

## ARTICLE 4

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## ARTICLE 4

### EMPLOYEES

SEC. 2-4.00 PERSONNEL SYSTEM. PURPOSE. Pursuant to the authority granted by Article XI of the Charter of the City of Hayward, the following Personnel System is hereby adopted in order to insure that employment in the City government shall be based on merit and fitness, and be free of personal and political considerations; just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of City government; high morale shall be maintained by fair administration of this Article and by every consideration of the rights and interests of employees consistent with the best interests of the public and the City.

SEC. 2-4.01 UNCLASSIFIED SERVICE. The Unclassified Service shall comprise the following officers and positions:

1. All elected officers.
2. City Manager, City Attorney, City Clerk, the head of each department, and one private secretary and all administrative assistants in the Office of the City Manager.
3. All members of boards and commissions.
4. Positions in any class or grade created for a special or temporary purpose for a period of not longer than six (6) months.
5. Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
6. Part-time employees paid on an hourly or per diem basis.

SEC. 2-4.02 CLASSIFIED SERVICE. The Classified Service shall comprise all positions not specifically included in the Unclassified Service.

SEC. 2-4.03 PERSONNEL SYSTEM. APPLICATION. The provisions of this Article shall apply only to the Classified Service unless otherwise specifically provided.

SEC. 2-4.10 ADMINISTRATION. HUMAN RESOURCES DIRECTOR. The Personnel System hereby established and the rules adopted thereunder shall be administered by the Human Resources Director who shall be the custodian of, and maintain the personnel records; attend all meetings of the Personnel Commission or assign an authorized representative to attend commission meetings and serve as its Secretary; prepare and recommend revisions and amendments to the personnel rules for consideration of the Personnel Commission and City Council. The City Attorney shall approve the legality of such revisions and amendments prior to their submission to the Council.

The Human Resources Director shall also advise the City Manager and assist department heads in promoting an effective program of personnel management; provide employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service; and consult, whenever practicable, with representatives of any employee organizations on matters of personnel policy or procedure.

SEC. 2-4.11 PERSONNEL RULES AND REGULATIONS. The Human Resources Director shall draft, in consultation with the City Manager, such rules as may be necessary to carry out the purposes of this Article, and for examinations, appointments, promotions, appeals, leaves of absence and vacations.

All rules and regulations and all changes shall be printed for distribution.

SEC. 2-4.12 RULES AND REGULATIONS. MANNER OF ADOPTION. After public hearing thereon rules and regulations shall be recommended by the Personnel Commission for adoption by the City Council. Upon such adoption, the rules and regulations shall have the force and effect of law.

SEC. 2-4.20 CLASSIFICATION PLAN. The Human Resources Director shall assign each position in the Classified Service to a job class on the basis of its duties and responsibilities.

Positions, having comparable duties and responsibilities, which are sufficiently alike to permit use of a single descriptive title, the same qualification standards, test of competence and same pay scale, may be grouped in the same class.

Periodically the Human Resources Director shall accomplish an analysis of the duties and responsibilities of any or all positions in the Classified Service and determine whether the current classification is correct.

SEC. 2-4.21 CLASSIFICATION PLAN. MANNER OF ADOPTION. The Human Resources Director shall prepare a classification plan which includes all classifications within the classified service. The classification plan shall become effective upon adoption by the Personnel Commission after holding a public hearing thereon.

SEC. 2-4.22 CLASSIFICATION PLAN. REVISION. The classification plan may be revised as changing conditions require, upon recommendations of the Human Resources Director and with the approval of the Personnel Commission. Such revisions may consist of the addition, abolishment, consolidation, division, or amendment of existing classes.

SEC. 2-4.30 SALARY PLAN. At least once each year the Human Resources Director shall prepare a salary plan for each classification within the City's classified service. The rate or range for each classification shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to salaries for comparable positions in other places of public and private employment.

SEC. 2-4.31 SALARY PLAN. MANNER OF ADOPTION. The Personnel Commission shall review the salary plan and after a public hearing thereon, recommend a salary plan to the Council for adoption. The Council may approve, modify, or reject, wholly or partly, the salary plan recommended by the Personnel Commission, and may make such decision or determination as the facts warrant.

In adopting a salary plan, the Council may provide for its effective date to be retroactive to a date no earlier than the first day of the month within which said plan is adopted.

SEC. 2-4.32 SALARY PLAN. REVISION. The salary plan may be revised or amended, wholly or partly, if circumstances so require, in the same manner as originally adopted.

SEC. 2-4.40 EXAMINATIONS. All applicants for appointment to the Classified Service shall be subjected to examination, which shall be public, competitive and free and shall be in such form as will fairly appraise the abilities and aptitudes of applicants for the duties to be performed, and shall not include any inquiry into the political or religious affiliations of any applicant. When, as determined by the Human Resources Director, any or all phases of an examination administered to applicants by other governmental or private agencies with which the City participates for recruitment and testing services meet the above criteria, such examination or portions thereof shall be accepted by City in satisfaction of the examination requirements of this section.

Any applicants possessing all the minimum qualifications for a position shall be eligible to participate in the examination process for said position.

SEC. 2-4.41 PROMOTIONS. Vacancies in positions above the entrance level shall be filled by promotions whenever the Human Resources Director, in consultation with the appropriate department head, finds that it is in the best interests of the City to do so.

Promotion shall be made on the basis of ascertained merit and standing upon competitive examination. Provided, however, where three or less applicants are eligible for promotion, a formal competitive examination may be waived by the Human Resources Director.

SEC. 2-4.42 PROVISIONAL APPOINTMENTS. A provisional appointment is an appointment to a classified position, in the absence of an eligible register, of a person who meets the minimum employment standards for the position. Such appointments shall be for a maximum duration of six (6) months and shall expire at the end of the six month period or no later than two (2) pay periods after the establishment of an employment register for a position or class, whichever is sooner.

SEC. 2-4.43 TEMPORARY APPOINTMENTS. A temporary appointment is an appointment to a position for a special or temporary purpose for a period not longer than six (6) months. A temporary appointment does not receive vacation or holiday pay, sick leave or other fringe benefits and is not part of the classified service.

SEC. 2-4.44 PART-TIME APPOINTMENTS. A part-time appointment is an appointment to a classified position in which the employee will be regularly scheduled to work fewer hours than an employee appointed to a full-time position.

SEC. 2-4.45 REGULAR APPOINTMENTS. A regular appointment is an appointment to a classified position, subject to a probationary period, where an action of release may be taken prior to the expiration of such period and where, in the absence of such an action, the appointee attains regular status.

SEC. 2-4.50 EMPLOYMENT REGISTERS. Applicants who qualify for employment shall be placed on an employment register for the appropriate job class in the order of the scores they obtained as a result of the examination process. Registers shall become effective when certified by the Human Resources Director.

SEC. 2-4.51 EMPLOYMENT REGISTERS. ORDER OF PRIORITY. Employment registers shall be utilized to fill vacant positions in the following order of priority: (1) re-employment registers, (2) promotional registers, and (3) original employment registers. Original employment registers may include or consist entirely of eligibles whose names appear on said registers as a result of cooperative recruitment and testing efforts between the City and other governmental or private agencies.

Re-employment registers shall contain the names of regular employees and probationary employees laid off in good standing for lack of funds or work. Promotional registers shall contain the names of regular and probationary employees who have completed the examination process and obtained passing scores.

SEC. 2-4.52 EMPLOYMENT REGISTERS. ADMINISTERING. Policies and procedures for administering employment registers shall be provided in the personnel rules covering the duration, cancellation, replacement, or consolidation of such registers, and the removal or suspension of the names of eligibles therefrom.

SEC. 2-4.53 EMPLOYMENT REGISTERS. APPOINTMENTS. When an appointment is to be made to a vacancy in the Classified Service, the Human Resources Director shall submit to the department head the names of available eligibles in the order in which they appear on an appropriate register. The department head shall submit his or her recommendations for appointment to the City Manager or other authorized appointing authority.

No regular or promotional appointment shall be made except from the employment register so submitted. All persons not appointed shall remain in their relative position on the employment register.

SEC. 2-4.60 PROBATION. A regular appointment from an original employment register or from a promotional register shall be subject to a probationary period. An appointment from a re-employment register of a person who has previously satisfied the probationary period in the class to which the appointment is made shall not be subject to an additional probationary period. The regular period of probation shall be six (6) months, unless the classification descriptions or applicable Memoranda of Understanding specify a longer or shorter period of probation for certain designated job classes. Extension of probationary periods in individual cases may be made by the City Manager up to a maximum of six (6) months.

SEC. 2-4.61 PROBATIONARY PERIOD. WORK EVALUATION. The work and conduct of probationary employees shall be subject to close scrutiny and evaluation. Department heads shall be responsible for the preparation and submission of performance appraisals as required by the appointing authority. The probationer may be released at any time during the probationary period. Such action shall not be subject to review or appeal.

SEC. 2-4.62 EMPLOYEES. REGULAR STATUS. An employee shall be entitled to regular status at the end of the probationary period only if no action of release or demotion is taken prior to the expiration of said period.

SEC. 2-4.70 HOURS OF WORK. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. The rules shall cover the following including but not limited to, vacations, sick leaves, and leaves for military service.

SEC. 2-4.71 RULES ADOPTING AGE LIMITS. No rule adopted pursuant to this Article shall establish any maximum age limit beyond mandatory retirement age, for any position in the Classified Service, however, the provisions of the California Child Labor Laws shall be followed in setting minimum age limits for all positions of employment in the City.

SEC. 2-4.80 REMOVAL - SUSPENSION - FINE. All persons having regular status in the Classified Service shall be subject to removal, suspension or fine from office or employment, by the City Manager, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office; but subject to the appeal of the aggrieved party as provided by the City Charter, applicable Personnel Rules and/or Memoranda of Understanding.

SEC. 2-4.90 EMPLOYEES. LAY-OFF. Whenever there is lack of work or lack of funds requiring reductions in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all provisional employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any regular employees.

Lay-off to the next lower class is authorized provided that the employee to be laid off has previously served in said lower class and whose original date of appointment to that class predates at least one employee presently serving therein.