

TOWN OF SAN ANSELMO

RESOLUTION NO. 1771

RESOLUTION ADOPTING PERSONNEL SYSTEM RULES AND REGULATIONS

The San Anselmo Town Council hereby rescinds Resolution No. 1403, and pursuant to Section 2-3.04 of the San Anselmo Municipal Code hereby adopts the following Personnel System Rules and Regulations:

Section I. Classification Plan

A position classification plan shall be established and maintained by the Personnel Officer, applicable to all positions covered by the Personnel System Ordinance. The Plan shall provide a description for each class of positions, that is, each group of jobs which are sufficiently similar that the same title may be used, the same qualifications required, and the same salary applied with equity. Each such description shall define the class, summarize principal duties, and state minimum qualifications directly related to effective performance. Age limits may be established only for police officer and firefighter positions. Part-time, temporary and volunteer work shall be recognized in relation to experience requirements.

Section II. Applications.

a. Form and Time. Application for employment shall be made on forms provided and within times set by the Personnel Officer.

b. Qualifications. An applicant shall be considered qualified for examination if his application indicates that he meets the established minimum requirements, is not physically unfit for the performance of duties, and has not been convicted of a felony or of a misdemeanor involving moral turpitude, unless it is determined that he has made a false statement of material facts or has practiced deception or fraud in his application.

c. Rejection. Whenever an application is rejected, notice of rejection with reasons therefor shall be given the applicant. A person whose application has been rejected because it is incomplete or defective shall be given an opportunity to amend his application provided the amendment is made before time of examination.

Section III. Examinations.

a. Announcement. The Personnel Officer shall announce and schedule examinations for existing or expected vacancies. Announcements shall be circulated and advertising and publicity placed in a manner designed to attract applications from qualified persons, including members of minority groups.

b. Nature. All examinations shall be competitive and impartial and shall be designed to test fairly relative capacities of the persons examined to undertake the specific duties of the position. Examinations may be assembled or unassembled, and may consist in whole or in part of application appraisal, written, oral, performance, assessment laboratory or agility testing, as appropriate, with each segment given appropriate weight. Examinations may be open, promotional only, or combined open and promotional. Examinations also may consist in whole or in part of formal evaluation by the Department Head, reviewed by the Personnel Officer, of one year or more of service in a formal Town-sponsored volunteer or reserve program providing relevant training and experience. In the case of examination for entry level sworn police officer, examination shall consist of formal evaluation as last mentioned; or written, oral and agility test; or POST-basic certificate and oral (plus agility test for any candidate who has not passed a comparable agility test within the preceding twelve months).

c. Responsibility. Examinations shall be prepared and conducted, including monitoring and scoring by the Personnel Officer, or by a competent and impartial outside organization, or may be joint with other public entities.

d. Right of Access. Any applicant who has completed an examination, or his representative, shall have access to his own examination records for a period of ten working days following mailing to him of notice of the results of the examination. Said applicant within ten working days after his review of his examination records may file a written appeal with the Board of Review in care of the Personnel Officer, which appeal shall be processed pursuant to Section XI of these rules and regulations.

#### Section IV. Eligibility Lists.

a. Creation. Following tabulation of the results of an examination, the names of all successful applicants shall be entered on an eligibility list for the classification in question.

b. Duration. The normal duration of an eligibility list is one year. The Personnel Officer may cancel an eligibility list if sooner exhausted, or may extend or restore a list not to exceed total elapsed time of two years.

c. Removal of Name. The Personnel Officer shall remove from an eligibility list the name of any applicant who fails to respond to an inquiry within five business days of mailing, or to report for interview, or who declines appointment to a position, fails a medical examination, does not report to work at time agreed, or is twice passed over by the Department Head.

d. Inactive status. An applicant so requesting may have his name temporarily removed from an eligibility list for a time certain, without penalty.

Section V. Certification and Appointment.

a. Certification. Upon notification by the Department Head that a vacancy exists or is anticipated, the Personnel Officer shall certify to the Department Head the names of all applicants falling within the top three ranks on the eligibility list. If there are two vacancies, the certification shall list all names in the top five ranks, etc. An otherwise eligible applicant shall not be certified for a vacancy in a department in which a relative is employed.

b. Preappointment Actions. The Department Head may in his discretion interview one or more persons certified, may make reference and background checks or request the Personnel Officer to do so, and may require passage of a medical examination. Passage of a medical examination is mandatory before initial appointment to a non-clerical position in police and fire services, street maintenance, or grounds maintenance.

c. Selection. The Department Head may select any applicant certified for a given position.

d. Probation; Final Appointment. No original appointment is final until completion of a probation period of twelve (12) months. During such period, the employee may be disciplined by the Department Head without regard to the requirements of Section X hereof. Probation does not apply to a promotional appointment under Section VII hereof.

In case of marginal performance but reasonable expectation of improvement, a probation period may be extended for up to six months by mutual agreement of the employee and Department Head, with approval of the Personnel Officer.

Section VI. Temporary, Emergency and Seasonal Appointments. Temporary, emergency and seasonal appointments generally shall be made from eligibility lists in the same manner as regular appointments. If, however, an appropriate eligibility list does not exist, otherwise qualified persons may be appointed for periods not exceeding three months. Sections VII, VIII, IX and X of these rules and regulations shall not apply to temporary, emergency and seasonal employees.

Section VII. Promotion.

a. Policy. It is the general policy of the Town to fill vacancies in higher ranks by promotion of qualified employees, either within a department or across departmental lines.

b. Notice. The Personnel Officer shall give notice of each promotional

opportunity by posting on Departmental bulletin boards, and by personal notice to each employee who meets the minimum qualifications specified in the job description.

c. Examination. An examination need be conducted only if two or more qualified employees apply. The examination may be promotional only, or combined open and promotional if warranted under the policy set forth in subsection (a) of this section.

d. Eligibility List, Certification and Selection. Preparation of an eligibility list, certification and selection shall be as set forth in Sections IV and V hereof.

Section VIII. Transfer. An employee may be transferred to a similar position in another department with his consent, the concurrence of both department heads, and the approval of the Personnel Officer.

Section IX. Reinstatement. A non-probationary employee who has resigned for a valid reason may within a two-year period thereafter be reinstated to a vacant position of the same or similar class, without examination other than medical.

Section X. Discipline.

a. Preliminary. Before taking a disciplinary action (as defined in Section 2-3.07 of the Personnel System Ordinance) against any non-probationary employee, the Department Head shall:

(1) Furnish the employee with a written notice of the proposed action, statement of the reasons therefor, statement of specific charges, and copies of the materials upon which the proposed action is based.

(2) Within five days, conduct an informal closed hearing at which the employee and/or his representative may be heard, may submit any available evidence or have presented any available testimony he deems relevant, and may seek to convince the Department Head to withhold or modify the proposed action.

(3) Extend to the employee as well an opportunity to respond in writing within five working days from delivery of the notice of proposed action.

b. Action. Thereafter, the Department Head may proceed with the proposed disciplinary action or a modification thereof, provided he files promptly with the Personnel Officer, with a copy to the employee, a written statement of the action, reasons therefor, and specific charges.

c. Appeal. The employee may file with the Board of Review in care of the Personnel Officer a written appeal and answer within ten working days of

delivery to him of the disciplinary action statement.

d. Hearing. The Personnel Officer shall schedule a hearing at the earliest feasible date before the Board of Review.

e. Findings of Fact; Decision. Promptly following said hearing, the Board of Review shall prepare in writing its findings of fact and decision. The decision of the Board is binding upon all parties.

f. Alternative Procedures.

(1) If the Department Head believes that the public interest requires that a disciplinary action be effective immediately, he shall deliver to the Personnel Officer and to the employee affected the notice required by paragraph a (1) of this section. After notice to the affected employee, the Personnel Officer shall conduct a closed hearing to determine if there is probable cause for the proposed action, and whether the public interest requires that the action be immediate. If upon the completion of the hearing the Personnel Officer so finds, the action shall be effective as of the date designated by the Personnel Officer. The Personnel Officer's determination shall not be appealable, but shall not affect subsequent right of appeal to the Board of Review.

(2) As an alternative to hearing and decision by the Board of Review, the appeal may be heard and decided by an arbitrator, under the same conditions as specified for grievance determination under Resolution 1650. This alternative is available only if the employee and the Personnel Officer agree on the issues to be determined, and agree on the selection of the arbitrator.

#### Section XI. Complaints by Others

a. Any resident of the Town or other aggrieved person may make a complaint concerning the conduct of a Town employee to the appropriate Department Head or to the Town Administrator, either of whom shall investigate, respond, and act as may be warranted to remedy a verified complaint.

b. A complainant remaining dissatisfied may petition the Board of Review. The Board may reject the petition if it appears frivolous or of little moment, or may accept the petition and hold a hearing thereon.

c. Any conclusion reached by the Board of Review following such hearing shall be advisory only to the responsible officer.

#### Section XII. Political Activities.

No Town employee may engage in political activity during working hours, or on Town premises, or at any time or place while wearing a uniform or insignia required or provided by Town. For purposes of this section, "political activity"

means soliciting or collecting funds for a political campaign, or oral or written advocacy of or opposition to a candidate for elective office or a ballot measure.

*Caroline Foster*

CAROLINE FOSTER, Town Clerk

I hereby certify that Resolution No. 1771 was duly passed and adopted at the regular meeting of the San Anselmo Town Council held on June 27, 1978 by the following vote:

AYES: Councilmen Toal, Convis, Capurro, Reed

NOES: None

ABSTAIN: Councilman Signorelli

*Caroline Foster*

CAROLINE FOSTER, Town Clerk