

CITY OF ALAMEDA ORDINANCE NO. 3011
New Series

AMENDING ORDINANCE NO. 2130, NEW SERIES, UPDATING THE
CIVIL SERVICE SYSTEM OF THE CITY OF ALAMEDA

BE IT ORDAINED by the Council of the City of Alameda that Ordinance No. 2130 N.S. regarding the administration of the Civil Service System of the City of Alameda is amended to read as follows:

Section 1. Purpose. It is the purpose of this ordinance to facilitate competent and efficient administration of the government of the City of Alameda through provision for making appointments based upon merit and fitness, and provision for such security of tenure as is compatible with efficiency and discipline.

Section 2. Civil Service Merit Principles. In accordance with Article XIII of the City Charter, this Ordinance establishes a Civil Service Merit System for the City of Alameda. In order to assure effective personnel management applicable to all categories of Civil Service Employees, governing officials of the City of Alameda will subscribe to the following Civil Service Merit Principles.

Merit Principle No. 1:

Recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge, and skills, including open competitive consideration of qualified applicants for initial appointment.

Merit Principle No. 2:

Retaining employees on the adequacy of their performance, correcting inadequate performance, separating employees whose inadequate performance cannot be corrected.

Merit Principle No. 3:

Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, religious creed, color, national origin, ancestry, sex, age, disability, medical condition, marital status or sexual orientation and with proper regard for their privacy and other rights as afforded by law.

Approved as to Form
Zorica D. Pugh-Smith
City Attorney

Merit Principle No. 4:

Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or nomination of office.

Section 3. Board Meetings. The Civil Service Board shall hold regular meetings at such time and place as shall be designated by the Board. In addition, the Board may hold special meetings upon call of the Chairman or any three members of the Board. A notice of all regular meetings will be published at least five days prior to the meeting. A vote of three members is required to take any action. All motions receiving a tie vote will be continued on the agenda for the first regular following meeting. The Human Resources Director, City of Alameda, shall serve as the Executive Secretary of the Board.

Section 4. Scope of the Civil Service Program. The Civil Service of the City of Alameda shall consist of all positions of employment and offices (hereinafter designated as positions) of or under jurisdictions of the City of Alameda, except:

- (a) All offices or positions exempted by the Charter of the City of Alameda.
- (b) The officers and/or members of all boards created by the Charter or by the ordinance.
- (c) Assistant City Manager, Deputy City Manager and all City Department Heads that report to the City Manager.
- (d) All uncompensated positions.
- (e) All part-time or temporary positions.
- (f) All personnel hired in conjunction with a State or Federally funded program or other specially funded projects.
- (g) All persons or agencies employed to render professional, scientific or expert service of an occasional or exceptional character—usually on a contract basis for a designated period of time.

Section 5. Exemption. At the request of the Council as to any position under its authority or under the authority of the City Manager, the Civil Service Board shall have power to exempt from the Civil Service of the City of Alameda any position therein, such exemption to continue until revoked by the Civil Service

Board. Such exemption shall be made only when the position is of a confidential nature, or when it is impossible to determine fitness by competitive examination.

Section 6. Implementation. The Civil Service System established by this ordinance shall be implemented under such Civil Service Rules governing administration as adopted by the Civil Service Board.

The Human Resources Director shall have the responsibility and authority to implement the provisions of the ordinance, the Civil Service Rules, and the decisions of the Board.

Section 7. Civil Service Rules. The Civil Service Rules shall establish regulations governing the Civil Service System, including:

- (a) Preparation, implementation, revision, and maintenance of a position classification plan, including reclassification, class specifications, employment standards and qualifications for each class.
- (b) Public announcement of examinations and acceptance of applications for employment.
- (c) Preparation and conduct of competitive examinations and the use of the resulting eligibility lists.
- (d) Certification and appointment of persons from eligibility list, and the making of temporary and emergency appointments.
- (e) Evaluation of employee's performance.
- (f) Transfer, promotion, demotion, reinstatement, separation, and lay-off of employees in the Civil Service.
- (g) The granting of leaves of absence from positions in the Civil Service.
- (h) Methods for appeal regarding disciplinary action of employee's rights defined by the Civil Service Ordinance.

Section 8. Discipline and Appeal. A regular Civil Service employee may be dismissed, removed, demoted for disciplinary reasons, or suspended without pay only when given advance notice in writing, of the proposed action. The requirement of notification shall be waived whenever such a delay in action could be harmful to the public or to other employees.

A regular Civil Service employee who has been fined in excess of one month's salary or suspended without pay for more than thirty days may appeal to the Civil Service Board. The Board will consider the request for a hearing, and will hear the appeal under the provisions set forth in the Civil Service Rules.

Section 9. Board Powers and Actions. In addition to the powers granted herein, the Civil Service Board shall have the power to require assistance from officers and employees of the City of Alameda, as may be necessary or proper to carry out the duties imposed on the Board.

In the conduct of hearings, the Board may:

- (a) Issue subpoenas requiring attendance of witnesses and production of records, documents or other materials before it.
- (b) Administer oaths and affirmations.

Section 10. Written Notice. Any written notice required to be given to any employee by the provisions of this ordinance, unless herein otherwise specifically provided, may be given either by personal service or by mail. In the case of service by mail, the notice must be deposited with the United States Post Office, in a sealed envelope, with postage prepaid, addressed to the person on whom it is to be served, at the address in any notice given by him or at his last known address, and if there is no last known address, then addressed to him at the City of Alameda. Service by mail shall be deemed complete at the time of the deposit with the Post Office.

Section 11. Right to Contract for Special Services. Nothing in this Ordinance shall be deemed to prevent the City of Alameda from contracting for any type or category of service, including, but not limited to, special or technical services related to personnel employment and administration.

Section 12. Severability. If any clause, sentence, paragraph, or part of this Ordinance, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

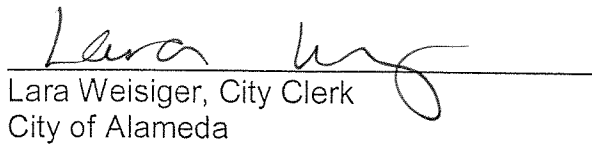
Section 13. This Ordinance may be cited as "THE CIVIL SERVICE ORDINANCE OF THE CITY OF ALAMEDA."

Section 14. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 15. Upon the effective date of this Ordinance, City of Alameda Ordinance No. 2130 N.S., and all amendments and revisions thereto, relating to establishing and regulating the Civil Service System of the City of Alameda, shall be fully and completely repealed.


Presiding Officer of the City Council

Attest:


Lara Weisiger, City Clerk
City of Alameda

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 17th day of November, 2009 by the following vote to wit:

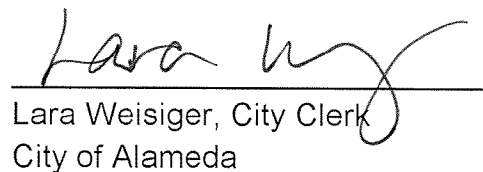
AYES: Councilmembers deHaan, Gilmore, Matarrese, Tam,
and Mayor Johnson – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of November, 2009.


Lara Weisiger, City Clerk
City of Alameda