

Excerpt from the minutes from February 17, 1966 Council meeting:

- A. An Ordinance of the City of Ridgecrest Establishing a Personnel System - Ordinance 54

The City Attorney read the title thereof.

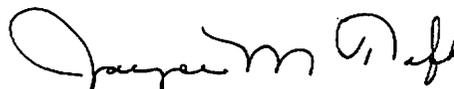
Councilman Kraus moved to adopt Ordinance 54. Councilman Jules seconded the motion. A roll call vote was taken.

AYES: Councilmen Jules, Kraus and Acting Mayor Webb

NOES: None

ABSENT: Councilman Gilmer and Mayor Hugo

The motion carried unanimously.



Joyce M. Taft, City Clerk
Dated: 7 March 1990

AN ORDINANCE OF THE CITY OF RIDGECREST ESTABLISHING A PERSONNEL SYSTEM

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. Repeal of Ordinance: Ordinance 29 is hereby repealed.

Section 2. Adoption of personnel system: In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

Section 3. Personnel Officer: The City Administrator shall be the Personnel Officer. The City Administrator may delegate any of the powers and duties conferred upon him as personnel officer under this ordinance to any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in Section 16 of this ordinance. The Personnel Officer shall:

- (a) Attend all meetings of the Personnel Board and serve as its secretary.
- (b) Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council or the Personnel Board.
- (c) Prepare and recommend to the City Council Personnel Rules and revisions and amendments to such rules. The City Attorney shall approve the legality of such rules and amendments prior to their submission to the City Council.
- (d) Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the City Council.
- (e) Prepare or cause to be prepared a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and any revisions thereof, shall become effective upon approval by the City Council.
- (f) Provide for the publishing or posting notices of tests for positions in the competitive service; the receiving of applications therefor; the conducting and grading of tests; the certification to the appointing power of a list of all persons eligible for appointment to the appropriate position in the competitive service.

Section 4. Personnel Board: There is hereby created a Personnel Board to consist of five members, to be appointed by the City Council.

The first Board to be appointed shall, at its first meeting, so classify its members by lot that one shall serve for a term which shall expire January 15, 1967, one shall serve for a term which shall expire January 15, 1968, one shall serve for a term which shall expire January 15, 1969, and two shall serve for a term which shall expire January 15, 1970. At the expiration of each of the terms so provided for, a successor shall be appointed by the City Council for a term of four years. The Personnel Board shall adopt rules of procedure and shall select a chairman from amongst its members who shall act as presiding officer.

Vacancies on the Board shall be filled by appointment by the City Council for the unexpired term. Each member shall serve until his successor is appointed and qualified. A majority vote of the City Council shall be required to ~~appoint~~ ^{REMOVE} a member of the Personnel Board from office prior to the expiration of his term.

Members of the Personnel Board shall be residents of this city. No person shall be appointed to the Board who holds any salaried office or employment of the municipal corporation.

Section 5. Duties of the Personnel Board: The Personnel Board shall determine the order of business for the conduct of its meetings, and shall meet regularly or on call of the Chairman or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

The functions of the Board shall be:

- (a) As provided by this Ordinance and by the Rules, to hear appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this ordinance or the Personnel Rules and to certify its findings and recommendations as provided in the Personnel System Rules.
- (b) The Personnel Board, upon its own motion may, or when requested by the City Council or the City Administrator shall, investigate and make recommendations on any matter of personnel policy.

Section 6. Competitive Service: The provisions of this Ordinance shall apply to all offices, positions and employments in the service of the city, except:

- (a) The City Administrator.
- (b) Elective Officers.
- (c) Members of appointive boards, commissions and committees.
- (d) The Chief of Police and all department heads appointed in the future.
- (e) Persons engaged under contract to supply expert, professional, technical or other services.

- (f) Volunteer personnel, such as volunteer firemen.
- (g) City Attorney.
- (h) City Treasurer.
- (i) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (j) Employees, other than those listed elsewhere in this section, who are employed less than half time which is hereby defined as employees who are expected to or do work less than 1040 hours in any one fiscal year.

Section 7. Adoption and Amendment of Rules: Personnel Rules shall be adopted by resolution of the City Council after notice of such action has been publicly posted at least five days prior to City Council consideration. Amendments and revisions may be suggested by any interested party and shall be processed as provided in the Personnel Rules. The Rules shall establish regulations governing the Personnel System including:

- (a) Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.
- (b) Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class.
- (c) Public announcement of all tests and acceptance of applications for employment.
- (d) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- (e) Certification and appointment of persons from employment lists, and the making of provisional and emergency appointments.
- (f) Evaluation of employees during the probationary period.
- (g) Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.
- (h) Separation of employees from the city service.
- (i) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.

- (j) The establishment of adequate personnel records.
- (k) The establishment of grievance and appeal procedures.

Section 8. Appointments: Appointments to vacant positions in the competitive service shall be made in accordance with the Personnel Rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. Examinations shall be used and conducted to aid in the selection of qualified employees and shall consist of selection techniques which will test fairly the qualifications of candidates such as achievement and aptitude tests, written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples or any combinations of these or other tests. Physical and medical tests may be given as a part of any examination.

In any examination the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

Appointments shall be made by the City Council, or by the officer in whom the power to make appointments is vested by the City Council.

When appointment is to be made to a vacancy in the competitive services, the Personnel Officer shall transmit to the appointing power the names of all persons on the appropriate certified employment list, in the order in which they appear on the list.

In the absence of appropriate employment lists, a provisional appointment may be made not to exceed six months by the appointing authority of a person meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of an employee, such vacancy may be filled by the appointing authority subject to the provisions of this Ordinance and the Personnel Rules.

Section 9. Probationary Period: All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months. During the probationary period, the employee may be rejected at any time without the right of appeal or hearing.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged from the city service as provided in this ordinance and the rules.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to a position in the class from which he was promoted or transferred if action is taken to reject him unless he is discharged in the manner provided in this Ordinance and the Personnel Rules for positions in the competitive service.

Section 10. Status of Present Employees: Any person holding a position included in the competitive service who, on the effective date of this ordinance, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the Rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this ordinance and the Personnel Rules.

Any other person holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the Rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

Section 11. Applicability of Rules to Certain Exempt Positions: The provisions of the Personnel Rules relating to attendance and leaves shall apply to the incumbents of full-time exempt positions.

Section 12. Demotion, Dismissal, Reduction in Pay, Suspension: The City Council shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend without pay for thirty (30) calendar days, any permanent employee. Notice of such action must be in writing and served personally on such employee, except where an emergency situation exists, in which case the notice shall be served within three (3) working days of the action taken. Such notice shall specify the penalty and contain a statement of the reason or reasons therefor.

The notice required in this section shall not apply to reduction in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

Notwithstanding the provisions of this Section, the City Council shall have the right to demote, dismiss, reduce in pay, or suspend without pay the City Attorney or the City Administrator, without stating cause; however, the City Attorney or the City Administrator may not be removed from office during or within a period of 90 days next succeeding any general municipal election held in said City at which said election a member of the City Council is elected; the purpose of this provision is to provide continuity in the administration of municipal government and to allow any newly elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Administrator and City Attorney in the performance of the duties of their respective offices.

Section 13. Right of Appeal: Any employee in the competitive service shall have the right to appeal to the Personnel Board any disciplinary action, interpretation or alleged violation of this Ordinance or the Rules adopted thereunder, except in those instances where the right of appeal is specifically prohibited by this Ordinance or the Rules adopted thereunder.

The Personnel Board shall have the right of subpoena; the power to examine witnesses under oath, the power to compel the attendance of witnesses and the power to require the production of evidence by subpoena. Subpoenas

shall be issued in the name of the City and attested by the City Clerk.

Each member of the Personnel Board shall have the power to administer oaths to witnesses.

All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the Personnel Rules and Regulations adopted pursuant to this Ordinance.

Section 14. Abolition of Position: Whenever in the judgment of the City Council it becomes necessary, the City Council may abolish any position of employment in the competitive service. Employees transferred, demoted or laid off because of the abolishment of positions, shall not be subject to written charges nor shall they have the right of appeal in such cases.

Seniority shall be observed in effecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in permanent and probationary status in the competitive service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or permanent employee.

For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence.

The names of probationary and permanent employees laid off shall be placed upon re-employment lists for classes which, in the opinion of the Personnel Officer require basically the same qualifications and duties and responsibilities of those of the class of positions from which lay-off was made.

Names of persons laid off shall be placed upon re-employment lists in order of total cumulative time served in probationary and permanent status, and shall remain on such lists for a period of one year unless re-employed sooner.

Section 15. Improper Political Activity: The political activities of city employees shall conform to pertinent provisions of state law, Government Code Sections 3201 to 3205.

Section 16. Discrimination: No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race, color, ancestry, national origin, or religious belief.

Section 17. Right to Contract for Special Service: The City Administrator shall consider and make recommendations to the City Council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the Personnel System. The City Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this ordinance:

- (a) The preparation of Personnel Rules and subsequent revisions and amendments thereof.
- (b) The preparation of a position classification plan, and subsequent revisions and amendments thereof.
- (c) The preparation of a plan of compensation, and subsequent revisions and amendments thereof.
- (d) The preparation, conduct and grading of competitive tests.
- (e) Special and technical services of advisory or informational character on matters relating to personnel administration.

Section 18. Penalty for Violation: Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon a conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for a period of not more than six months or by both such fine and imprisonment.

Section 19. Severability: If any section, subsection, subdivision, sentence, clause or phrase of this ordinance for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance, and each section subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Section 20. Effective date and publication: The ordinance shall take effect thirty (30) days from the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Ridgecrest, and thenceforth and thereafter the same shall be in full force and effect.

ADOPTED AND APPROVED THIS _____ day of _____, 19____
by the following vote:

AYES:

NOES:

ABSENT:

Mayor