different classification, the personnel director shall, after affording to the employees affected the opportunity to be heard, by giving them ten days written notice, and with consent of the city manager and approval of the civil service board, place such position in its appropriate class.



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## RULE VI – THE COMPENSATION PLAN

For rules governing compensation to employees, see current pay plan as approved by ordinance.



# PERSONNEL RULES

## RULE VII – APPLICATIONS

Section 1. Announcement of examination: Public notice of open competitive examinations shall be given in advance of the examination by publication in the daily newspaper or largest general circulation in the City and in such other places and by such other means as the Personnel Manager may deem advisable.

Section 2. Filing of application: An applicant for a position in the classified service must file a written application on the form prescribed by the Personnel Manager or request such application within the time limit fixed in the examination announcement. A defective application may be returned to the applicant with a notice of amendment. Amendments or corrections must be made within the time limit fixed by the Personnel Manager.

Section 3. Citizenship: An applicant for City employment shall not be disqualified from employment solely because he is not a United States citizen unless the position sought involves the direct participation of the employee in the formulation, execution or review of broad public policy. For purposes of this section, the positions of police officer and those of department head, deputy department head, assistant department head and building and zoning enforcement officer shall be considered as involving such direct participation, and are therefore subject to the requirement of United States citizenship.

Section 4. Residence: There shall be no requirement of residence for filing an application for, or for being appointed to, any position in the classified service.

Section 5. Minimum qualifications: The Personnel Manager shall prescribe specific requirements, physical or otherwise, as in his judgment are required by the nature of the work to be performed. Such requirements shall be shown in the examination announcement.

Section 6. Rejection of application: The Personnel Manager shall reject any application or applicant if he makes a determination:

- A. That the application was not filed within the period specified in the examination announcement or was not filed on the prescribed form.



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- B. That the applicant lacks any of the required qualifications set forth in the examination announcement.
- C. That the applicant is physically unfit to effectively perform the duties of the position for which he seeks employment (as initially determined by the City physician).
- D. That the applicant has made a false statement of a material fact, or practiced or attempted to practice any fraud or deception in his application, test or attempt to secure appointment (in such event, if the applicant was appointed, the Personnel Manager may cancel the certification which effectively cancels the appointment).
- E. That the applicant was previously in the City service and was removed for cause or had resigned not in good standing; provided, however, that in the case of such a resignation, the Personnel Manager may examine the circumstances of such resignation and, if mitigating factors are found to exist, the application of such applicant may be accepted.
- F. That the applicant, after notification, did not promptly present himself at the time and place designated for the examination, including any portion of it.
- G. That the applicant has a work record of previous employment inconsistent with the standards expected of a City employee.
- H. That the applicant has previously been convicted of a crime and the crime was felony or first degree misdemeanor and related to the position of employment sought.



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Section 7. Notice of rejection of application: Whenever an application or applicant is rejected, notice of such rejection and the reasons for the action shall be given to the applicant by the Personnel Manager.

Section 8. Postponement and cancellation of examinations: Any examination may be postponed or cancelled at the discretion of the Personnel Manager. In either case, each applicant shall be notified of the postponement or cancellation and the reason(s) for the action.

Section 9. Veteran's preference: The rights of veterans, as specified in Florida Statutes Chapter 295, including any future amendments to such laws, shall apply to the City. The term "veteran" as used in this section is defined in Florida Statute Chapter 1.01(15) and is adopted by this reference.

Each person seeking to qualify for a veteran's preference shall present such documentary proof to the Personnel Division as may be necessary to establish the preference to which he may be entitled. Such proof must be presented prior to the announced date and hour of the examination the applicant chooses to take. In the case of applicants for non-classified service positions, such proof shall be presented at the time of making formal application for such position. Reliable documentation must also be presented to verify service time and separation status. Recent statements from the Veterans Administration must be presented to verify the amount of service-connected disability; provided, however that no such statement will be accepted if it is more than six months old.



# PERSONNEL RULES

## RULE VIII – EXAMINATIONS

Section 1. Recruitment by examination: All appointments in the classified service shall be made according to merit and fitness. Merit and fitness shall be ascertained by examinations which shall be prepared by or under the direction of the Personnel Manager. All examinations shall be impartial and shall relate to those matters which will test fairly the capacity and fitness of the applicants to efficiently discharge the duties of the position to be filled.

Examinations may be assembled or non-assembled, and may include portions which are written or oral, as well as physical tests, performance tests, rating of training or experience, assessment exercises, or any combination of the foregoing. They make take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness or any other qualifications or attributes which, in the judgment of the Personnel Manager, enter into a determination of the relative fitness of applicants.

Section 2. Identity of examinees concealed: The identity of each person taking a competitive written test shall be concealed from the examiners by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until all test papers have been rated. Any applicant whose examination papers carry the name of the applicant, or any other identification mark, or any applicant who reveals his identification number to the Personnel Manager or to any member of his staff, directly or indirectly, shall be disqualified and the applicant so notified.

Section 3. Rating examinations: Appropriate scientific techniques and procedures shall be used in scoring and evaluating the results of examinations and in determining the relative ratings of the competitors. The Personnel Manager will determine the minimum qualifying raw score for any part or parts of an examination. Using recognized statistical methods, including the flexible passing point, raw scores will be converted to a grade which can be expressed on a scale of 0 to 100, with a grade of 70 representing the required passing score. Any applicant who fails to attain that minimum passing score on any part of the examination shall be considered to have failed the entire examination and shall not be examined on any further parts, if any are scheduled or planned.





# PERSONNEL RULES

Preference points, if applicable, will be added to the final passing score, in which case a final score in excess of 100 will be possible. In no event will preference points be added to a score which falls below the required passing score.

The final ratings of successful competitors who have attained a passing score of 70 or above shall be rounded off to whole numbers as follows: .50 and above, the next higher rating; less than .50, the next lower rating; e.g., 81.51 = 82; 81.49 = 81. Eligible applicants attaining the same score shall have the same rank on the eligible list.

Section 4. Notification of results: Each applicant taking an examination shall be given written notice of the results and, if successful, of the final earned rating and relative position on the list.

Section 5. Inspection of papers: Any applicant shall have the right to make a personal inspection of his own completed examination within one month from the date of establishment of the list. A manifest error in rating a test or in a test procedure shall be corrected and the applicant will be placed in the proper rank on the eligibility list if the error is called to the attention of the Personnel Manager within the inspection period. Any such correction shall not invalidate any appointment previously made from such a list.

Section 6. Promotional examinations: Vacant positions in the classified service shall be filled by the promotion of employees who hold or have held a permanent full-time position in the classified service by original appointment from an open competitive register whenever in the judgment of the city manager and the personnel director it is in the best interest of the City to do so.

When the determination is made that there will be a promotional examination, the Personnel Manager shall designate the lower class or classes from which promotion is to be made and shall establish the required period of service in these classes.



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In the event that the Personnel Manager finds that the number of persons qualified to compete in a promotional examination is five or less, he may without further examination, certify as eligible for promotion the names of those persons qualified to the head of the department in which the vacancy exists.

Section 7. Announcement of promotional examination: All promotional examinations shall be publicized in advance of the examination by posting announcements on the Personnel Division bulletin board and in such other places or in any other manner as the Personnel Manager deems advisable. Copies of all such announcements shall be furnished to the departments affected.

Section 8. Unskilled and semi-skilled laborers, domestic, attendant or custodial work: Unskilled and semi-skilled laborers, domestics, attendants or custodial workers may be appointed after such noncompetitive tests of fitness as the Personnel Manager may prescribe.

Section 9. Continuous examinations: Whenever the Personnel Manager determines that applicants are not available in sufficient numbers, he may conduct examinations for such classes on a continuous non-assembled basis.

The names of successful candidates shall be placed on the appropriate eligible list in order of their relative scores without reference to priority of time of examination.

A person who competes in or is disqualified from a continuous examination for a particular class is eligible to compete in another examination for the same class after an elapsed time as determined by the Personnel Manager.

Section 10. Polygraph examinations: The City Manager shall determine and designate in writing those positions which require the passing of a polygraph examination. Persons who are not presently employed by the City or who are employed by the City in other positions shall be required to pass a polygraph examination prior to their appointment to a designated position. Employees



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who are currently employed in a designated position shall be required to pass another polygraph examination before their transfer to a different designated position. The list of designated positions shall be filed in the Personnel Office. The polygraph examination shall be administered by a qualified operator employed by the Police Department of the City of Fort Lauderdale or by such other qualified person or agency as may be approved by the City Manager.

No person taking any such polygraph examination shall be required to waive immunity from self-incrimination with respect to the use of such person's answers in any subsequent criminal proceedings.

Questions shall be specifically, directly and narrowly confined to a prospective applicant's background, qualifications and suitability for the position for which application has been made, and may include such other questions as are necessary to test the validity of the polygraph machine.

Any applicant who fails such polygraph examination shall be informed of same by the Personnel Manager or someone on his behalf, and such applicant shall be given the opportunity of disproving or explaining the results before a decision is made upon such applicant's employment. An applicant so disqualified may request another polygraph examination to be administered by another qualified operator. In such event, the polygraph operator will be designated by the City and the fee for such re-examination will be paid by the applicant.



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## RULE IX – ELIGIBLE LISTS

Section 1. Establishment of eligible lists: The personnel director shall establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the service. Each such list shall contain the names of those persons who are deemed by virtue of the examination process to be qualified to perform the duties required in the specific class. Such persons shall be notified and take rank upon such lists in the order of their relative grades as determined by Rule VIII, Section 3. Eligible applicants attaining the same score shall be considered to have the same rank on the eligible list.

Section 2. Duration of lists: The duration of each eligible list, and the names appearing thereon shall be not less than six (6) months nor more than three (3) years. The personnel director may extend such period by order made before the expiration of the list except that the reinstatement list shall not exceed two (2) years. No list shall be extended to a time more than three (3) years from the original establishment thereof, and a statement of the reasons for any extension shall be entered into the records of the department. Any such list, excepting those lists established as the result of continuous non-assembled examination which has been in force for more than six (6) months shall be deemed canceled upon the establishment of a new eligible list for the same class of positions.

Section 3. Reemployment lists: A regular employee who has been involuntarily separated or laid off from the city service without fault or delinquency on his part shall have his name placed on a reemployment list for the same class of position he held at the time of his separation. The name of such employee shall be placed upon the list in the order of his total continuous time served in the class. Such employee shall be eligible for reemployment for a period of two (2) years from the date of separation.

Section 4. Removal of names from lists: The personnel director may at any time remove the name of an eligible from a list for any one or more of the following causes:



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- A. At the request of the eligible.
- B. Failure to respond to notice to appear for interview within the time limited in such notice.
- C. Declination of permanent appointment.
- D. Failure to notify the personnel director of a change of address.
- E. Appointment to a permanent position through certification from a list for another class at the same or higher salary.
- F. In the case of promotional lists, upon separation, other than layoff, from the city service.
- G. In any case where the personnel director finds that an eligible is or has in any manner become disqualified for the class for which he is listed, in accordance with Rule VII, Section 6 of these rules.

Section 5. Restoration of names to eligible lists: Whenever any person's name is removed from an eligible list for any one or more of the causes mentioned in the preceding section, he shall immediately be notified thereof unless his whereabouts are unknown. Such person may, within five days from date of removal, make a written request to the personnel director for restoration of his name to such list for the duration of his eligibility. The request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name. The personnel director, after full consideration of the request, may restore the name to the eligible list or may refuse such request. The person shall be notified of the personnel director's action.



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## RULE X – APPOINTMENTS

Section 1. Procedure for filling vacancies: All vacancies in the classified service shall be filled by original appointment, promotional appointment, provisional appointment, reemployment, reinstatement, reallocation reinstatement, transfer or demotion. Whenever a vacancy is to be filled the department head shall make requisition upon the personnel director for eligibles for appointment to the class of position for which the vacancy exists. Such requisition shall be upon the form provided by the personnel director. If the position is permanent the personnel director shall certify to the department head the proper number of names from the appropriate list or authorize some other kind of appointment as provided in these rules.

Section 2. Priority of lists: Certification shall be made first from a reemployment list followed by a reallocation reinstatement list. In the absence of these lists, certification shall be made from any of the following lists: promotional, employment, or reinstatement as determined by the appointing authority with approval of the city manager and personnel director.

Section 3. Certification from a list:

- A. Rule of Five Scores. Upon receipt of an approved requisition for an eligible to fill a vacancy, the Personnel Manager shall certify to the requesting department head the names of the eligibles on the list for the class who qualify under the Rule of Five Scores, and the names of the eligible trainees as provided in Section 17 of Rule X of these Rules. The Rule of Five Scores provides that the names associated with the five highest scores as determined in Rule VIII, Section 3, and Rule IX, Section 1, shall be certified for each vacancy; provided, however, that a lesser number may be certified if there is an insufficient number of eligible persons on the list.

When multiple vacancies for one job classification are requisitioned by the same department, the Rule of Five Scores shall be applied on a single vacancy basis. The five highest scores will be certified for



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only one (1) vacancy and an eligible shall be appointed. The list will be reviewed and the five highest scores will be certified for the second vacancy and an eligible shall be appointed. This process will continue until all multiple requisitioned vacancies are filled.

In the case of insufficient scores on a promotional list, the Personnel Manager may augment those scores by a sufficient number from the appropriate employment list, in order to make a complete certification. The department head shall select from the eligibles certified to him the person required for the vacancy to be filled, and shall recommend to the City Manager, through the Personnel Manager, that he be appointed.

When the position to which certification is to be made is occupied at the time of certification by an incumbent employee on a provisional basis, as a result of a reallocation, such incumbent employee may be certified to such position regardless of rank upon the eligible list.

- B. Expanded Certification for Affirmative Action. The purpose of this subsection is to provide the appointing authority with the necessary flexibility to achieve the goals of the City's Affirmative Action Plan. It is intended to be a temporary measure and does not guarantee employment or promotion of minorities, women or both. It provides the appointing authority with guidelines and an increased opportunity to appoint qualified minority group members, women or both where hiring or promotional goals have been established in the City's Affirmative Action Plan. This subsection can only be applied when individual departmental goals have been adopted under the City's Affirmative Action Plan.
1. The provisions of this subsection may be applied to any job category, classification or both. Such action may be taken in order to achieve departmental hiring or promotional goals for minorities, women or both in a particular job category, classification or both, based on the City's Affirmative Action



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Plan, as amended from time to time. In such cases, this subsection allows modification of the usual selection procedure by permitting certification of additional eligible minority candidates, female candidates or both, if available, who meet the criteria prescribed in this subsection.

2. When it is determined that utilization of this subsection is appropriate, a formal request from the Department Director, approved by the Personnel Manager or his designee, must be submitted to the City Manager. Upon approval by the City Manager, the Personnel Manager will certify all eligible candidates within the targeted group(s), in addition to candidates certified under the Rule of Five Scores. Utilization of an Expanded Certification does not require selection of any candidate within the targeted group.
  
3. When multiple vacancies for one job classification are requisitioned by the same department, the Expanded Certification procedure shall be applied on a single vacancy basis. The five (5) highest scores plus all eligible candidates falling within the targeted group(s), if available, will be certified for only one (1) vacancy and an eligible shall be appointed.

Prior to filling the next or additional vacancies, a review will be conducted to determine whether applicable affirmative action goals have been achieved. The Expanded Certification procedure may be continued or discontinued for the next vacancy in that department, based upon a request by the Department Director, and with the approval of the Personnel Manager and the City Manager. This process will continue until all multiple requisitioned vacancies are filled.

4. After consultation with the Personnel Manager, a Department Director may request authorization to utilize this subsection as to any appointment in order to achieve departmental





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affirmative action goals. All such requests must be approved by the City Manager. The request will contain the following information:

- (a) The affirmative action goals applicable to the job classification, category or both.
- (b) A statement from the Personnel Manager that, if the Expanded Certification procedure is not utilized, there will be an absence of minorities, females or both located in the portion of the eligibility list (Rule of Five Scores) that would ordinarily be certified to the appointing authority.
- (c) The name, rank, sex and minority group of each additional eligible candidate to be certified pursuant to this subsection.

5. The Expanded Certification procedure may not be utilized:

- (a) In the absence of an established departmental affirmative action goal.
- (b) When sufficient minority group members, females or both are ranked at a certifiable level on the eligibility list for the job classification, category or both in question.
- (c) When there is an absence of minorities, women or both on the eligible list.



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6. Hiring and promotional goals applicable to this subsection will be those contained in the City's Affirmative Action Plan, as developed, implemented and amended from time to time by the City Manager. The City Manager will review the results arising from use of the provisions of this subsection and report annually to the City Commission regarding progress achieved toward meeting the City's affirmative action goals and the need, if any, for continued use of the Expanded Certification procedure.
7. The provisions of this subsection will be reviewed annually by the City Commission, and will automatically become null and void with respect to any job category in which the goals established by the City's Affirmative Action Plan, as amended, are achieved.

Section 4. Incomplete certification: When the number of names (irrespective of the number of scores) available for filling any vacancy is fewer than five (5) the department head, with the approval of the city manager, may decline certification for that vacancy and request that the vacancy be filled by provisional appointment or in any other manner provided in these rules.

Section 5. Notice of certification to the eligible: Whenever the name of an eligible is certified the eligible shall be sent written notice of his certification. Such notice shall state the time within which he must report for interview.

Section 6. Waiver of certification: Eligibles may waive certification upon filing reasons satisfactory to the personnel director. Waivers must be filed with the personnel director within five (5) days from the date of notification of certification and, if approved, the name of such eligible shall not be certified until waiver has been withdrawn upon written request therefore. Failure to execute a satisfactory waiver or to report for interview within the time indicated shall be deemed sufficient cause for removing the name of such eligible from the list.



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Section 7. Provisional appointment: Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligible are not then available, the personnel director may authorize the vacancy be filled by a provisional appointment.

In such case, preference for provisional appointment shall be given first to persons whose names are on appropriate lists; secondly, to persons in the city service whom the personnel director finds to be qualified; thirdly, to persons who have applied for appointment as regular employees and whom the personnel director believes to be qualified. Provisional appointments shall be terminated at such time as the required certification and appointment can be made from a list and shall be for not longer than four months.

Section 8. Temporary appointment: Temporary appointments may be made of persons whose employment is expected to be of a seasonal nature or whose services are required for a special job or project and when it is expected that the services of such persons will be no longer necessary at the close of season or upon completion of such special job or project for which they have been appointed. Temporary assignments may also be made to fill vacancies resulting from regular employees on authorized leave of absence.

Such appointments shall be made from the appropriate list insofar as practicable and shall be for a specified period. The acceptance of such appointment by an eligible shall not affect his standing on the list for permanent appointment.

Section 9. Job Reallocation:

- (a) If, as a result of the study of a permanent position, it is determined the position shall be reallocated to a class with a higher salary range, and the incumbent employee fully meets the requirements of the class including any required licenses, certifications, or performance skills and abilities, the incumbent employee may be permanently appointed to the reallocated position and shall be subject to successful completion of a probationary period. If the



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incumbent employee has not previously passed such performance skills and abilities test(s), the employee shall be tested before the recommended reallocation may become effective. This testing shall be completed as soon as possible, but not later than fourteen (14) calendar days from the date of the recommendation to reallocate the position. The position of an employee who fails to take the test shall not be reallocated. An employee who fails to qualify on the performance test(s) shall be permitted one (1) reexamination no later than fourteen (14) calendar days from the date of the first testing. If the employee fails to qualify upon reexamination, such employee's position shall not be reallocated. The employee may not be considered for reallocation to that particular higher class for which said employee twice took and failed the examination for a six (6) month period from the date of the second testing. An employee who qualifies on the performance test(s) shall be permanently appointed to the reallocated class and shall be subject to successful completion of a probationary period.

- (b) When a position is reallocated to a class with a lower salary, the incumbent employee shall be entitled to a vacant position in such incumbent's class or in a similar class and to serve therein without change in status. In the event that such a transfer cannot be affected at the time of the reallocation, the incumbent employee shall be assigned to the lower class. The incumbent, if a regular employee, shall be placed on a reallocation reinstatement list for the higher class and shall be reinstated to any future vacancies in that class in accordance with the procedures and regulations established by these rules.
- (c) When a position, occupied by a regular employee is reallocated to a class in the same salary range and with substantially the same qualification requirements, the personnel manager may grant the incumbent employee status in the new class.

Section 10. Emergency appointment: Emergency appointments may be made by the City Manager in case of riot, conflagrations or other emergency which threatens life, property or the general welfare of the city. Such appointments



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shall continue only during the period of such emergency and shall not continue longer than thirty calendar days.

Section 11. Reinstatement: Any regular employee who has resigned in good standing may, within two years from the effective date of his resignation, at his written request and with the approval of the city manager and the personnel director, be reinstated to a vacancy in the same class or position held at the time of this resignation, provided there are no regular employees who have been laid off and whose names appear on the reemployment list for the class. Such reinstated employees shall be treated as a new entrant.

Section 12. Transfer: A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications excepting that in no case shall an employee be transferred to a class having a higher maximum salary than the class from which the transfer is made. Transfers must be approved by the department head affected, the personnel director and insofar as practicable the employee concerned and shall be executed on the prescribed form.

Section 13. Demotion:

- A. A position may be filled by the demotion of a regular employee in accordance with the procedure for demotion as outlined in Section 5 of Rule XII.
- B. An employee may also be demoted upon his own initiative with the approval of the personnel director and department head concerned, and shall receive status in the new class, if he has status in present class.

Section 14. Probationary period: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of



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the new employee to his position, and for rejecting an employee whose performance does not meet the required work standards.

All appointments shall be probationary and subject to a probationary period of one year from date of appointment, save and except promotional appointments shall be subject to a six month probationary period from date of appointment. The personnel director may grant status to persons appointed from a reemployment list or through transfer without a probationary period. The department head shall make such periodic reports during an employee's probationary period as the personnel director may require and shall notify the personnel director at least ten calendar days prior to completion of the probationary period whether the services of the employee have been satisfactory and whether he will continue the employee in his position. Such notice shall be on the prescribed form and a copy shall be given to the employee. At any time during the probationary period, the city manager may remove an employee whose performance does not meet the required work standards, provided that he shall notify the employee and the personnel director of the reasons for such action. The personnel director may reinstate the employee to the eligible list should such action appear to be in the best interest of the city. If an employee promoted to a higher class as a result of appointment from a promotional list is found unsuited for the work of the class during the probationary period he shall be reinstated to a vacant position in the class from which he was promoted. If no vacancy exists, the name of such employee shall be placed on the appropriate reemployment list.

Section 15. Medical examinations: Applicants for positions in the city service may be required to undergo examinations to determine physical and mental fitness to perform work in the position to which an appointment is to be made.

All employees of the city during their period of employment may be required by the personnel director or by their department head with the approval of the personnel director to undergo examinations to determine their physical or mental fitness, or both, to perform the work of the position in which they are employed. Such examinations shall be at no expense to the employee.



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Determination of physical or mental fitness will be made by one or more physicians, psychologists or both, designated by the personnel director.

When an employee of the city is reported by the examining physician, psychologist or both, to be physically or mentally unfit to perform work in the position in which he is employed, such employee may, within five days from the date of his notification of such determination, state in writing to the personnel director his intention to submit the question of his physical or mental unfitness to a physician, psychologist or both, of his own choice. In the event there is a difference of opinion between the examining physician or psychologist and the physician or psychologist chosen by the employee, then a physician or psychologist shall be mutually designated by the examining physician or psychologist and the physician or psychologist chosen by the employee, whose decision shall be final and binding as to the physical or mental fitness of the employee to perform the work of the position in which he is employed.

Applicants and eligibles determined to be physically or mentally unfit for service shall not be considered for appointment. An employee finally determined to be physically or mentally unfit to continue in the position in which he is employed may be demoted in accordance with these rules or separated from city service.

Section 16. Appropriate list: The personnel director may certify to a vacancy applicants from eligible lists of classes other than the class of vacancy if, in his judgment, the lists are appropriate due to similar qualifications and/or examination and the same or a higher classification than the class of vacancy, and there is an insufficient list for the specific class vacancy.

Section 17. Employment of persons as trainees: When the city has been unable to recruit qualified applicants, or when it is determined to be in the best interests of the city, the personnel director may authorize permanent positions to be filled by the appointment of persons as trainees.



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For each job classification in which a trainee is employed, the personnel director shall designate the required length of the training period and other qualifications or requirements which a trainee must satisfactorily complete or possess before being eligible for permanent appointment, including, but not limited to, formal education, licenses and various certifications.

Trainees shall have the status of temporary employees for the period of their training.

Upon completion of the specified training requirements and upon the receipt by the personnel director of a satisfactory performance rating report, trainees will be permitted to participate in the competitive qualifying examination, prepared by or under the direction of the personnel director, to determine fitness and eligibility for permanent appointment. A trainee who attains a passing score on such examination will be certified by the personnel director as eligible for permanent appointment to a position in the class for which the examination was given. The personnel director shall also certify eligible applicants in accordance with Personnel Rule X, Section 3.

A trainee who successfully completes the qualifying examination and receives a permanent appointment in the class for which he or she is training will be assigned an employment anniversary date for benefits and longevity determination, which employment anniversary date shall be the date of appointment as a trainee in such class.

A trainee who does not attain a passing score in the qualifying examination may be granted an extension of the training period for not more than six months, upon written recommendation of the appointing authority and approval by the personnel director. At the completion of an extension of the training period, the trainee will be permitted to repeat the examination. Only one such extension and reexamination will be allowed.

A trainee who fails to qualify for permanent appointment or who receives an unsatisfactory performance rating report shall be terminated after reasonable notice.





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\*Section 18. Return to Classified Service: Any employee in the classified service who is appointed or assigned as a department director or to any other position in the nonclassified service, who is removed from such position for any reason other than misconduct, shall be permitted to return to the highest job class previously held in the classified service, provided a vacant position in such job class. In cases where no such vacant position exists, the city manager shall consider the employee's length of service and contribution to the organization and, based upon such review, may authorize a non-budgeted position for such employee until a budgeted position becomes vacant. The Police Chief and the Fire Chief can be removed with or without cause. In the event the Police Chief or the Fire Chief is removed for any reason other than misconduct, he shall be entitled to return to his highest job classification.

\*Amended by Resolution No. 18-12 dated 1/23/18.



# PERSONNEL RULES

## RULE XI – GENERAL PERSONNEL POLICIES AND PROVISIONS

Section 1. Hours of work: The city manager shall establish hours of work, which insofar as practicable shall be uniform within occupational groups, which shall be determined in accordance with the needs of the service, and which shall take into account the reasonable needs of the public who may be required to do business with various city departments. Public necessity of an occasional nature may require reasonable overtime on the part of city employees. Employees who work over stipulated hours whenever necessity demands additional service of an occasional nature shall be compensated at the overtime rate or given compensatory time off in accordance with and subject to the provisions of Section 2-29.6 of the Pay Plan. Employees shall be paid for legal holidays, and those called to work, except those of the police and fire departments, shall also be paid for the time worked at the regular rate or as provided in Section 3 of this rule. Hourly rate employees must work their regular work days immediately before and after the holiday in order to receive pay for the holiday. However, this requirement is waived during such times that employees are required to take unpaid furlough leave due to changes in the city's financial condition. Part-time employees shall not be entitled to holidays with pay. For purposes of benefit accrual under Sections 3, 4 and 6 of this Personnel Rule, the term working day shall be construed to mean an eight (8) hour day.

### Section 2. Legal and personal holidays:

- (a) Legal holidays. Legal holidays to be observed by City employees, unless such employees are otherwise required to be on regular duty, are identified as follows: New Year's Day (January 1), Martin Luther King's Birthday (Third Monday in January), Memorial Day (Last Monday in May), Independence Day (July 4), Labor Day (First Monday in September), Veterans Day (November 11), Thanksgiving Day (Fourth Thursday in November), Day Following Thanksgiving, and Christmas Day (December 25).



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If a fixed-date holiday falls on a Saturday, the preceding Friday shall be observed as the holiday recognized by the City. If a fixed-date holiday falls on a Sunday, the following Monday shall be observed as the recognized holiday.

- (b) Personal holidays. Effective with the City fiscal year beginning retroactive to October 1, 1986, and for the fiscal year thereafter, regular, probationary and temporary full-time employees are eligible to earn up to two (2) personal holidays. Effective with the City fiscal year beginning October 1, 1988, and for each such year thereafter, such employees are eligible to earn up to three (3) personal holidays, as provided below:
  - (1) The first personal holiday. Regular employees, and probationary and temporary full-time employees who have completed three (3) months of continuous service as of the earning date, shall earn the first personal holiday after completion of twenty (2) working days in an active pay status in the fiscal year.
  - (2) The second personal holiday. Regular employees, and probationary and temporary full-time employees who have completed six (6) months of continuous service in the fiscal year shall earn the second personal holiday after completion of forty-five (45) working days in an active pay status in the fiscal year.
  - (3) The third personal holiday. Effective October 1, 1988, and for each fiscal year thereafter, regular, (probationary and temporary full-time employees shall earn the third personal holiday upon completion of the same time requirements which apply to the second personal holiday.



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The previously described personal holiday leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system.

Upon conversion to the hourly leave accrual system personal holidays shall be converted to vacation leave for ease of administration. The conversion is not intended to change the amount of leave an employee is eligible to earn in a twelve (12) month period; the purpose of the change is to simplify the administration of the leave accrual program.

- (c) Procedures. Procedures for the administration of both legal and personal holidays shall be prescribed by the Policy and Standards Manual (P.S.M.) of the City.

Section 3. Vacation leave: Each regularly employed full-time employee shall earn vacation leave at the rate of one (1) working day per month of continuous service, provided that the maximum vacation leave earned during one (1) year by such employee shall not exceed twelve (12) days; and provided further, that such employee shall, on the anniversary date of his employment, be credited with one (1) additional day of vacation leave for each full year of continuous service over five (5) years, provided that such additional longevity vacation leave for any employee shall not exceed the number of working days in two (2) of his regular workweeks.

Employees in those job classes designated in Rule VI, The Compensation Plan, as management classes, shall on January 1st of each year be credited with additional vacation leave according to applicable provisions of the City Pay Plan ordinances.

For purposes of vacation leave uniformed members of the fire department shall be considered as working a five-day week.



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Members of the uniformed services of the police and fire departments and such other employees required to be on regular duty on legal holidays and who receive no additional compensation for holiday work shall be credited with additional vacation leave equal to the number of legal holidays listed in these Rules and such other days as may be designated by the City Commission. These additional vacation days will be credited in the month the holiday occurs.

In computing vacation leave earned only those months shall be counted during which an employee worked three-quarters (3/4) or more of his regular workdays. Days worked shall include days for which leave with pay was authorized. (Upon conversion to the hourly leave accrual method, this provision will no longer apply – see below).

Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operating requirements of the department; provided, that vacation leave shall not be granted to employees with less than six (6) months of continuous service.

Employees may accrue vacation leave to a maximum of the leave earned in two anniversary years. From June 28, 2020 through December 26, 2020 the accrual maximum shall be lifted. On December 27, 2020 any vacation hours over the 2-year anniversary maximum shall be forfeited. In the event an employee has been unable to take advantage of vacation leave as earned, with the result that said employee has accumulated the maximum, he may absent himself from work, after giving his supervisor 3 days notice, in order to prevent the loss of vacation leave beyond the maximum. The conversion of personal holidays to vacation leave described in Section 2 of this rule does not increase the maximum amount of vacation leave employees will be paid for upon termination of city employment. For example, employees with a current maximum vacation accrual of 44 days (12 vacation days each year for two anniversary years plus 10 longevity vacation days for two anniversary years) or 352 hours (44 days x 8 hours for each vacation and longevity vacation day earned) will remain at that maximum vacation leave payout amount.



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Provisional and temporary employees shall be entitled to the same vacation leave allowance to which regular employees are entitled in accordance with the provisions of this section.

Part-time employees shall not be entitled to vacation leave.

Employees who have completed six (6) or more months of service shall upon leaving the city's service in good standing, be compensated for vacation leave accrued to the date of separation.

The previously described daily vacation leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system. The conversion is not intended to change the amount of leave an employee is eligible to earn in a given time period; the purpose of the change is to simplify the administration of the leave accrual program.

Upon conversion to the hourly leave accrual program, employees will be credited with any longevity vacation leave earned, but not posted, as of the date of implementation. As stated in Section 2 of this Rule, upon conversion to the hourly leave accrual program, personal holidays shall be converted to vacation leave for ease of administration. In the event that these conversions result in an employee exceeding the maximum allowable accrued vacation leave, such leave shall not be forfeited immediately. Affected employees shall have six (6) months from the date of conversion to utilize the excess leave. If the excess leave is not utilized within the six (6) month period, it shall be forfeited consistent with the other provisions of this rule. Also, because employees will be earning vacation leave based upon paid work hours in a month, the requirement that employees work three-quarters (3/4) or more of the workdays in a month to accrue vacation leave for that month will no longer apply. Employees not in a pay status for all work hours in a month will simply earn less than the full allotment of vacation leave for that month.



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In the event the city requires employees to take unpaid furlough leave due to the financial condition of the city, such unpaid furlough leave will not impact the accrual of vacation leave.

Section 4. Sick leave: Sick leave with pay shall be granted to full-time employees to provide continued income during employee illness. Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege which shall be allowed only in case of personal illness or disability, legal quarantine because of exposure to contagious disease, or in the case of illness in the immediate family. No more than ten working days in any calendar year may be taken as sick leave because of illness within the immediate family.

Sick leave shall accrue to permanent and probationary full-time employees at the rate of one (1) day per month provided that the employee has worked three-quarters or more of his regular workdays. (Upon conversion to the hourly leave accrual method, this provision will no longer apply – see below). Days worked shall include days for which leave with pay was authorized. Such leave shall be computed on an anniversary year basis. There shall be no regressive computation of sick leave. Sick leave pay will normally be paid at the same rate as a regular workday pay, except in those instances where other city benefits, excluding social security, may supplement. In such instances, the city manager shall determine a uniform formula for sick leave pay amount and use to preclude payments in excess of regular pay.

Temporary full-time employees shall accrue eight (8) hours of sick leave for each quarter year (3 months) after one (1) full year of employment.

In computing sick leave taken, employees of the fire department working a twenty-four (24) hour shift shall be charged two (2) days sick leave for each shift not worked because of illness. All other employees shall be charged one (1) day sick leave for each day not worked because of illness.

An FLSA exempt employee, who is absent due to sickness or disability for less than one full workday and whose accrued sick leave or other accrued



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leave balance is inadequate to cover the absence, shall be paid at the regular rate of pay for that portion of the day of absence not covered by accrued leave so long as the employee has in fact worked a portion of that day.

An FLSA exempt employee who is absent due to sickness or disability for one full workday and whose accrued sick leave or other accrued leave is not adequate to cover the absence, shall not be paid for that portion of the day not covered by accrued leave.

Sick leave taken because of illness or injury or converted to vacation leave or a cash payment shall utilize the most recently accrued sick leave. Sick leave shall accrue at the rate of pay in effect at the time such leave is earned. All sick leave accrued prior to October 1, 1977, shall accrue at the rate of pay in effect as of October 1, 1977.

A maximum ninety (90) days sick leave may be accrued at any time unless the employee's anniversary date of employment is prior to October 1, 1977, in which case there shall be no limit on the number of days of accrual. In order for employees to accumulate ninety (90) days for sick leave usage, a cap of one hundred two (102) days will be established. The 90 day maximum will apply to any payment of accrued sick leave upon termination or retirement.

In order to be granted sick leave with pay an employee must meet the following conditions:

- A. Notify his immediate supervisor not later than two (2) hours after the beginning of the scheduled workday of the reason for such employee's absence, or within a lesser time frame if required by the department head.
- B. Permit such medical examination, nursing visit or inquiry which the city deems appropriate.





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- C. File a written request for such sick leave on the form and in the manner to be prescribed, and submit, where reasonable and if requested by the department head, a medical certificate signed by a physician stating the kind and nature of the sickness or injury, that the employee has been incapacitated for work for the period of absence and that he is again physically able to perform his or her duties.

Claiming sick leave when physically fit shall be cause for discharge from city employment.

Conversion of sick leave is permitted: however, the first thirty (30) days of accrued sick leave shall not be subject to the conversion privileges. Any conversion of sick leave to vacation leave is subject to approval by the employee's department head who will review such requests based upon the department's staffing and operational needs.

When an employee has accrued more than thirty but less than ninety days of sick leave, the employee may convert the unused balance of any sick leave earned in the previous anniversary year not to exceed six days, to either days of vacation or to a cash payment payable at the rate of 50% of the employee's current rate of pay.

When an employee has accrued a minimum of 90 days of sick leave, the employee may convert the unused balance of any sick leave earned in the previous anniversary year, not to exceed twelve (12) days, to either days of actual vacation or to a cash payment payable at the rate of 50% of the employee's current rate of pay. On the date an employee hired on or after October 1, 1977, reaches one hundred two (102) days of accrued sick leave, conversion of twelve (12) days accrued sick leave will be automatically made to cash payment payable at the rate of fifty percent (50%) of the employee's current rate of pay.

All vacation leave resulting from a conversion of sick leave converted to vacation leave must be taken prior to the employee's next anniversary date,



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retirement or separation from city employment. If the employee does not so utilize such vacation leave, such leave shall automatically be reconverted to sick leave at the original value.

Retiring employees may convert accrued sick leave to final vacation leave in accordance with the following schedule; provided, however, no more than twelve (12) of such accrued sick leave days may be converted to final vacation leave:

10 years of service or less	.5 days vacation leave for one day sick leave
Greater than 10 years service But less than 20 years	.65 days vacation leave for one day sick leave
20 years or longer service	.80 days vacation leave for one day sick leave

The previously described daily sick leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system. The conversion is not intended to change the amount of leave an employee is eligible to earn in a twelve (12) month period; the purpose of the change is to simplify the administration of the leave accrual program. However, because employees will be earning sick leave based upon paid work hours in a month, the requirement that employees work three-quarters (3/4) or more of the workdays in a month to accrue sick leave for that month will no longer apply. Employees not in a pay status for all work hours in a month will simply earn less than the full allotment of sick leave for that month.

In the event the city requires employees to take unpaid furlough leave due to the financial condition of the city, such unpaid furlough leave will not impact the accrual of sick leave.



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Section 5. Floating Holiday: Each regularly employed full-time employee shall earn a floating holiday for any calendar year in which the employee does not take any sick leave. A probationary term may be used to qualify for a floating holiday if the probationary employee works a calendar year full-time without taking any sick leave, and if the employee successfully completes probation before the end of that calendar year. The floating holiday shall accrue on January 1, immediately following the calendar year of unused sick leave. The floating holiday may be used as one day of leave with pay for a day approved by the employee's department head. Such holiday must be used during the calendar year subsequent to the year in which it accrued. Such holidays shall not be accrued and an unused floating holiday cannot be converted to a cash payment.

Section 6. Leave with pay: Leave with pay may be authorized in order that regular employees may serve required jury duty, provided that such leave is reported in advance to the personnel director. Such employee shall be entitled to pay in a total amount equal to the employee's regular, full pay, less that amount received by the employee for his jury service.

Leave with pay may be authorized for any regular employee who is required to appear as a witness, as a result of his employment with the City, in any administrative hearing, court hearing, trial, or deposition in connection therewith, provided that such leave is reported in advance to the personnel director. Such employees shall be entitled to pay in a total amount equal to the employee's regular, full pay, less that amount received by the employee as his witness fee. Leave with pay not to exceed \*forty (40) hours per occurrence may also be authorized in case of death within the immediate family.

Leave with pay may be authorized by any FLSA exempt employee who is absent for less than one full workday and whose accrued leave balance is inadequate to cover the absence so long as the employee has in fact worked a portion of that day.



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\*Amended by Resolution No. 18-11 dated 1/23/18.

Section 7. Leave without pay: An employee may be granted leave of absence without pay for a period not to exceed one year for sickness, disability or other good and sufficient reasons which are considered to be in the best interests of the city. Such leave shall require the prior approval of the department head and the personnel director.

Except in the case of military leave, leave without pay will not be granted until all available and appropriate leave balances are exhausted.

Leave of absence may be granted to an employee without limitation as to time to enable him to take an appointive position in the city service.

Except under unusual circumstances, voluntary separation from the city service in order to accept employment not in the city service shall be considered as insufficient reason for approval of a request for leave of absence without pay. If for any other reason, leave of absence without pay is given, such leave of absence may subsequently be withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of these rules.

Nothing in this section should be construed as modifying the provisions in Section 4 and Section 6 of this Rule which address the granting of leave without pay to FLSA exempt employees.

## Section 8. Prohibitions:

- A. No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or his race.



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- B. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- C. No person shall use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position in the classified service, or an increase in or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- D. The political activities of any officer or employee of the City of Fort Lauderdale, whether in the classified or nonclassified service, shall be in accord with and regulated by Florida Statute 104.31, as it may be amended from time to time.
- E. No person elected to public office in the City of Fort Lauderdale shall, during the period of time he or she holds such office, be appointed to any position in the classified service in the City of Fort Lauderdale.
- F. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of the charter and these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of the charter and these rules.
- G. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.



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- H. No employee, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under the charter and these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.
- I. Any person or employee who violates any of the provisions of this section shall forfeit his office or position.

## Section 9. Employee rights of appeal:

- A. Any regular employee, who is suspended, dismissed, demoted or who claims that a personnel rule or rules have been improperly applied or misinterpreted to the employee's detriment may appeal to the Civil Service Board within 30 days after such action is taken or 30 days from the date the employee, by use of reasonable diligence, should have become aware of the action causing the appeal. If the employee claims that one or more rules have been improperly applied or misinterpreted to that employee's detriment, the employee shall identify in writing both the rule(s) and the reasons supporting such claim. The appeal must be timely filed with the personnel director, who shall be responsible for scheduling the hearing. Upon such appeal, the appealing employee and the city management staff shall have the right to be heard and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board, each member of the board, and the secretary to the board shall have power to administer oaths, subpoena witnesses, and compel the production of documents pertinent to any investigation or appeal. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the employee shall be reinstated by the city manager to his position without loss of pay and benefits.



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When any regular employee is dismissed and not ordered reinstated after appeal by the board, the board may direct that his name be placed on an appropriate reemployment list which direction shall be enforced by the secretary.

A reprimand, whether written or oral, as well as any Equal Employment Opportunity grievance, is not an appealable matter unless accompanied by suspension, dismissal or demotion. Equal Employment Opportunity grievances shall be appealed pursuant to the procedures established in the applicable Affirmative Action Plan of the city, or as otherwise provided by applicable federal or state law.

- B. An appeal to the board may also be taken by a regular employee who is suspended or laid off, or whose payroll voucher the personnel director refuses to certify, and who claims that the suspension or layoff or refusal to certify payroll voucher was made for insufficient reasons. If the board finds that the employee was suspended or laid off or that the personnel director refused to certify a payroll voucher for insufficient reason, the employee shall be reinstated without loss of pay and benefits.
  
- C. Any regular employee submitting an appeal shall be granted a hearing by the board at the earliest practicable date. The hearing before the board, if possible, shall be limited to one day. The board shall announce its decision upon completion of the hearing. The board shall then render its decision in a written order as soon as practicable after the hearing. Whenever, under the provisions of this section, an employee shall be reinstated to his position without loss of pay, the computation of such retroactive pay and benefits shall exclude periods of time having elapsed due to delays occasioned by or attributable to that employee or the employee's representative.



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- D. Any regular employee who after having inspected his examination papers as provided in Rule VIII. Section 6, wishes to appeal the decision of the personnel director in regard to an alleged error in rating a test or test procedure to the employee's detriment, may appeal to the board as provided in this section.

## Section 10. Presentation of employee grievances:

- A. Policy: It shall be the policy of the City of Fort Lauderdale to provide a procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors, and to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal.
- B. Purpose: The primary purpose of this grievance procedure is to determine what is right rather than who is right. Free discussion between employees and supervisor will lead to better understanding by both of practices, policies and procedures which affect employees. This will serve to identify and help eliminate conditions which cause misunderstandings and grievances.

This purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike must recognize the true purpose of the grievance procedure if it is to be of value in promoting the well-being of the organization.

- C. Definition of a grievance: A grievance is a complaint, a view, or an opinion pertaining to employment conditions, to relationships between an employee and his supervisor or to relationship with other employees.

Employees should first discuss any problem or complaint which is in the nature of a grievance either with their immediate supervisor or with the personnel director. In many cases, the





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personnel director, with the employees consent, will be able to work out a satisfactory solution or to advise the employee regarding further presentation of his grievance.

Whether or not the employee takes his problem first to the personnel director, the following procedure will be adopted for the presentation of all grievances not resolved by the personnel director.

D. Procedure for presentation of grievances:

1. Discuss with supervisor: The employee shall first take his grievance to his immediate supervisor who shall make a decision and advise the employee within three working days. It is not necessary or desirable that the grievance be presented in writing to the supervisor.

Supervisors are encouraged to consult with their division heads, department heads, the personnel director, or any other individual who may be qualified to offer assistance or information which will aid the supervisor to reach a mutually equitable decision.

2. Appeal to department head: If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if a decision is not made by him within three working days, the nature of the grievance and the desired resolution may be submitted in writing by the employee to his department head. This request must be filed by the employee not later than three working days after receipt of the supervisor's decision or six working days after the original grievance was first taken to the supervisor, whichever first occurs.



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A duplicate copy should be sent by the employee to the personnel director who shall review the grievance and within five working days, notify the employee and his department head whether the grievance is subject to established ordinances, administrative regulations or these rules.

Upon receipt of notice from the personnel director that the grievance is not subject to established ordinances, regulations or rules, the department head shall then have the responsibility for settling the grievance and shall inform the employee in writing of his decision within five (5) working days. Grievances which are subject to charter, ordinance, administrative regulation or these rules shall be handled as provided therein.

3. Appeal to the city manager: If the disposition of the grievance by the department head is not satisfactory to the employee or if a decision is not made within five working days, the employee may, in writing, request his department head to refer his grievance to the city manager. All such requests will be forwarded to the city manager by the department head without delay.

This request must be filed by the employee within five working days after receipt of the department head's decision and, in any case, not later than 10 working days after he sent the original request to the department head. A copy of his request for review by the city manager shall be sent by the employee to the personnel director.

The city manager, upon being notified by the department head of an appeal may affirm, deny, or modify the decision of the department head, or he may refer the appeal to the personnel director for submission to a grievance committee. In the event the department head has



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reached no decision within the allotted 5 working days, the city manager may decide the case himself or refer the matter to the personnel director for submission to a grievance committee. The city manager will act upon an appeal within 10 working days.

4. Appointment of a grievance committee: When the personnel director is so notified by the city manager, he shall assemble a grievance committee within 10 days following receipt of such notice. A grievance committee shall be composed of three members. One member shall be the employee or his representative, one member shall be the department head or his representative, and the third member, who shall serve as chairman, shall be selected and mutually agreed upon by the first two. If an agreement cannot be reached, the personnel director shall appoint the third member.

The chairman of the grievance committee shall schedule a hearing to be held within 15 days, at a suitable time and place, and shall so notify his committee members, the employee, the department head, and the personnel director.

5. Decisions of grievance committee: Within 10 days following the conclusion of the hearing, the grievance committee shall supply the city manager with four copies of its report and recommendation, as approved by a majority of the committee.

Upon receipt of the committee's report and recommendations, the city manager shall put in writing the course of action he intends to follow and shall forward one copy of his decision and one copy of the committee's report and recommendations to the department head; one copy of each to the employee; and one copy of each to the personnel director. The fourth copy shall be retained by the



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city manager. The decision of the city manager, following consideration of the report and recommendations of the grievance committee, shall be final and the employee shall have no further right of administrative appeal.

- E. Appeal to the civil service board: The charter and these rules grant to regular employees the right to have reviewed by the civil service board action leading to the removal, suspension, or reduction in rank of the employee.

It is not intended that the grievance procedure herein set out conflict with, supersede, or in any way jeopardize this right. Rather, it is expected that this procedure will apply to prevent problems, complaints, or disputes from becoming so serious as to necessitate a personnel action subject to civil service board review.

Section 11. Employee performance rating: Employee performance rating reports relative to the conduct, capacity and performance of all regular employees shall be made by department heads at least once each year on the form and in the manner prescribed by the personnel director. Such ratings may be considered in determining within-range salary increases or decreases, as a factor in promotional examinations, as a factor in determining the order of layoff in the case of a reduction in force, and as a factor in any other personnel transactions where it is not contrary to the city charter or these rules.

Section 12. Tuition Refund:

- (a) The City of Fort Lauderdale will, upon approval of the appropriate department head and the city personnel director, pay the tuition of regular employees for eligible educational, vocational, technical or adult training programs. An eligible program is one that, in the judgment of the personnel director and the appropriate department head, is directly related to the employee's current position or to be related higher position, and which will improve present job performance or prepare the employee for promotion. To qualify for a tuition refund, prior written approval must be



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obtained from the department head and the personnel director before any class work is undertaken.

- (b) Eligible regular employees will be entitled to a refund of tuition upon the successful completion of each approved course, based upon the following scale:

Grade	Refund
A	100%
B	75%
C	50%
D or below	None

For educational program, a refund shall be paid for a maximum total of 24 semester hours or 36 quarter hours in any calendar year. For a vocational, technical, or adult training program, a refund shall be paid for a maximum total of 288 classroom hours in any calendar year. If no letter grade is given by the school, either formally or informally, the refund will be based on 75% of the tuition cost for the course; however, the personnel director shall endeavor to secure from the institution or instructor an informal letter grade if no formal letter grading system is used.

For an educational program, the refund shall be based upon and shall not exceed the established credit hour rate of tuition as charged by Florida public universities and colleges. For a vocational, technical or adult training program, the refund shall be based upon and shall not exceed the established rate of tuition as charged by the School Board of Broward County, Division of Vocational, Technical and Adult Education. Established rates of tuition shall be those in effect at the time the course is undertaken, regardless of the fact that the employee may be attending a private institution.



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- (c) If an employee terminates or is terminated from employment with the city within two (2) years following the completion of any eligible educational, vocational, technical or adult training program for which the employee received a refund, then the amount of tuition refund shall be immediately repaid by the employee to the city. Should an employee fail to immediately reimburse the city for the amount of such refund, the city may deduct the refund amount from any salary or wages due to the employee from the city.
  
- (d) Any regular employee who is approved for attendance in any eligible educational, vocational, technical or adult training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for textbooks, lab fees, or any other expenses. An accredited institution is defined as an institution accredited by one of the accrediting agencies or associations recognized by the U.S. Secretary of Education. Other accrediting bodies may be considered and approved on an individual basis by the personnel director. For vocational, technical or adult education training programs, a printed outline of the course work required must be provided by the school. No course work shall be performed during working hours unless the employee's department head approves use of authorized leave with pay for this purpose.
  
- (e) Within thirty (30) days of the completion of approved course work, the employee shall present the original transcript notification, a Certificate of Satisfactory Completion or both to the civil service department in order to be eligible for any tuition refund.



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## RULE XII – SEPARATION AND DISCIPLINARY ACTION

Section 1. Resignation: Any employee wishing to leave the City service in good standing shall file with his department head, at least two weeks before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving. The resignation of a department head shall be submitted to the City Manager. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City. Department heads shall accept or reject the written resignation of any employee under his supervision. The City Manager shall accept or reject the resignation of a department head. The acceptance or rejection shall be reduced to writing and furnished to the employee by the department head or the City Manager not later than ten (10) days after the letter of resignation is received from the employee. If a resignation is rejected, the reason for the rejection shall be included in the written response. The City Manager and department head shall forward all notices of resignation to the personnel director immediately upon receipt, followed by a copy of the acceptance or rejection responding to the resignation. All resignations shall be deemed final when accepted and no resignation may be withdrawn or rescinded after acceptance without the approval of the City Manager.

Section 2. Layoff: An appointing authority may lay off any employee in the classified service (except as noted in Sec. 69 of the Charter) whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization; however, no regular employee shall be laid off while there are temporary, provisional or probationary employees serving in the same class of position for which the regular employee is eligible and available.

Whenever the layoff of one or more employees shall become necessary the appointing authority shall notify the personnel director, at least ten days in advance, of the intended actions and the reasons therefore. The personnel director shall thereupon furnish to the appointing authority the names of the employees to be laid off in the order in which such layoff shall be effected.



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Such layoff shall be made within classifications (other than uniform police and fire classes) of positions and departments when probationary and regular employees are involved. Temporary and provisional employees, irrespective of department, shall be laid off, in that order, prior to layoff of probationary or regular employees.

The order of layoff shall be in reverse order of total continuous service upon the date established for the layoff to become effective; provided that, in the case of probationary and regular employees, at such time that a service rating plan is established the order of layoff shall be determined on the basis of efficiency and seniority. The personnel director shall prescribe the method for computing efficiency and seniority and shall prescribe the relative weighting of each.

In lieu of the foregoing provisions governing layoffs, whenever a layoff occurs as a result of abolition of a position occupied by a regular employee serving in either the classified or nonclassified service, which position is designated as managerial, managerial-supervisory, or confidential, the city manager may, in his discretion, offer to the affected employee one (1) of the following options:

- (a) Allow the employee to retire early without penalty, if the employee is otherwise eligible for early retirement and such employee is within four (4) years of normal retirement (60 years of age). This option shall be governed by the provisions of the applicable Pension Ordinance; or
- (b) Allow the employee to transfer to another position. If the compensation to be paid to the employee at the transferred position is lower than that paid to the employee when his original position was abolished, compensation will continue to be paid at the rate existing and paid to the employee for the eliminated position when the layoff occurred, according to the following schedule:





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Years of Total  
Continuous Service

Compensation  
Constant

Eight (8) years  
Over fourteen (14) years  
Over twenty (20) years

Two (2) years  
Three (3) years  
Four (4) years; or

- (c) The employee may be given severance leave as provided in the Pay Plan.

Any interruption of employment not in excess of fifteen calendar days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons shall not be considered a layoff.

For reductions in force effecting police and fire uniformed classes the foregoing procedure shall apply with the exception that senior classes will displace junior classes. Example would be: If a police captain’s position is to be abolished, the incumbent (in seniority and merit) would displace a police lieutenant who would displace a police sergeant who would displace a police officer, who would displace any probationary or provisional or temporary or be separated as the case may require.

Section 3. Suspension: The city manager may, for disciplinary purposes, suspend a regular employee without pay for such length of time as the city manager considers appropriate, but not to exceed sixty days in any twelve month period. Although suspension may be based on other causes, those “causes” set forth in Section 4 of this Rule pertaining to dismissal shall be sufficient for suspension. A written statement of the reason for suspension shall be submitted to the personnel director and to the employee affected in each case, such statement to be submitted within 24 hours of the time the suspension becomes effective, excluding Saturdays, Sundays or general holidays as provided by the rules or by city commission authorization.

Upon the recommendation of an employee’s department head, and with the approval of the city manager or upon the city manager’s own



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recommendation, a suspended employee may satisfy his/her suspension by an alternate procedure of forfeiting vacation. Vacation is a privilege, not a right, which may be granted to the suspended employee at times the city manager considers appropriate.

“Forfeited vacation” is vacation leave that has accrued to an employee at the time of a suspension and is forfeited or surrendered by an employee in satisfaction of a suspension. One day of forfeited vacation will satisfy one day of suspension. An employee may not forfeit more than five (5) days of vacation for disciplinary reasons in any calendar year.

Any suspended employee given the option of this alternate disciplinary procedure, not wishing to use it, shall take time off without pay at a time designated by the city manager. The other provisions for suspension of employees, found in the personnel rules, shall apply to the alternate disciplinary procedures set out in this section.

A regular employee may, with the approval of the personnel director, be suspended without pay for a longer period pending the investigation or trial of any criminal charge against him, when said criminal charge alleges a violation of law which would constitute a felony or first degree misdemeanor and directly relates to the position of employment held; excepting, however, any employees of any law enforcement agency of the City or firefighters, who may be suspended, as provided herein, whenever they may be charged with the violation of any felony or misdemeanor. Such employee determined to be innocent of the charges placed against him may be returned to duty with full pay for the period of suspension.

Section 4. Dismissal: Any employee may be dismissed by the city manager for cause. With regard to regular employees, no dismissal shall take effect until at least ten days from the date of a written statement of the reasons therefore is submitted to the personnel director and to the employee affected.

Although dismissal may be based on other causes, any one or more of the following shall be sufficient.



# PERSONNEL RULES

Rev: 4 | Revision Date: 9/1/2020 | Print Date: 11/3/2020  
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- A. Incompetency or general inefficiency in the performance of duties.
- B. Conviction of a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment held, or, in the case of any employees of any law enforcement agency of the city or firefighters of the city, conviction of any felony or misdemeanor.
- C. Violation of any of the provisions of the charter or these rules.
- D. Violation of any lawful and reasonable regulation, order or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public.
- E. Intoxication while on duty, from whatever source, which affects or impairs the ability of the employee to carry out his duties; the possession, consumption or both of intoxicating beverages while on duty or while operating or using a city- owned vehicle; or the possession, sale, use or addiction to the use of marijuana, illegal narcotics or dangerous drugs while on duty or while operating or using a city-owned vehicles.
- F. (1) Personally offensive or abusive conduct or language toward a public official, fellow employee, or any member of the general public when acting in an official capacity as a city employee or representative or while in uniform;  
  
(2) Abusive public criticism of a written city or departmental policy, rule or official action when acting in an official capacity as a city employee or representative or while in uniform;



# PERSONNEL RULES

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- (3) Expression of a personal, work-related grievance, or bypassing official documented grievance procedures, when such grievance is not a matter of public concern; or
- (4) Abusive use of any portion of this subsection (F) rule by an employee or official in order to control, suppress or threaten free discourse or discussion by any other official or employee, when such discourse or discussion is a matter of public concern and pertains to another employee, public official, member of the public, or any written city or departmental policy, rule or official action.
- G. Carelessness or negligence in the use of any property of the city.
- H. Attempting to induce any officer or employee of the city to commit an act in violation of any rule, regulation or policy.
- I. Conduct, either while on or off duty, which reflects discredit upon the city.
- J. Tardiness or absenteeism.
- K. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental illness or condition.
- L. Being absent without leave or failing to report for work after leave of absence has expired.
- M. Failure to notify the department head and personnel director, within one working day of suspension or revocation of valid operator or chauffeur license (applies only to an employee whose position required valid license).



# PERSONNEL RULES

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- N. Making a false statement of a material fact or practicing or attempting to practice any fraud or deception.

Section 5. Demotion for inability to perform duties: The city manager may, when he has determined a regular employee is unable to successfully perform the duties of his position, demote the regular employee to a position, the duties of which he is able to perform, in a class carrying a lower compensation. Status will be given the employee in the new class. A written statement of the reason for demotion shall be submitted to the employee affected and to the personnel director such statement to be submitted under the same provisions of Section 3 of this rule.

Section 6. Retirement: Except as to members of the police department and fire department of the City of Fort Lauderdale, Florida, whose normal retirement is stated in Article II of Chapter 31, Code of Ordinances, City of Fort Lauderdale, the same being incorporated by reference herein and applicable to those persons, any other person covered by these rules shall retire on the first day of the month following that person's 70th birthday unless that person has been granted an extension of employment pursuant to Section 31-4 of the Code of Ordinances.

These rules also incorporate by reference with full effect as though a part thereof, all those sections of Chapter 31, Code of Ordinances, City of Fort Lauderdale which deal with retirement together with such amendments thereto as shall be approved in accordance with Rule XIII – Amendment to Personnel Rules, Section 1. Amendments.

Section 7. Polygraph examinations:

- (a) An employee may be requested by the City Manager to submit to a polygraph examination whenever inquiry has been made by the appropriate department head regarding an employee's actions, conduct or official duties, and the City Manager has determined, following a preliminary investigation and after reviewing the recommendations of the department head and Personnel Director,



## PERSONNEL RULES

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that probable cause of employee misconduct exists and that administration of a polygraph examination is warranted. Such polygraph examination shall be administered by a qualified operator employed by the Fort Lauderdale Police Department or any qualified person or agency approved by the City Manager.

- (b) All questions shall be specifically, directly and narrowly related to the employee's actions, conduct or duties under investigation, and may include such other questions as are necessary to test the validity of the polygraph machine.
- (c) No employee shall be required to waive immunity from self-incrimination with respect to the use of such employee's answers in any subsequent criminal proceedings.
- (d) The refusal of an employee to take such polygraph examination when requested to do so by the City Manager shall not be grounds for dismissal of such employee.



# PERSONNEL RULES

Rev: 4 | Revision Date: 9/1/2020 | Print Date: 11/3/2020  
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## RULE XIII – AMENDMENT OF PERSONNEL RULES

Section 1. Amendments: Amendments or revisions to the rules may be recommended for adoption by the personnel director, the city manager, the civil service board or by the city commission of its own motion. Such amendments or revisions of the rules shall become effective after public hearing before the civil service board and approved by resolution of the city commission.



# PERSONNEL RULES

Rev: 4 | Revision Date: 9/1/2020 | Print Date: 11/3/2020  
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## RULE XIV – SAVING CLAUSE

If any section or part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.





**CITY OF BOSTON**

**ZERO TOLERANCE**

**FOR VIOLENCE**

**POLICY**

**October 1, 2000**  
**Updated January 1, 2015**



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***There will be times when situations arise which are not specifically addressed by this policy and procedure. Under those circumstances, the appropriate procedure will be directed by the immediate department head, representative of the Employee Assistance Program, Office of Labor Relations, Law Department, Office of Human Resources, and/or Office of the Chief Operating Officer, or the Zero Tolerance for Violence Task Force, but must always be in compliance with existing City policies, rules of conduct and procedures and collective bargaining agreements.***

***Where a collective bargaining agreement is in effect and comes into conflict with the policy set forth, the collective bargaining agreement shall govern. Similarly, where Police Department Rules and Regulations and Fire Department Rules and Regulations are in effect and come into conflict with the policy set forth, those Rules and Regulations shall govern.***



City of Boston  
**Zero Tolerance for Violence**

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### ***A Message from Mayor Walsh***

Nothing is more important to the City of Boston than the safety and security of its employees and the members of the public who visit City buildings and facilities to conduct business.

The City of Boston has “zero tolerance” for violence, of any kind, in the workplace. Violence includes, but is not limited to: physical confrontations; physical assaults; threats of bodily harm; behavior that is reasonably perceived as menacing; carrying or displaying weapons; throwing objects in a manner reasonably perceived to threaten or cause harm; and/or destroying, or threatening to destroy, property.

Violent actions committed on City property or facilities, or during the performance of City of Boston business at other locations, will not be tolerated. All violent actions or allegations will be thoroughly investigated. Any City employee found to have engaged in a violent action will be subject to severe discipline, up to and including discharge. Any violent action committed by a member of the public while on City property, or while using City facilities, will be prosecuted.

Any employee who is the victim of a violent action by a member of the public should immediately report the incident to Security. Any employee who is the victim of a violent action by another employee should immediately report the incident to his/her supervisor, and, if necessary, Security. Employees may also report violent actions to the Office of Human Resources. Supervisors are asked to contact the Office of Labor Relations for assistance in the investigation of a report of a violent action and any discipline resulting from a report of a violent action, especially if the matter is being investigated by the police department or any other law enforcement agency. Any retaliation based on a complaint of violence will not be tolerated and will be treated as a serious offense. Any employee found to have retaliated against any employee in response to a report of violence, or an employee’s participation in the investigation of a report of violence, will be subject to discipline, up to and including discharge.

Further, any employee under the hiring or firing authority of the Mayor’s Office (i.e. non-union, at-will employees) who is arrested or charged with perpetrating acts of domestic violence, or put under a restraining order must undergo mandatory counseling through the City’s Employee Assistance Program, or be placed on administrative leave without pay until the issue is resolved in a court of law. If the employee is convicted of charges related to domestic violence, or is found in violation of a restraining order, that employee shall be terminated.

Martin J. Walsh  
Mayor



## ***I Introduction***

Violence in the home and in the workplace is not a recent phenomenon. However, both its severity and frequency, in terms of increase in deaths and serious injuries, are a primary concern. In fact, homicide in the workplace is the fastest-growing violent crime in the United States today. Incidents of extreme acts of workplace violence have steadily increased since 1980. From 1980 to 1989, some 6,500 people were victims of workplace homicide. A recent NIOSH (National Institute for Occupational Safety and Health) study reported that homicide in the workplace is the third leading cause of occupational death in the United States and the leading cause of major injury and death among females in the workplace. This trend parallels the increase in violent crime against women in the home.

The effects of domestic violence often impact the workplace. The partner of the victim of domestic violence appears at the workplace and threatens or carries out violent behavior — the usually exemplary work performance of the victim of domestic violence changes dramatically and she/he is now chronically absent from work and when she/he does report for work she/he is preoccupied. Domestic violence and abuse is costing employers an average of \$3 to \$5 billion annually across the United States according to a report published by the Washington, D.C.-based Bureau of National Affairs.

The workplace in America today is complex and stressful. Feelings of lessened job security and the fear of unknown futures creates an unstable workplace atmosphere, an environment where interpersonal confrontations or employee revenge against the workplace establishment are on the rise. As a public sector service agency, the City of Boston is also faced with the threat of violence against its property and staff from disgruntled members of the public who may resort to violence to demonstrate their frustration or anger.

The City of Boston's priority in addressing these issues is to create a policy and program that:

- communicates to all employees that violence of any kind is not acceptable behavior and will not be tolerated;
- provides training to supervisory and management staff on how to identify the behaviors of individuals that indicates that they may either be potential violent aggressors, or victims of violence and abuse;
- increases employee awareness to the resources available to them (e.g. Employee Assistance Program (EAP)) if they are victims of violence or abuse;
- implements procedures for the prevention of violence from internal and external sources, action plans in the event of catastrophic violent acts in city workplaces, and, post-event response for victims;
- provides awareness training to recognize signs, symptoms, and patterns of catastrophic violent acts under the "Boston Domestic Preparedness Program".



## ***II Policy Statement***

The City of Boston is committed to providing, in so far as it is reasonably possible with available resources, a safe environment for working and conducting business.

The City will not tolerate acts of violence committed by, or against City employees, or members of the public, while on City of Boston property, or while performing City of Boston business at other locations.

The word violence in this policy shall mean an act or behavior that:

- is physically assaultive;
- a reasonable person would perceive as obsessively directed (e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property);
- consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
- would be interpreted by a reasonable person as being capable of physically and/or psychologically harming an individual;
- is a behavior, or action, that a reasonable person would perceive as menacing;
- involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or,
- consists of a communicated or reasonably perceived threat to destroy property or threat to use weapons of mass destruction.

Violent actions on City property or facilities, or while on City business, will not be tolerated or ignored. Any unlawful violent actions committed by employees, members of the employee's family, or members of the public while on City property, or while using City facilities, will be prosecuted as appropriate. The City intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

## ***III Purpose***

The City of Boston has established this policy and program to demonstrate to its employees, citizens and the business community of Boston, that violence of any kind cannot and will not be tolerated. It is important that zero tolerance for violence be established throughout this great City because:



- ***It is the right thing to do.*** The City of Boston has a moral and legal obligation to provide a safe workplace for all employees, clients and visitors;
- threats and other violent, abusive behaviors are not acceptable and will not be tolerated in the workplace;
- layoffs, increased work load, having to do more with less, and other unpopular changes in the work environment have been associated with increased risk for violence;
- the cost of just one incident is high. These costs may be financial and include medical and psychiatric care as well as potential liability suits, lost business and productivity, repairs and clean-up, higher insurance premiums, consultant's fees, increased security measures, and—most importantly, the death or injury of valued employees and co-workers with the resulting trauma which violence in the workplace inflicts on the members of the family;
- there is an increase in violent acts across the nation.

#### ***IV Goals and Objectives***

The objective of this policy is to achieve the following:

- to ensure that appropriate resources are available to victims of violence and also for perpetrators of violence;
- to reduce the potential for violence in and around the workplace;
- to mitigate the negative consequences for employees who experience or encounter violence in their personal and work lives;
- to encourage and foster a work environment that is characterized by respect, confidentiality and healthy conflict resolution by means of a joint effort between management and labor groups;
- to recognize the signs, symptoms, and patterns of violent acts.

#### ***V Legal Obligations and Duties***

It is the duty of the City of Boston to provide the safest and most violent-free workplace possible. This duty is imposed by various Federal and State statutes, regulations, and/or judicial decisions. In addressing domestic and workplace violence issues, the City takes both moral and legal implications into consideration.

The City of Boston Law Department will conduct regular reviews of this policy as it pertains to





applicable statutes to ensure compliance and currency of information.

## ***VI What is Domestic Violence?***

Domestic violence is abusive or violent behavior committed by one intimate partner against another. The violence may be physical, sexual, and/or psychological, with the primary purpose to establish and maintain control, dominate or hurt the partner in the relationship. It occurs at all levels of society regardless of social, economic, ethnic or cultural backgrounds. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

Ninety-five percent of all reported domestic violence is male to female. It is a criminal act committed by a defendant against wife/husband, girlfriend/boyfriend, former spouses, former girlfriend/former boyfriend, as well as same sex partners. Domestic violence related crimes may include: assault and battery, harassment, breaking and entering, telephone misuse, violation of Civil Protective Orders, malicious destruction of property, sexual assault, stalking, and any other crime connected with violence and/or coercion of an intimate partner.

In Massachusetts, Domestic Violence is governed by *Massachusetts General Laws Chapter 209A*.

Chapter 209A of the Massachusetts General Laws (MGL) defines abuse as:

- actual physical harm or attempting to harm another;
- placing another in fear of imminent serious physical harm; or
- causing another to engage in involuntary sexual relations by force, threat of force or duress.

Any victim of abuse by a family or household member may seek protection under the provisions of Chapter 209A. "Family or household members" are defined as people who:

- are or were married to each other;
- are or were residing together in the same household;
- are or were related by blood or marriage;
- have a child in common regardless of whether they have been married or lived together;
- are or have been in a substantive dating or engagement relationship.

There are several orders a court may issue to protect a person who is suffering abuse by a family or household member including ordering the defendant to:

- refrain from abusing, hurting or harassing the victim in any way;
- stay away from the victim at home, work, school or any other place the victim may be;
- vacate the household and turn over keys;
- surrender guns, a License to Carry a Firearms or a Firearms Identification Card.

The Court may also:



- order a temporary custody and/or support for minor children;
- award monetary compensation for damages arising from the abuse;
- impound the victim's address; and
- recommend batterers treatment for the defendant.

A 209A Order can be obtained in any district, superior or probate and family court in Massachusetts. An emergency 209A Order can be obtained through any police department after court hours and on weekends. An individual does not need a lawyer to file for a 209A Order, and there is no charge for filing. A minor under 18 years old can obtain a 209A Order with some restrictions. Generally a parent or guardian needs to be present, but the judge can decide to issue a 209 Order if the minor appears to be in danger.

Once a 209A Order is issued, violation of its terms is a criminal offense. Police must arrest the abuser if they have probable cause to believe that the terms of orders to refrain from abuse, to have no contact with the victim, and to vacate a household, multiple family dwelling or workplace have been violated.

## ***VII What is Workplace Violence?***

Workplace violence is acts or threats of violent or abusive or harassing behavior against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions, or to create a hostile, abusive, or intimidating work environment for one or more employees.

General examples of workplace violence include, but are not limited to all threats or acts of violence occurring on City property, regardless of the relationship between the City and the parties involved in the incident; all threats or acts of violence not occurring on City property, but involving someone who is acting in the capacity of a representative of the City; all threats or acts of violence not occurring on City property, involving an employee of the City, if the threats or acts of violence affect the legitimate interests of the City; any threats or acts of violence that result in the conviction of an employee or agent of the City, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence, that adversely affect the legitimate interests and goals of the City of Boston.

## ***VIII Domestic Violence in the Workplace***

Domestic violence may occur at home, but it also comes to work and becomes the source of "workplace violence". Some examples of domestic violence in the workplace include, but are not limited to:

- an employee, while at work, receives harassing or threatening telephone calls;
- an employee, while at work, uses City equipment (telephone, computer, etc.) to harass a family or household member;
- an employee, while at work, is visited or stalked by a perpetrator;



City of Boston  
**Zero Tolerance for Violence**

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- an employee, while at work, is confronted by a perpetrator against whom a restraining order has been issued.



## ***IX Definition of Terms***

The following terms are defined in the context that they are contained and used within this document.

### ***Perpetrator***

The person committing threats or acts of violence on another person or property.

### ***Batterer***

The person inflicting abuse of any kind on an intimate partner.

### ***209A Order***

An Abuse Prevention Order, often referred to as a “209A Order”, a “Protective Order”, or a “Restraining Order”, is a civil court order that can be issued if a judge finds the person seeking the order is at risk of abuse from a family or household member, or someone with whom there has been a substantial dating relationship.

### ***Workplace Safety Plan***

The City’s plan for dealing with any issue that can potentially create an unsafe environment for City employees and property. For the purpose of an emergency evacuation the City of Boston Comprehensive Emergency Management Plan (**CEMP**) will be used, or any other emergency management plan implemented by the Boston Emergency Management Agency (**BEMA**).

### ***Personal Safety Plan***

The victim’s plan for a safe exit from a dangerous life-threatening situation. This may include the victim’s home, workplace or other frequently visited location.

## ***X Roles & Responsibilities***

### ***Administration***

In so far as it is reasonably possible, the City Administration (i.e. Chief Operating Officer), shall be responsible to ensure that procedures are developed, implemented and maintained to achieve:

- prompt and appropriate response to any act of violence that affects an employee or occurs in the workplace;
- accountability among employees for acts of violence committed in the workplace;
- effective investigations of violence occurring in the workplace;
- appropriate disciplinary action for perpetrators of threats or acts of violence when the behavior involves the use of City work time or property (e.g. telephone, automobile) to harass the victim;
- support to the Employee Assistance Program to provide avenues of support and guidance for



employees who experience violence in the home or the workplace; and

- communication of the policy and program to cabinet chiefs and department heads, managers and supervisors, and employees.

***Management Personnel***

Management personnel including cabinet chiefs, department heads, managers and supervisors are responsible for assessing situations, making judgements on the appropriate response, and then responding to reports of, or knowledge of violence, or of employees who are the victim of violence, and for initiating the investigation process.

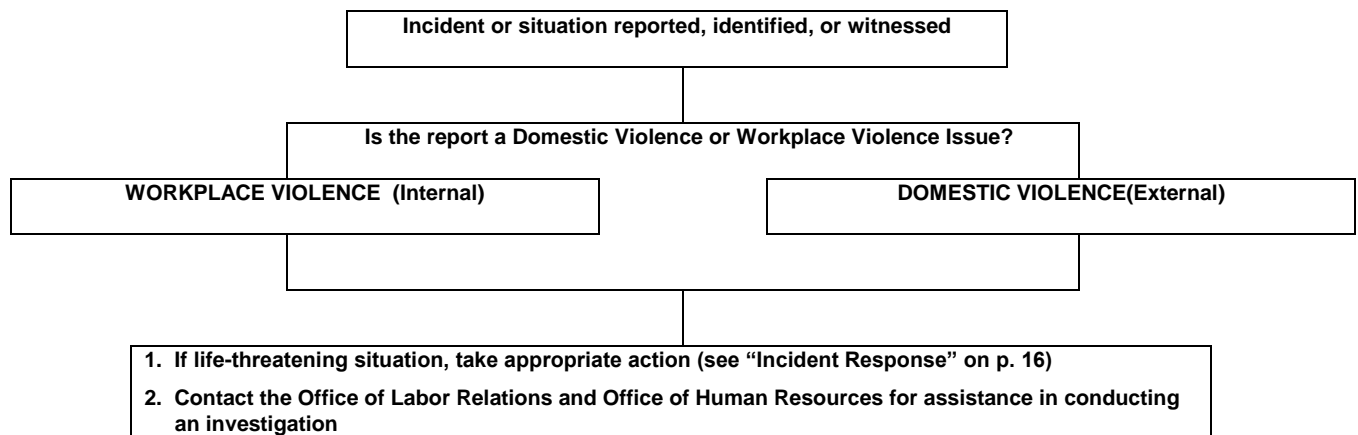
***Department Heads***

Any report of violence will be evaluated immediately and discreetly, and appropriate action will be taken, where possible, in order to protect the employee(s) from further violence. Appropriate disciplinary action, up to and including discharge, in accordance with current Collective Bargaining Agreements, will be taken when it is determined that City of Boston employees have committed threats or acts of violence.

Where issues of employee safety are of concern, management personnel will evaluate the workplace and make appropriate recommendations regarding a reasonable response.

***Managers and Supervisors***

Any report of workplace violence brought to the manager or supervisor’s attention must be investigated immediately and discreetly, and appropriate action taken, where possible, in order to protect the employee(s) from further violence. Managers and supervisors who have reason to believe that an employee is or has been the victim of violence, shall attempt to intervene to provide assistance through referral to the Employee Assistance Program.



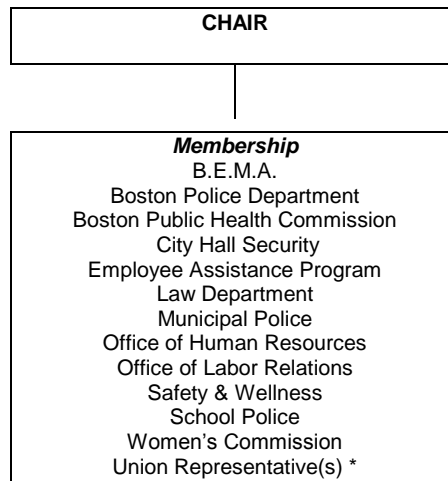
***Mayor’s Task Force on Zero Tolerance for Violence***

- assist the Office of Human Resources in the implementation of the “Zero Tolerance for Violence” policy and program;



- assist the Office of Human Resources in conducting an annual review of the “Zero Tolerance for Violence” policy and program to ensure that it is current and applicable to the workplace as of the date of review;
- function as the **Threat Assessment Team**, advising departments in managing issues related to violence, responding quickly to incidents that may endanger people or disrupt the workplace, recommending a risk abatement plan where appropriate, assisting the Office of Human Resources in the review of “Violence Incident Reports”, and identifying proactive strategies and mechanisms to maintain a safer workplace.

*Task Force Structure*



**Note:**

***The Task Force will only meet on an as-needed basis as may be requested by the Office of Human Resources.***

*(\* A representative will be invited to participate from the bargaining unit(s) which may be impacted by the items to be discussed at that meeting.*

*The union representative(s) would recuse themselves from any discussion which may result in the Task Force recommending disciplinary action for an employee.*

*When issues arise which could impact many unions, a special meeting will be called with a representative from each of these unions to be invited.)*

***Office of Human Resources***

- administration of the “Zero Tolerance for Violence” policy and program;
- provide information on City policies and procedures in matters such as leave of absence, residency requirements and harassment-free workplace guidelines;
- provide guidance, direction, and support to employees who are victims of violence;
- provide managers and supervisors with guidance, direction, and support in matters of intervention and response to domestic and workplace violence issues;
- provide sensitivity training or a referral for training for managers, supervisors, security and other



appropriate personnel as it relates to domestic and workplace violence issues. Training will be provided using all available internal and external resources in a cooperative effort with the Employee Assistance Program.

***Office of Labor Relations***

- provide expertise and direct assistance regarding labor and employment related matters.

***Law Department***

- provide expert consultation services concerning the law as it pertains to individual cases being addressed under this policy.

***Women's Commission***

- respond to confidential calls of reports of threats, threatening behavior, or acts of violence in the workplace, assess situation and make appropriate referrals;
- provide emotional support and referrals for counseling for victims of abuse and/or batterer's treatment counseling and referral for intense counseling if required in concert with the Employee Assistance Program;
- assist with training initiatives for departmental personnel managers, managers, supervisors, and employees in regards to confidentiality of information (to the extent the law allows), and sensitivity about violence issues (i.e. domestic violence) that were not formerly considered in the workplace in concert with the Office of Human Resources and Employee Assistance Program;
- make all resources available through the Women's Commission and/or associated agencies, to victims and perpetrators of violence.

***Employee Assistance Program***

- respond to confidential calls of reports of threats, threatening behavior or acts of violence in the workplace;
- provide emotional support and referrals for counseling for victims of abuse and/or batterer's treatment counseling and referral for intense counseling if required;
- assist victims with developing a personal safety plan in the event of violence at home or at work;
- assist with training initiatives for departmental personnel managers, managers, supervisors, and employees in regards to confidentiality of information (to the extent the law allows), and sensitivity about violence issues that were not formerly considered in the workplace;
- make all resources available to victims of and to perpetrators of violence.



### ***Employees***

- refrain from threats or acts of violence;
- seek assistance to resolve personal issues that may lead to threats or acts of violence in the workplace or in their home;
- report to managers and supervisors any dangerous or threatening situations that occur in the workplace; and
- confidentially report to OHR directly, any concerns related to violence.

### ***Security***

- control access to the workplace, including parking facilities;
- have access to a photograph and information of a potential perpetrator, and a copy of any Civil Protective Order;
- be aware of current laws pertaining to Massachusetts General Laws Chapter 209A;
- be trained in the workplace safety plan;
- be trained in recognizing the signs, symptoms, and patterns of catastrophic violent acts under the Boston Domestic Preparedness Program.

### ***Departmental Joint Safety & Wellness Committees***

- assist in the development and implementation, in concert with department management, an emergency response/evacuation plan for each workplace/building in the department;
- assist, in concert with departmental management, with the communication of the emergency/evacuation plan to all department staff;
- ensure that any changes to conditions in the workplace that could have an impact on the emergency/evacuation plan be reported to management.

## ***XI Resources***

### ***Municipal Police & School Department Police***

The Municipal Police and School Department Police will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and providing advice and assistance to departments. They will also assist the Departmental Joint Safety and Wellness Committees in conducting workplace/building audits for the purpose of developing site-specific emergency/evacuation plans.





***Boston Public Health Commission***

The Boston Public Health Commission will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Policy.

***Boston Police Department***

The Boston Police Department will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Policy.

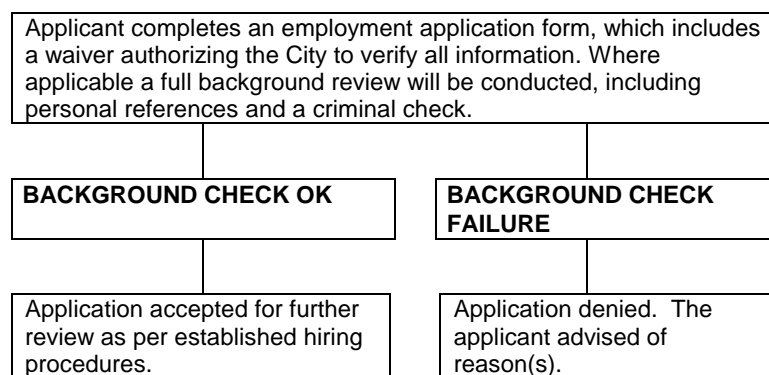
***Boston Emergency Management Agency (BEMA)***

The Boston Emergency Management Agency (BEMA) will act in an advisory capacity, providing a representative to the Zero Tolerance for Violence Task Force and provide training resources in concert with the Office of Human Resources in the development and delivery of employee training for the Zero Tolerance for Violence Program (i.e. Boston Domestic Preparedness Program).

***XII Procedures***

**PREVENTION**

***Hiring/Screening Applicants***



With the implementation of the Zero Tolerance for Violence Policy, the Office of Human Resources will undertake a review to strengthen the City’s hiring and applicant screening process.

This process may also include screening of individuals who work at City buildings and facilities, such as contracted employees, contractors, vendors etc.



### *Community Resources*

The success of this Policy and Program is dependent upon the utilization of all available resources within the Greater Boston community. This may include, but not be limited to:

- Jane Doe, Inc.;
- Boston Police Department, Domestic Violence Unit;
- Boston Public Health Commission;
- Employers Against Domestic Violence;
- Massachusetts Department of Public Health;
- Boston Emergency Management Agency (BEMA);
- Independent safe houses, shelters, advocates, consultants, community groups.

### *Security Procedures*

In consultation with the **Boston Police Department**, the **Municipal Police**, **City Hall Security**, **Boston School Police**, and **BEMA** the Zero Tolerance for Violence Task Force will ensure that a comprehensive audit of City buildings is conducted to identify emergency escape and evacuation plans, emergency response actions and where more security or restricted access is required.

Written emergency/evacuation plans will be posted in each workplace/building, and a copy distributed to all employees in the buildings. Fire wardens will be responsible to coordinate emergency response actions in the building until the Police Department or other appropriate security personnel arrive on-scene and take control of the situation.

### *Internal/External Communications*

This policy will be communicated to all City employees with a paycheck distribution, to increase awareness to the procedures to follow in the event of violence in the workplace. Comprehensive training programs for all levels of City staff will also be conducted by the Office of Human Resources. BEMA will conduct awareness training as directed by the Boston Domestic Preparedness Program.

It will be posted on bulletin boards in City buildings and facilities in order that visitors may also be aware of the City's Zero Tolerance for Violence Policy and Program. Contract documents for external vendors will include a clause which describes the City's Zero Tolerance for Violence Policy and Program.

### *Education and Training*

In order for this Policy and Program to be effective it must be communicated to all levels of City staffing. This will be accomplished by means of a comprehensive program of training which will include, but not be limited to:

- supervisory awareness training - how to recognize potential violent behavior and the potential for violent behavior in the workplace - how to respond to these individuals, and the proper method of incident reporting, intervention and referral;



- sensitivity and aggression training for supervisors and security personnel;
- intervention and referral methods (how to approach an employee who demonstrates signs of being a victim and effectively refer him/her to or request the assistance of the EAP);
- discipline for city employees who are perpetrators of violence in the workplace (in accordance with existing Collective Bargaining Agreements);
- recognizing the signs, symptoms, and patterns of catastrophic violent acts;
- evacuation plan awareness and drills.

<b>Training Type</b>	<b>Cabinet Chiefs</b>	<b>Department Heads</b>	<b>Managers</b>	<b>Security</b>
Progressive Discipline	x	x	x	
Sensitivity	x	x	x	x
Violent Behavior Awareness	x	x	x	x
Victim Awareness	x	x	x	x
Incident Investigation	x	x	x	x
Incident Response & Reporting	x	x	x	x
EAP Services & Referrals	x	x	x	x
Domestic Preparedness Program	x	x	x	x

***Threat Management Plan***

For the purpose of this policy and program, the City’s existing evacuation plan for fires and bomb threats, including the Comprehensive Emergency Management Plan (CEMP) developed and implemented by BEMA, will apply and be considered the Threat Management Plan/Evacuation Plan. All Departmental fire wardens will be trained on the proper procedures to follow in the event of the need of an evacuation of either an individual or group of individuals to a “safe place” within the building, or a full evacuation of the premises due to an act of workplace violence.

These plans and training will include, but not be limited to information on:

- designating and identifying departmental wardens, their role and responsibility;
- providing guidance concerning liaison with outside assistance (i.e. person responsible to coordinate all workplace violence activities at that site);
- method to assist police or other investigating officials for collecting and preserving evidence, including interviews with involved parties;



- managing of communications regarding the incident (e.g. media relations, internal communications, rumor control);
- the role of the Task Force and the Employee Assistance Program in assisting victims and their families.

### ***Reporting Procedures***

All employees must know how and where to report violent acts or threats of violence in the workplace. This policy establishes a clear method for employees to report incidents of violence or threatening behavior without the fear of retaliation or reprisal.

All employees are encouraged to report incidents to their immediate supervisor, but employees also have the option to report incidents directly to the Office of Human Resources.

### ***Dangerous Weapons***

In the interest of maintaining a workplace that is safe and free of violence, possession or use of dangerous weapons is prohibited on City property, in City vehicles or in any personal vehicle which is used for City business except for the following work-related exception.

**Definition:** A “dangerous weapon” is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person.

**Exception:** The ONLY exception for the possession of a firearm on City of Boston property will be to those who are engaged in official military or law enforcement activities.

## **INTERVENTION**

### ***Signs and Symptoms***

Although employees are strongly encouraged to inform their immediate manager or supervisor that they are a victim of violence, in many cases the employee will conceal/deny that they are victims. This may be the result of embarrassment, shame, denial or minimizing, fear of losing their job, low self-esteem, cultural factors, immigration issues, financial, legal or other concerns. Consequently, managers and supervisors should be cognizant of the signs and symptoms of a victim of violence such as:

#### ***Signs:***

- reporting late for work;
- frequent unplanned use of vacation or personal time;
- increased use of sick time;
- decrease in job performance;
- unkempt, dishevelled appearance;
- much discussion of marital/relationship problems;
- flowers and other gifts sent to the employee at the workplace for no apparent reason or special occasion.



*Symptoms:*

- bruises;
- chronic headaches;
- abdominal pains;
- muscle aches;
- sleeping and eating disorders;
- increased use of alcohol or drugs;
- fear, anxiety, depression;
- chronic fatigue;
- intense startled reactions;
- suicidal or homicidal comments;
- recurrent vaginal and bladder problems;
- vague, non-specific medical complaints;
- infections as reported by the employee.

The focus should not be on one particular sign or symptom, but the overall general pattern. There must be sensitivity to the seriousness of the situation and a meeting with the employee to discuss and assess the situation with the objective of developing an appropriate plan of action. Keep in mind that cultural factors may be relevant to addressing this sensitive issue with an employee. Caution must be exercised as not to be accusatory, or to label these signs or symptoms as domestic or workplace violence, but rather a statement that the signs or symptoms have been noticed and then an offer to assist can be extended, or advisement of the availability of the Employee Assistance Program services.

***Options***

When an employee has been identified as a victim of violence, there are some options that may be available and discussed with the employee. Contact the Employee Assistance Program for a confidential consultation on how to best approach the situation, and/or refer the victim or perpetrator to the EAP. Some examples of the options that may be available are:

*Informing the employee* further of the City's policy governing zero tolerance for violence, provide a copy and discuss it.

*Relocation of the employee* to a different location in the workplace if the employee is located near an unprotected entry door.

*Relocation of the employee or the perpetrator*, if the perpetrator works in the same department or area. If the perpetrator demonstrates abusive behavior at work, the City's disciplinary processes, in accordance with this policy and existing Collective Bargaining Agreements will apply.

*Screening of telephone calls* so that the employee is not subjected to harassing telephone calls.

*Making provision for flex time, vacation, personal days or leave of absence without pay* so that the employee can schedule court and lawyer appearances, child care etc.



### ***Victim Referral to Employee Assistance Program***

A manager or supervisor who has reason to believe (recognizes the signs and symptoms) that an employee may be a victim of violence should contact the Employee Assistance Program for a confidential consultation. The EAP clinician will provide information on how to appropriately make a referral.

### ***Domestic Violence Leave and Personal Leave Without Pay***

The City complies with the Massachusetts Domestic Leave law as provided in the City's policy regarding time off due to domestic violence.

Exhaustion of leave entitlement under the Domestic Violence Leave policy may constitute an acceptable reason for granting a personal leave of absence without pay to a victim, regardless of an employee's work performance or length of employment. A request for a personal leave of absence beyond the leave entitlement under the Domestic Violence Leave Policy shall be subject to the operational needs of the Department. When granted leave under this policy, such leave of absence shall not affect the employee's job performance rating or performance evaluation.

### ***Reinstatement***

Upon the expiration of a Personal Leave of Absence, the employee will be reinstated to his/her position or a substantially similar position or equal classification for which he/she is qualified to the extent practicable. If an employee returning from such leave is not reinstated to his/her former position (in terms of department, shift, and hours per week) he/she shall be given the opportunity to fill any other available position for which he/she is qualified.

The employee's failure to be available for reinstatement upon expiration of the Personal Leave of Absence will be considered a voluntary termination of employment, unless an extension of the Leave is approved in advance, or through the Employee Assistance Program's advice or direction, alternative arrangements are required.

## **INCIDENT RESPONSE**

### ***When Incident Occurs***

1. If the act or altercation constitutes an emergency, call 9-1-1 (be sure to dial a "9" for an outside line, where necessary). In instances that are not emergency situations, contact your immediate supervisor. When 911 is contacted, inform your supervisor as soon as possible that emergency services has been contacted (Note: if in City Hall, also contact Security at 5-4444).
2. The supervisor must contact the Office of Human Resources representative of the Zero Tolerance for Violence Task Force, who will take responsibility for coordinating the response to the incident.



3. In instances that involve emergency services response, or criminal activity, the Office of Human Resources will contact the Chief Operating Officer and the Police Department for assessment and, if necessary, investigation.
4. In instances when it is not appropriate to refer an incident to the Police Department, the Office of Human Resources will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, the Office of Human Resources and Office of Labor Relations will coordinate the investigation process.

### ***Investigation***

Any incident involving violent behavior as defined in the Policy and Program is considered a serious matter that will not be tolerated, and as such, must be investigated. All incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing the victim, alleged offender and/or any eyewitnesses.

All incidents that do not involve an emergency situation, and/or criminal activity, must be officially reported and recorded using the "Violence Incident Report Form". It is the responsibility of the Department Head to ensure that a confidential and thorough investigation is conducted and that, in consultation with the appropriate resources (i.e. Law Department, Office of Human Resources, and Office of Labor Relations), action is taken to correct the situation, and prevent any repetition of the incident in the future.

A copy of the Violence Incident Report Form must be forwarded to the Zero Tolerance for Violence Task Force. The Task Force will review all incident reports and may make additional recommendations to the Department Head or Chief Operating Officer, for additional corrective/preventative or other action as they may deem appropriate.

### ***Data Collection***

There are great liabilities and legal implications associated with violent behavior when it occurs in the workplace, therefore, prior to and during any investigation, departments must consult with appropriate resources (i.e. Law Department, Office of Human Resources, and Office of Labor Relations) and/or the Zero Tolerance for Violence Task Force.

**Most importantly**, strictest confidentiality must be maintained throughout the investigation. All individuals involved in an investigation must respect the sensitivity and confidentiality of these matters.

### ***Interview With Alleged Victim***

An interview with an alleged victim must be conducted with sensitivity, in a supportive and non-judgemental manner. The goal of the interview is to develop a true and accurate account of the incident. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to interviewing the alleged victim.



- obtain the date and time of the incident;
- obtain answers to the questions: who, what, when, where and how. Find out what specifically happened in this and any other incidents;
- determine the background of the situation, including the relationship between the parties involved, prior to the incident;
- obtain the names of anyone else who saw or heard the incident; any person who the alleged victim has talked to about the incident; any person who the alleged victim believes has also had encounters with the alleged offender;
- find out what the other involved person did in response to the incident;
- find out whether the other involved person has documented the incident, or any other violent encounters that the person has had with the alleged offender;
- reassure the alleged victim or other involved person that the City is actively responding to the incident, and that any retaliation will not be tolerated;
- advise the persons of the assistance they may receive from the Employee Assistance Program.

### ***Interview With the Alleged Offender***

An interview with an alleged offender must be conducted with sensitivity and be absolutely non-judgemental. Keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt prior to an investigation or before an investigation has been completed can impede and interfere with a fair and appropriate analysis of the events. Be sure to inform the employee that this interview may result in disciplinary action, and that the employee may ask for a union representative to be present at the meeting. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing the alleged offender.

- in accordance with any Collective Bargaining Agreement that may apply to the alleged offender, and be in force at the time of the investigation, a union representative may attend together with the alleged offender at the time of the interview;
- present the incident or incidents described by the alleged victim, or your own observations if you directly observed the incident;
- get the alleged offender's side of the story;
- investigate with questions such as: "describe the incident that occurred between you and the alleged victim"; "describe your relationship or interactions with the alleged victim";
- listen attentively, and open-mindedly as the alleged offender speaks;





- advise the alleged offender of the seriousness of any form of retaliation against the alleged victim, or any action that might be interpreted as retaliation;
- advise the alleged offender of the assistance he/she may receive from the Employee Assistance Program.

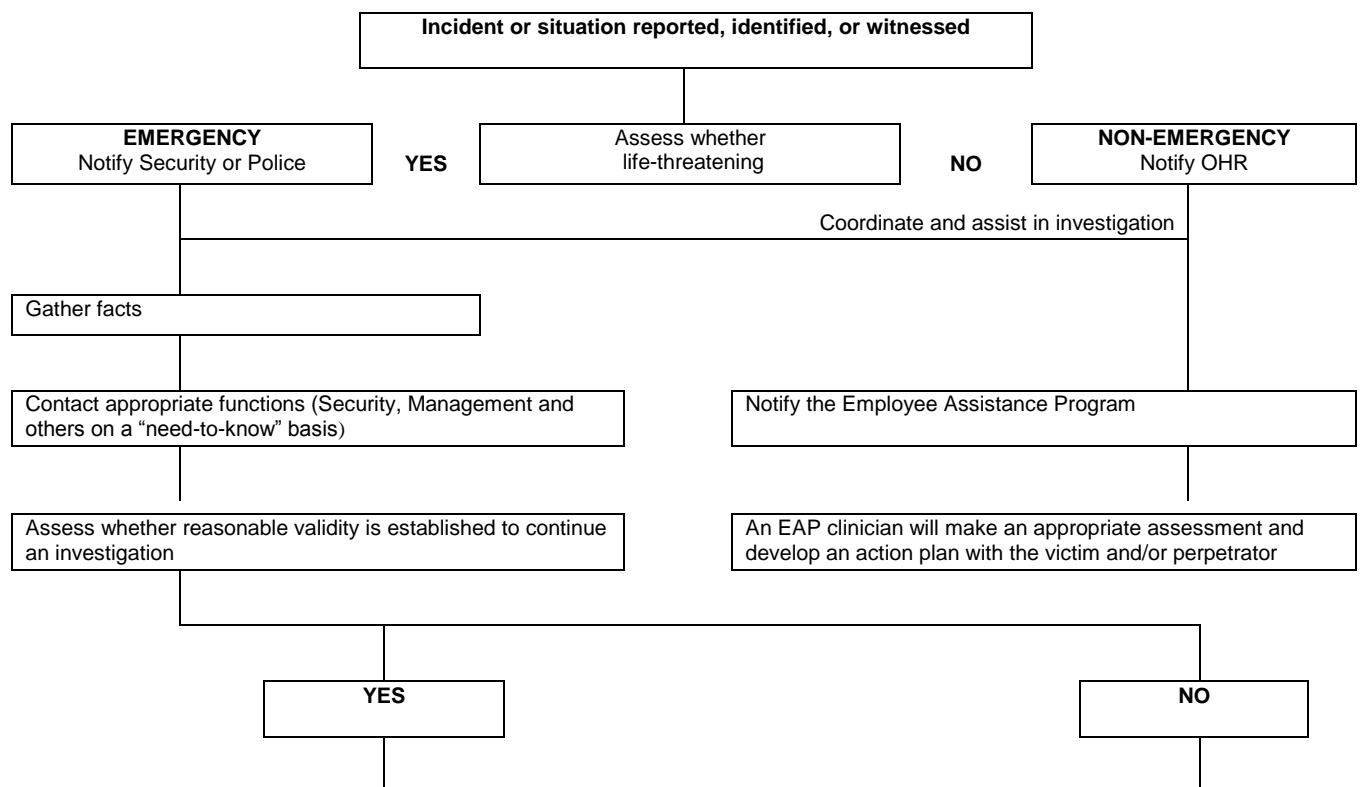
***Interviews with Observers or Others in the Workplace***

In the investigation, it must be realized that observers may also be disturbed by the violent interaction they have witnessed. Investigate with questions such as: “what type of interaction did you observe between the alleged victim and the alleged offender?”; “are there others who might be able to comment, or who observed the same incident?” Also advise any other persons who may have been affected by the incident of the assistance they may receive from the Employee Assistance Program. In the event that the Police Department proceeds with an investigation, the Department Head should contact the Office of Labor Relations prior to conducting their own investigation, especially prior to interviewing any eyewitness.

***Follow-up***

Contact the Office of Labor Relations and Office of Human Resources for assistance in conducting an investigation for disciplinary purposes, or to address a particular situation and/or accommodations for the individuals involved.

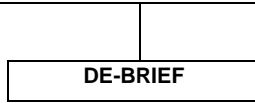
**INCIDENT RESPONSE FLOW CHART**





Contact the Office of Labor Relations and Office of Human Resources for assistance in conducting an investigation for disciplinary purposes, or to address a particular situation and/or accommodations for the individuals involved.

**BRING TO CLOSURE**



## POST INCIDENT

### *Employee Assistance Program*

Helping employees with the psychological consequences of domestic or workplace violence is the right and compassionate thing to do, and the role of the Employee Assistance Program.

After a violent incident, EAP will offer counseling services to employees and their families which may include, but not be limited to:

- providing a debriefing 24 to 72 hours after a serious incident of violence to include all affected employees so that the cause of the violence and expectations can be discussed, a plan of action can be addressed, and those needing further counseling can be identified;
- providing a group debriefing after a serious incident of violence for immediate co-workers in how to communicate with the victim/co-worker who is re-entering the job after absence; and
- providing ongoing follow-up treatment, as needed.

### *Progressive Discipline*

Any employee who is found to be the initiator of violence in the workplace shall be subject to progressive discipline, consistent with the provisions of an applicable collective bargaining agreement, if any.



# APPENDIX



**APPENDIX I**      **Executive Order on Domestic Violence**      (October 3, 1997)

**WHEREAS**, domestic violence is abusive behavior that is either physical, sexual, verbal or psychological, and is intended to establish and maintain control over an individual; and

**WHEREAS**, domestic violence instills fear and harms victims and families and must not be tolerated; and

**WHEREAS**, domestic violence affects everyone regardless of race gender, sexual orientation, income, or age; occurs in all communities, and destroys relationships, families, lives and businesses,

**NOW, THEREFORE**, pursuant to the authority vested in me as chief executive officer of the City of Boston by St.1948, c.452, §11, and every other power hereto enabling, I hereby order and direct as follows:

1. The City of Boston has “Zero Tolerance” for domestic violence.
2. If an employee who is under the hiring and firing authority of the Mayor is arrested or charged with perpetrating acts of domestic violence or put under a restraining order, that employee must undergo mandatory counseling by the City’s Employee Assistance Program or be placed on administrative leave without pay until the issue is resolved in a court of law.
3. If an employee who is under the hiring and firing authority of the Mayor is convicted of charges related to domestic violence or is found in violation of a restraining order, that employee shall be dismissed.
4. The City of Boston will work diligently to maintain a workplace environment that provides an avenue for assistance for victims of domestic violence without fear of reproach.
5. The City of Boston will ensure that human resource policies and procedures are responsive to victims of domestic violence.
6. The City of Boston will develop a comprehensive Domestic Violence Response Plan to provide programmatic support consistent with the goals of this Executive Order. The Employee Assistance Program and the Women’s Commission shall formulate the Plan within 90 days. The Plan shall include, without limitation, the following components:
  - an avenue for assistance for employees who have been victims of domestic violence;
  - increased availability in the workplace of information about domestic violence prevention and about appropriate victim and batterer resources;
  - training for all City departments and agencies to be coordinated by Human Resources, in consultation with the Women’s Commission, the Boston Police Department’s Domestic Violence Unit, and the Mass Coalition of Battered Women Service Groups, and
  - distribution of this executive order and the Domestic Violence Response Plan or a summary thereto to all City employees.

I further direct all Cabinet Officers, Department Heads and City Employees to render such aid and assistance as is required for the implementation of the foregoing policy.



**APPENDIX II     Resources**

**Internal**

Employee Assistance Program	617-635-2200/617-635-4500 (After Hour Hotline)
Women’s Commission	617-635-4427
Office of Human Resources	617-635-3370
Office of Labor Relations	617-635-4525
Safety & Wellness	617-635-2381
City Hall Security	617-635-4444
Municipal Police	617-635-3500 (24 Hour Line)

**External**

***Shelters and Hotline numbers:***

National Domestic Violence Hotline <a href="http://www.thehotline.org">www.thehotline.org</a>	800-799-SAFE (7233)
National Dating Abuse Hotline	866-331-9474
National Sexual Abuse Hotline	822-656-HOPE (4673)
Safe Link MA/Casa Myrna Vazquez <a href="http://www.casamyrna.org">www.casamyrna.org</a>	877-785-2020 (24/7)
Asian Task Force Against Domestic Violence, Inc. <a href="http://www.atask.org">www.atask.org</a>	617-338-2355
F.I.N.E.X. House <a href="http://www.finexhouse.org">www.finexhouse.org</a>	617-288-1054
Gay Men’s Domestic Violence Project <a href="http://www.gmdvp.org">www.gmdvp.org</a>	800-832-1901
The Network/La Red (GLBQ/T Partner Abuse) <a href="http://www.tnlr.org">www.tnlr.org</a>	617-742-4911
Boston Area Rape Crisis Center <a href="http://www.barcc.org">www.barcc.org</a>	800-841-8371

***For more information or assistance:***

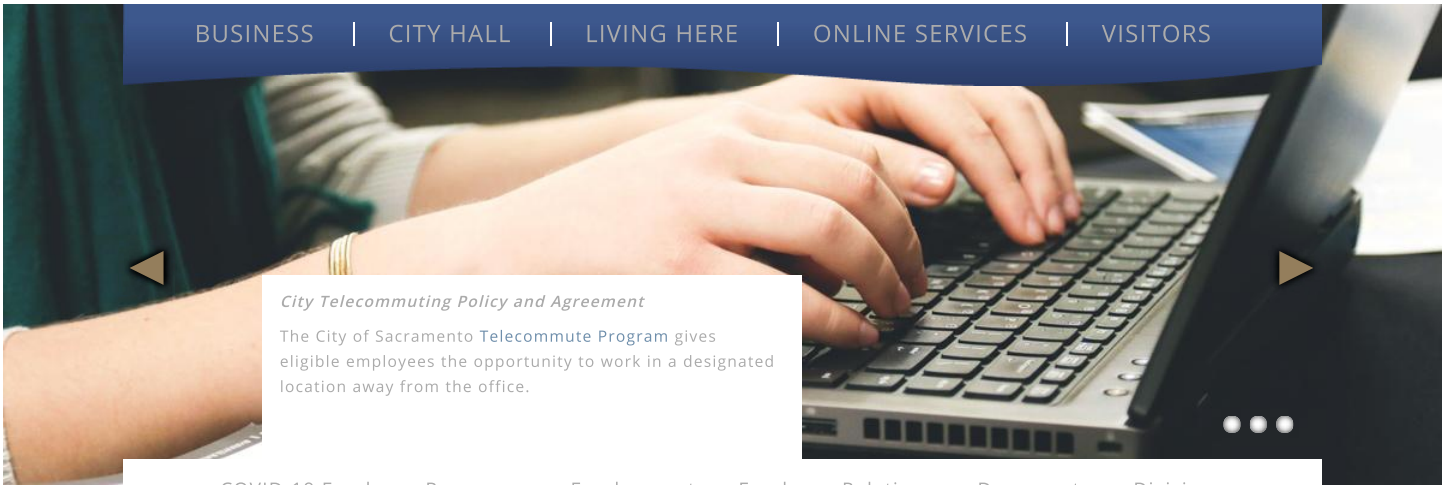
Jane Doe, Inc. <a href="http://www.janedoe.org">www.janedoe.org</a>	617-248-0922
Boston Police Department, Domestic Violence Unit	617-343-4350
Boston Public Health Comm, Domestic Violence Program <a href="http://www.bphc.org">www.bphc.org</a>	617-534-2687
Employers Against Domestic Violence <a href="http://www.employersagainstdomesticviolence.org">www.employersagainstdomesticviolence.org</a>	617-348-4970
Futures Without Violence <a href="http://www.futureswithoutviolence.org">www.futureswithoutviolence.org</a>	617-702-2004
Emerge (batterer intervention program) <a href="http://www.emergedv.com">www.emergedv.com</a>	617-547-9879

Want to help us plan our new website? [WEBSITE REDESIGN SURVEY](#)

# City of SACRAMENTO

## HUMAN RESOURCES

[BUSINESS](#) | [CITY HALL](#) | [LIVING HERE](#) | [ONLINE SERVICES](#) | [VISITORS](#)



### City Telecommuting Policy and Agreement

The City of Sacramento Telecommute Program gives eligible employees the opportunity to work in a designated location away from the office.

[COVID-19 Employee Resources](#) [Employment](#) [Employee Relations](#) [Documents](#) [Divisions](#)

Home > Human Resources

[Workplace Postings](#)

### MISSION

The Human Resources Department delivers programs and services in a professional manner to customers that result in a positive experience.

### VISION

The Human Resources Department will be recognized for exceptional business practices and customer service.

### LGBTQIA+ LIAISON

The Diversity and Equity Manager serves as the City's LGBTQIA+ Liaison:  
[Aimée Zenzele Barnes](#)  
(916) 808-1174- Office

### QUICK LINKS

[Labor Agreements](#)

### CLOSURES

**In response to the directive from the County Public Health official, effective close of business on Wednesday, March 18, 2020, all city public counters are closed to the public for in person business until further notice. Human Resources public counters closed for business include HR Administration, Employment, Classification, and Development, and Benefit Services.**

The public is encouraged to direct any inquiries as follows during this closure:

HR Administration:  
[humanresources@cityofsacramento.org](mailto:humanresources@cityofsacramento.org)  
Employment, Classification, and Development:  
[employment@cityofsacramento.org](mailto:employment@cityofsacramento.org)  
Benefit Services:  
[benefitservices@cityofsacramento.org](mailto:benefitservices@cityofsacramento.org)

### WELCOME

Welcome to City of Sacramento Human Resources.

The Human Resources Department is comprised of Administration/Office of the Director, ADA Compliance, Benefit Services, Employment, Classification & Development (ECD), Equal Employment Opportunity (EEO) Office, Labor Relations, Leave Administration, Loss Prevention, Risk Management and Workers' Compensation.

### TELECOMMUTE PROGRAM



The City of Sacramento [Telecommute Program](#) gives eligible employees the opportunity to work in a designated location away from the office.

### CONTACT US

City Hall  
915 I Street  
Sacramento, CA 95814

[Administration/Office of the Director](#)  
916-808-5731

[ADA Compliance](#)  
916-808-8976

[Benefit Services](#)  
916-808-5665

[Employment, Classification & Development](#)  
916-808-5726

[Equal Employment Opportunity \(EEO\) Office](#)  
916-808-5825

[Labor Relations](#)  
916-808-5424

[Leaves of Absence](#)  
916-808-8976

The City of Sacramento is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discrimination and harassment, including sexual harassment, retaliation, and malicious false accusation. In furtherance of this commitment, the City will consider any report of harassment, discrimination, retaliation, or malicious false accusation to be deserving of investigation.

All employees, applicants, and independent contractors working with the City of Sacramento are to be treated with dignity and respect, and the City will not tolerate discrimination or harassment in the hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. Further, the City will not tolerate harassment or discrimination of its workers by others with whom the City has a business, service, or professional relationship.

**Risk Management**

Loss Prevention: 916-808-5278  
Workers' Compensation: 916-808-5741

**HR Department Organizational Chart**

**RESOURCES**

[Citywide Policies](#)

[Sacramento City Code](#)

[Civil Service Board Rules](#)

**For Wage Garnishments, please contact  
City of Sacramento Payroll:  
916-808-7148**

**Employment and Income Verification:  
Please either call 1-800-367-5690 or  
visit [The Work Number](#) and enter  
Employer Code 14367**



**Employment and Income verification  
requests that require more recent data  
than The Work Number has on file,  
please contact City of Sacramento  
Payroll:  
916-808-5495**

SITEMAP

**ONLINE SERVICES**  
311 Service Requests  
Animals and Pets  
Bike Registry  
City Code  
Code Compliance  
Community Calendar  
Council Meetings  
Crime Statistics  
Donations  
eBid Portal  
Employment  
Fees and Charges  
File a Police Report  
Find Your District  
Maps  
Open Data Portal  
Pay a City Invoice  
Pay Parking Citation  
Pay Your Utility Bill  
Permits  
Records Library

**LIVING HERE**  
Arts and Culture  
Birth & Death Certificates  
Code Compliance  
Education  
Jobs  
Libraries  
Marriage License  
Neighborhoods  
Parking Services  
Public Safety  
Recycling & Solid Waste  
Residential Permits  
Summer Heat  
Traffic Alerts  
Utility Services  
Volunteer Program  
Winter Weather  
YPCE

**BUSINESS**  
Building Permits  
Business Operation Tax  
City Code  
Code Compliance  
Demographics  
Doing Business with the City  
Sales Tax Data  
Special Business Permits  
Starting a Business  
Taxes and Fees

**VISITORS**  
Arts and Culture  
Calendar  
Demographics  
Parking & Transportation  
Photos and Videos  
Points of Interest  
Visit Sacramento  
Other Resources

**CITY HALL**  
City Auditor  
City Clerk  
City Code  
Office of the City Manager  
Office of the City Treasurer  
Code Compliance  
Departments  
Executive Team  
Employment  
Green City  
Holiday Schedule  
Mayor & Council  
Meeting Schedules  
Citywide Policies  
Media Contacts  
Records Library  
Whistleblower Hotline



**Human Resources Director**  
Shelley Banks-Robinson

**Office of the Director (4)**  
Program Specialist – Cynthia Sprenger  
Administrative Analyst – Armando Herrera  
Administrative Assistant – Nancy Nguyen

**Benefit Services (12)**  
Samantha Wallace  
Human Resources Manager

**Employment, Class, & Development (18)**  
Sally Ly  
Human Resources Manager

**Labor, Leaves, and Civil Rights (EEO & ADA) (15)**  
Aaron Donato  
Human Resources Manager

**Risk Management (32)**  
Patrick Flaherty  
Risk Manager

**Support/Finance**  
Accountant Auditor – VACANT  
Administrative Analyst – Karen Gillham  
Senior Staff Asst – Jorrena Hartman

**Benefits**  
Sr Personnel Analyst – Kateshia Knox  
Personnel Analyst – Karen Campbell  
Personnel Tech – Elizabeth Ash  
Personnel Tech – Mariah Feliciano  
Personnel Tech – Natalie Wilhite  
Personnel Tech – Raymond Camozzi  
Personnel Tech – Rhonda Mitchell  
Personnel Tech – VACANT

**Employment and Classification**  
Sr Personnel Analyst – Ebony Heaven  
Sr Personnel Analyst – Jennifer Wilkinson  
Personnel Analyst – Ben Wilson  
Personnel Analyst – Besma Alexander  
Personnel Analyst – Patty Leland (EH-NBP)  
Personnel Analyst – VACANT  
Personnel Analyst – VACANT  
Personnel Tech – Kimberly Guinan  
Personnel Tech – Liz Jones  
Personnel Tech – Sophia Ramirez  
Personnel Tech – Tameka Harris  
Personnel Tech – VACANT  
Personnel Tech – VACANT  
Senior Staff Asst – VACANT

**Organizational Development**  
Program Specialist – David Newman  
Administrative Analyst – Khyra Blackman

**Labor Relations**  
Labor Relations Officer – Chee Khang  
Labor Relations Officer – Christen Snyder  
Labor Relations Officer – Leslie Wisniewski  
Labor Relations Officer – VACANT  
Labor Relations Analyst – Amber Foster  
Labor Relations Analyst – Sam Rice  
Administrative Technician – Jennifer Ladd  
Fact Finder – John Parker  
Fact Finder – VACANT

**Equal Employment**  
EEO Manager – VACANT  
EEO Specialist – Brittany Phillips

**Leaves & ADA**  
Program Manager – Jami Kinney  
Administrative Analyst – Heidi Stark  
Administrative Analyst – Kajal Sharma

**Risk Management Admin (6502)**  
Administrative Analyst – Renita Nelson  
Personnel Technician – Tiffany Saich  
Personnel Technician – VACANT

**Environmental Health & Safety**  
Sharneel Kumar  
Environmental Health & Safety Manager

**Support**  
Personnel Technician – Ilana Encinas  
Senior Staff Assistant – Asistrika Seerani  
Senior Staff Assistant – Sarah Williams

**Safety**  
Safety Officer – Richard Brummond  
Safety Specialist – Annette Evans  
Safety Specialist – Brandy Rushing  
Safety Specialist – Derek Li  
Safety Specialist – Nico Vaunhefflyunn  
Safety Specialist – Ritu Singh  
Safety Specialist – Simone Sumeshwar  
Safety Specialist – VACANT

**Workers' Compensation (6504)**  
Natalie Dempsey  
Workers' Compensation Manager

**Support**  
Administrative Analyst – Rita Poteat  
Personnel Technician – Cody Rohrbacker  
Staff Assistant – Emily Yamamoto  
Staff Assistant – VACANT

**Workers' Compensation (Misc)**  
WC Supervisor – Denise Wagers  
WC Claims Rep – Debbie Hunsaker  
WC Claims Rep – Debbie Solano  
WC Claims Rep – Rebecca Morgan-Polite  
WC Claims Asst I – Jennie Saechao

**Workers' Compensation (Safety)**  
WC Supervisor – Kim Smedley  
WC Claims Rep – Clover Loop  
WC Claims Rep – Kelly Casey-Wilderman  
WC Claims Rep – Richard Marconi  
WC Claims Asst I – Jessica Nebres  
WC Claims Asst I – Mina Lopez

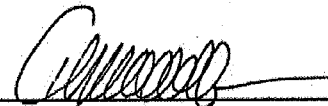
**79 Budgeted Full-Time Employees**  
**2 Non-Budgeted Full-Time Employee**  
67 Filled Positions, 14 Vacancies

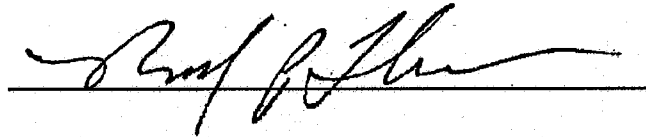


CITY OF SACRAMENTO

ADMINISTRATIVE POLICY INSTRUCTIONS

Topic: Workplace Violence Policy                      Effective Date: 4-1-04  
 From: Human Resources Department                      Supersedes: New  
       Risk Management Division  
 To: Department/Division Managers                      Section: API # 44

  
 \_\_\_\_\_  
 TERRENCE L. WOODS  
 Director of Human Resources

Approved:   
 \_\_\_\_\_  
 ROBERT P. THOMAS  
 City Manager

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## I Purpose

This document establishes the City of Sacramento Workplace Violence Policy, which describes and prohibits workplace violence, threats of violence, intimidation and harassment. This policy establishes procedures and protocol to reduce the potential for violence. This policy also identifies security contacts and reporting procedures for employees to report violence, threats of violence, harassment, and intimidation that occur in the workplace.

## II Policy

### A. Statement of Commitment

The City of Sacramento is committed to providing a safe workplace free from violence and threats of violence. The workplace includes any place where City business is conducted, including City buildings and property, City vehicles, private vehicles while used on City business, other assigned work locations and off-site training.

The City will not tolerate violent behavior or threats in the workplace. Any violent behavior related to the employee's work or work relationships, whether an employee is on or off duty, on or off City property or City workplaces, is prohibited. Violations of this policy will be investigated, and if substantiated, the City will take disciplinary action up to and including termination.

### B. Violent Behavior

Employees should not be subjected to physical or verbal conduct that is violent in nature related to the employee's work or work relationships. In addition, no employee is permitted to engage in violence or threaten violence to another employee, supervisor, manager, union representative, customer, resident or any other person.

Examples of behavior prohibited by this policy include, but are not limited to:

- Violent physical actions;
- Direct or implied threats to do harm to a person or to property, including intimidating use of one's body or physical objects;
- Verbally abusive or intimidating language or gestures;
- Threatening, abusive or harassing communications;
- Possession of a dangerous or deadly weapon at the workplace, unless an employee is authorized by his/her department head to possess such a weapon;
- Possession of imitation weapons on City property or City workplace;

- Destructive or sabotaging actions against City property or employee property; and
- Engaging in unwanted or intrusive behavior against another person such as stalking, spying or harassment.

### C. Reporting

Every employee has the responsibility to immediately report to his or her supervisor or department safety representative any violations of this policy. This includes employees who are aware of violence or threats of violence that may create a risk of harm to the employee or others in the workplace by a City employee, or any other person, whether occurring in or away from the workplace. All reports will be promptly and thoroughly investigated.

### III Retaliation

The City will not tolerate any type of retaliation against an employee who reports workplace violence or the threat of violence.

### IV Restraining Orders

If an employee has a restraining order against another employee or that involves a city workplace, the employee must report it to his/her supervisor. Copies of restraining orders with proof of service should be retained on site to assist Police in the event a violation occurs.

### V Departmental Responsibilities

#### A. Workplace Safety

Every department head will assess the potential for violence and take measures to maintain workplace safety. Supervisors and managers will monitor the workplace and immediately assess any violent or threatening behavior even if the person or persons engaged in the conduct are not their subordinates, or they have not received a complaint.

#### B. Training

City University will provide mandatory training on this policy and preventing violence in the workplace. Department Heads are responsible for providing their staff with information about the prevention of workplace violence and violence-management techniques on a periodic basis.

### C. Departmental Response to Violence

When a violent action or threat is brought to the attention of a supervisor, manager or departmental safety representative, an evaluation of the severity of the situation must be made immediately. If evacuation is necessary, proceed in accordance with the building disaster plan.

1. Contact 9-1-1 if there is a likelihood of immediate violence.

- From a city phone 9-911 or 911
- From a cellular phone 916-264-5151

2. Supervisors and managers will determine if further action is needed and take appropriate action. See Attachment A (Supervisor Plan of Action for Threat by Employee) and Attachment B (Supervisor Plan of Action Threat by Citizen).

3. Contact Labor Relations at 808-5424 if additional assessment is needed beyond the departmental level. If appropriate, Labor Relations will activate the Threat Assessment Team.

### VI Threat Assessment Team

The City considers all threats of violence or intimidation seriously. The City's Threat Assessment Team investigates reports of actual or threatened violence, assesses the risks, and makes recommendations for action.

### VII Definitions:

A. Harassment: behavior that is not welcome, that is offensive, demoralizing, and/or interferes with work effectiveness.

B. Imitation weapon: any object that is designed to look like or simulate a real weapon.

C. Intimidation: inspiring fear in a person or inhibiting speech or action of a person by a show, promise or threat of force.

D. Restraining order: a court order that prohibits specific behavior; a preliminary legal order issued to keep a situation unchanged pending decision upon an application for an injunction.

E. Retaliation: any behavior that is intended to punish or discriminate against another person for reporting an incident or threat; revenge.

F. Threat: an expression of intent to inflict pain or injury on a person or damage to an object. Threats may be explicit (such as, "I'll get even with you later" or "I'll kill you if you report me") or implied (such as "bad things are going to happen to him" or "that propane tank on the back of his truck could sure blow up easily"). Threats also include stalking. Conflicts and disagreements are expected to occur in the workplace and do not by themselves represent a threat of violence.

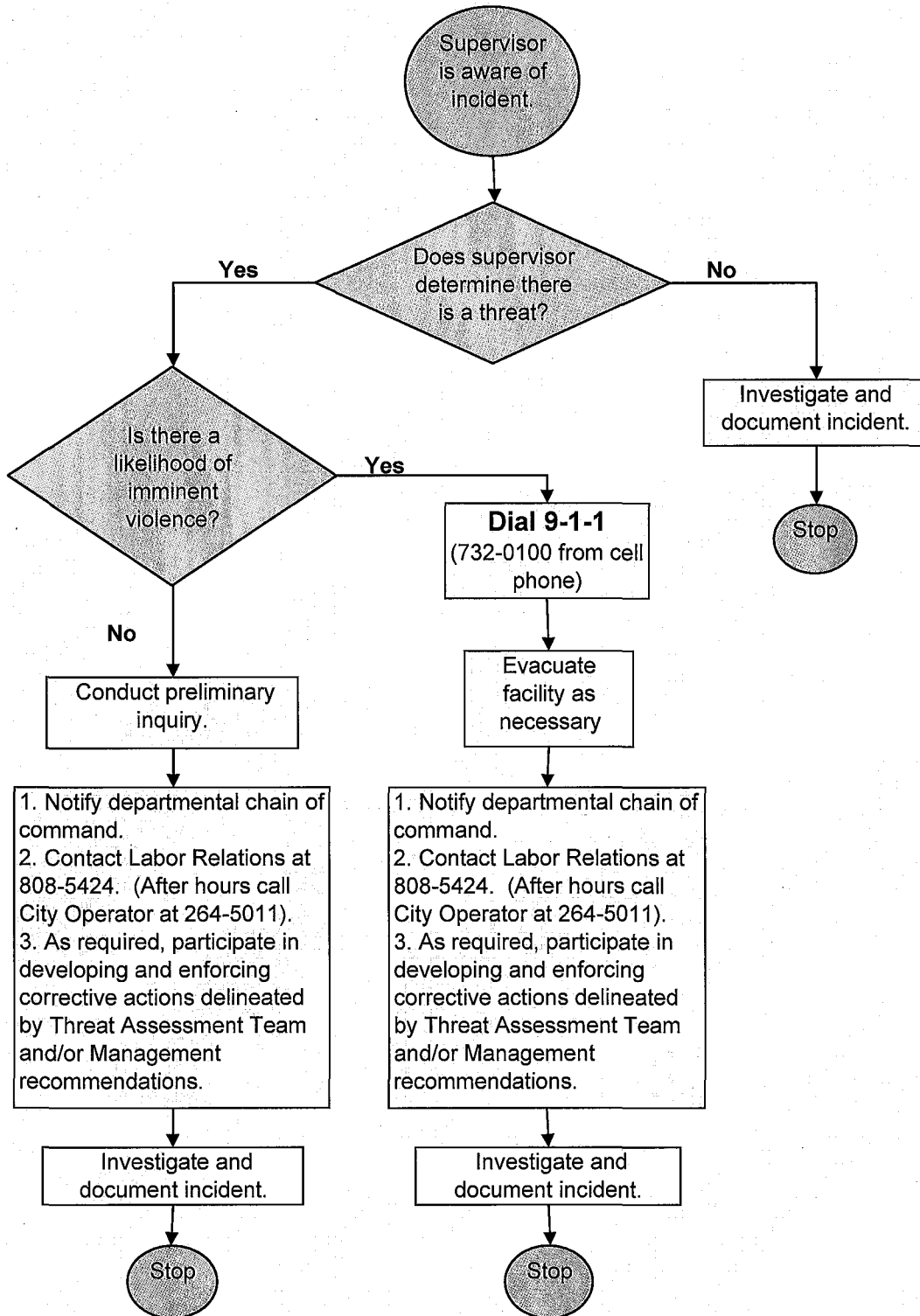
G. Threat Assessment Team: group consisting of management personnel from Labor Relations, Risk Management, City Attorney's Office and the Police Department; formerly known as the Management Assessment/Intervention Team (MAIT).

H. Weapon: an instrument, article or substance which, under the circumstances in which it is used, or threatened to be used, is capable of causing physical injury or death; any physical object which meets the criteria outlined in California Penal Code Section 12020 or Sacramento City Code Section 9.32.010.

I. Workplace: any place City business is conducted, including City buildings and property, City vehicles, private vehicles while used on City business, other assigned work locations and off-site training.

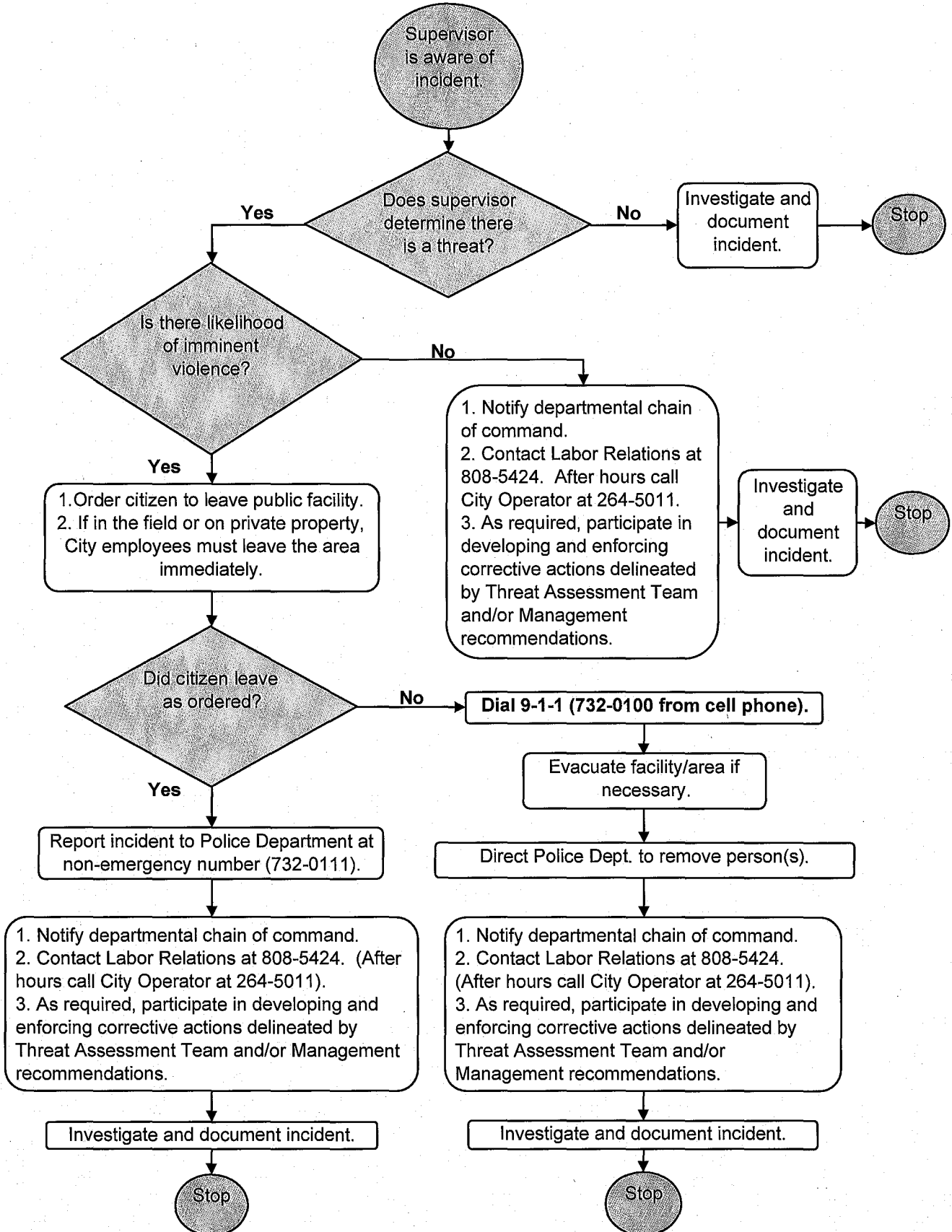
# Supervisor Plan of Action for Threat by Employee

## Attachment A



# Supervisor Plan of Action for Threat by Citizen

## Attachment B



*City of*  
SACRAMENTO

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## **Employee Handbook**

*February 2015*

**Policy Contact**

Melissa Chaney, Director of Human Resources (916) 808-7173,  
[MChaney@cityofsacramento.org](mailto:MChaney@cityofsacramento.org)



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## **INTRODUCTION**

The purpose of this handbook is to provide a summary of the city policies, employee working conditions, and benefits. This handbook is not intended to be an employment contract, express or implied, between the city and its employees and does not create property or other rights in employment. Such rights are governed by the various labor agreements, the Rules and Regulations of the Civil Service Board and/or the city's unrepresented personnel resolution.

In this handbook, you will find answers to questions about what the city expects of you and what you may expect from the city. The city encourages you to speak with your supervisor if you have additional questions.

## **A BRIEF HISTORY OF SACRAMENTO**

When James Marshall discovered gold in the American River in January 1848, the world rushed in, and the City of Sacramento was born. Founders established the city in 1849 and incorporated it in 1850. Prior to this nineteenth-century event, however, the Nisenan and Miwok Indians inhabited the region surrounding the Sacramento and American Rivers for thousands of years. Living peaceably and unchallenged, California's native population grew to an estimated 300,000 by the middle of the eighteenth century.

European explorers journeyed to California by the mid-sixteenth century. They claimed California for Spain, but the Spanish did not establish permanent settlements until the early eighteenth century, when they built military presidios and Catholic missions along the coastal areas. Spanish Lieutenant, Gabriel Moraga, led an expedition into the valley in 1808. Finding the inland region unsuitable for mission sites, he left, but the name with which he christened the valley remained Sacramento, for the holy sacrament. The interior valley remained the domain of the Indians, trappers, and traders for only a few more decades.

Mexico gained independence from Spain in 1821, and Mexican governors issued large land grants to settle California in Mexico's name. In 1839, Swiss emigrant, John Sutter, chose a site at the confluence of the American and Sacramento Rivers and established the inland valley's first permanent white settlement. Sutter and his Indian laborers developed an agricultural outpost that attracted American settlers after their long, overland journey across the continent. By 1848, approximately 2,500 pioneers settled in California. That same year, Mexico ceded California after losing a war with the United States.

The Gold Rush brought a large influx of people to Sacramento throughout the 1850s, and the city developed into a major transportation and trading hub for miners and merchants. Its establishment as the State Capitol in 1854 and as the terminus for the transcontinental railroad in 1863 ensured Sacramento's future as one of the West's most important cities.

With over 400,000 residents, the City of Sacramento continues to grow and prosper. Employment with local, state, and federal governments remain the area's biggest employers; trade, industry, financial, real estate, and other types of services flourish in the area. As in the 1800s, Sacramento attracts people from all over the world, creating a culturally diverse community.

## **SECTION 1– EMPLOYMENT**

### **1.1 TYPES OF APPOINTMENTS**

There are three types of appointments in the city:

a. Career Appointment:

Those employees having either probationary or permanent status as defined by the Rules and Regulations of the Civil Service Board. Most jobs in the city fall into this category. Applicants take a civil service examination and are appointed as vacancies occur. Career employees serve a probationary period, up to 24 months, after hired. If completed successfully, the employee will gain permanent status.

b. Non-Career Appointment:

Non-Career employees typically work for a limited time to cover a seasonal need or to fill in temporarily behind career employees.

c. At-Will Appointment:

At-will employees are exempt from normal civil service hiring procedures. At-will employees are appointed by the Mayor, Council, City Attorney, City Auditor, City Clerk, City Manager, and City Treasurer. These employees serve at the pleasure of the appointing authority.

### **1.2 JOB OPPORTUNITIES**

The city accepts applications online. To apply for open, city-only, or transfer opportunities, employees must fill out an online application at [www.cityofsacramento.org/hr/employment/](http://www.cityofsacramento.org/hr/employment/). Employees are encouraged to check weekly for new job openings. Employees may contact the employment office for assistance with applying for jobs or for general employment related inquiries.

### **1.3 RESIDENCY REQUIREMENT**

Employees are not required to live within the boundaries of the City of Sacramento. However, employees who work in some job classifications that provide emergency services are required to reside within 35 air miles of the "W-X, 29th-30th Streets" freeway interchange. Employees in classifications who must reside within the "35-mile residency requirement" are identified in Rule 13.3 of the Rules and Regulations of the Civil Service Board.

### **1.4 DRUG-FREE WORKPLACE POLICY**

In accordance with the federal grant requirements established by the Drug-Free Workplace Act of 1988, the City of Sacramento has a drug-free workplace policy:

- a. Unless legally authorized to do so, employees are prohibited from manufacturing, distributing, dispensing, using, consuming, injecting, possessing, being under the influence of, selling or offering for sale any controlled substance as the latter is defined in the California Health and Safety Code.
- b. An employee shall notify his/her immediate supervisor of any criminal drug statute conviction he/she received for a violation occurring in the workplace or while on duty no later than five calendar days after such conviction.

### **1.5 ZERO TOLERANCE POLICY**

The City has a zero tolerance policy on drugs and alcohol in the workplace. Zero tolerance means that all employees are prohibited from possessing, using, or being under the influence of prohibited drugs or alcohol while on duty, on city property, while operating or in city equipment, in the employee's vehicle used during city business, on their person, or in the work place. Employees subject to testing pursuant to the federal Department of Transportation drug testing requirements are also precluded from using alcohol within eight hours of starting their shift.

For detailed information regarding the policy, please refer to the Drugs/Alcohol in the Workplace Policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Labor Relations Division.

## **1.6 SMOKE-FREE WORKPLACE POLICY**

Individuals (employees, contractors, vendors, visitors or guests) are not permitted to smoke in the workplace. The workplace includes, but is not limited to city buildings, vehicles, equipment (including light and heavy duty trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed driver/passenger compartment), or other areas where work activities are being performed. Smoking is not prohibited in designated smoking areas. Where a smoking area is not officially designated, employees who wish to smoke may do so at a minimum distance of 20 feet from the entrance or air intake of the workplace as defined above. For outside workplaces, such as construction sites, individuals (as defined above) must be 20 feet from work and/or break areas when smoking.

For detailed information regarding the policy, please refer to the Smoke-Free Workplace Policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Administration Division.

## **1.7 DOMESTIC VIOLENCE**

The City of Sacramento recognizes the destructive effects that domestic violence has on individuals and on the workplace. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family member, domestic partner, or cohabitant in reasonable fear of receiving serious bodily injury.

The city continues its commitment to taking reasonable and prudent steps necessary to provide for a safe workplace, offer community resource agency and counseling referrals, and accommodate work schedule modifications where possible and practicable and where it is determined that such actions may assist in mitigating the effects of the actual violent or threatened activity.

City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to assisting employees and their families against domestic violence.

If you have any questions regarding Domestic Violence, please feel free to contact the Department of Human Resources, Labor Relations Division.

## **1.8 WORKPLACE VIOLENCE POLICY**

The City of Sacramento is committed to providing a safe workplace free from violence, and threats of violence. The workplace includes any place where city business is conducted, including city buildings and property, city vehicles, private vehicles while used on city business, other assigned work locations, and off-site training.

For detailed information on the Violence in the Workplace policy, please refer to the Violence in the Workplace policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Labor Relations Division.

## **SECTION 2 – EMPLOYEE BENEFITS**

### **2.1 INSURANCE PLANS**

#### **a. Career Employees**

The city provides a cafeteria benefit plan under the provisions of Internal Revenue Code Section 125 for career employees. In addition to a city-provided basic life insurance policy, career and exempt full-time and part-time employees receive a fringe benefit contribution from the city. The amount of the contribution is determined by the applicable labor agreement between the city and the recognized employee organization or the Unrepresented Personnel Resolution. Employees may select city-sponsored medical, dental, vision, supplemental life insurances, and short-term disability insurances. Premiums for these benefits are deducted from the fringe contribution, and salary if necessary, on a pre-tax basis.

#### **b. Non-Career Employees**

The city pays a monthly fringe benefit contribution for non-career employees who work 1,040 or more hours in a 12-month period. The contribution amount is determined by the labor agreement between the city and the recognized employee organization or the unrepresented personnel resolution. It may be applied only toward the premiums of city-sponsored medical and dental plans.



### c. Benefit Changes

Benefit changes may be made annually during the open enrollment period. In order to make changes to current benefit selections outside of the annual open enrollment period, a "Life Event" must occur, in which case an employee has 30 days from the date of the event to contact the Department of Human Resources, Benefits and Retirement Division. "Life Events" recognized by the city include the following: marriage, birth, guardianship or adoption of a child, divorce, legal separation, court orders, judgments, decrees, approved leave of absences, eligibility changes due to employment, spousal employment status changes, over age dependents (no longer eligible), and registering or terminating of domestic partnerships.

## **2.2 457 DEFERRED COMPENSATION PLAN**

The city offers a 457 Deferred Compensation Plan, which is a personal supplemental retirement savings program that allows you to contribute on a pre-tax basis. Federal, and in most cases, state income taxes are deferred until your assets are withdrawn, usually during retirement when you may be in a lower tax bracket.

## **2.3 401(a) MONEY PURCHASE PLAN**

Some employees may be eligible for 401(a) Money Purchase Plan. This is a retirement savings plan that allows you to set aside money for retirement. Please see applicable labor agreement for eligibility.

## **2.4 RETIREMENT PLANS**

The city has two retirement systems. The Sacramento City Employees' Retirement System (SCERS) has been a closed retirement plan since 1989. The City's active retirement plan is California Public Employees' Retirement System (PERS).

a. Sacramento City Employees' Retirement System (SCERS)

Miscellaneous career employees hired before January 29, 1977, or who have had city service before this date, are SCERS members. SCERS contribution rates for miscellaneous members are determined by the individual's age when entering the system. Minimum retirement qualifications and maximum benefits are specified in the plan. Certain plans are coordinated with Social Security coverage; under such plans, retirement allowances are reduced when members become eligible for Social Security benefits.

b. Public Employees' Retirement System (PERS)

Career employees, and non-career employees who qualify for PERS membership, who were hired after January 28, 1977, and who have no city service before that date, are PERS members. The city contracts with the State of California to provide this coverage. Minimum retirement qualifications and maximum benefits are specified by plan coverage. Certain PERS plans are coordinated with Social Security coverage; under such plans, the PERS formula reduces the retirement allowance. Refer to the applicable labor agreement for details on city and/or employee contributions to PERS.

## **2.5 SOCIAL SECURITY AND MEDICARE**

Non-safety employees are required to contribute to Social Security and Medicare. Safety employees are required to contribute to Medicare. Federal law establishes the Social Security and Medicare withholding rates. Social Security and Medicare contributions are deducted from the bi-weekly paychecks. Refer to paycheck for details.

## **2.6 FLEXIBLE SPENDING ACCOUNTS**

The city provides flexible spending accounts which allow benefit-qualified employees to pay for certain Internal Revenue Service (IRS) approved medical and dependent care expenses with pre-tax earnings. These expenses may include "out-of-pocket" costs for medical and dental insurance co-pays, prescriptions, and other specific health care or dependent care expenses as defined by the IRS.

## 2.7 VACATION

Career employees, and non-career employees who work for the city for 1,040 or more hours per year, accrue paid vacation time. Part-time career and eligible non-career employees accrue vacation time on a pro-rata basis. Employees who work less than 1,040 hours per year do not accrue vacation time. The number of accrued vacation days is dependent upon length of service. The maximum vacation accrual allowed is 480 hours or 672 for Fire Suppression employees.

<u>Length of Service</u>	<u>Days/Hours Credited Per Year for Employees on a Standard Workweek</u>	<u>Days/Hours Credited Per Year for Employees on a Fire Suppression Workweek</u>
1 to 5 years	10 days/80 hours	112 hours
6 to 15 years	15 days/120 hours	168 hours
16 or more years	20 days/160 hours	224 hours

The city's payroll system will reflect the current number of vacation hours an employee has available to use. All employees have the accrued vacation available to them for use only after they have completed six months of service. Employees may check with their supervisor on how to schedule vacation time off within their department. Employees earning 20 vacation days per year have the option of selling one week of vacation back to the City every year; that is, receiving one week of vacation pay in lieu of taking the vacation time off.

## 2.8 HOLIDAYS

Eligible employees receive the paid holidays as listed below. Check the applicable labor agreement for eligibility and other holiday benefits.

(holidays listed next page)

<b><u>Holiday</u></b>	<b><u>Date</u></b>
New Year's Day	January 1
Martin Luther King, Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Cesar Chavez Day	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving Day
Christmas Eve (4 hours)	December 24
Christmas Day	December 25
New Year's Eve (4 hours)	December 31

## **2.9 SICK LEAVE**

Full-time career employees accrue sick leave credit equivalent to 8 hours per month/96 hours per year. Part-time career and non-career employees earn sick leave on a pro-rata basis per the applicable labor agreement and/or California's Healthy Workplaces, Healthy Families Act of 2014. The city's payroll system will reflect how many sick leave hours an employee has earned.

## **2.10 KINCARE and Special Leave**

Employees are allowed to utilize a portion of their available sick leave credit to care for a family member in accordance with the California Labor Code Section 233 (KinCare) and Civil Service Board Rule Appendix A (Special Leave). KinCare and Special Leave shall run concurrently. To track KinCare and Special Leave use the 'Sick Family Care' absence code on the timesheet. For more information on KinCare and Special leave, please contact the citywide Leave Administrator at the Department of Human Resources, Administration Division.

## 2.11 LEAVE OF ABSENCE

Occasionally, the need arises when an employee must take time off for a non-industrial illness or injury. The city's Non-Industrial Leave of Absence Program covers the following types of leave of absences:

- **Medical** – for the employee's own medical condition,
- **Family Care** – for the employee to care for a child, spouse, registered domestic partner, or parent with a medical condition,
- **Parental** - for the birth, placement or adoption of a child,
- **Pregnancy Disability** – for an employee who is disabled due pregnancy,
- **Military** –for an employee's own military service, and
- **Personal** –for any reason that does not qualify under any other type of leave

The federal Family Medical Leave Act (FMLA) and state of California Family Rights Act (CFRA) cover non-industrial leave of absences. FMLA and CFRA entitles qualified employees to take up to 12 work weeks or 480 hours of unpaid, job and benefit-protected leave in a 12-month rolling backward period. To be eligible employees must have 12-months of City Service, 1,250 feet-on-the-floor hours preceding the leave start date, and a qualifying event.

Additionally, the state Pregnancy Disability Leave Law (PDL) allows employees to take up to four months of unpaid, job and benefit-protected leave for disability due to an employee's pregnancy, childbirth, or related medical conditions.

All employees who also serve in military service are entitled to a leave of absence. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA), the California Military and Veterans Code, and the Rules and Regulations of the City Service Board provide leave rights and benefits to eligible military service members.

While on an approved leave of absence, employees can utilize available accrued leave, disability insurance, parental pay, pregnancy disability pay, or catastrophic leave pay in accordance with the applicable labor agreement or leave administration policy.

To apply for a non-industrial leave of absence the employee should contact his/her supervisor, PAR contact or the citywide Leave Administrator at the Department of Human Resources, Administration Division.

For detailed information, please refer to the applicable labor agreement, Rules and Regulations of the Civil Service Board, the Leave Administration Policy located on the City's website at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or call the Department of Human Resources, Administration Division.

## **2.12 TRANSPORTATION**

### **a. General**

The city provides employees with transportation to conduct official city business. Vehicles for short-term or occasional use are available from the city's vehicle pool, which is administered by the Department of General Services, Fleet Management Division. However, with approval, employees may use a privately owned vehicle to conduct city business, or, under certain circumstances, the City Manager may assign a city vehicle on a permanent basis.

### **b. Vehicle Allowance or Mileage Reimbursement**

If an employee is pre-approved to use their own private vehicle for city business, the employee will be reimbursed for mileage. Some exempt employees who use their vehicles in the course of city business receive a monthly vehicle allowance. For further information regarding vehicle allowances or mileage reimbursements, see the applicable labor agreement or the city policy regarding mileage reimbursement.

### **c. Downtown Parking Subsidy**

Full-time career employees working in the downtown area may be eligible to receive a monthly downtown parking subsidy. For further information, see the applicable labor agreement located on the city's website at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **d. Sacramento Regional Transit or Other Bus Transportation**

Employees may purchase a monthly discounted Regional Transit (RT) Bus Pass or a Light Rail System Pass. This pass is for the employee's use only. Employees who would like to purchase a monthly RT bus or light rail pass may contact the Department of Finance, Revenue Division for further details.

e. Monthly Parking Permit

Employees may purchase a monthly parking permit. Employees who would like to secure a monthly parking permit may contact the Department of Finance, Revenue Division for further details.

### **2.13 EDUCATION ASSISTANCE POLICY**

The Education Assistance Policy was established to encourage employees to improve their knowledge, skills, and abilities in subject areas that will enhance their work performance for the city.

Applications for education assistance may be considered from exempt employees and full-time career employees who have satisfactorily completed their probationary period, if applicable.

Employees may be reimbursed for 100% of the cost of registration, tuition, and books, up to a maximum per calendar year at the discretion of the appointing authority. Check applicable labor agreements or unrepresented personnel resolution for the maximum reimbursable amount. Employees should contact their supervisor for more information about Education Assistance Policy.

### **2.14 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The city provides an Employee Assistance Program (EAP) for city employees and their families. EAP services include counseling for marriage, family and relationship issues, alcohol and drug abuse, emotional, personal and stress-related concerns, financial and credit problems, childcare and eldercare matters, legal problems, federal tax consultation and representation, pre-retirement planning, and organizing life's affairs. All counseling and referral services are confidential and free to employees and their immediate family members. Employees and their immediate family members are each entitled to a defined number of counseling sessions per incident. To find out more about additional services provided through EAP or to obtain more information about services provided, visit the Department of Human Resources, Benefits and Retirement Division.

## **2.15 WELLNESS PROGRAM**

The purpose of the Wellness Program is to provide information, support, and direction to city employees to help them make positive lifestyle changes, enhance their own personal lives, and strengthen their job performance.

Participation in some Wellness activities must be on an employee's own personal time. Employees may speak with their supervisor about the Department's policy on attending Wellness classes and events.

A listing of the scheduled Wellness classes and other opportunities can be found on the Wellness website at

<http://www.cityofsacramento.org/HR/Divisions/Benefits-Retirement/Wellness-Program>.

## **SECTION 3 – CIVIL RIGHTS**

### **3.1 DISCRIMINATION AND HARASSMENT**

It is the policy of the City of Sacramento to afford equal opportunity to all persons and to prohibit discrimination or harassment based on ancestry, age, color, disability (physical and mental, including HIV and AIDS), genetic information, gender (gender identity and gender expression), marital status, medical condition, military and veteran status, national origin (includes language use restrictions), race, religion creed, sex (includes pregnancy, childbirth, breastfeeding and/or related medical conditions) or sexual orientation. Our commitment to equal opportunity and non-discrimination extends to all job applicants and employees, and to all aspects of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination, as well as providing reasonable accommodation to qualified persons with disabilities.

The Office of Civil Rights Manager is the City Manager's designee to direct, coordinate, and supervise activities associated with the City's Equal Employment Opportunity (EEO) Policy prohibiting discrimination, harassment, and retaliation.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at

<http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.



### **3.2 SEXUAL HARASSMENT**

It is the policy of the City of Sacramento that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. No employee, (regardless of sex or gender), should be subjected to unsolicited, unwelcomed, and unwanted sexual overtures or conduct of a sexual nature. To this end, the City will not condone any form of sexual harassment in the workplace. Such conduct by a City employee or non-employees who conduct business with the City will not be tolerated. Corrective or disciplinary action, up to and including termination, shall be taken against employees engaging in behavior or conduct prohibited by the Equal Employment Opportunity policy.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **3.3 DISABILITY DISCRIMINATION**

Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, by a management employee or coworker is not condoned and will not be tolerated. The policy applies to the job application process and all terms and conditions of employment including, but not limited to: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination, and also in the provision of city programs and services.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **3.4 REASONABLE ACCOMMODATION**

All decisions relating to employment including, but not limited to recruitment, selection, training, assignment, promotion, reinstatement, compensation, transfer, benefits, and education, will be determined by the applicant's or employee's ability with consideration of any requested reasonable accommodation. The Reasonable Accommodation policy is applicable to all employment policies and practices.

For more detailed information about the reasonable accommodation process, please refer to the Reasonable Accommodation Policy on the

City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

## **SECTION 4 – LABOR RELATIONS**

Rules and Standards of behavior are similar for most city employees. For example, all employees are expected to be on time for their shift, work efficiently, show courtesy to their fellow workers, customers, and members of the public, and to follow city regulations. However, specific schedules, procedures, and regulations may vary from group to group, depending on the employment classification and the demands of each job.

If an employee's classification is represented by a recognized employee organization, there is a formal labor agreement between the organization and the city, outlining specific working conditions. A listing of the Recognized Employee Organizations (also referred to as Unions or Associations) can be found in Section 9. Employees may obtain a copy of their labor agreement at: <http://www.cityofsacramento.org/HR/Divisions/Labor-Relations/Labor-Agreements>

## **SECTION 5 – MISCELLANEOUS**

### **5.1 IDENTIFICATION BADGE**

All City of Sacramento employees are required to have a photo identification badge which must be worn at all times while in all city buildings or on city property. Lost or stolen badges may jeopardize the security of employees or city property and must be reported immediately to the employee's supervisor.

### **5.2 INFORMATION TECHNOLOGY**

#### **a. Help Desk**

For all information technology (IT) related assistance, including but not limited to issues with a computer, telephone or network accessibility, or to request IT related products, such as a program upgrade, please call (916) 808-7111 or email [ITHelpdesk@cityofsacramento.org](mailto:ITHelpdesk@cityofsacramento.org).

#### b. Intranet Access

The city's intranet is an excellent resource for city employees and may be accessed from any city most devices connected to the network. The website address is <http://citynet>.

#### c. Outlook Web Application

You may log onto your city email account outside of the city's network by visiting <http://owa.cityofsacramento.org>.

#### d. Information Technology Resource Policy

The overriding goal of the Information Technology Resource Policy is to provide clear direction for responsible, ethical, and lawful use of technology resources by employees, contractors, agents and other users. Direction for protecting the integrity of the private and confidential information, as well as public business data residing within the City of Sacramento's technology infrastructure is provided by the policy and applicable guidelines, procedures and associated forms. Please refer to the Information Technology Resource Policy for information regarding the user's responsibility, security, and acceptable use of any assigned Information Technology resource.

### **5.3 CONFLICT OF INTEREST**

City employees are generally prohibited from entering into contracts in which they have a financial interest if the city is a party. In addition, some designated city employees must annually report on their investments, business positions, real property, and/or sources of income, which may be related to decision-making authority in their job responsibilities. If an employee has a question on the conflict of interest rules, contact the department's Conflict of Interest Filing Official or the City Clerk's Office.

## **SECTION 6 – PAYROLL**

### **6.1 GARNISHMENT POLICY**

Employees who have their wages garnished for more than one indebtedness, except for earnings assignment orders under Family Code Sections 5200 et seq., may be subject to discipline, up to and including

termination. Employees experiencing ongoing problems paying debts are encouraged to seek assistance from the Employee Assistance Program (EAP) or other sources before employment is affected.

## **6.2 PAYDAYS**

The city pays employees every other Tuesday. There are 26 pay periods in the year. If a Tuesday payday falls on a holiday, employees are paid on the preceding Monday.

## **6.3 PAYROLL EARNINGS AND DEDUCTIONS**

Bi-weekly payroll earnings and deduction statements may be viewed in the city's payroll self-service module. The following information is available on the statement:

- a. General Information – name, address, job title, pay rate, pay period begin date and pay period end date;
- b. Tax Data and Withholding – federal and state tax withholdings and allowances;
- c. Hours and Earnings – description of earnings, rate of pay, hours and earnings, both current and year-to-date;
- d. Deductions – current and year-to-date before-and-after-tax deductions paid by the employee for items such as the employee's share of health insurance premiums and union dues;
- e. Employer Paid Benefits – current and year-to-date employer-paid benefits such as health insurance and retirement contributions;
- f. Net Pay/Direct Deposit Distribution – the account number(s) and amounts where employee funds are being distributed.

## **SECTION 7 – SAFETY**

One of the most important safety practices is to report every injury, accident, or exposure to a hazardous substance to the supervisor immediately.

## **7.1 WORK ENVIRONMENT**

The City of Sacramento strives to maintain a work environment that protects employee health and prevents accidental injury to employees. The Illness and Injury Prevention Program (IIPP) integrates all of the policies and procedures intended to identify and control occupational hazards.

For detailed information regarding the IIPP policy, please contact the Department of Human Resources, Risk Management Division, Loss Prevention Office or the policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>

## **7.2 VEHICLE COLLISION**

Employees in a collision while operating a city vehicle or piece of equipment, or who are driving their own vehicle as required for city business, must immediately notify the Sacramento Police Department. If outside of city limits, the California Highway Patrol or the local law enforcement agency that has jurisdiction should be called. The accident needs to be investigated at the time and place that it occurred. An investigation is required regardless of how minor the accident is. If the accident happens outside of the city limits, make sure to ask that a report be taken. Please first discuss the accident only with official representatives of the City of Sacramento and the law enforcement officials who are investigating the case.

For further instructions, refer to Vehicle Collision policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Risk Management Division, Administrative Office.

## **7.3 DRIVER'S LICENSE**

To drive a vehicle in the course of city business, employees are required to have a current and valid California driver license in the appropriate driving classification. Accommodations for employees with disabilities may be arranged. If an employee's driver license is expired, suspended, revoked, restricted, or there is a change in status, the employee must report it to their supervisor immediately. In such a case, city policy provides that some employees may be given a period of time to correct the deficiency.

For detailed information regarding the policy, please refer to the Driver's License Policy on the city's website located at

<http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Risk Management Division, Loss Prevention Office.

#### **7.4 ACCIDENTS TO VISITORS ON CITY PROPERTY**

If an employee sees an accident or injury to a member of the public who is visiting a city facility or is on city property, give him or her any assistance necessary. Please first discuss the accident only with official representatives of the City of Sacramento and the law enforcement officials who are investigating the case. Non-employee injuries must be reported. For further instructions, please contact the Department of Human Resources, Risk Management Division.

### **SECTION 8 – WORKERS’ COMPENSATION**

#### **8.1 WORKERS’ COMPENSATION**

Workers’ compensation covers any injury or illness caused by an employee’s job, ranging from simple first aid to major injury or death. Workers’ Compensation provides medical treatment and salary replacement benefits for City employees and volunteers who are injured on the job.

If employees are injured or become physically or mentally ill because of their job, including injuries resulting from a workplace crime, they may be entitled to workers’ compensation benefits. Employees should immediately notify their supervisor of any injury or illness. The supervisor will notify the Worker’s Compensation Unit. Employees will receive a Division of Workers’ Compensation Claim Form for them to complete, sign and return to the Workers’ Compensation Unit.

The City of Sacramento has a modified/alternative duty program. The purpose of this program is to allow injured workers to return to work while continuing to recover from the on-the-job injury or illness. This program may allow injured workers to continue to earn their full salary and leave benefits, and to maintain leave balances and personal and/or family health benefits. A temporary assignment may be within the employee’s own department or another department.

The city administers workers’ compensation benefits in accordance with the California Labor Code. Employees can obtain free information from a State of California Division of Workers’ Compensation Information and

Assistance Officer by calling (916) 263-2741, or they can hear recorded information and a list of local offices by calling (800) 736-7401.

Employees may access the State of California, Division of Workers' Compensation web site at <http://www.dwc.ca.gov> or see the City's intranet site at <http://citynet/home/view/HumanResources/RiskManagement/WorkersCompensation.cfm>.

## **8.2 WORKERS' COMPENSATION FRAUD IS PROHIBITED**

Workers' compensation fraud may be punished by imprisonment and/or a fine not exceeding \$150,000 or double the amount of the fraud, whichever is greater.

Employees who would like to obtain more information about the issue of workers' compensation fraud, or would like to report an occurrence of suspected workers' compensation fraud, should call the city's workers' compensation Fraud Line.

You may also contact the Department of Insurance Fraud Division's hotline number: (800) 927-4357 or access the Fraud Division's website at: <http://www.insurance.ca.gov/0300-fraud/0100-fraud-division-overview/>

## **SECTION 9 – CONTACT INFORMATION**

### **9.1 DEPARTMENT OF HUMAN RESOURCES**

Administration:	(916) 808-5731
Benefits and Retirement:	(916) 808-5665
Employment and Classification:	(916) 808-5726
Labor Relations:	(916) 808-5424
Office of Civil Rights:	(916) 808-5825
Risk Management:	
Risk Administration:	
Insurance:	(916) 808-5556
Liability Claims:	(916) 808-5502
Loss Prevention:	(916) 808-5278
Workers' Compensation:	(916) 808-5741
Fraud Line:	(916) 808-8895

### **9.2 DEPARTMENT OF FINANCE**

Main Line:	(916) 808-5845
Payroll:	(916) 808-5495
Revenue Division:	(916) 808-8500



### 9.3 RECOGNIZED EMPLOYEE ORGANIZATIONS

The City recognizes the following organizations as exclusive agents of their respective bargaining units:

<b>Recognized Employee Organization</b>	<b>Bargaining Unit</b>
Stationary Engineers-Local 39 1620 North Market Boulevard Sacramento, CA 95834 (916) 928-0399	Operations and Maintenance, Office and Technical, Professional Unit; General Supervisory and Plant Operator Units
Sacramento Police Officers Association 550 Bercut Drive Sacramento, CA 95811 (916) 446-7661	Police Department Unit
Sacramento Area Fire Fighters-Local 522 3720 Folsom Boulevard Sacramento, CA 95816 (916) 739-8522	Fire Department Unit
International Association of Machinists and Aerospace Workers 967 Venture Court Sacramento, CA 95825 (916) 929-1040	Automotive/Equipment Mechanics Unit
Auto, Marine and Specialty Painters Local 1176 8400 Enterprise Way, Room 124 Oakland, CA 94621 (510) 632-7456	Traffic Engineering Unit
Sacramento-Sierra's Building and Construction Trades Council 967 Venture Court Sacramento, CA 95825 (916) 929-1040	Building Trades and Craft Unit

**Recognized Employee Organization**

**Bargaining Unit**

Plumbers and Pipefitters-Local 447  
5841 Newman Court  
Sacramento, CA 95819  
(916) 457-6595

Water and Sewer Unit

Western Council of Engineers  
700 College Avenue  
Santa Rosa, CA 95404  
(707) 575-6000

Engineering Unit

Sacramento City Exempt Employees  
Association  
PO BOX 340940  
Sacramento, CA 95834  
(916) 996-8060

Exempt Management, Exempt  
Management Support, and  
Confidential/Administrative Units



## **Domestic Violence Policy**

**Scope: CITYWIDE**

### **Policy Contact**

Melissa Chaney

Director

Human Resource Department

(916) 808-7173

[MChaney@cityofsacramento.org](mailto:MChaney@cityofsacramento.org)

### **Table of Contents**

Policy

05-09-2000 Memorandum to Department Heads and Division Managers

### **Regulatory References**

05-09-2000 Memorandum: City Policy Against Domestic Violence

### **Effective Date:**

May 9, 2000

## I. Policy

This is to affirm that the City of Sacramento recognizes the destructive effects that domestic violence has on individuals and on the workplace. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family member, domestic partner or cohabitant in reasonable fear of receiving serious bodily injury. Also, a City employee may be the victim of domestic violence and in need of assistance.

The City encourages all employees who believe they are victims of actual or threatened domestic violence to contact the appropriate law enforcement agency, Labor Relations Officer, the Women Escaping a Violent Environment (WEAVE) organization, any other domestic violence counseling service or agency, or the confidential Employee Assistance Program (EAP) for information and referral to available resources. The City continues its commitment to taking reasonable and prudent steps necessary to provide for a safe workplace, offer community resource agency and counseling referrals, and accommodate work schedule modifications where possible and practicable and where it is determined that such actions may assist in mitigating the effects of the actual violent or threatened activity.

Any employee who needs help in controlling anger or emotions, whether on or off the job, is encouraged to contact the confidential EAP, WEAVE, or any other domestic violence counseling service or agency for information and referral to available resources. It is a violation of state law to commit acts of domestic violence. City employees are prohibited from committing or threatening to commit acts of domestic violence whether on or off the job. Any employee of the City of Sacramento who, in violation of this policy, commits any act of domestic violence or makes a threat to do so may be subject to- disciplinary action, up to and including termination where the act or threat is found to be work-related, pursuant to Rule 12.2 (w) of the Rules and Regulations of the Civil Service Board which is quoted in pertinent part as follows:

"Causes for Disciplinary Action. Any City employee may be disciplined for just cause, including but not limited to the following forms of conduct if found to exist: (w) Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service."

City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to fully implementing this policy against domestic violence.

If you have any questions regarding this policy, please feel free to contact your department Labor Relations Officer.



11.1

OFFICE OF THE  
CITY MANAGER

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 101  
915 I STREET  
SACRAMENTO, CA  
95814-2684

May 9, 2000

PH 916-264-5704  
FAX 916-264-7618  
TDD (ONLY) 916-264-7227

**MEMORANDUM**

**TO: Department Heads and Division Managers**

**RE: City Policy Against Domestic Violence**

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City Policy Against Domestic Violence

May 9, 2000

Page 2

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City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to fully implementing this policy against domestic violence.

If you have any questions regarding this policy, please feel free to contact your department Labor Relations Officer at 264-5424.

A handwritten signature in cursive script, appearing to read "Robert P. Thomas".

Robert P. Thomas  
City Manager

**CITY OF SACRAMENTO  
GRIEVANCE PROCEDURES UNDER  
THE AMERICANS WITH DISABILITIES ACT**

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Sacramento. *The City of Sacramento's Disability Discrimination Policy governs employment-related complaints of disability discrimination.*

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem. Alternative means of filing the complaint such as personal interviews or a tape recording of the complaint are available to persons with disabilities upon request.

The complaint or grievance should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Neal Albritton,  
City of Sacramento, ADA Coordinator  
Human Resources Department, Office of Civil Rights  
915 I Street, Fourth Floor  
Sacramento, CA 95814-2604  
PH 916-808-8795  
FAX 916-808-7673  
TTY 916-264-5707  
NAlbritton@cityofsacramento.org**

Within a reasonable period from receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and possible resolutions. ***(Attempt informal resolution, if not successful, initiate an investigation)*** At the conclusion of the investigation the ADA Coordinator will respond in writing, explaining the investigations findings and where appropriate, outline possible substantive means of resolution. *(If required, findings will be provided in a format accessible to the complainant, such as large print, Braille or audio tape.)*

If the response of ADA Coordinator or does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days to the City Manager. Within a reasonable period after the receipt of the appeal, the City Manger or his designee will respond in writing, and, where appropriate in a format that is accessible to the complainant, with a final resolution to the complaint.

All written complaints received by the ADA Coordinator, appeals to the City Manager or his designee and responses from the two offices will be retained by the City of Sacramento for at least three years.





# DEPARTMENTS

DEPARTMENT OF HUMAN RESOURCES



**Commissioner of Human Resources | Jeffrey B. Norman**

## Mission Statement

The mission of the Department of Human Resources is to attract, retain, and develop a diverse and competent workforce that enables City departments to achieve their business objectives.

## Core Functions

- Acquire and retain top talent
- Promote employee health and financial wellness
- Create a learning environment that sustains a culture of excellence
- Promote fairness and equitable treatment for all applicants and employees
- Ensure compliance with employment-related laws and regulations
- Develop a culture of performance

## Summary of Operations

The Department of Human Resources partners with city agencies and employees to hire, compensate, support, and develop a diverse workforce that is dedicated to delivering high-quality services to the community. The department designs and manages the City's Human Resources programs and fosters the development of innovative policies and practices.

## Contact Information

City of Atlanta

### Department of Human Resources

68 Mitchell Street, S.W.

Suite 2150

City Hall Towers

Atlanta, Georgia 30303

**Tel:** 404.330.6360

**Fax:** 404.331.8920

For Employee Benefits Related Inquiries, Please Call 404-330-6036

Jeffrey B. Norman

Danielle Nichols

Laurette Woods

**Commissioner**

**Deputy Commissioner**

**Interim Deputy Commissioner**

Tel: 404.546.4161

Tel: 404.546.1960

Tel: 404.330.6623

[jnorman@atlantaga.gov](mailto:jnorman@atlantaga.gov)[danichols@atlantaga.gov](mailto:danichols@atlantaga.gov)[twoods@atlantaga.gov](mailto:twoods@atlantaga.gov)

# Employment Opportunities



[CLICK HERE](#)



[CLICK HERE](#)



The background of the top banner features a large, semi-transparent seal of the Atlanta Fire Department. The seal is circular and contains an eagle with its wings spread, perched atop a flame. The text "ATLANTA, GA." is visible at the bottom of the seal, and the years "1847" and "1865" are on the left and right sides respectively.

# **Fire & Rescue Department Job Opportunities**

[CLICK HERE](#)

The background of the bottom banner features a large, semi-transparent seal of the Atlanta Fire Department, identical to the one in the top banner.

# **E911 Communications Dispatcher Job Opportunities**

[CLICK HERE](#)



**Public Works  
Environmental  
Service Worker  
Job Opportunities**

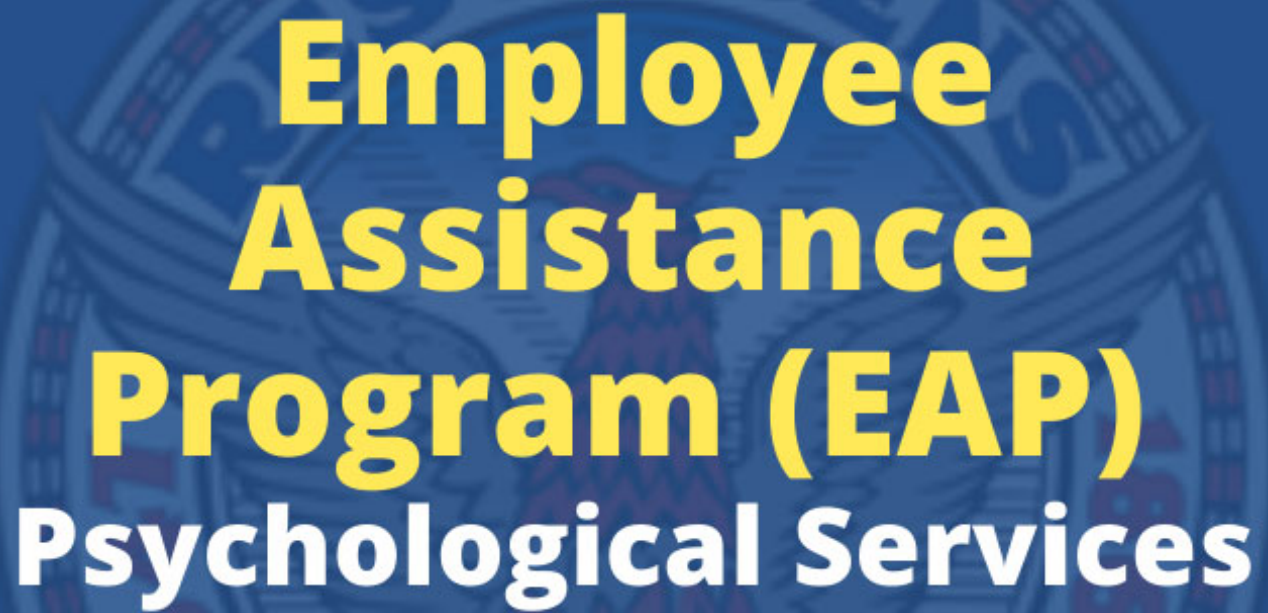
[CLICK HERE](#)



**Employee &  
Retiree Benefits**



[CLICK HERE](#)



**Employee  
Assistance  
Program (EAP)  
Psychological Services**

[CLICK HERE](#)



**Open Records**



# **Request** **Human Resources**

[CLICK HERE](#)



# **Civil Service** **Board**

[CLICK HERE](#)

## Divisions/Offices

Kimberly J. Finley, Talent Acquisition Director

Tel: 404.330.6360

[kfinley@atlantaga.gov](mailto:kfinley@atlantaga.gov)

**Talent Acquisition** provides full-life cycle recruiting support for all jobs across the City, including sourcing, identifying, pre-screening/qualifying, interviewing, developing offer packages, negotiating and closing candidates. This office promotes the City's employment brand across numerous markets and professional communities.

Tamika Spirling-Brooks, Labor Relations/EEOC Director

Tel: 404.546.3589

[tspirling-brooks@atlantaga.gov](mailto:tspirling-brooks@atlantaga.gov)

**Labor and Employee Relations** provides advice, counsel, and policy direction to all departments to ensure equal treatment and opportunities are extended at every touchpoint of the employee experience. It also supervises the city's grievance process for classified employees to equitably and timely resolve issues related to supervisory-employee relationships, working conditions, classification and pay, departmental policies and procedures, and discipline. To this end, the office conducts internal administrative investigations into allegations of discrimination, harassment, retaliation, workplace violence and bullying. It also facilitates the city's civil service system by supervising the filing and scheduling of adverse personnel action appeals filed by regular service, classified employees and all sworn employees in the police and fire departments. The office also serves as the point of contact for the city's labor unions.

Elaine Gooden, HRIS and Record Management Director

Tel: 404.330.6362

[epgooden@atlantaga.gov](mailto:epgooden@atlantaga.gov)

**HR Information Systems and Records Management** is responsible for the accurate presentation of employee and position data in the human resources information system. Services include: system maintenance of employee records and personnel actions, report production, ERP training, and position management. This office also performs: procurement, financial tasks, Department performance metrics, administrative tasks, and ensures compliance with laws and regulations, governing of open records, authorization to work and unemployment compensation.

Darrilynn V. Poindexter, Organizational Development Director

Tel: 404.330.6374

[DVPoindexter@atlantaga.gov](mailto:DVPoindexter@atlantaga.gov)

**Organizational and Employee Development** is responsible for design, implementation and evaluation of citywide executive, supervisory and employee development programs; orientation of new employees; literacy and basic skills enhancement; team building; and the customer service program. This office also administers the performance management system and provides performance training and consultation.

TaDarol Bates, Benefits Manager

Tel: 404.330.1280

[tbates@atlantaga.gov](mailto:tbates@atlantaga.gov)

Rosie Woods, Pension Manager

Tel: 404.546.1877

[rwoods@atlantaga.gov](mailto:rwoods@atlantaga.gov)

**Employee Benefits** administers the City's employee/retiree insurance benefit and pension programs. It manages vendor contracts and coordinates health and financial wellness initiatives that include a state-of-the-art fitness facility, partnership with on-site EMTs, the mobile nurse program, health fairs, on-site health screenings, blood drives, and monthly wellness related lunch-and-learn sessions.

Jamar Brown, Marketing and Communications Director

Tel: 404.865.8546

[jabrown@atlantaga.gov](mailto:jabrown@atlantaga.gov)

**Marketing & Communications** provides strategic counsel on message and branding development to the Commissioner of Human Resources and all respective divisions within the Department. This office manages all open record requests for both internal and external HR inquiries. Marketing & Communications also serves as the spearhead for all citywide communications as well as employee engagement (Hooked on Books Literary Club, Weight Watchers, COA perks & incentives).

Dr. Matthew Smith, PS/EAP Director

Tel: 404.546.3074

[matlsmith@atlantaga.gov](mailto:matlsmith@atlantaga.gov)

Urgent Matters (EAP)

Tel: 404.614.6525

**Psychological Services/Employee Assistance Program (PS/EAP)** is the leading edge internal EAP that serves as a flagship model for several national agencies, municipalities, universities, and major corporations. Psychological Services and Employee Assistance Program is mission-critical and provides efficient crisis management, consultation, confidential counseling services, and wellness programming Citywide. Utilization of services amongst our employee clientele continues to be well above the national average for EAP providers across the country. PS/EAP has played an intricate role in the betterment of employee's mental health wellness, which has contributed to a reduction in overall behavioral health insurances costs and expenses in the City's Benefits unit, increased employee productivity, and positively impacted the City's overall bottom-line.

April Weekes, Budget & Administration Director

Tel: 404.865.8603

[aweekes@AtlantaGa.Gov](mailto:aweekes@AtlantaGa.Gov)

**Budget and Administration** is responsible for budget and fiscal management; information technology; contracts and procurement; unemployment claims and coordination of legislative affairs for the department.

Taci Perkins, Policy & Planning Director

Tel: 404.597.5248

[iperkins@AtlantaGa.Gov](mailto:iperkins@AtlantaGa.Gov)

**Policy and Planning** ensures the advancement of effective and analytically driven HR policy for the City's workforce, inclusive of researching, developing, interpreting, monitoring and evaluating HR policies and programs and advancing the HR Policy agenda.



# Civil Service Board

## About Us

Section 114-79 of the City of Atlanta Code of Ordinances states, "There shall be a civil service board, which shall be the official protector of the civil service system. The Civil Service Board shall consist of five (5) members, who shall be appointed by the Mayor with the consent of the Council and shall hold office for a term of three (3) years. The Mayor can also assign three (3) additional ad hoc board members."

The Civil Service Board is made up of citizens of the City of Atlanta recommended by the Mayor and confirmed by the Atlanta City Council.

## Filing an Appeal

All appeals to the Civil Service Board shall be initiated by filing a written notice of appeal with the Commissioner of Human Resources, in accordance with the procedures established in the Code of Ordinances. Unless otherwise provided, the notice of appeal shall be filed and postmarked within five (5) days after the later of:

- The date when the employee receives final written notice of the action or decision, or the date the final notice is delivered by certified mail to the last known address or date of last delivery attempt by certified mail to the last known address, as documented by the United States Postal Service.
- The effective date of the action or decision.

Civil Service Board appeal packets include the following:

- [Civil Service Appeal Form](#)
- Notice of Final Adverse Action

Completed appeal packets can be forwarded to [AtlantaCSB@AtlantaGA.gov](mailto:AtlantaCSB@AtlantaGA.gov)

## What Actions Can Be Appealed

- Adverse actions.
  - Suspension without pay
  - Demotion
  - Dismissal
- Removal from eligible list.
- Disqualification for reemployment.
- Failure to follow procedures of layoff or reduction in force.
- Unjust coercion or reprisal..

## Forms and Documents

- [Civil Service Appeal Form](#)
- [Continuance Form](#)
- [Protocol for Civil Service Board Virtual Hearings](#)
- [Rules and Procedures for Civil Service Board Virtual Hearings](#)

## Civil Service Board Calendar

[Click here to view the March 2022 calendar.](#)

[Click here to view the April 2022 calendar.](#)

[Click here to view the May 2022 calendar](#)

## Civil Service Board Decision Archive

[Click here to access the Civil Service Board Decision Archive](#)

## Civil Service Board Live Hearings

[Click here to access live Civil Service Board Hearings.](#)

## Contact Us

### City of Atlanta Civil Service Board

City of Atlanta  
68 Mitchell Street, SW  
Suite 2170

Atlanta, GA 30303

404.330.6360

[AtlantaCSB@atlantaga.gov](mailto:AtlantaCSB@atlantaga.gov)



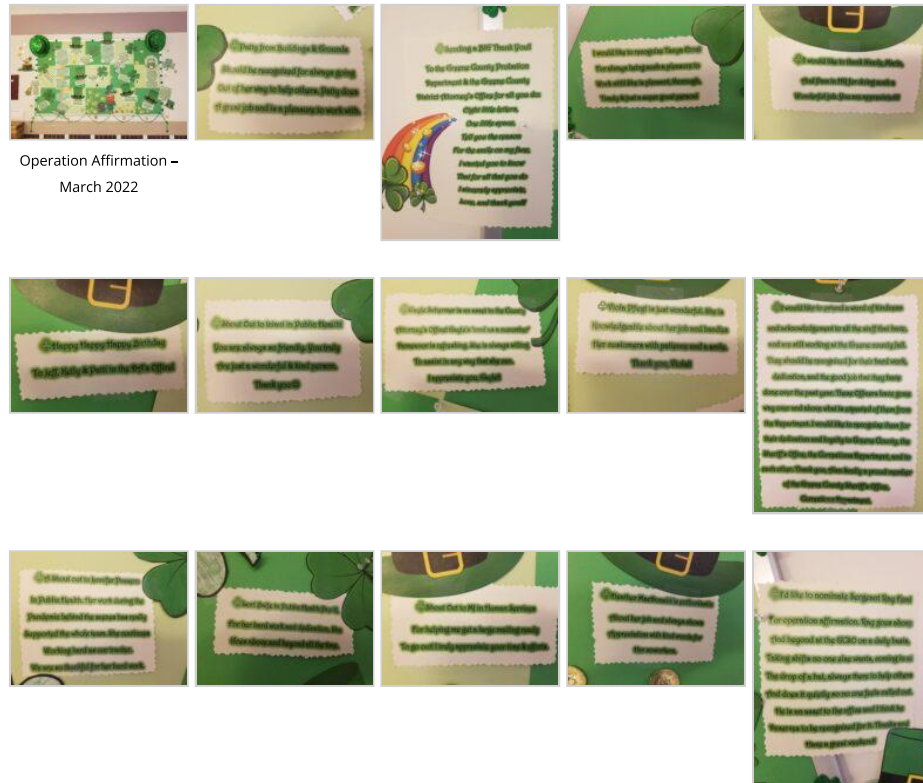
# GREENE COUNTY, NEW YORK

Report a Positive COVID Test

Search this site...



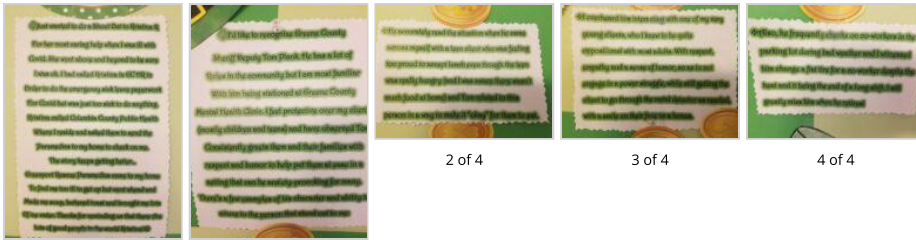
## HUMAN RESOURCES & CIVIL SERVICE COMMISSION



Connect with Human Resources & Civil Service Commission on:

### QUICK LINKS

- [Available Positions](#)
- [Civil Service Calendar](#)
- [General Information](#)
- [Human Resource & Civil Service Forms](#)
- [Positions Requiring Background Investigation & Fingerprinting](#)
- [Civil Service Exams](#)
- [Greene County Mission Statement](#)
- [Greene County Vision Statement](#)
- [Section 55-A: Employment Program for People with Disabilities](#)



1 of 4

Our office is open Monday – Friday from 9 a.m. – 5 p.m.

## COVID-19 Resources

- [NYS Paid Leave Law for Quarantine or Isolation in Response to the Coronavirus \(COVID-19\)](#)
- [NYS Paid Sick Leave: What Employees Need to Know](#)
- [NYS Paid Sick Leave: What Employers Need to Know](#)
- [Obtaining an Order For Quarantine](#)

## Required Documentation of Need-For-Leave during COVID-19

- [Paid Sick Leave Request Form](#)

## Human Resources

The Greene County Human Resources Department (HR) is responsible for managing important work in the areas of workforce planning, staffing and employment, compensation and benefits, labor and employee relations, training and staff development, legal compliance, and policy administration.

**HR MISSION STATEMENT:** To provide the highest quality personnel services to our employees, retirees and prospective members of the County workforce, while promoting effective and efficient county government.

**HR VISION:** To support the work of the Greene County community toward achievement of its strategic goals.

Greene County is committed to providing an environment which is free from unlawful discrimination in any aspect of employment based on sex, race, color, religion, national origin, age, disability, genetics, and any other class protected by law.

[View the Greene County Policy on Sexual Harassment Prevention](#)

[View the Greene County Policy on Discriminatory Harassment Prevention](#)

## How Do I?



AVAILABLE  
POSITIONS



APPLICATIONS &  
FORMS



CIVIL SERVICE  
EXAMS

## Civil Service

**Beginning September 2021, the Greene County Civil Service Commission will meet at 10:00 a.m. on the fourth Wednesday of each month. (GCCSC ACT: 7/22/2021)**

**The Greene County Civil Service Commission has the responsibility for administering the provisions of New York State Civil Service Law for the 28 County Departments and 32 jurisdictions (towns, villages, schools, libraries and special districts).**

The Greene County Civil Service Commission consists of three Commissioners; One Commissioner shall be designated as Chairman, and an Executive Secretary to the Civil Service Commission. It is the purpose of the Greene County Civil Service Commission to carry out the New York State Civil Service Laws and the Greene County Civil Service Rules in order to provide a diverse, qualified and dedicated pool of candidates based upon merit and fitness for the effective and efficient delivery of service for all residents covered under Greene County Civil Service's jurisdiction.

**CIVIL SERVICE MISSION STATEMENT:** To uphold the standards of The New York State Constitution as provided through Article V, Section 6, that "...all appointments and promotions in the civil service of the state of New York and all civil divisions including the county, towns, villages, etc., are *made according to merit and fitness...*"

**CIVIL SERVICE VISION:** To ensure the merit system is adhered to, guarantee that all public service positions are filled based on merit and fitness through the exam process and to provide appointing authorities a list of qualified candidates from which selection will be made.

## CONTACT INFO

### Greene County Human Resources & Civil Service

411 Main Street, Catskill NY, 12414

### Nicole T. Maggio

Human Resources  
Director/Executive Secretary to  
the Civil Service Commission  
**t. 518-719-3775**  
**f. 518-719-3772**  
[Email](#)

### Maria D'Errico

Employee Benefits Manager  
**t. 518-719-3775**  
**f. 518-719-3772**  
[Email](#)



Stay in the know! Sign up to receive Greene County's monthly update on new happenings, progress, and the improvements being made in our community!

[Sign Up](#)

## GREENE COUNTY, NEW YORK

Greene Government  
Departments  
Our Community  
How Do I?

## HELPFUL NUMBERS

Dept. of Motor Vehicles	518-719-3280
County Clerk	518-719-3255
Public Health	518-719-3600
Sheriff's Department	518-943-3300
Tourism	518-943-3223
<a href="#">View Directory</a>	

## NEWS & UPDATES

**Request for Proposals (RFP): Greene County Solid Waste Transportation and Disposal Contract**  
March 22, 2022

**Notice of Annual Meetings Under the Open Meetings Law for Greene Tobacco Asset Securitization Corporation**  
March 21, 2022

**Notice To Bidders – Household Hazardous Waste Collection Event**  
March 18, 2022

## CONNECT WITH US



# GREENE COUNTY SEXUAL HARASSMENT PREVENTION POLICY

Adopted 11/20/18 (Res. #288-18)

## I. POLICY STATEMENT

Greene County is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of Greene County's commitment to a discrimination-free work environment.<sup>1</sup>

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with Greene County, and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Greene County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable Collective Bargaining Agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

Complaints of sexual harassment must be submitted to the **Sexual Harassment Compliance Officer** which is the **County's Human Resources Director or designee**. In the event that the Sexual Harassment Compliance Officer is the subject of the complaint, complaints must be made to the **Greene County Administrator**. The **Office of the Greene County Attorney** will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever Greene County or its supervisory or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. Greene County will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees, interns, volunteers, and non-employees are to report any harassment or behaviors that violate this Policy. Greene County will provide a complaint form for the reporting of harassment and to file complaints. Managers and supervisors **are required** to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Such reporting must be in written form to the Sexual Harassment Compliance Officer. Confronting the harasser is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a

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<sup>1</sup> Note that other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this policy are covered separately under *Greene County's Discriminatory Harassment Prevention Policy and Complaint Procedure*.

good faith complaint without first communicating with the offender.

## II. SCOPE

- A. Who is covered by this Policy?** This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with Greene County<sup>2</sup>.
- B. Who can be a target of sexual harassment?** Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees who provide services in the workplace. This Policy also protects volunteers of Greene County.
- C. Who can be a sexual harasser:** A harasser can be a superior, a subordinate, a coworker or anyone in the workplace, including an independent contractor, contract worker, vendor, client, customer or visitor or anyone with whom the person interacts while conducting their job duties.
- D. Where can sexual harassment occur?** Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

## III. DEFINITIONS OF PROHIBITED CONDUCT

### A. What is sexual harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; *or*
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone

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<sup>2</sup> Non-employees, as defined by law, includes contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant.

which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to offer job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone subject to and/or covered by this Policy who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## **B. Examples of Sexual Harassment**

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible).
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other employment benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or in a work-related gathering or setting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

## **C. Retaliation**

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined,



discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to Greene County (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- Reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- Encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary.

#### **IV. REPORTING PROCEDURES AND RESPONSIBILITIES**

##### **A. Reporting Procedures**

**Preventing sexual harassment is everyone’s responsibility.** Greene County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to the Sexual Harassment Compliance Officer set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to the Sexual Harassment Compliance Officer.

- **Sexual Harassment Compliance Officer:** Greene County Human Resources Director, or designee
- In the event that the Sexual Harassment Compliance Officer is the subject of the complaint, complaints are to be made to the Greene County Administrator.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, the Complaint must be reduced to writing by the individual who it was reported to. The written report must be given to the Sexual Harassment Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **B. Supervisory Responsibilities**

All managerial and supervisory personnel of Greene County shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, **all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report same, in writing, to the Sexual Harassment Compliance Officer, or designee.** Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

### **C. Greene County's Responsibilities**

Greene County will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers, and that training on this Sexual Harassment Prevention Policy is conducted annually.

## **V. INVESTIGATION AND RESPONSE PROCEDURES**

*All* complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commencing immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. As further set forth herein, Greene County will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the

investigation of a complaint.

All investigations will be conducted by the Office of the County Attorney with oversight of the Sexual Harassment Compliance Officer, or designee. The nature of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted by the Office of the County Attorney in accordance with the following steps:

- Upon receipt of complaint, the Office of the County Attorney will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - A report of recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer’s records.

Once the investigation is completed, the Sexual Harassment Compliance Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Sexual Harassment Compliance Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.<sup>3</sup>

If a complaint of sexual harassment or retaliation is determined to be founded, Greene County may take disciplinary and/or corrective action. The Sexual Harassment Compliance Officer or their designee will be responsible for overseeing the implementing of any corrective or remedial actions deemed necessary.

## **VI. REIMBURSEMENT**

Any employee who has been subject to a judgement of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse Greene County for any monies it paid to a complainant for what was found to be the employee’s proportionate share of said judgement. These reimbursements must be made within ninety (90) days from payment by Greene County to the Complainant. A failure to reimburse will result in the sum being withheld directly from the employee’s compensation or through enforcement of a money judgement.

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<sup>3</sup> Where a complaint was filed regarding sexual harassment against an individual other than the person making the written complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.

## **VII. FURTHER CONFIDENTIALITY AND DISCLOSURE**

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, Greene County shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, Greene County may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

## **VIII. FALSE REPORTS**

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, Greene County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

## **IX. LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by Greene County but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Greene County, individuals may also choose to pursue legal remedies with the following governmental entities **at any time**.

### **A. New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Greene County does not extend the time for filing a complaint with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an

administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

## **B. United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an individual believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **C. Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

## **D. Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**GREENE COUNTY HARASSMENT COMPLAINT FORM**

~ Submit to Sexual Harassment Compliance Officer (Human Resources Director) or their designee ~

This form may be used to file a complaint of harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and Greene County Policy.

Filing this complaint form with Greene County in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

---

(PLEASE PRINT OR TYPE)

1. Name \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Residence \_\_\_\_\_  
Mailing Address (if different from residence) \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Department \_\_\_\_\_

3. Have you filed this charge with a Federal, State or local government agency?  
YES/NO: \_\_\_\_\_ When \_\_\_\_\_ Where \_\_\_\_\_  
(Month/Day/Year)

Have you instituted a suit or court action on this charge?  
YES/NO: \_\_\_\_\_ When \_\_\_\_\_ Where \_\_\_\_\_  
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP  
A REVIEW OF YOUR COMPLAINT)

4. Alleged discrimination occurred on or about:  
Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Time: \_\_\_\_\_

Is this alleged discrimination continuing: YES \_\_\_\_\_ NO \_\_\_\_\_?

Are you personally the subject of the alleged harassment? YES \_\_\_\_\_ NO \_\_\_\_\_?

If not, please state the name of the person(s) who are the subject of the alleged harassment:  
\_\_\_\_\_

Describe the alleged act of harassment. Use additional sheets if necessary.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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5. Indicate the name(s) of the alleged harasser(s):

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6. State the name(s) of any potential witness(es):

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7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED**

**GREENE COUNTY DISCRIMINATORY HARASSMENT PREVENTION POLICY  
AND COMPLAINT PROCEDURE**

Adopted 11/20/18 (Res. #288-18)

**I. POLICY STATEMENT**

It is the policy of Greene County to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Harassment based on these protected characteristics (collectively referred to as “discriminatory harassment”) is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

Sexual harassment is covered separately under Greene County’s Sexual Harassment Prevention Policy. Refer to Greene County’s Sexual Harassment Prevention Policy, available at the Greene County Human Resources Department, on the Greene County Employee Information Website, or on the County SharePoint.

Greene County will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) This includes federal laws such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act, as well as the New York State Human Rights Law.

Greene County considers discrimination, discriminatory harassment and other conduct prohibited by this Policy to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and discriminatory harassment will be investigated thoroughly and, if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

**II. SCOPE**

- A. **Who is covered by this Policy?** This policy applies to all applicants, employees, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with Greene County.
- B. **What does this Policy prohibit?** This policy prohibits discriminatory harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to Greene County (e.g., an outside vendor, consultant, other non-employee or citizen).



- C. **Where can discrimination or discriminatory harassment occur?** Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.
- E. This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.

### **III. DEFINITIONS OF PROHIBITED CONDUCT**

#### **A. Discrimination**

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

#### **B. Discriminatory Harassment**

Harassment on the basis of any protected characteristic is prohibited. Under this policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

**NOTE: Sexual harassment, including harassment on the basis of sex (including gender identity or transgender status) and sexual orientation is covered separately under the Greene County Sexual Harassment Prevention Policy.** Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

#### **C. Retaliation**

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of

discrimination or discriminatory harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)

Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.

#### **D. Other Unacceptable Conduct**

This policy also prohibits conduct of one employee toward another that may not rise to the level of discriminatory harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and also unacceptable in the workplace. Therefore, Greene County encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. Greene County endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

### **IV. REPORTING PROCEDURES AND RESPONSIBILITIES**

#### **A. Reporting Procedures**

**Preventing harassment is everyone's responsibility.** If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, Greene County recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with the Discriminatory Harassment Compliance Officer as set forth below. Anyone who witnesses or becomes aware of potential instances of discrimination or harassment should also report such behavior to the Discriminatory Harassment Compliance Officer.

- **Discriminatory Harassment Compliance Officer:** Greene County Human Resources Director, or designee
- In the event the Discriminatory Harassment Compliance Officer is the subject of the complaint, complaints are to be made to the Greene County Administrator.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. **If made verbally, the complaint must be reduced to writing by the individual to whom it was reported.** The written report must be given to the Discriminatory Harassment Compliance Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

## **B. Employee Responsibilities**

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify the Discriminatory Harassment Compliance Officer.

## **C. Supervisory Responsibilities**

**All Greene County managerial and supervisory personnel shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, discriminatory harassment, and retaliation. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.**

**All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to the Discriminatory Harassment Compliance Officer.**

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

## **D. Employer Responsibilities**

Greene County will conduct periodic training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility

of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

Greene County will also distribute this Policy to all employees, interns and volunteers, and ensure that it is distributed to new employees as they are hired.

## **V. INVESTIGATION AND RESPONSE PROCEDURES**

All discrimination and discriminatory harassment complaints will be investigated. The Greene County Attorney's Office, or their designee, will conduct a prompt and thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate, as needed, in an investigation of suspected discriminatory harassment. As further set forth herein, Greene County will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the County Attorney's Office, or their designee, will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - A report of recommendation(s) for final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Discriminatory Harassment Compliance Officer, or designee, will make a Final Determination based upon the findings of the County Attorney's Office, or their designee, as to whether the Policy has been violated.

The Discriminatory Harassment Compliance Officer, or designee, shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EEOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, Greene County will take disciplinary and/or corrective action in accordance with the provisions of an applicable collective bargaining agreement and/or state law. The Discriminatory Harassment Compliance Officer will oversee the implementation of any corrective or remedial actions deemed necessary, in collaboration with the appointing authority and/or County Administrator.

If disciplinary charges are filed against an employee on the grounds that Greene County has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

## **VI. FALSE REPORTS**

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, the Greene County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of an applicable collective bargaining agreement and/or state law.

**GREENE COUNTY DISCRIMINATORY HARASSMENT PREVENTION  
COMPLAINT FORM**

~ Submit to Discriminatory Harassment Compliance Officer (Human Resources Director) or Designee ~

This form may be used to file a charge of discriminatory harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and Greene County Policy.

Filing this complaint form with Greene County in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

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(PLEASE PRINT OR TYPE)

1. Name \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Residence \_\_\_\_\_  
Mailing Address (if different from residence) \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Department \_\_\_\_\_

3. Have you filed this charge with a Federal, State or local government agency?  
YES/NO: \_\_\_\_\_ When \_\_\_\_\_ Where \_\_\_\_\_  
(Month/Day/Year)

Have you instituted a suit or court action on this charge?  
YES/NO: \_\_\_\_\_ When \_\_\_\_\_ Where \_\_\_\_\_  
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW OF YOUR COMPLAINT)

4. Alleged Discrimination Occurred on or about:  
Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Time: \_\_\_\_\_

Is this alleged discrimination continuing: YES \_\_\_\_\_ NO \_\_\_\_\_

Describe the alleged act of harassment. **Use additional sheets if necessary.**

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[Departments](#) > [Civil Service](#)

Due to covid, The Suffolk County Department of Human Resources, Personnel and Civil Service is closed, except for scheduled appointments. For those of you wishing to drop material off at the building there is a secure drop box located at our front entry door that can be used.



## Department of Human Resources, Personnel and Civil Service

**Thomas Melito**  
Personnel Officer

**Address:**

Bldg. 158, William J. Lindsay County  
Complex  
PO Box 6100  
Hauppauge, NY 11788-0099

(631) 853-5500

Fax: (631) 853-4796

Contact Us

In Suffolk County, administration of the Civil Service Law is carried out under the direction of the Suffolk County Personnel Director. The Suffolk County Department of Human Resources, Personnel and Civil Service is responsible for overseeing personnel actions taken by some 241 employing jurisdictions including towns, school districts, villages, library districts, water districts, etc. Collectively, these jurisdictions employ some 40,000 individuals.

The majority of all jobs fall within the competitive class, which is characterized by examinations used to ascertain the relative merit and fitness of candidates. Announcements for current examinations are available on this site by clicking on Current List of Exams. Examination announcements are also posted in the Hauppauge Office of the Suffolk County Department of Human Resources, Personnel and Civil Service and at our Riverhead Office located in the Riverhead County Center.

This site contains a section for Frequently Asked Questions. In addition, the Department's Information Unit in Hauppauge is open Monday through Friday from 8:30 AM to 5 PM for further information. The Riverhead Office will be open every Wednesday from 9 AM to 4:30 PM, year around.

If you have any comments or suggestions for this site, please submit such suggestions to our Hauppauge office.

### Job Opportunities

**Additional opportunities are available within Suffolk County Government.**

Please click [HERE](#) or the link below to review open positions, create your online candidate profile, and complete your application online to be considered for an open position.

<https://suffolkcountyny.wd1.myworkdayjobs.com/Suffolkcounty1>

### 2020 Police Exam Lottery Results

[2020 Police Exam Lottery Results Score 100](#)

[2020 Police Exam Lottery Results](#)

[2020 Police Exam Lottery Results \(Spanish Speaking\)](#)

### Suffolk County Police Officer Examination Results

Click on the links below to download the results for the Suffolk County Police Officer Examination Results:

[Examination Results](#)

[Examination Results Results - Spanish-Speaking](#)

### Resources

Current Eligible  
Lists by Title

View current eligible lists sorted by title.

Job Title  
Search

View job titles used throughout the County.

Current List  
of Exams

Examination Announcement  
Summary

Apply for currently scheduled exams.

E-Filing Profile  
Changes (Log In)

Sign into your E-Filing Profile to update your information.

Candidate Exam Room  
Assignment Search

Eligible candidates who have been scheduled for an examination can view

Candidate  
Search

View any active eligible lists that you are on.



their room assignment and exam site one week prior to the exam date.

Weather Related Exam Cancellations

Information about weather-related examination cancellations.

### Suffolk County Government is an equal opportunity employer

Depending upon their positions and job responsibilities, the employees working in the Suffolk County Government may have to annually file the financial disclosure.

(Suffolk County's Administrative Code Article II, section 77-10  
<https://www.ecode360.com/14942225#14942258>)

## Additional Information

Frequently Asked Questions

Civil Service Rules


Overview and Reporting Procedures

Online Forms

Career Information Booklets

Subscribe to Civil Service Examination Alerts

Use of Additional Disabled Veterans Credits

55a Employment Program for People with Disabilities 

## Suffolk County Government

### H. Lee Dennison Bldg

100 Veterans Memorial Hwy  
P.O. Box 6100  
Hauppauge, NY 11788

### Riverhead County Center

County Road 51  
Riverhead, NY 11901



## Services

- 💰 Pay
- 📄 Register/Apply
- 🔧 Find Work
- 📍 GIS Portal
- 📏 Land Search
- ➔ View All Services
- ✉ Contact

## Elected Officials

- County Executive
- Legislature
- Clerk
- Comptroller
- District Attorney
- Sheriff

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CITY CLERK HOME

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## CIVIL SERVICE BOARD

The Civil Service Board (CSB) was formed by the Sacramento City Charter and was established to maintain a position classification plan; formulate rules and regulations covering employment examinations and promotions; hear appeals from employees in classified employment; and provide rules of interpretation and administration of ordinance affecting personnel.

### [Civil Service Board Rules and Regulations](#)

**Powers & Duties:** The Civil Service Board shall: 1) Provide for classification of city employees, recruitment, examinations, and appointments; 2) Formulate rules and regulations covering the examination of applicants and the promotion employees for positions in the classified service; 3) Hear appeals, upon written request, from any employee in any city department in the classified service who may be suspended without pay, demoted, dismissed or otherwise disciplined by the appointing authority; 4) Hear appeals, upon request from any employee in the classified service with reference to the allocation or reallocation of his position; and 5) Provide, by rule, interpretation and administration of ordinances affecting personnel.

**Filing an Appeal:** An employee has the right to appeal disciplinary action brought against them. To file an appeal, an employee must deliver written notice of appeal to the Director of Human Resources within fifteen (15) calendar days of the date of delivery of the written notice of disciplinary action, as specified by Civil Service Board Rule 12.5. The date following the date of delivery shall be deemed to be the first day of the fifteen-day period. The notice of appeal shall be presumed to be delivered to the Board on the date of receipt of the notice by the Director of Human Resources. In the event the employee fails to deliver a notice of appeal to the Director of Human Resources within the fifteen-day period, the disciplinary action shall become final, and the employee shall have no further right to appeal.

## CIVIL SERVICE BOARD MEETING SCHEDULE

In response to Governor's Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic, adopted by the City of Sacramento City Council, City Council and other public meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. Meetings are broadcast from Historic City Hall, Hearing Room, 915 I Street, Sacramento, California.

Meetings commence at 1:00 p.m. ([View Upcoming Meetings](#))

## 2020 CIVIL SERVICE BOARD MEETING CALENDAR

- December 21, 2020 (*Meeting canceled*)
- November 16, 2020 ([View Meeting Agenda and Recording](#))
- October 19, 2020 (*Meeting canceled*)
- September 21, 2020 ([View Meeting Agenda and Recording](#))
- August 17, 2020 at 1:00 PM
- February 5, 2020 SPECIAL MEETING at 12:00 PM ([View Meeting Agenda and Recording](#))
- January 7, 2020 (*Meeting canceled*)

## 2019 CIVIL SERVICE BOARD MEETING CALENDAR

- December 12, 2019 SPECIAL MEETING
- November 5, 2019 (*Meeting canceled*)
- September 3, 2019 ([Agenda](#))
- July 9, 2019 ([Agenda](#)) ([Minutes](#))
- April 2, 2019 (*meeting canceled*)
- February 12, 2019 ([Agenda](#)) ([Minutes](#))
- January 8, 2019 (*Meeting canceled*)

## COMMITTEE DETAILS AND ROSTER

## APPLY TO SERVE ON A CITY BOARD OR COMMISSION

## NEED ASSISTANCE OR HAVE QUESTIONS?

We are happy to assist you.

For questions regarding CSB meeting schedules, agendas or locations, please contact the Board Secretary via email at [CivilServiceBoard@cityofsacramento.org](mailto:CivilServiceBoard@cityofsacramento.org).

The City Clerk can be contacted via email at [clerk@cityofsacramento.org](mailto:clerk@cityofsacramento.org), or by phone at (916) 808-7200.

## SITEMAP

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## Information

<a href="#">Frequently Asked Questions</a>
<a href="#">Civil Service Rules</a>
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<a href="#">Use of Additional Disabled Veterans Credits</a>
<a href="#">55a Employment Program for People with Disabilities </a>

## Overview and Reporting Procedures

This information is intended to acquaint employing agencies and candidates with a summary of selected aspects of Civil Service Laws and Rules. The information does not supersede Civil Service Law, Suffolk County Civil Service Rules or the policies of the Suffolk County Department of Human Resources, Personnel and Civil Service, but rather is written to reflect the substance and nature of these other sources at the time of this writing.

- [Civil Service Employment](#)
- [Jurisdictional Classification](#)
- [Classified Service](#)
- [Examinations](#)
- [Appointments](#)
- [Rule One of Three](#)
- [Types of Appointments](#)
- [Transfers](#)
- [Job Protection](#)
- [Specialized Information for Library Positions](#)
- [Required Forms - Usage](#)
- [Summary of Required Documents Chart](#)

### CIVIL SERVICE EMPLOYMENT

Most public service jobs, i.e. any job in which the incumbent is regularly and directly paid from public funds, must be either civil service or military service. Thus, unless an employee wears the uniform of the state militia, he/she is a civil service employee. Teachers, clerks, judges, and elected officials, as well as librarians, other than those who work in association libraries, are all civil servants.

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### JURISDICTIONAL CLASSIFICATION

The Civil Service Law recognizes two broad classes of jobs: those in the unclassified service and those in the classified service.

The unclassified service consists largely of elected positions, heads of government agencies, teachers, employees of the legislature and a few others. While these employees are civil servants, their employment does not fall under the authority of the Department of Human Resources, Personnel and Civil Service.

The classified service is divided into four categories of jobs known as jurisdictional classes. These classes are the competitive class, non-competitive class, exempt class and labor class. All employment within Suffolk County in any of these four jurisdictional classes is under the auspices of the Suffolk County Department of Human Resources, Personnel and Civil Service.

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### CLASSIFIED SERVICE

Placement of titles within one of the four jurisdictional classes is based upon practicability of testing. The New York State Constitution mandates that employment be based upon merit and fitness and, wherever possible, be made through competitive testing. Titles placed in anything other than the Competitive Class are exceptions made in accordance with specific definitions in the Civil Service Law.

**COMPETITIVE CLASS:** Titles in this class are those for which it is practicable to not only evaluate candidates, but also to rank them. This is done either through written examinations or, in some cases, rated evaluations of training and experience. In either case, a list is generated giving the candidates' scores on the examination. Any employee hired must be among the top three candidates on the list willing to accept an appointment. Special consideration may be given to candidates who are residents of a jurisdiction.

To secure appointment to competitive class positions, a candidate must:

1. meet the minimum qualifications prescribed for the position,
2. compete in the examination for that position,
3. obtain a passing score and be reachable on the eligible list which is established from the examination,
4. be officially appointed from the eligible list.

**NON-COMPETITIVE CLASS:** Titles in this class are those for which it is not practicable to evaluate candidates in a way which would generate a ranking of the candidates. Determination of a candidate's merit and fitness is made based upon a review of the candidate's training and/or experience simply to see that he/she meets any minimum standards that may exist. This is done through a review, by this department, of an application (CS 205) completed by the candidate. No comparisons are made between candidates and no list is generated. If the candidate meets any qualifications that exist, he/she may be appointed.

**Note:** Certain positions, which are normally in the competitive class, may be filled on a non-competitive basis if specific part-time restrictions are adhered to. (see [Part-Time Rule](#))

**LABOR CLASS -** Positions are generally those involving unskilled or semiskilled physical or manual labor. No review of qualifications is done by this department.

**EXEMPT CLASS** - These are a limited number of positions for which no type of evaluation is practicable for reasons other than the specific duties. For example a deputy (specifically defined in the Law) is exempt because of the unique relationship required with the department head or elected official. These employees are hired at the pleasure of the appointing authority. We do not review any qualifications, but employees in the Exempt Class, like those in the other three jurisdictional classes, must still be reported to the Department of Human Resources, Personnel and Civil Service.

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## EXAMINATIONS

There are two broad classes of examinations - open-competitive and promotional.

**Open-competitive examinations** are open to anyone meeting the education and experience qualifications that are required for the position. Candidates need not be currently employed by a jurisdiction to compete in such examinations.

**Promotional examinations** are offered only to current employees of a jurisdiction who have permanent competitive status in the cited lower title within the jurisdiction for the specified period of time. Employees who are hired on a part-time, non-competitive basis, as described above, are not eligible to compete in promotional examinations.

Examinations are often offered both open-competitively and promotionally. In such cases, the promotional list must be used first to fill vacancies. If the promotional list has fewer than three names, or if there is no promotional list for the jurisdiction (because no one in the jurisdiction competed in- or passed- the promotional examination) then the open-competitive list is used to fill vacancies. For this reason, when an examination is offered both open-competitively and promotionally, applicants may find it advantageous to file for the examination both ways, provided that they meet both sets of minimum qualifications. Such individuals only have to take one test, but must file two application forms and pay separate fees.

Under the Department of Human Resources, Personnel and Civil Service's "open filing" policy, applications for other than law enforcement titles may be filed at any time; candidates need not wait until an examination is announced. Applications are kept on file until the examination announcement is issued for that title. Candidates will be notified of the place and time of the examination shortly before the test date. Candidates should notify Civil Service of any address changes to assure notification of the examination.

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## APPOINTMENTS

When a jurisdiction wishes to fill a vacancy in a competitive class position, the agency so advises the Suffolk County Department of Human Resources, Personnel and Civil Service with a [Request for Certification of Eligibles](#) form. The Department of Human Resources, Personnel and Civil Service prepares a list called a Certification of Eligibles, with passing candidates shown in rank order, from highest to lowest. The Certification is sent out to the jurisdiction where the vacancy exists. The employing agency has a period of sixty days from the Certification's issue date to make an appointment from this certification. The employing agency may request a 30-day extension of the Certification of Eligibles to be granted by the County Personnel Director.

According to the Civil Service Law, an appointing authority seeking to make an open-competitive appointment may give preference to legal residents of the jurisdiction. If the appointing authority chooses to exercise this option, a residents list will be sent first. When an employee is hired as a resident, he/she will be required to complete a Resident Eligibility Verification Form and provide supporting documentation. The form, along with the supporting documentation must be submitted to this department by the appointing authority, along with the returned Certification of Eligibles and Report of Personnel Changes.

If the eligible list contains no legal residents of the jurisdiction, the countywide list must be used.

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## RULE OF ONE OF THREE

The rule of one of three, or simply the "rule of three" as it is often called, plays an important part in the appointment process. The rule of three states that an appointing authority may choose to appoint any one of the three highest-scoring candidates who are willing to accept the appointment. To fully understand the "rule of three", it is necessary to understand Zone Scoring. When eligible lists are established, grades will be presented in zones. Final scores will be round numbers such as 100, 95, 90, 85, etc. This scoring method creates a significant number of tie scores. Every candidate within the same zone has equal standing on the eligible list. Zone Scoring in no way alters the Rule of Three; appointing authorities must still select from among the three highest scoring candidates, and not the three highest scores. In other words, if there are three or more candidates with any given score, or combination of scores, who are willing to accept a position, selection must be made from among these candidates. Only if there are fewer than three candidates in a zone, or combination of zones, may the appointing authority consider candidates in the next lowest zone.

In exercising the rule of three, an appointing authority may use any legal selection criteria. The interview is the most frequent tool used by appointing authorities in making their one of three selection. For this reason, candidates should regard the interview as an important part of the selection process.

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## TYPES OF APPOINTMENTS

### 1. PERMANENT

A permanent appointment is made when the jurisdiction has a vacant position, which it expects will be funded in each succeeding budget year. Since economic conditions change, no one can guarantee that funds will always be available for a permanent position. No one has a guaranteed job. Most permanent appointments from an open-competitive eligible list are for a 26-week probationary period. Most permanent appointments from a promotional eligible list are for a twelve-week probationary period. The name of the candidate who accepts a permanent appointment is permanently removed from the eligible list from which she/he was appointed.

### 2. CONTINGENT PERMANENT

This type of appointment is made when another employee has re-employment rights to a vacant job. An employee who encumbers a job may be on maternity or other leave or may have accepted a different non-permanent appointment (such as a provisional promotion) elsewhere in the jurisdiction. Contingent appointments are subject to the same probationary period specified for permanent appointments. However, once the probationary period is completed, the contingent permanent appointee could still be displaced from the position by the return of the encumbering employee. The name of an employee who accepts a contingent appointment is removed from the eligible list, but would be reinstated to the list in the event of displacement by the return of the permanent employee.

A vacancy of the same title in the agency automatically turns a contingent permanent appointment into a permanent appointment because the contingency becomes attached to the new vacancy.

### 3. PROVISIONAL APPOINTMENTS - OPEN-COMPETITIVE OR PROMOTIONAL

A provisional appointment is made when there is no eligible list for a competitive class title, or there are fewer than three willing acceptors on such a list. Provisional appointments are intended to be a temporary measure to fill the position only until the next eligible list is established. The employing agency must receive approval from the Department of Human Resources, Personnel and Civil Service for every provisional appointment. Provisional

appointees may be dismissed at any time during the provisional term. If the employee holds permanent competitive status in another title in the same jurisdiction, he/she holds contingent rights to the permanent title and would revert to that title upon dismissal from the provisional position.

#### **4. PART TIME**

This definition applies to certain positions that are normally competitive. If this part-time restriction is met, employees may be hired without their having to be appointed from an eligible list. Their employment must be maintained within these limitations for their employment to be legal.

Employees must meet one of the following two criteria:

1. Hour limitation - any employment or combination of employments, other than a seasonal Police Officer\* in which the employee works fifty percent or less of the normal work week, or;
2. Earnings limitation - Any employment or combination of employments in which the employee earns no more than \$5000 for the year or 25% of the official annual full-time salary for the title, whichever is greater.

Employment of seasonal Police Officers includes employment during the period commencing two weeks preceding memorial day and terminating two weeks after Labor Day to meet extraordinary or peak demands. Wages earned as a Seasonal Police Officer shall not be used in computing the maximum allowable earnings as a part-time employee.

Part-time appointment which "averages out" to 17 hours a week (i.e. 35 hours for one week and 0 the next) would not meet the Hour Limitation described above. Such employment could meet the part time rule only by virtue of the Earnings Limitation.

Also, beware of switching back and forth between 1 and 2! The Department of Human Resources, Personnel and Civil Service looks closely at any appointment or change in hours that indicates that the jurisdiction is employing a full-time employee without using the list.

#### **5. TEMPORARY**

Jurisdictions occasionally have the need to make temporary appointments. As the term implies, temporary appointments are for a specific limited duration, such as day, week, month, six months, etc. There are three categories of temporary appointments for Competitive Class positions:

1. Appointments for up to 3 months. The individual is not appointed from the list, but the appointment is subject to Civil Service approval and an appointee must meet the minimum qualifications established for the position. Only one such appointment may be made per individual per calendar or fiscal year and it is meant to address an emergency situation.
2. Appointments for up to six months. The individual must be appointed from among candidates on the eligible list, but the candidate's rank on the list may be disregarded. Such appointments are also subject to Civil Service approval. Again, only one such appointment may be made per person per year to address an emergency situation.
3. Appointments for more than six months. Appointments must be made from the list as they are made for permanent appointments.

Temporary appointments never mature into permanent appointments, and time served as a temporary appointee does not count toward meeting the minimum qualifications for competing in a promotional exam. For these reasons, the names of the candidates who accept temporary appointments remain on the eligible list, so they may be considered for any permanent appointments that arise while they are temporarily employed.

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#### **TRANSFERS**

1. The term "transfer" means a move from a position under one appointing authority to a position under a different appointing authority. The position to which the employee is transferring must be in the same title, a comparable title, lower title in the direct line of promotion, or a title to which the employee is eligible for voluntary demotion or reinstatement. Moves between positions under the same appointing authority are "reassignments" and not transfers. The power to reassign is vested solely with the appointing authority.
2. All transfers are subject to the provisions of the Civil Service Law and the Suffolk County Civil Service Rules, and require the approval of the Suffolk County Personnel Director. Transfers are not "automatic" in any sense.
3. Individuals seeking transfer must first locate an appropriate vacancy. The Department of Human Resources, Personnel and Civil Service does not provide listings of vacancies. The best way for an individual to locate a vacant position is to contact the appointing authority in the agency or agencies where he or she would like to work. We suggest that he/she send each agency a résumé and a letter stating his/her desire to transfer into the agency and indicate the title in which he/she holds status. Remember, transfer into a higher level title is not possible. A listing of Suffolk County offices can be found in the telephone directory under "Suffolk County Government." The telephone directory can be used in the same way to locate other governmental offices. Bear in mind that no agency is obliged to accept any individual on a transfer.
4. Once a candidate has located an agency interested in allowing a transfer, he/she must ask the appointing authority in that agency to write a letter to the Suffolk County Personnel Director stating that he/she may transfer into his/her agency. This letter must include title, and the effective date of the transfer.
5. The Suffolk County Personnel Director must also receive a letter from the transfer candidate indicating his/her desire to transfer. This letter may be submitted by the candidate directly to the Suffolk County Personnel Director or through the personnel office of the agency to which he or she wishes to transfer.
6. The releasing agency must also agree to the transfer and submit a letter to the County Personnel Director indicating such approval. Transfers are subject to an twelve-week probationary term. If the releasing agency agrees to the transfer, they are agreeing to hold the position "contingent" until the completion of the probationary period.

In some cases there are other requirements having to do with the existence of preferred lists and promotional lists. These are best approached case-by-case, and the would-be employer should call Civil Service for the specific requirements applicable to each.

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#### **JOB PROTECTION**

1. Section 75 of the Civil Service Law provides protection to every post-probationary permanent or contingent permanent employee in a competitive class job. It also protects labor and non-competitive employees with at least five years of continuous service, other than those employees in positions which the Department of Human Resources, Personnel and Civil Service has designated as "confidential" or that "require the performance of functions influencing policy," pursuant to Section 42(2-a). Veterans and exempt volunteer firefighters (as defined by Section 85 of Civil Service Law and General Municipal Law, respectively) regardless of their titles, are protected by Section 75. An employee who has Section 75 protection can be removed from his/her job only after a hearing at which the employee must be proved guilty of misconduct or incompetence.
2. Sections 72 and 73 set forth an employee's rights to medical examinations, hearings and reinstatement when the employee has been or may be placed on involuntary leave of absence due to mental or physical inability to perform his/her duties.

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#### **SPECIALIZED INFORMATION FOR LIBRARY POSITIONS**

All full-time Civil Service librarian positions are in the competitive class.

The Civil Service examination for librarian positions may consist of several test techniques. Generally, multiple choice written tests are used for entry-level positions. For higher level positions, a training and experience evaluation may be used. This technique consists of a systematic evaluation of the education and work experience of each applicant against a pre-determined scale, which is developed according to the needs of the job to be filled. The important point to remember, when competing in a training and experience evaluation, is to provide a detailed résumé, which includes an explicit description of all previous jobs and the inclusive dates of each job. Vagueness on an application or résumé for a training and experience evaluation may cause some element of an applicant's background to be rated lower than it would actually be worth if it were described in detail. In some instances, a vague job description may receive no credit.

It is the responsibility of the candidate to fill out forms completely, file for examinations on time and make sure that he/she has done what is required to meet the qualifications. Candidates must be certain to read the published announcements for the test he/she plans to take, since the announcement issued by the Suffolk County Department of Human Resources, Personnel and Civil Service will describe the examination scope and test techniques being used.

Probationary period for a Librarian Trainee is up to four years. Trainees are given this time to complete the course of study for an MLS degree. The Librarian Trainee remains on probation until he or she completes MLS studies and achieves permanent competitive status as a Librarian I.

Some libraries may employ part-time librarians. Positions in competitive titles may be filled on a part-time non-competitive basis if the employee meets the part time rule.

If the library district desires to convert a part-time non-competitive position to a full-time position, that position must be filled competitively, i.e. by someone who is reachable on the appropriate eligible list. This may or may not be the same person who held the position when it was part-time.

For other than entry-level positions of Librarian Trainee or Librarian I, there may be promotional examinations offered, which are open only to employees of public libraries who meet the qualifications for the promotional examination. Since the civil service system is based upon a policy of promotions from within based upon permanent competitive status, it may be extremely difficult for non-competitive part-time librarians to advance to more responsible positions within their job ladder.

Regarding canvassing of eligible lists, a candidate may decline a position for the reasons listed on the canvass letter or other valid reasons without penalty. An applicant may also decline without penalty after being interviewed. However, an applicant will be taken off the list for failure to show up for more than two scheduled interviews.

There are two exempt class positions applicable to libraries and these are Library Attorney and Library Treasurer.

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## REQUIRED FORMS - USAGE

[Duties Statement](#) (CS 500)- This is a form used to describe to us the duties to be performed by an employee. We must have a Duties Statement for every Classified position in the jurisdiction. When we receive the Duties Statement, we determine the proper title to describe the position. This establishes a position, which may then be filled in accordance with Civil Service Law.

Duties Statements must be submitted in the following situations:

1. Creation of a new position,
2. Any significant change in the duties of an existing position,
3. If a Duties Statement is old (more than 5 years), when the position is to be refilled, we may request a new Duties Statement to assure that the title is still correct.
4. For Exempt class positions, a new Duties Statement must be submitted each time the position is refilled.

Procedure:

The appointing authority completes the form through #7 on the back and submits 2 copies to us. We determine the correct title and complete #8 on the form. We then send the form back to the employing agency for signature of the appointing authority.

The appointing authority signs and completes #9 and returns the original to us. The employing jurisdiction should keep a copy.

REPORT OF PERSONNEL CHANGES (CS-150) This form is used by employing agencies to report all personnel changes to us. Changes include appointments, terminations, salary increases or changes, etc.

Procedure:

Complete the form and submit the white and yellow copies to us. Keep the pink copy as an interim record. We will process the change and return the yellow copy noting the approval or, if necessary, disapproval of the change. You can then discard the pink copy and keep the yellow for your records. For any appointments from an eligible list, the appointment must be noted on the list (Certification of Eligibles) and the Certification of Eligibles must be returned to us along with the CS 150. (See [Request for Certification of Eligibles CS-21](#)).

APPLICATION FOR EMPLOYMENT (CS-205 A & B or CS 203 for promotional examinations). Any candidates for non-competitive, temporary or provisional employment must complete an application so that we can determine whether he/she is qualified for appointment. Applications are also used for candidates to apply to take examinations administered by this department.

Procedure:

To apply for an examination the candidate completes the CS 205 (part A and B) for an open competitive examination, or CS 203 for a promotional examination, and submits the application directly to us along with a \$25 application fee.

For Non-Competitive (CS 205A), temporary (CS 205A) and provisional appointments (CS 205A and B or CS 203 if promotional), candidate completes the application and signs on the back. It is necessary that the name of the employing jurisdiction be written on the front of the application in the space toward the bottom labeled "Department or Jurisdiction". The application should be submitted to us by the jurisdiction for our review. This should be done before the employee is appointed to avoid problems if the candidate doesn't meet the qualifications for the job.

REQUEST FOR CERTIFICATION OF ELIGIBLES (CS-21) Positions in the competitive class require that appointing authorities obtain a list of tested and certified candidates from this department. This request is made using the CS-21 form. Any appointment that is made from an eligible list must be from among the top three willing acceptors on the list.

Procedure:

Complete the entire form and submit the form to us. If a list exists, it will be sent. Requests should include an exact salary- ranges are not acceptable. If any employee will be working less than a normal workweek, the salary indicated should be prorated. Note any special hours or working conditions.

When an appointment is made, it should be noted on the Certification. The Certification should then be signed and returned to this office.

If there is no list or if there are fewer than 3 names on the list, the jurisdiction may appoint a provisional employee who can remain in the position as a provisional until a new list is established. A provisional is an employee who has not yet taken the examination but who meets the minimum qualifications. It is up to the appointing authority to recruit such an employee. Since the employee will ultimately have to take the test (and score among the top three to be permanently appointed), he or she must complete a CS-205 Parts A & B or CS 203 for a promotional examination.



The name of the employing jurisdiction must be noted on the front of the application. We will review any qualifications and file the application so the employee will be able to take a future examination. The employee must meet any qualifications for the job.

RESIDENCY ELIGIBILITY VERIFICATION FORM If an appointment is made from an open-competitive list and the appointee was given residency preference in making the appointment, he/she will be required to complete the verification form and provide supporting documentation. This form and documentation must be submitted to us by the appointing authority, along with the CS150 and signed Certification of Eligibles.

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### SUMMARY OF REQUIRED DOCUMENTS CHART

Type of Appointment	<a href="#">Request for Certification of Eligibles</a> (CS-21)	Application for Employment (CS-205 A, B or CS-203)	<a href="#">Duties Statement</a> (CS-500)	Report of Personnel Change (CS-150)
<b>Full-Time Competitive Appointments</b> (includes all clerical titles, Head & Chief Custodian, School Lunch Manager, etc)	Yes	Filed for Examination  (CS-205 A & B for Open Competitive, CS-203 for Promotional)	Yes	Yes
<b>Provisional Appointments - Competitive Class</b>	Yes	Yes (same as above)	Yes	Yes
<b>Non-Competitive Appointments</b> (Includes School Teacher Aides, Maintenance Mechs. I-IV, Lead FSW, and *PT clerical titles)		Yes (CS-205 A)	Yes	Yes
<b>Labor Class Appointments</b> (Includes Sch.Mon., Cust. Wkr I, FSW, Groundskeeper I etc)			Yes	Yes
<b>Exempt Class Appointments</b> (Includes SD Clerk, SD Treasurer, etc)			Yes	Yes
*Must meet part-time limits as defined in Civil Service Rules				

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## Suffolk County Government

### H. Lee Dennison Bldg

100 Veterans Memorial Hwy  
P.O. Box 6100  
Hauppauge, NY 11788

### Riverhead County Center

County Road 51  
Riverhead, NY 11901



## Services

- 💰 Pay
- 📄 Register/Apply
- 🏠 Find Work
- 📍 GIS Portal
- 📄 Land Search
- ➔ View All Services
- ✉ Contact

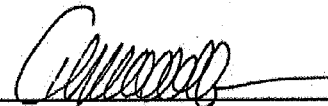
## Elected Officials

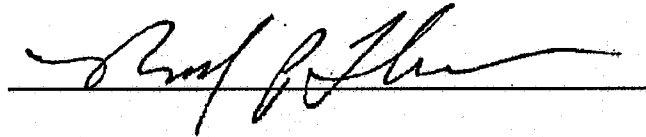
- County Executive
- Legislature
- Clerk
- Comptroller
- District Attorney
- Sheriff

CITY OF SACRAMENTO

ADMINISTRATIVE POLICY INSTRUCTIONS

Topic: Workplace Violence Policy                      Effective Date: 4-1-04  
 From: Human Resources Department                      Supersedes: New  
       Risk Management Division  
 To: Department/Division Managers                      Section: API # 44

  
 \_\_\_\_\_  
 TERRENCE L. WOODS  
 Director of Human Resources

Approved:   
 \_\_\_\_\_  
 ROBERT P. THOMAS  
 City Manager

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## I Purpose

This document establishes the City of Sacramento Workplace Violence Policy, which describes and prohibits workplace violence, threats of violence, intimidation and harassment. This policy establishes procedures and protocol to reduce the potential for violence. This policy also identifies security contacts and reporting procedures for employees to report violence, threats of violence, harassment, and intimidation that occur in the workplace.

## II Policy

### A. Statement of Commitment

The City of Sacramento is committed to providing a safe workplace free from violence and threats of violence. The workplace includes any place where City business is conducted, including City buildings and property, City vehicles, private vehicles while used on City business, other assigned work locations and off-site training.

The City will not tolerate violent behavior or threats in the workplace. Any violent behavior related to the employee's work or work relationships, whether an employee is on or off duty, on or off City property or City workplaces, is prohibited. Violations of this policy will be investigated, and if substantiated, the City will take disciplinary action up to and including termination.

### B. Violent Behavior

Employees should not be subjected to physical or verbal conduct that is violent in nature related to the employee's work or work relationships. In addition, no employee is permitted to engage in violence or threaten violence to another employee, supervisor, manager, union representative, customer, resident or any other person.

Examples of behavior prohibited by this policy include, but are not limited to:

- Violent physical actions;
- Direct or implied threats to do harm to a person or to property, including intimidating use of one's body or physical objects;
- Verbally abusive or intimidating language or gestures;
- Threatening, abusive or harassing communications;
- Possession of a dangerous or deadly weapon at the workplace, unless an employee is authorized by his/her department head to possess such a weapon;
- Possession of imitation weapons on City property or City workplace;

- Destructive or sabotaging actions against City property or employee property; and
- Engaging in unwanted or intrusive behavior against another person such as stalking, spying or harassment.

### C. Reporting

Every employee has the responsibility to immediately report to his or her supervisor or department safety representative any violations of this policy. This includes employees who are aware of violence or threats of violence that may create a risk of harm to the employee or others in the workplace by a City employee, or any other person, whether occurring in or away from the workplace. All reports will be promptly and thoroughly investigated.

### III Retaliation

The City will not tolerate any type of retaliation against an employee who reports workplace violence or the threat of violence.

### IV Restraining Orders

If an employee has a restraining order against another employee or that involves a city workplace, the employee must report it to his/her supervisor. Copies of restraining orders with proof of service should be retained on site to assist Police in the event a violation occurs.

### V Departmental Responsibilities

#### A. Workplace Safety

Every department head will assess the potential for violence and take measures to maintain workplace safety. Supervisors and managers will monitor the workplace and immediately assess any violent or threatening behavior even if the person or persons engaged in the conduct are not their subordinates, or they have not received a complaint.

#### B. Training

City University will provide mandatory training on this policy and preventing violence in the workplace. Department Heads are responsible for providing their staff with information about the prevention of workplace violence and violence-management techniques on a periodic basis.

### C. Departmental Response to Violence

When a violent action or threat is brought to the attention of a supervisor, manager or departmental safety representative, an evaluation of the severity of the situation must be made immediately. If evacuation is necessary, proceed in accordance with the building disaster plan.

1. Contact 9-1-1 if there is a likelihood of immediate violence.

- From a city phone 9-911 or 911
- From a cellular phone 916-264-5151

2. Supervisors and managers will determine if further action is needed and take appropriate action. See Attachment A (Supervisor Plan of Action for Threat by Employee) and Attachment B (Supervisor Plan of Action Threat by Citizen).

3. Contact Labor Relations at 808-5424 if additional assessment is needed beyond the departmental level. If appropriate, Labor Relations will activate the Threat Assessment Team.

### VI Threat Assessment Team

The City considers all threats of violence or intimidation seriously. The City's Threat Assessment Team investigates reports of actual or threatened violence, assesses the risks, and makes recommendations for action.

### VII Definitions:

A. Harassment: behavior that is not welcome, that is offensive, demoralizing, and/or interferes with work effectiveness.

B. Imitation weapon: any object that is designed to look like or simulate a real weapon.

C. Intimidation: inspiring fear in a person or inhibiting speech or action of a person by a show, promise or threat of force.

D. Restraining order: a court order that prohibits specific behavior; a preliminary legal order issued to keep a situation unchanged pending decision upon an application for an injunction.

E. Retaliation: any behavior that is intended to punish or discriminate against another person for reporting an incident or threat; revenge.

F. Threat: an expression of intent to inflict pain or injury on a person or damage to an object. Threats may be explicit (such as, "I'll get even with you later" or "I'll kill you if you report me") or implied (such as "bad things are going to happen to him" or "that propane tank on the back of his truck could sure blow up easily"). Threats also include stalking. Conflicts and disagreements are expected to occur in the workplace and do not by themselves represent a threat of violence.

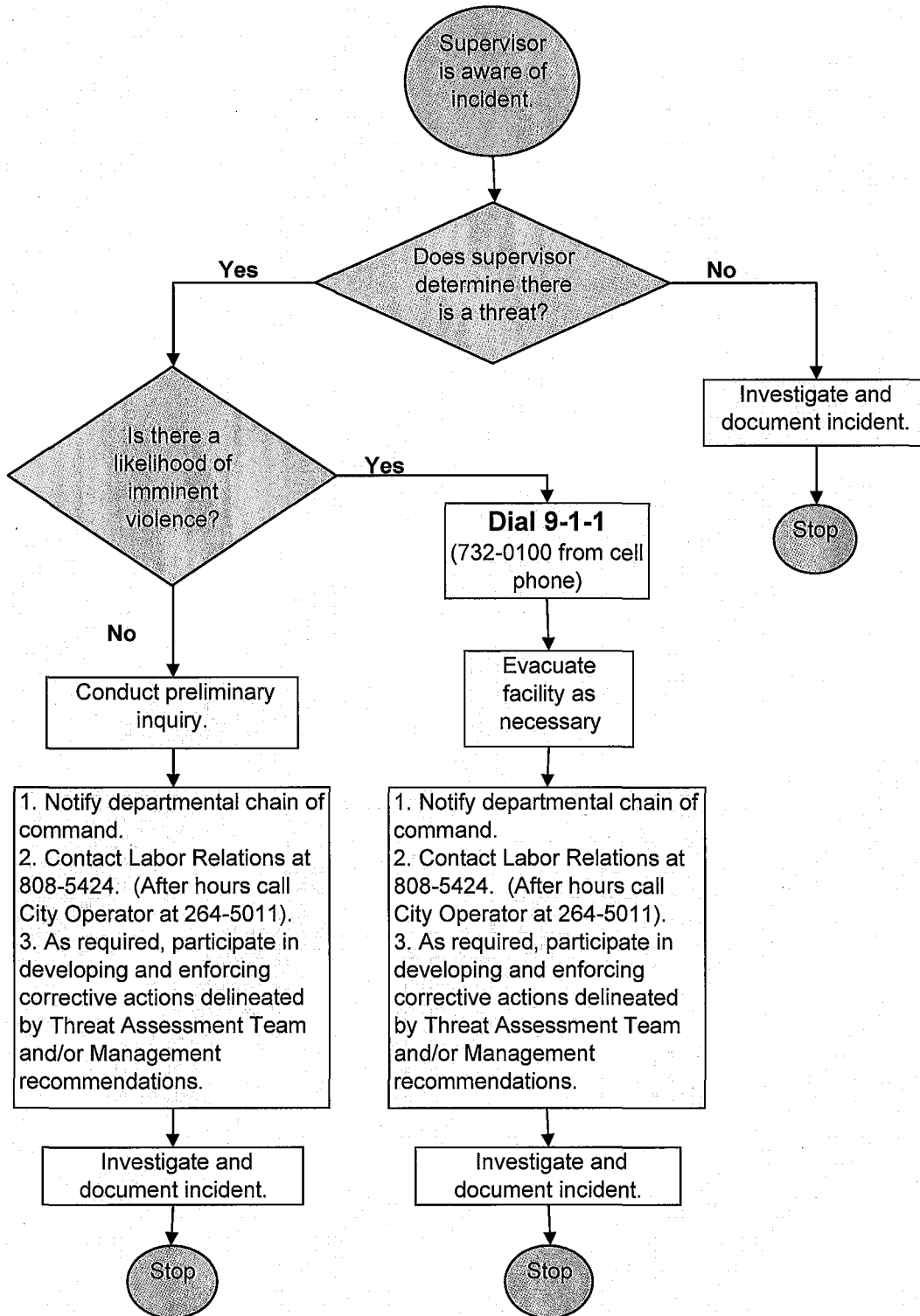
G. Threat Assessment Team: group consisting of management personnel from Labor Relations, Risk Management, City Attorney's Office and the Police Department; formerly known as the Management Assessment/Intervention Team (MAIT).

H. Weapon: an instrument, article or substance which, under the circumstances in which it is used, or threatened to be used, is capable of causing physical injury or death; any physical object which meets the criteria outlined in California Penal Code Section 12020 or Sacramento City Code Section 9.32.010.

I. Workplace: any place City business is conducted, including City buildings and property, City vehicles, private vehicles while used on City business, other assigned work locations and off-site training.

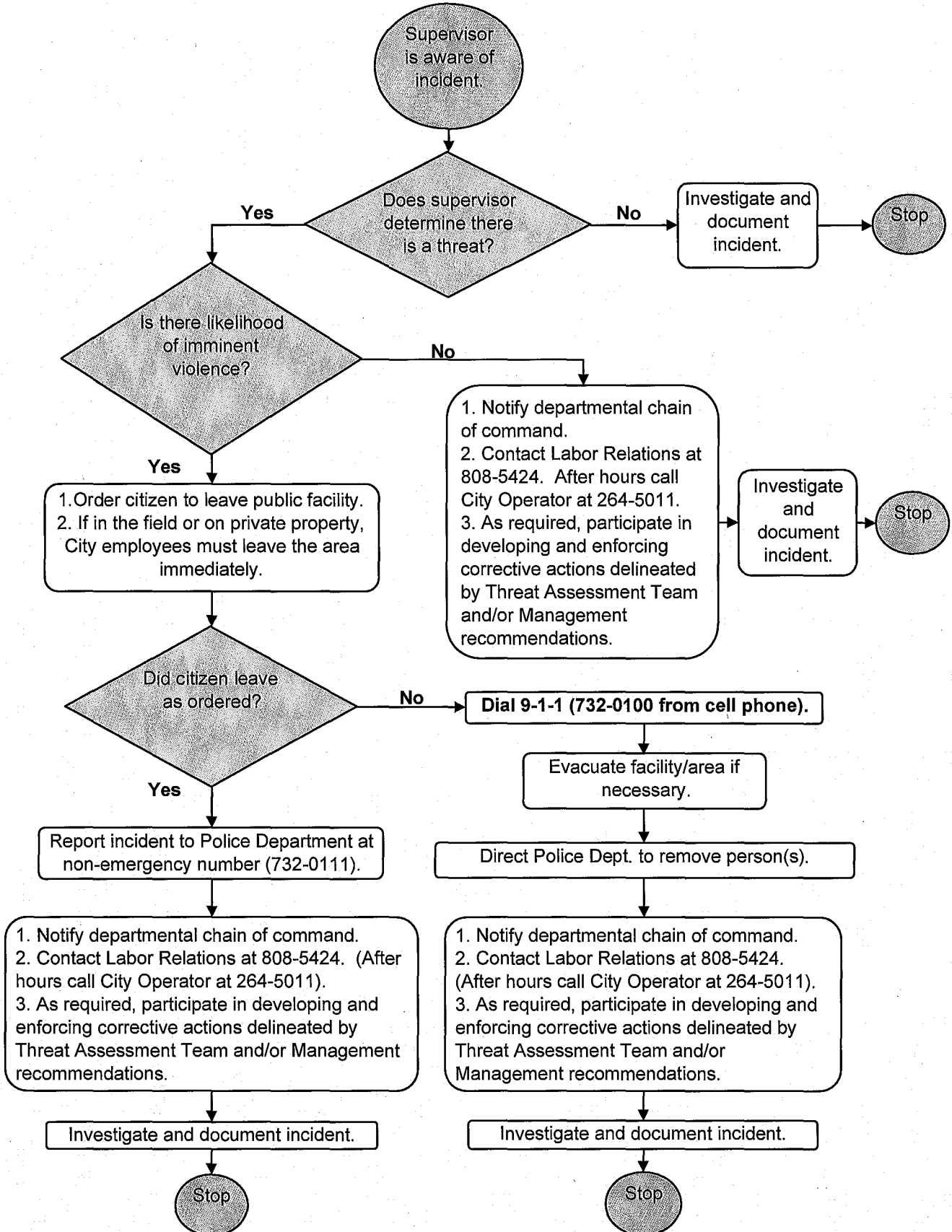
# Supervisor Plan of Action for Threat by Employee

## Attachment A



# Supervisor Plan of Action for Threat by Citizen

## Attachment B





*City of*  
SACRAMENTO

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## **Employee Handbook**

*February 2015*

**Policy Contact**

Melissa Chaney, Director of Human Resources (916) 808-7173,  
[MChaney@cityofsacramento.org](mailto:MChaney@cityofsacramento.org)

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## **INTRODUCTION**

The purpose of this handbook is to provide a summary of the city policies, employee working conditions, and benefits. This handbook is not intended to be an employment contract, express or implied, between the city and its employees and does not create property or other rights in employment. Such rights are governed by the various labor agreements, the Rules and Regulations of the Civil Service Board and/or the city's unrepresented personnel resolution.

In this handbook, you will find answers to questions about what the city expects of you and what you may expect from the city. The city encourages you to speak with your supervisor if you have additional questions.

## **A BRIEF HISTORY OF SACRAMENTO**

When James Marshall discovered gold in the American River in January 1848, the world rushed in, and the City of Sacramento was born. Founders established the city in 1849 and incorporated it in 1850. Prior to this nineteenth-century event, however, the Nisenan and Miwok Indians inhabited the region surrounding the Sacramento and American Rivers for thousands of years. Living peaceably and unchallenged, California's native population grew to an estimated 300,000 by the middle of the eighteenth century.

European explorers journeyed to California by the mid-sixteenth century. They claimed California for Spain, but the Spanish did not establish permanent settlements until the early eighteenth century, when they built military presidios and Catholic missions along the coastal areas. Spanish Lieutenant, Gabriel Moraga, led an expedition into the valley in 1808. Finding the inland region unsuitable for mission sites, he left, but the name with which he christened the valley remained Sacramento, for the holy sacrament. The interior valley remained the domain of the Indians, trappers, and traders for only a few more decades.

Mexico gained independence from Spain in 1821, and Mexican governors issued large land grants to settle California in Mexico's name. In 1839, Swiss emigrant, John Sutter, chose a site at the confluence of the American and Sacramento Rivers and established the inland valley's first permanent white settlement. Sutter and his Indian laborers developed an agricultural outpost that attracted American settlers after their long, overland journey across the continent. By 1848, approximately 2,500 pioneers settled in California. That same year, Mexico ceded California after losing a war with the United States.

The Gold Rush brought a large influx of people to Sacramento throughout the 1850s, and the city developed into a major transportation and trading hub for miners and merchants. Its establishment as the State Capitol in 1854 and as the terminus for the transcontinental railroad in 1863 ensured Sacramento's future as one of the West's most important cities.

With over 400,000 residents, the City of Sacramento continues to grow and prosper. Employment with local, state, and federal governments remain the area's biggest employers; trade, industry, financial, real estate, and other types of services flourish in the area. As in the 1800s, Sacramento attracts people from all over the world, creating a culturally diverse community.

## **SECTION 1– EMPLOYMENT**

### **1.1 TYPES OF APPOINTMENTS**

There are three types of appointments in the city:

a. Career Appointment:

Those employees having either probationary or permanent status as defined by the Rules and Regulations of the Civil Service Board. Most jobs in the city fall into this category. Applicants take a civil service examination and are appointed as vacancies occur. Career employees serve a probationary period, up to 24 months, after hired. If completed successfully, the employee will gain permanent status.

b. Non-Career Appointment:

Non-Career employees typically work for a limited time to cover a seasonal need or to fill in temporarily behind career employees.

c. At-Will Appointment:

At-will employees are exempt from normal civil service hiring procedures. At-will employees are appointed by the Mayor, Council, City Attorney, City Auditor, City Clerk, City Manager, and City Treasurer. These employees serve at the pleasure of the appointing authority.

### **1.2 JOB OPPORTUNITIES**

The city accepts applications online. To apply for open, city-only, or transfer opportunities, employees must fill out an online application at [www.cityofsacramento.org/hr/employment/](http://www.cityofsacramento.org/hr/employment/). Employees are encouraged to check weekly for new job openings. Employees may contact the employment office for assistance with applying for jobs or for general employment related inquiries.

### **1.3 RESIDENCY REQUIREMENT**

Employees are not required to live within the boundaries of the City of Sacramento. However, employees who work in some job classifications that provide emergency services are required to reside within 35 air miles of the "W-X, 29th-30th Streets" freeway interchange. Employees in classifications who must reside within the "35-mile residency requirement" are identified in Rule 13.3 of the Rules and Regulations of the Civil Service Board.

### **1.4 DRUG-FREE WORKPLACE POLICY**

In accordance with the federal grant requirements established by the Drug-Free Workplace Act of 1988, the City of Sacramento has a drug-free workplace policy:

- a. Unless legally authorized to do so, employees are prohibited from manufacturing, distributing, dispensing, using, consuming, injecting, possessing, being under the influence of, selling or offering for sale any controlled substance as the latter is defined in the California Health and Safety Code.
- b. An employee shall notify his/her immediate supervisor of any criminal drug statute conviction he/she received for a violation occurring in the workplace or while on duty no later than five calendar days after such conviction.

### **1.5 ZERO TOLERANCE POLICY**

The City has a zero tolerance policy on drugs and alcohol in the workplace. Zero tolerance means that all employees are prohibited from possessing, using, or being under the influence of prohibited drugs or alcohol while on duty, on city property, while operating or in city equipment, in the employee's vehicle used during city business, on their person, or in the work place. Employees subject to testing pursuant to the federal Department of Transportation drug testing requirements are also precluded from using alcohol within eight hours of starting their shift.

For detailed information regarding the policy, please refer to the Drugs/Alcohol in the Workplace Policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Labor Relations Division.

## **1.6 SMOKE-FREE WORKPLACE POLICY**

Individuals (employees, contractors, vendors, visitors or guests) are not permitted to smoke in the workplace. The workplace includes, but is not limited to city buildings, vehicles, equipment (including light and heavy duty trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed driver/passenger compartment), or other areas where work activities are being performed. Smoking is not prohibited in designated smoking areas. Where a smoking area is not officially designated, employees who wish to smoke may do so at a minimum distance of 20 feet from the entrance or air intake of the workplace as defined above. For outside workplaces, such as construction sites, individuals (as defined above) must be 20 feet from work and/or break areas when smoking.

For detailed information regarding the policy, please refer to the Smoke-Free Workplace Policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Administration Division.

## **1.7 DOMESTIC VIOLENCE**

The City of Sacramento recognizes the destructive effects that domestic violence has on individuals and on the workplace. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family member, domestic partner, or cohabitant in reasonable fear of receiving serious bodily injury.

The city continues its commitment to taking reasonable and prudent steps necessary to provide for a safe workplace, offer community resource agency and counseling referrals, and accommodate work schedule modifications where possible and practicable and where it is determined that such actions may assist in mitigating the effects of the actual violent or threatened activity.

City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to assisting employees and their families against domestic violence.

If you have any questions regarding Domestic Violence, please feel free to contact the Department of Human Resources, Labor Relations Division.



## **1.8 WORKPLACE VIOLENCE POLICY**

The City of Sacramento is committed to providing a safe workplace free from violence, and threats of violence. The workplace includes any place where city business is conducted, including city buildings and property, city vehicles, private vehicles while used on city business, other assigned work locations, and off-site training.

For detailed information on the Violence in the Workplace policy, please refer to the Violence in the Workplace policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Labor Relations Division.

## **SECTION 2 – EMPLOYEE BENEFITS**

### **2.1 INSURANCE PLANS**

#### **a. Career Employees**

The city provides a cafeteria benefit plan under the provisions of Internal Revenue Code Section 125 for career employees. In addition to a city-provided basic life insurance policy, career and exempt full-time and part-time employees receive a fringe benefit contribution from the city. The amount of the contribution is determined by the applicable labor agreement between the city and the recognized employee organization or the Unrepresented Personnel Resolution. Employees may select city-sponsored medical, dental, vision, supplemental life insurances, and short-term disability insurances. Premiums for these benefits are deducted from the fringe contribution, and salary if necessary, on a pre-tax basis.

#### **b. Non-Career Employees**

The city pays a monthly fringe benefit contribution for non-career employees who work 1,040 or more hours in a 12-month period. The contribution amount is determined by the labor agreement between the city and the recognized employee organization or the unrepresented personnel resolution. It may be applied only toward the premiums of city-sponsored medical and dental plans.

### c. Benefit Changes

Benefit changes may be made annually during the open enrollment period. In order to make changes to current benefit selections outside of the annual open enrollment period, a "Life Event" must occur, in which case an employee has 30 days from the date of the event to contact the Department of Human Resources, Benefits and Retirement Division. "Life Events" recognized by the city include the following: marriage, birth, guardianship or adoption of a child, divorce, legal separation, court orders, judgments, decrees, approved leave of absences, eligibility changes due to employment, spousal employment status changes, over age dependents (no longer eligible), and registering or terminating of domestic partnerships.

## **2.2 457 DEFERRED COMPENSATION PLAN**

The city offers a 457 Deferred Compensation Plan, which is a personal supplemental retirement savings program that allows you to contribute on a pre-tax basis. Federal, and in most cases, state income taxes are deferred until your assets are withdrawn, usually during retirement when you may be in a lower tax bracket.

## **2.3 401(a) MONEY PURCHASE PLAN**

Some employees may be eligible for 401(a) Money Purchase Plan. This is a retirement savings plan that allows you to set aside money for retirement. Please see applicable labor agreement for eligibility.

## **2.4 RETIREMENT PLANS**

The city has two retirement systems. The Sacramento City Employees' Retirement System (SCERS) has been a closed retirement plan since 1989. The City's active retirement plan is California Public Employees' Retirement System (PERS).

a. Sacramento City Employees' Retirement System (SCERS)

Miscellaneous career employees hired before January 29, 1977, or who have had city service before this date, are SCERS members. SCERS contribution rates for miscellaneous members are determined by the individual's age when entering the system. Minimum retirement qualifications and maximum benefits are specified in the plan. Certain plans are coordinated with Social Security coverage; under such plans, retirement allowances are reduced when members become eligible for Social Security benefits.

b. Public Employees' Retirement System (PERS)

Career employees, and non-career employees who qualify for PERS membership, who were hired after January 28, 1977, and who have no city service before that date, are PERS members. The city contracts with the State of California to provide this coverage. Minimum retirement qualifications and maximum benefits are specified by plan coverage. Certain PERS plans are coordinated with Social Security coverage; under such plans, the PERS formula reduces the retirement allowance. Refer to the applicable labor agreement for details on city and/or employee contributions to PERS.

## **2.5 SOCIAL SECURITY AND MEDICARE**

Non-safety employees are required to contribute to Social Security and Medicare. Safety employees are required to contribute to Medicare. Federal law establishes the Social Security and Medicare withholding rates. Social Security and Medicare contributions are deducted from the bi-weekly paychecks. Refer to paycheck for details.

## **2.6 FLEXIBLE SPENDING ACCOUNTS**

The city provides flexible spending accounts which allow benefit-qualified employees to pay for certain Internal Revenue Service (IRS) approved medical and dependent care expenses with pre-tax earnings. These expenses may include "out-of-pocket" costs for medical and dental insurance co-pays, prescriptions, and other specific health care or dependent care expenses as defined by the IRS.

## 2.7 VACATION

Career employees, and non-career employees who work for the city for 1,040 or more hours per year, accrue paid vacation time. Part-time career and eligible non-career employees accrue vacation time on a pro-rata basis. Employees who work less than 1,040 hours per year do not accrue vacation time. The number of accrued vacation days is dependent upon length of service. The maximum vacation accrual allowed is 480 hours or 672 for Fire Suppression employees.

<u>Length of Service</u>	<u>Days/Hours Credited Per Year for Employees on a Standard Workweek</u>	<u>Days/Hours Credited Per Year for Employees on a Fire Suppression Workweek</u>
1 to 5 years	10 days/80 hours	112 hours
6 to 15 years	15 days/120 hours	168 hours
16 or more years	20 days/160 hours	224 hours

The city's payroll system will reflect the current number of vacation hours an employee has available to use. All employees have the accrued vacation available to them for use only after they have completed six months of service. Employees may check with their supervisor on how to schedule vacation time off within their department. Employees earning 20 vacation days per year have the option of selling one week of vacation back to the City every year; that is, receiving one week of vacation pay in lieu of taking the vacation time off.

## 2.8 HOLIDAYS

Eligible employees receive the paid holidays as listed below. Check the applicable labor agreement for eligibility and other holiday benefits.

(holidays listed next page)

<b><u>Holiday</u></b>	<b><u>Date</u></b>
New Year's Day	January 1
Martin Luther King, Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Cesar Chavez Day	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving Day
Christmas Eve (4 hours)	December 24
Christmas Day	December 25
New Year's Eve (4 hours)	December 31

## **2.9 SICK LEAVE**

Full-time career employees accrue sick leave credit equivalent to 8 hours per month/96 hours per year. Part-time career and non-career employees earn sick leave on a pro-rata basis per the applicable labor agreement and/or California's Healthy Workplaces, Healthy Families Act of 2014. The city's payroll system will reflect how many sick leave hours an employee has earned.

## **2.10 KINCARE and Special Leave**

Employees are allowed to utilize a portion of their available sick leave credit to care for a family member in accordance with the California Labor Code Section 233 (KinCare) and Civil Service Board Rule Appendix A (Special Leave). KinCare and Special Leave shall run concurrently. To track KinCare and Special Leave use the 'Sick Family Care' absence code on the timesheet. For more information on KinCare and Special leave, please contact the citywide Leave Administrator at the Department of Human Resources, Administration Division.

## 2.11 LEAVE OF ABSENCE

Occasionally, the need arises when an employee must take time off for a non-industrial illness or injury. The city's Non-Industrial Leave of Absence Program covers the following types of leave of absences:

- **Medical** – for the employee's own medical condition,
- **Family Care** – for the employee to care for a child, spouse, registered domestic partner, or parent with a medical condition,
- **Parental** - for the birth, placement or adoption of a child,
- **Pregnancy Disability** – for an employee who is disabled due pregnancy,
- **Military** –for an employee's own military service, and
- **Personal** –for any reason that does not qualify under any other type of leave

The federal Family Medical Leave Act (FMLA) and state of California Family Rights Act (CFRA) cover non-industrial leave of absences. FMLA and CFRA entitles qualified employees to take up to 12 work weeks or 480 hours of unpaid, job and benefit-protected leave in a 12-month rolling backward period. To be eligible employees must have 12-months of City Service, 1,250 feet-on-the-floor hours preceding the leave start date, and a qualifying event.

Additionally, the state Pregnancy Disability Leave Law (PDL) allows employees to take up to four months of unpaid, job and benefit-protected leave for disability due to an employee's pregnancy, childbirth, or related medical conditions.

All employees who also serve in military service are entitled to a leave of absence. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA), the California Military and Veterans Code, and the Rules and Regulations of the City Service Board provide leave rights and benefits to eligible military service members.

While on an approved leave of absence, employees can utilize available accrued leave, disability insurance, parental pay, pregnancy disability pay, or catastrophic leave pay in accordance with the applicable labor agreement or leave administration policy.

To apply for a non-industrial leave of absence the employee should contact his/her supervisor, PAR contact or the citywide Leave Administrator at the Department of Human Resources, Administration Division.

For detailed information, please refer to the applicable labor agreement, Rules and Regulations of the Civil Service Board, the Leave Administration Policy located on the City's website at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or call the Department of Human Resources, Administration Division.

## **2.12 TRANSPORTATION**

### **a. General**

The city provides employees with transportation to conduct official city business. Vehicles for short-term or occasional use are available from the city's vehicle pool, which is administered by the Department of General Services, Fleet Management Division. However, with approval, employees may use a privately owned vehicle to conduct city business, or, under certain circumstances, the City Manager may assign a city vehicle on a permanent basis.

### **b. Vehicle Allowance or Mileage Reimbursement**

If an employee is pre-approved to use their own private vehicle for city business, the employee will be reimbursed for mileage. Some exempt employees who use their vehicles in the course of city business receive a monthly vehicle allowance. For further information regarding vehicle allowances or mileage reimbursements, see the applicable labor agreement or the city policy regarding mileage reimbursement.

### **c. Downtown Parking Subsidy**

Full-time career employees working in the downtown area may be eligible to receive a monthly downtown parking subsidy. For further information, see the applicable labor agreement located on the city's website at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **d. Sacramento Regional Transit or Other Bus Transportation**

Employees may purchase a monthly discounted Regional Transit (RT) Bus Pass or a Light Rail System Pass. This pass is for the employee's use only. Employees who would like to purchase a monthly RT bus or light rail pass may contact the Department of Finance, Revenue Division for further details.

e. Monthly Parking Permit

Employees may purchase a monthly parking permit. Employees who would like to secure a monthly parking permit may contact the Department of Finance, Revenue Division for further details.

### **2.13 EDUCATION ASSISTANCE POLICY**

The Education Assistance Policy was established to encourage employees to improve their knowledge, skills, and abilities in subject areas that will enhance their work performance for the city.

Applications for education assistance may be considered from exempt employees and full-time career employees who have satisfactorily completed their probationary period, if applicable.

Employees may be reimbursed for 100% of the cost of registration, tuition, and books, up to a maximum per calendar year at the discretion of the appointing authority. Check applicable labor agreements or unrepresented personnel resolution for the maximum reimbursable amount. Employees should contact their supervisor for more information about Education Assistance Policy.

### **2.14 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The city provides an Employee Assistance Program (EAP) for city employees and their families. EAP services include counseling for marriage, family and relationship issues, alcohol and drug abuse, emotional, personal and stress-related concerns, financial and credit problems, childcare and eldercare matters, legal problems, federal tax consultation and representation, pre-retirement planning, and organizing life's affairs. All counseling and referral services are confidential and free to employees and their immediate family members. Employees and their immediate family members are each entitled to a defined number of counseling sessions per incident. To find out more about additional services provided through EAP or to obtain more information about services provided, visit the Department of Human Resources, Benefits and Retirement Division.



## **2.15 WELLNESS PROGRAM**

The purpose of the Wellness Program is to provide information, support, and direction to city employees to help them make positive lifestyle changes, enhance their own personal lives, and strengthen their job performance.

Participation in some Wellness activities must be on an employee's own personal time. Employees may speak with their supervisor about the Department's policy on attending Wellness classes and events.

A listing of the scheduled Wellness classes and other opportunities can be found on the Wellness website at

<http://www.cityofsacramento.org/HR/Divisions/Benefits-Retirement/Wellness-Program>.

## **SECTION 3 – CIVIL RIGHTS**

### **3.1 DISCRIMINATION AND HARASSMENT**

It is the policy of the City of Sacramento to afford equal opportunity to all persons and to prohibit discrimination or harassment based on ancestry, age, color, disability (physical and mental, including HIV and AIDS), genetic information, gender (gender identity and gender expression), marital status, medical condition, military and veteran status, national origin (includes language use restrictions), race, religion creed, sex (includes pregnancy, childbirth, breastfeeding and/or related medical conditions) or sexual orientation. Our commitment to equal opportunity and non-discrimination extends to all job applicants and employees, and to all aspects of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination, as well as providing reasonable accommodation to qualified persons with disabilities.

The Office of Civil Rights Manager is the City Manager's designee to direct, coordinate, and supervise activities associated with the City's Equal Employment Opportunity (EEO) Policy prohibiting discrimination, harassment, and retaliation.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at

<http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **3.2 SEXUAL HARASSMENT**

It is the policy of the City of Sacramento that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. No employee, (regardless of sex or gender), should be subjected to unsolicited, unwelcomed, and unwanted sexual overtures or conduct of a sexual nature. To this end, the City will not condone any form of sexual harassment in the workplace. Such conduct by a City employee or non-employees who conduct business with the City will not be tolerated. Corrective or disciplinary action, up to and including termination, shall be taken against employees engaging in behavior or conduct prohibited by the Equal Employment Opportunity policy.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **3.3 DISABILITY DISCRIMINATION**

Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, by a management employee or coworker is not condoned and will not be tolerated. The policy applies to the job application process and all terms and conditions of employment including, but not limited to: recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination, and also in the provision of city programs and services.

For detailed information regarding the policy, please refer to the EEO Policy on the City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

### **3.4 REASONABLE ACCOMMODATION**

All decisions relating to employment including, but not limited to recruitment, selection, training, assignment, promotion, reinstatement, compensation, transfer, benefits, and education, will be determined by the applicant's or employee's ability with consideration of any requested reasonable accommodation. The Reasonable Accommodation policy is applicable to all employment policies and practices.

For more detailed information about the reasonable accommodation process, please refer to the Reasonable Accommodation Policy on the

City's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>.

## **SECTION 4 – LABOR RELATIONS**

Rules and Standards of behavior are similar for most city employees. For example, all employees are expected to be on time for their shift, work efficiently, show courtesy to their fellow workers, customers, and members of the public, and to follow city regulations. However, specific schedules, procedures, and regulations may vary from group to group, depending on the employment classification and the demands of each job.

If an employee's classification is represented by a recognized employee organization, there is a formal labor agreement between the organization and the city, outlining specific working conditions. A listing of the Recognized Employee Organizations (also referred to as Unions or Associations) can be found in Section 9. Employees may obtain a copy of their labor agreement at: <http://www.cityofsacramento.org/HR/Divisions/Labor-Relations/Labor-Agreements>

## **SECTION 5 – MISCELLANEOUS**

### **5.1 IDENTIFICATION BADGE**

All City of Sacramento employees are required to have a photo identification badge which must be worn at all times while in all city buildings or on city property. Lost or stolen badges may jeopardize the security of employees or city property and must be reported immediately to the employee's supervisor.

### **5.2 INFORMATION TECHNOLOGY**

#### **a. Help Desk**

For all information technology (IT) related assistance, including but not limited to issues with a computer, telephone or network accessibility, or to request IT related products, such as a program upgrade, please call (916) 808-7111 or email [ITHelpdesk@cityofsacramento.org](mailto:ITHelpdesk@cityofsacramento.org).

#### b. Intranet Access

The city's intranet is an excellent resource for city employees and may be accessed from any city most devices connected to the network. The website address is <http://citynet>.

#### c. Outlook Web Application

You may log onto your city email account outside of the city's network by visiting <http://owa.cityofsacramento.org>.

#### d. Information Technology Resource Policy

The overriding goal of the Information Technology Resource Policy is to provide clear direction for responsible, ethical, and lawful use of technology resources by employees, contractors, agents and other users. Direction for protecting the integrity of the private and confidential information, as well as public business data residing within the City of Sacramento's technology infrastructure is provided by the policy and applicable guidelines, procedures and associated forms. Please refer to the Information Technology Resource Policy for information regarding the user's responsibility, security, and acceptable use of any assigned Information Technology resource.

### **5.3 CONFLICT OF INTEREST**

City employees are generally prohibited from entering into contracts in which they have a financial interest if the city is a party. In addition, some designated city employees must annually report on their investments, business positions, real property, and/or sources of income, which may be related to decision-making authority in their job responsibilities. If an employee has a question on the conflict of interest rules, contact the department's Conflict of Interest Filing Official or the City Clerk's Office.

## **SECTION 6 – PAYROLL**

### **6.1 GARNISHMENT POLICY**

Employees who have their wages garnished for more than one indebtedness, except for earnings assignment orders under Family Code Sections 5200 et seq., may be subject to discipline, up to and including

termination. Employees experiencing ongoing problems paying debts are encouraged to seek assistance from the Employee Assistance Program (EAP) or other sources before employment is affected.

## **6.2 PAYDAYS**

The city pays employees every other Tuesday. There are 26 pay periods in the year. If a Tuesday payday falls on a holiday, employees are paid on the preceding Monday.

## **6.3 PAYROLL EARNINGS AND DEDUCTIONS**

Bi-weekly payroll earnings and deduction statements may be viewed in the city's payroll self-service module. The following information is available on the statement:

- a. General Information – name, address, job title, pay rate, pay period begin date and pay period end date;
- b. Tax Data and Withholding – federal and state tax withholdings and allowances;
- c. Hours and Earnings – description of earnings, rate of pay, hours and earnings, both current and year-to-date;
- d. Deductions – current and year-to-date before-and-after-tax deductions paid by the employee for items such as the employee's share of health insurance premiums and union dues;
- e. Employer Paid Benefits – current and year-to-date employer-paid benefits such as health insurance and retirement contributions;
- f. Net Pay/Direct Deposit Distribution – the account number(s) and amounts where employee funds are being distributed.

## **SECTION 7 – SAFETY**

One of the most important safety practices is to report every injury, accident, or exposure to a hazardous substance to the supervisor immediately.

## **7.1 WORK ENVIRONMENT**

The City of Sacramento strives to maintain a work environment that protects employee health and prevents accidental injury to employees. The Illness and Injury Prevention Program (IIPP) integrates all of the policies and procedures intended to identify and control occupational hazards.

For detailed information regarding the IIPP policy, please contact the Department of Human Resources, Risk Management Division, Loss Prevention Office or the policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>

## **7.2 VEHICLE COLLISION**

Employees in a collision while operating a city vehicle or piece of equipment, or who are driving their own vehicle as required for city business, must immediately notify the Sacramento Police Department. If outside of city limits, the California Highway Patrol or the local law enforcement agency that has jurisdiction should be called. The accident needs to be investigated at the time and place that it occurred. An investigation is required regardless of how minor the accident is. If the accident happens outside of the city limits, make sure to ask that a report be taken. Please first discuss the accident only with official representatives of the City of Sacramento and the law enforcement officials who are investigating the case.

For further instructions, refer to Vehicle Collision policy on the city's website located at <http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Risk Management Division, Administrative Office.

## **7.3 DRIVER'S LICENSE**

To drive a vehicle in the course of city business, employees are required to have a current and valid California driver license in the appropriate driving classification. Accommodations for employees with disabilities may be arranged. If an employee's driver license is expired, suspended, revoked, restricted, or there is a change in status, the employee must report it to their supervisor immediately. In such a case, city policy provides that some employees may be given a period of time to correct the deficiency.

For detailed information regarding the policy, please refer to the Driver's License Policy on the city's website located at

<http://www.cityofsacramento.org/City-Hall/Policies-and-Procedures>; or contact the Department of Human Resources, Risk Management Division, Loss Prevention Office.

#### **7.4 ACCIDENTS TO VISITORS ON CITY PROPERTY**

If an employee sees an accident or injury to a member of the public who is visiting a city facility or is on city property, give him or her any assistance necessary. Please first discuss the accident only with official representatives of the City of Sacramento and the law enforcement officials who are investigating the case. Non-employee injuries must be reported. For further instructions, please contact the Department of Human Resources, Risk Management Division.

### **SECTION 8 – WORKERS’ COMPENSATION**

#### **8.1 WORKERS’ COMPENSATION**

Workers’ compensation covers any injury or illness caused by an employee’s job, ranging from simple first aid to major injury or death. Workers’ Compensation provides medical treatment and salary replacement benefits for City employees and volunteers who are injured on the job.

If employees are injured or become physically or mentally ill because of their job, including injuries resulting from a workplace crime, they may be entitled to workers’ compensation benefits. Employees should immediately notify their supervisor of any injury or illness. The supervisor will notify the Worker’s Compensation Unit. Employees will receive a Division of Workers’ Compensation Claim Form for them to complete, sign and return to the Workers’ Compensation Unit.

The City of Sacramento has a modified/alternative duty program. The purpose of this program is to allow injured workers to return to work while continuing to recover from the on-the-job injury or illness. This program may allow injured workers to continue to earn their full salary and leave benefits, and to maintain leave balances and personal and/or family health benefits. A temporary assignment may be within the employee’s own department or another department.

The city administers workers’ compensation benefits in accordance with the California Labor Code. Employees can obtain free information from a State of California Division of Workers’ Compensation Information and

Assistance Officer by calling (916) 263-2741, or they can hear recorded information and a list of local offices by calling (800) 736-7401.

Employees may access the State of California, Division of Workers' Compensation web site at <http://www.dwc.ca.gov> or see the City's intranet site at <http://citynet/home/view/HumanResources/RiskManagement/WorkersCompensation.cfm>.

## **8.2 WORKERS' COMPENSATION FRAUD IS PROHIBITED**

Workers' compensation fraud may be punished by imprisonment and/or a fine not exceeding \$150,000 or double the amount of the fraud, whichever is greater.

Employees who would like to obtain more information about the issue of workers' compensation fraud, or would like to report an occurrence of suspected workers' compensation fraud, should call the city's workers' compensation Fraud Line.

You may also contact the Department of Insurance Fraud Division's hotline number: (800) 927-4357 or access the Fraud Division's website at: <http://www.insurance.ca.gov/0300-fraud/0100-fraud-division-overview/>



## **SECTION 9 – CONTACT INFORMATION**

### **9.1 DEPARTMENT OF HUMAN RESOURCES**

Administration:	(916) 808-5731
Benefits and Retirement:	(916) 808-5665
Employment and Classification:	(916) 808-5726
Labor Relations:	(916) 808-5424
Office of Civil Rights:	(916) 808-5825
Risk Management:	
Risk Administration:	
Insurance:	(916) 808-5556
Liability Claims:	(916) 808-5502
Loss Prevention:	(916) 808-5278
Workers' Compensation:	(916) 808-5741
Fraud Line:	(916) 808-8895

### **9.2 DEPARTMENT OF FINANCE**

Main Line:	(916) 808-5845
Payroll:	(916) 808-5495
Revenue Division:	(916) 808-8500

### 9.3 RECOGNIZED EMPLOYEE ORGANIZATIONS

The City recognizes the following organizations as exclusive agents of their respective bargaining units:

<b>Recognized Employee Organization</b>	<b>Bargaining Unit</b>
Stationary Engineers-Local 39 1620 North Market Boulevard Sacramento, CA 95834 (916) 928-0399	Operations and Maintenance, Office and Technical, Professional Unit; General Supervisory and Plant Operator Units
Sacramento Police Officers Association 550 Bercut Drive Sacramento, CA 95811 (916) 446-7661	Police Department Unit
Sacramento Area Fire Fighters-Local 522 3720 Folsom Boulevard Sacramento, CA 95816 (916) 739-8522	Fire Department Unit
International Association of Machinists and Aerospace Workers 967 Venture Court Sacramento, CA 95825 (916) 929-1040	Automotive/Equipment Mechanics Unit
Auto, Marine and Specialty Painters Local 1176 8400 Enterprise Way, Room 124 Oakland, CA 94621 (510) 632-7456	Traffic Engineering Unit
Sacramento-Sierra's Building and Construction Trades Council 967 Venture Court Sacramento, CA 95825 (916) 929-1040	Building Trades and Craft Unit

**Recognized Employee Organization**

**Bargaining Unit**

Plumbers and Pipefitters-Local 447  
5841 Newman Court  
Sacramento, CA 95819  
(916) 457-6595

Water and Sewer Unit

Western Council of Engineers  
700 College Avenue  
Santa Rosa, CA 95404  
(707) 575-6000

Engineering Unit

Sacramento City Exempt Employees  
Association  
PO BOX 340940  
Sacramento, CA 95834  
(916) 996-8060

Exempt Management, Exempt  
Management Support, and  
Confidential/Administrative Units



## **Domestic Violence Policy**

**Scope: CITYWIDE**

### **Policy Contact**

Melissa Chaney

Director

Human Resource Department

(916) 808-7173

[MChaney@cityofsacramento.org](mailto:MChaney@cityofsacramento.org)

### **Table of Contents**

Policy

05-09-2000 Memorandum to Department Heads and Division Managers

### **Regulatory References**

05-09-2000 Memorandum: City Policy Against Domestic Violence

### **Effective Date:**

May 9, 2000

## I. Policy

This is to affirm that the City of Sacramento recognizes the destructive effects that domestic violence has on individuals and on the workplace. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family member, domestic partner or cohabitant in reasonable fear of receiving serious bodily injury. Also, a City employee may be the victim of domestic violence and in need of assistance.

The City encourages all employees who believe they are victims of actual or threatened domestic violence to contact the appropriate law enforcement agency, Labor Relations Officer, the Women Escaping a Violent Environment (WEAVE) organization, any other domestic violence counseling service or agency, or the confidential Employee Assistance Program (EAP) for information and referral to available resources. The City continues its commitment to taking reasonable and prudent steps necessary to provide for a safe workplace, offer community resource agency and counseling referrals, and accommodate work schedule modifications where possible and practicable and where it is determined that such actions may assist in mitigating the effects of the actual violent or threatened activity.

Any employee who needs help in controlling anger or emotions, whether on or off the job, is encouraged to contact the confidential EAP, WEAVE, or any other domestic violence counseling service or agency for information and referral to available resources. It is a violation of state law to commit acts of domestic violence. City employees are prohibited from committing or threatening to commit acts of domestic violence whether on or off the job. Any employee of the City of Sacramento who, in violation of this policy, commits any act of domestic violence or makes a threat to do so may be subject to- disciplinary action, up to and including termination where the act or threat is found to be work-related, pursuant to Rule 12.2 (w) of the Rules and Regulations of the Civil Service Board which is quoted in pertinent part as follows:

"Causes for Disciplinary Action. Any City employee may be disciplined for just cause, including but not limited to the following forms of conduct if found to exist: (w) Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service."

City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to fully implementing this policy against domestic violence.

If you have any questions regarding this policy, please feel free to contact your department Labor Relations Officer.



11.1

OFFICE OF THE  
CITY MANAGER

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 101  
915 I STREET  
SACRAMENTO, CA  
95814-2684

May 9, 2000

PH 916-264-5704  
FAX 916-264-7618  
TDD (ONLY) 916-264-7227

**MEMORANDUM**

**TO: Department Heads and Division Managers**

**RE: City Policy Against Domestic Violence**

This is to affirm that the City of Sacramento recognizes the destructive effects that domestic violence has on individuals and on the workplace. Domestic violence means intentionally or recklessly causing or attempting to cause bodily injury or placing any family member, domestic partner or cohabitant in reasonable fear of receiving serious bodily injury. Also, a City employee may be the victim of domestic violence and in need of assistance.

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City Policy Against Domestic Violence

May 9, 2000

Page 2

“Causes for Disciplinary Action. Any City employee may be disciplined for just cause, including but not limited to the following forms of conduct if found to exist: (w) Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee’s employment or the public service.”

City employees and their families have the right to be free of domestic violence. To that end, the City of Sacramento is committed to fully implementing this policy against domestic violence.

If you have any questions regarding this policy, please feel free to contact your department Labor Relations Officer at 264-5424.

A handwritten signature in cursive script, appearing to read "Robert P. Thomas".

Robert P. Thomas  
City Manager

**CITY OF SACRAMENTO  
GRIEVANCE PROCEDURES UNDER  
THE AMERICANS WITH DISABILITIES ACT**

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Sacramento. *The City of Sacramento's Disability Discrimination Policy governs employment-related complaints of disability discrimination.*

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem. Alternative means of filing the complaint such as personal interviews or a tape recording of the complaint are available to persons with disabilities upon request.

The complaint or grievance should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Neal Albritton,  
City of Sacramento, ADA Coordinator  
Human Resources Department, Office of Civil Rights  
915 I Street, Fourth Floor  
Sacramento, CA 95814-2604  
PH 916-808-8795  
FAX 916-808-7673  
TTY 916-264-5707  
NAlbritton@cityofsacramento.org**

Within a reasonable period from receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and possible resolutions. ***(Attempt informal resolution, if not successful, initiate an investigation)*** At the conclusion of the investigation the ADA Coordinator will respond in writing, explaining the investigations findings and where appropriate, outline possible substantive means of resolution. *(If required, findings will be provided in a format accessible to the complainant, such as large print, Braille or audio tape.)*

If the response of ADA Coordinator or does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days to the City Manager. Within a reasonable period after the receipt of the appeal, the City Manger or his designee will respond in writing, and, where appropriate in a format that is accessible to the complainant, with a final resolution to the complaint.



All written complaints received by the ADA Coordinator, appeals to the City Manager or his designee and responses from the two offices will be retained by the City of Sacramento for at least three years.

Morristown Civil Service Review  
submitted by MTAS, 12/06

Introduction

Morristown city officials requested that The University of Tennessee’s Municipal Technical Advisory Service examine the Morristown Civil Service system and make recommendations for improvements, especially as those relate to the efficiency and effectiveness of the program.

In order to do so Pat Hardy, the MTAS consultant assigned to the study, utilized the following methodologies:

- A review of all Morristown Civil Service procedures and supporting documents.
- An examination of the Civil Service procedures used in other communities.
- Interviews with Councilmember Melvin Tucker, City Manager Jim Crumley, Human Resources Director Brian Janish, Fire Chief Bill Honycutt, Chief of Police Roger Overholt, one group of Police Department employees, two groups of Fire Department employees, and two members of the Civil Service Board.
- A review of the research concerning Civil Service, including its history and research related to reform or improvement efforts (this is included as an attachment to this report).
- An analysis of the Morristown Civil Service program for police conducted by MTAS Police Consultant Rex Barton, and an analysis of the program for the fire department conducted by MTAS Fire Consultant Gary West.

Civil Service Background

Only 9 cities in Tennessee with populations above 10,000 have civil service systems (that’s about 15% of cities in this population group). These systems are not standardized, and they vary from city to city in terms of their procedures and regulations. They also vary in terms of the groups of employees to whom they apply. Here are the cities, their populations, and the employees to whom civil service regulations apply:

<u>City</u>	<u>Population</u>	<u>Employees Under Civil Service</u>
Greeneville	15,274	Police and Fire
Dyersburg	17,452	Police
<b>Morristown</b>	<b>25,402</b>	<b>Police and Fire</b>
Columbia	33,055	Most except department heads
Johnson City	56,194	Police and Fire

Jackson	59,643	Police and Fire
Knoxville	173,890	Most except department heads
Nashville	545,915	Most, with some exceptions
Memphis	680,768	Most, with some exceptions

It should be noted that only 3 of these cities operate under something equivalent to a “Council-Manager” form of government. This is important because “form of government” has a relationship to civil service in terms of reform effort. More discussion on this relationship is provided in a paper attached to this *Report* entitled, “Civil Service: Some Pros, Cons and Suggestions for Reform.” That paper is meant to supplement this *Report* by providing a brief historical overview of civil service, a discussion of civil service pros and cons, empirical research related to civil service, and points of reference regarding reform efforts. It is highly recommended that the paper be read in order to more fully understand the experiences of other jurisdictions and the observations of other experts regarding civil service and how it can be improved.

### Morristown Civil Service

The Morristown Civil Service regulations were adopted by Chapter 370 of the Private Acts of the Tennessee Legislature in 1955. The regulations were further amended by the Private Acts of 1994. Because these regulations were adopted by Private Act they can only be altered by Private Act.

In terms of its purpose, the “practical application” of the Civil Service program in Morristown is meant as follows:

*... to give assurance that all citizens who desire to do so may have equal opportunity to compete for positions in the classified services and to establish conditions therein which will serve to attract employees of recognized character and ability, and to increase the efficiency of the departments affected.*

### General Comment Regarding Morristown Civil Service

In general, the Morristown Civil Service program appears to be too rigid, with too little emphasis on accountability and performance. For example, civil service employees are granted “tenure” and cannot be removed from service except for certain “causes.” None of the causes are related to job performance. In fact, the inability of an employee to perform their job is not cause for dismissal or demotion. Granted, such an inability will work against their promotion, but even then not entirely.

In addition, the system has an inability to reward extraordinary performance. Instead it sends a message to all employees that workload, accountability, performance, and “going the extra mile” will not be rewarded (except in small ways).

Many of the recommendations listed below work to address these problems. They work to provide more flexibility, more input into the process by those who best know and shape each department's daily operations (as well as the future), and they work to provide incentives so that the best employees will work hard and can be rewarded for their behavior.

### Recommendations For Both Police and Fire

**1. Issue: There is inadequate staffing support for the Civil Service Board.**

Discussion: Brian Janish currently provides some support for the activities of the Board, but this support is limited.

Recommendations:

- A staff person should be assigned to support all activities of the Civil Service Board. This support should include all clerical, notifications, minutes, maintenance of rosters, scheduling, communications, etc.

**2. Issue: Civil Service Board members serve non-staggered terms.**

Discussion: This leaves the potential to turn the entire Board over at the same time, thus eliminating consistency and continuity. In fact this has happened in the recent past.

Recommendations:

- Stagger the terms of office of the Civil Service Board.

**3. Issue: Communications between the Civil Service Board and City Council are limited.**

Discussion: A significant portion of the City's budget and personnel are under civil service, and it would be beneficial if both the City Council and Civil Service Boards maintain an on-going dialog so that both develop a common direction.

Recommendations:

- Schedule an annual workshop between the two boards where issues, concerns, suggestions can be discussed.

**4. Issue: There is not enough flexibility in the hiring and promotion process.**

Discussion: Under current rules the Morristown City Council must select for appointment or promotion from among the top three candidates on the roster.

Recommendations:

- The selection should be made from the top 5 candidates on the roster. This allows more flexibility for choosing the person who best fits the needs of the department and/or the person who should be rewarded for extraordinary accomplishments. This flexibility could bring into the system a much needed focus on performance and accountability.

**5. Issue: Entry-level tests are only given once each year and the testing process is quite long, usually taking many months to build a roster.**

Discussion: Given the length of the hiring process, a candidate could potentially be waiting for a position for up to 1 ½ years. In some cases this may mean that those who are not employed elsewhere are the only candidates available, or it may mean that good candidates have taken positions elsewhere.

Recommendations:

- Improve coordination of the testing process so that it lasts no longer than 2-3 weeks.

**6. Issue: The City Council makes hiring and promotion appointments.**

Discussion: The City Administrator is vested with authority by virtue of the city charter with the following: “Appointing, promoting, demoting, transferring, suspending, and removing all department heads and employees.” He or she should also be responsible for hiring and promotional decisions within the fire and police departments. As is the case with other departments these decisions should be made based on the recommendation of the respective Chiefs. After all, they are the ones who must supervise employees and shape their contributions to the department.

Recommendations:

- Make the City Administrator, rather than the City Council, the appointing authority.

**7. Issue: Section 6 of the *Civil Service Act* provides employees with “tenure.” Such “tenure” allows them to remain in their positions largely irrespective of job performance.**

Discussion: The *Act* states that no employee shall be removed or discharged, suspended, demoted in rank, or deprived of vacation or other privileges for any reason other than:

*Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to conduct himself properly; or any willful*

*violations of the provisions of this Act or the rules and regulations to adopted hereunder.*

*Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.*

*Any other act or failure to act which, in the judgement of the Board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the Classified Service.*

On the other hand, Section 4-201 of the *Morristown City Code* states that, the “Tenure of employees.. shall be subject to the satisfactory performance of work”, and Section 4-211 again states, “The tenure of every employee shall be conditioned on the satisfactory performance of duties.”

It should be noted that during the interviews nearly all personnel acknowledged that conduct/performance is not adequately represented in the civil service criteria. Most would welcome the application of a good evaluation process.

Recommendations:

- Award promotional points for performance in the “Record of Conduct” category and strengthen this category by increasing its influence from 10% to 15%.
- Develop the City’s capacity to conduct quality, annual evaluations so that these can be adequately tied to this category. Supervisors should be trained in the proper application of evaluations.

**8. Issue: There is too little input into the hiring and promotion process by the Chief of Police and the Fire Chief.**

Discussion: Under current rules the Chiefs of the respective departments have only a 10% influence on the hiring process and a 2.5% influence on promotion within their departments. Yet they are the persons responsible for the delivery of departmental services and for the supervision of employees. They are also the most knowledgeable professional in the city regarding the operations of each department. They know more about the needs of the department, the capabilities of the candidates for promotion, and the capacities/skills needed to move the department forward. Yet their influence is only 2.5% while the influence of the Civil Service Board is 10%.

Recommendations:

- Change the weight of the Chief’s recommendation to 25% of the total for hiring

and 20% for promotions. For promotions, encourage the Chiefs to include leadership and managerial capabilities in their assessments. Reduce the weight of the Civil Service Board to 5% for promotions.

**9. Issue: Education has only a 10% affect on an entry-level candidate’s score.**

Discussion: This influence appears to be slightly too little. Encouragement of an educated workforce can only improve each department’s capacity to deliver quality services.

Recommendations:

- Change the weight of the entry-level education component to mirror that of promotional candidates at 15%.

**10. Issue: “Seniority” and “Job Experience” are essentially the same.**

Discussion: Each of these counts 10% toward promotions. Thus the overall effect of experience/seniority is 20% (it should be noted that in the Fire Department “experience” in only counted from time served in the candidate’s current position, not as overall experience in the Department). In addition, “Record of Conduct” assumes tenure within the department and thus is an additional contributor toward what can overall be termed “experience.”

Recommendations:

- Combine the Job Experience and Seniority categories and make their effect 15%. Increase the effect of Record of Conduct to 15%.

**11. Issue: Promotional points which are gained through the year are not considered once a roster has been developed.**

Discussion: Given that a promotional roster may be considered for up to one year, additional points may be gained in any number of categories and yet the roster is not updated to reflect this. It may be that only the written portion of the process should remain static, unless a candidate has not garnered any additional points in other categories.

Recommendations:

- Prior to filling a position update the roster to reflect additional points earned by candidates. Keep the written results static.

**12. Issue: There is no time limit within which appeals or complaints can be made.**

Discussion: Section 4 (e) of the Civil Service Act establishes the Civil Service Board's responsibility to hear appeals or complaints, but does not provide a time frame within which such appeals should be made. Leaving this open allows an aggrieved employee to make complaints long after an alleged incident.

Recommendations:

- Limit the time frame within which appeals or complaints can be made to 60 days.

**13. Issue: Civil Service attaches an additional level of unnecessary bureaucracy to the hiring and promotion process. It also reduces the capacity of the city's management to shape the team needed to move the city forward in the police and fire departments.**

Discussion: The attached paper entitled, "Civil Service: Some Pros, Cons and Suggestions for Reform" provides discussion regarding the lack of rationale for civil service under a Council/Manager form of government such as that in Morristown.

In addition, the *Commission for Accreditation of Law Enforcement Agencies (CALEA)* establishes criteria for job related standards for hiring and promotion within police departments. These standards are designed to eliminate the potential for political patronage or "spoils" and require departments to establish hiring and promotional policies that are based on essential functions of the job, and that have a professional selection and promotion process. Adherence to these "nationally recognized standards" (which are in place in the Morristown Police Department) eliminates the need for civil service.

Recommendations:

- Consider establishing a time frame for elimination of civil service. The time frame should ensure that quality *Personnel Policies and Procedures* are in place which provide detail concerning the hiring, promotion, and disciplinary processes of the City. In addition, the presence of a professional Personnel Department should be well established within the City's management structure. The Department would insure that professional recruitment, hiring, promotion, and disciplinary procedures as well as standards are in place and are utilized for all positions.

The change to a non-civil service workforce should probably be phased-in, by first eliminating upper-level positions from civil service.

Recommendations For Police

**1. Issue: Current civil service regulations apply to "All full time law enforcement**



**officers certified as such by the Peace Officers Standards and Training Commission”, and this includes management personnel.**

Discussion: Civil service should not apply to management-level staff. The management “team” should be chosen on their ability to lead and manage, not on criteria such as seniority, test results, or physical agility. In addition, the Chief of Police should be held accountable for the management team he or she forms, including their success and failures.

Recommendations:

- The Chief of Police should make appointments to the Assistant Chief of Police and Captain positions.
- As an alternative, the Chief of Police could make these appointments subject to the approval of the Civil Service Board and/or the City Council.
- As an additional alternative the Chief of Police could make the appointment of the Assistant Chief of Police position only.

**2. Issue: Prior experience does not count in any way toward entry-level candidacy. There is no consideration for lateral entry into the department from another department.**

Discussion: Although criteria for experience could be considered by the Chief or Civil Service Board as a part of their oral examination, there are no specific points award for prior experience, even if an applicant is a certified police officer. In addition, no opportunity is provided for lateral entry.

Recommendations:

- Award at least 25 points, and possibly 50 (the same as an Associates Degree), if an entry-level applicant is a certified police officer.
- Lateral entry from another department should be possible.

**3. Issue: 50 promotional points are awarded for a high school diploma (or equivalent).**

Discussion: A high school diploma (or equivalent) is already required by the State of Tennessee for officer certification. This being the case, awarding a 50 points for this diploma renders the criteria pointless since all officers have already met the criteria.

Recommendations:

- Award promotional education points as follows (or something similar):
  - 100 points - Masters Degree
  - 67 points - Bachelors Degree
  - 33 points - Associates Degree

**4. Issue: The physical agility test appears to be gender-biased.**

Discussion: Very few female candidates are able to pass the physical agility test, and this eliminates many quality applicants from consideration. In fact, only 8% of the current uniformed workforce is female.

During interviews with police personnel it became apparent that the physical agility test for promotions is also in need of improvement. Questions arose concerning the test's job-related validity as well as its gender bias.

Recommendations:

- The physical agility test should be pass or fail. Elimination of points for the test would allow those points to be assigned elsewhere.
- Assign a task force within the department to reconstruct the physical agility test for entry-level as well as promotions. The test must be reconstructed to eliminate gender bias and to make the test more job-related.

**5. Issue: A candidate for promotion may have received 5 disciplinary notes in their personnel file within the past year and yet can still receive 25 points toward promotion in the "Record of Conduct" category. No points are awarded on the positive side, for commendations or other positive recognitions.**

Discussion: 5 disciplinary notes is quite a large number over the course of 1 year. In fact, this many disciplinary notes should warrant additional and more stringent management action. In any event we should not reward such an employee when considering them for promotion. It does not send a good message when we award positive points after having taken disciplinary action against someone every couple of months.

On the other side, no points are awarded for commendations, other positive recognitions, or positive evaluation results.

Recommendation:

- Change the "Record of Conduct" point system to mirror that of the Fire Department (see page 16 of the Orange Book).
- Award points for commendations which are placed in an employees file by key

management within a defined period of time (one year for example).

- As discussed above include evaluation results as a part of the “Record of Conduct” criteria.

**6. Issue: You must serve in an immediately prior rank before being eligible for promotion to an additional rank.**

Discussion: Due to this requirement, top performers or those who are ambitious cannot skip a rank and be placed where their skills may be best utilized, even if they are able to outperform other candidates on promotional criteria. In addition, the Chief may have identified a long-term future for the department which requires a certain skill set.

Recommendations:

- Allow candidates, with approval of the Chief, to skip one rank in order to be promoted (note: this mirrors the Fire Department for all ranks above Lieutenant).

Recommendations For Fire

**1. Issue: Current civil service regulations apply to “... battalion chief and assistant or deputy chief”, and these are management-level personnel.**

Discussion: Civil service should not apply to management-level staff. The management “team” should be chosen on their ability to lead and manage, not on criteria such as seniority, test results, or physical agility. In addition, the Fire Chief should be held accountable for the management team he or she forms, including their success and failures.

Recommendations:

- The Fire Chief should make appointments to the Battalion Chief and Assistant or Deputy Chief positions.
- As an alternative, the Fire Chief could make these appointments subject to the approval of the Civil Service Board and/or the City Council.
- As an additional alternative the Fire Chief could make the appointment of the Assistant or Deputy Chief position only.

**2. Issue: The physical agility test is so easy that virtually every candidate obtains the maximum number of points, and those points are 20% of the entry-level total and 10% for promotion.**

Discussion: Because each candidate receives the maximum number of points the test is not “sensitive” enough to distinguish between levels of performance. It therefore does not have any influence on entry-level ratings (because all scores are enough to receive the maximum number of points).

Recommendations:

- Eliminate the scoring of the physical agility test and make it a “pass or fail” only criteria. These 20% and 10% points can then be used elsewhere.
- Re-design the physical agility test so that it is not gender-biased and yet is demanding enough to detect differences in job-related performance (one suggestion made during a meeting with fire personnel was to add additional agility stations and to reduce the required times for achievement of the test). Assigning a task force within the department to reconstruct the physical agility test would be an excellent option.

**3. Issue: Under the Record of Conduct category for promotions no points are awarded on the positive side (for commendations, positive evaluations, etc.), only on the negative side (for lack of disciplinary actions).**

Discussion: This is a point in the scoring system where the positive side of the “record of conduct” equation can be emphasized.

Recommendation:

- Award points for commendations which are placed in an employees file by key management within a defined period of time (one year for example).
- As discussed above include evaluation results as a part of the “Record of Conduct” criteria.

**4. Issue: Prior experience does not count in any way toward entry-level candidacy. There is no consideration for lateral entry into the department from another department.**

Discussion: Although criteria for experience could be considered by the Chief or Civil Service Board as a part of their oral examination, there is no specific points award for prior experience, even if an applicant has served as a full time member of another fire department or has attended the Fire Academy. In addition no opportunity is provided for lateral entry.

Recommendations:

- Award at least 25 points, and possibly 50 (the same as an Associates Degree), if an entry-level applicant has served as a full time firefighter in another department or has attended the Fire Academy.
- Lateral entry from another department should be possible.

Comparison of Points Distributions Based on The Above Recommendations

Entry Level:

Current Distribution		Recommended Distribution	
Fitness Test	20%	Fitness Test	Pass/Fail
Written Test	45%	Written Test	45%
CS Board Exam	10%	CS Board Exam	10%
Chief Exam	10%	Chief Exam	25%
Education	10%	Education	15%
Military	5%	Military	5%

Promotions:

Current Distribution		Recommended Distribution	
Education	15%	Education	15%
Job Experience	10%	Job Exp./Seniority	15%
Seniority	10%		
Record of Conduct	10%	Record of Conduct	15%
Written Test	20%	Written Test	20%
CS Board Exam	10%	CS Board Exam	5%
Fitness Test	10%	Fitness Test	Pass/Fail
Training	12.5%	Training	10%
Chief Exam	2.5%	Chief Exam	20%

Other Considerations

- During interviews with rank and file members it was mentioned that civil service rules are occasionally changed without such changes appearing in writing, and that this was a “big problem.” If this is the case, it should be remedied, but this study did not find enough examples indicating it was a “big problem.”
- During discussions with members of the Police Department it was pointed out that promotional tests are not focused on specific ranks and are not “Tennessee focused”. The *Standard Company* was one firm suggested that may have tests which meet these criteria.

- A suggestion was made regarding the position of Police Detective. Specifically, it was noted that the position should be an assignment rather than a promotion.