

ARTICLE 2. EMPLOYMENT

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Purpose: To establish fair and competitive employment practices.

HR-2-01. Employment

- A. General. The City of San Luis employment process shall ensure open competitive practices in recruitment, selection, and placement of qualified candidates based on knowledge, skills, and abilities, overall qualifications, and overall fitness for employment with the City.
- B. Waiver of rules. The City Administrator or the City Council may implement temporary procedures or waive any policy in this article if essential public services are being hampered by critical employment needs for a specific class or position.

Purpose: To establish the recruitment procedure for the hiring of City employees.

HR-2-02. Recruitment

- A. Filling of vacancies. In general, vacancies shall be filled through open competitive recruiting.
 - 1. Residency in the City of San Luis is preferred. Employee Residency in the US within 25 miles of San Luis is required for city service. This applies to current employees, new hires and applicants.
 - a. Applicants and candidates who are San Luis residents shall receive preference over equally qualified applicants and candidates who reside outside of the city limits of San Luis. The preference shall consist of preference points on the assessment of the application form and in the overall score of the candidate and may not exceed 10 percent of the total possible points.
 - 2. Public Safety personnel are required to live within a reasonable response time. Public Safety personnel includes all operational positions in both fire and police departments. Response time will be determined by the respective department heads of public safety (fire, police).
 - 3. Human Resources will fill vacancies for positions and establish a procedure for announcing open vacancies, which may include internal posting, placing job order with state's job service office, and advertisements in local or area media outlets.
 - 4. Human Resources Director shall implement the use of employment applications, resumes, or alternative forms that provide the information to analyze the qualifications and suitability of an applicant and may review and change such forms when needed.
- B. Reemployment. Former employees who were laid off due to a reduction in force or elimination of position or were terminated without prejudice may request to be put on a hiring list for any opening for which they may be qualified for consideration before opening the vacancy to the public. They are eligible for reemployment consideration for up to 1 year after their termination date. Reemployment candidates may compete for a position internally with promotional candidates.
- C. The hiring of former City employees who do not qualify for reemployment as described in (B) of this section shall be handled the same as any other applicant with the exception of a former employee who was discharged for cause or resigned to avoid a possible termination shall not be eligible for employment.

- D. Administration. The Human Resources Director shall establish procedures for maintaining and keeping all resumes, applications, tests, test results, records, correspondence, and other documents used to seek employment in the City.

Purpose: To establish a policy for periodic and regular employee evaluations.

HR-2-03. Applicant Evaluations

- A. Competitive evaluations. Human Resources shall establish open competitive evaluation procedures.
- B. Criteria for evaluation. The basis for evaluation of an applicant shall be the knowledge, skills, and abilities required for the position as identified in the job description or the position description. The same criteria shall be used to evaluate all applicants for a position.
- C. Only applications submitted during the announcement period for open positions or open continuously positions should be considered.
- D. Human Resources shall disqualify any applicant that, according to the application, resume or assessment form filed, does not meet the minimum qualifications. The top candidates will be invited for a panel interview or further evaluation.
- E. An applicant who committed crimes involving moral turpitude, was convicted of a felony, or concealed or provided false material information shall be disqualified from further consideration for a position. Certain classes of misdemeanor convictions may disqualify applicants from consideration for certain City positions, at the City's sole discretion.
- F. Evaluations. In conjunction with the hiring department, Human Resources shall establish an evaluation procedure to determine a candidate's ability to perform the duties and responsibilities of the position for which the person is being considered for employment. A department shall not administer any evaluation technique or any combination of techniques other than job-related selection interviews without prior written approval from Human Resources Director.
- G. Interviewing of candidates should be done by a panel made up of 3 or more interviewers that may include but may not be limited to Department Heads, supervisors, Council members, and at least one interviewer from Human Resources.

Purpose: To establish a drug testing and ability testing policy for prospective and current employees.

HR-2-04. Applicant and Employee Testing and Medical Exams

- A. Candidate Testing. In determining qualifications, Human Resources or the hiring department may use written and performance testing such as evaluation, tests, examinations, interviews and other assessment tools.
 - 1. All methods of candidate evaluation and work-related reason for the method of evaluation, tests, examinations, interview questionnaire, or assessment tool should be submitted in writing to Human Resources for approval prior to its implementation.
 - 2. Human Resources shall implement standard methods of candidate evaluation and make them available to the hiring department.
 - 3. A candidate may inspect the answers to a written test and request in writing the score within 7 calendar days of the test.
 - 4. A candidate may not retake a performance test for the same vacancy position unless the same position is closed and reopens.
 - 5. A candidate's refusal to undergo testing or assessment of approved methods shall be disqualified from competing for the position.
- B. Due to bona fide employment or safety reasons, candidates and employees may be required to undergo medical examinations performed by licensed medical professionals or institutions at City expense. Such medical exams require approval from Human Resources and may include physical examinations, psychological evaluation, and pre-employment screen for illegal drugs and alcohol.
 - 1. Employee time spent during medical examinations and en route to and from the medical facility is considered work time and should be scheduled during regular working hours when possible.
 - 2. Employees may be eligible for mileage reimbursement for use of their own vehicles according to the City's travel policy.
 - 3. Refusal to take or failure to pass a required medical examination will result in disqualification of a candidate and in disciplinary action of an employee up to and including dismissal.
 - 4. Temporary or seasonal employees may be exempted from physical and psychological examinations with approval of the City Administrator. No exceptions will be made for temporary and seasonal candidates with respect to illegal drugs and alcohol testing if other employees or candidates in the same class or circumstances are required to test.

Purpose: To establish selection procedures that ensure fair employment practices.

HR-2-05. Identification and Selection of Candidates

- A. Human Resources disqualifies ineligible applicants, evaluates candidates for a position based on their application or assessment form filed, makes list of candidates who possess the knowledge, skills, and abilities required for the position, forms the interviewing panel and recommends evaluation tools for the position, and presents the panel with a candidate list and arranges for interviews.
 - 1. A candidate list for internal recruiting may contain:
 - a. Reemployment candidates
 - b. Regular full-time employees of the City
 - 2. An external candidate list may contain any combination of qualified candidates.
- B. Selection.
 - 1. The hiring department may non-competitively select any qualified reemployment, or transfer candidate to fill a position.
 - 2. If the Department Head does not select a reemployment or transfer candidate, a minimum of 3 candidates, if available, should be interviewed before making a selection.
 - 3. The Human Resources Director shall establish procedures to check references or investigate a candidate's background, education, or work history as appropriate for the position.

Purpose: To define the appointing authority and define the types of appointments in the City.

HR-2-06. Appointment

- A. General. The appointment or job offer to the selected candidate is made by Human Resources.
- B. Types of appointments.
 - 1. Regular full-time appointment. A regular-appointment employee who successfully completes an original probation period acquires the rights of regular status.
 - 2. Seasonal appointment.
 - a. A seasonal appointment may be made for a recurring period of time up to a maximum of 1040 hours per calendar year. Seasonal employees may work full time or part-time. Seasonal appointments have no appeal rights.
 - b. Part-time. A part-time employee who works less than an average of 31 hours per week and is not a temporary, or emergency employee. Part-time employees are seasonal employees and may work up to a maximum of 1040 hours per calendar year. Part-time appointments have no appeal rights.
 - 3. Temporary appointment. A temporary appointment is for temporary positions of short duration full or part-time to cover temporary staffing needs not to exceed a total of 1040 hours per calendar year. Temporary appointments have no appeal rights.
 - 4. Limited appointment. Limited positions are grant-funded positions that are temporary in nature. When the funds end, the position ceases to exist, and the employee is laid off without right of appeal. Normal selection and employment procedures are followed, including probationary period. Employees hired for these positions will be so advised and required to sign a statement that they understand this provision and that they have no appeal rights if laid off due to lack of funding or removal of the position.
 - 5. Emergency appointment. Appointments shall be at the discretion of the City Administrator when an emergency situation arises that threatens disruption of public services. The City Administrator shall determine when an emergency exists and report all emergency appointments to City Council.

Purpose: To establish an anti-nepotism policy and define the degree of affinity and consanguinity affected by the policy.

HR-2-07. Employment of Relatives

- A. Relationship to supervisor. An individual shall not be appointed or promoted to a position if the immediate supervisor of the individual is related within the 3rd degree of affinity (marriage) or consanguinity (blood). For the purpose of this Section, persons related by blood or marriage within the 3rd degree include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, niece, or nephew. As stated in this section, all relationships acquired by marriage or affinity to the 3rd degree including but not limited to sister-in-law, brother-in-law, father-in-law, and mother-in-law.
- B. Grandfathering Provision. This policy is inapplicable to employees already employed prior to the original effective date of this policy (September 12, 2002) that received an exception from the City Administrator.

Purpose: To establish a fair and competitive policy of internal promotions and transfers.

HR-2-08. Changes in Assignment

- A. Promotion.
 - 1. In general, City promotions shall be competitive not only within the department but within City service.
 - 2. A Department Head may promote a regular full-time employee who works in his/her department if the skills needed for the new position are so specialized that it would be highly unlikely that another individual working for the City may have them; and it requires approval of the City Administrator.
 - 3. Only regular status employees who successfully completed their original probation may compete for internal promotions.
 - 4. Probationary employees (original, and disciplinary) may not compete for an internal promotion.
 - 5. An internal promotion list would only contain regular employees who have successfully completed their probation and reemployment candidates.
 - 6. Employees wishing to compete for a promotion should file with Human Resources a promotion/transfer form listing their present responsibilities and any other relevant experience or education. Reemployment candidates should file a new employment application or approved assessment form.
 - 7. Criteria for evaluation. The basis for evaluating promotional candidates for a promotion list shall be the knowledge, skills, and abilities required for the position. Employment longevity with the City is not an evaluation factor. The same criteria shall apply to all applicants.
- B. Transfer.
 - 1. General. The City may transfer an employee to a similar position or to another department in a position in the same pay grade.
 - 2. Intra-department transfers. An employee may transfer to a position in the same pay grade in another department, upon request by the employee and approval of both the gaining and losing Department Heads. Transfer request forms shall be submitted to Human Resources.
 - 3. Qualifications. An employee shall possess the knowledge, skills, and abilities required for the position as identified in the class specification or the position description questionnaire for the position to which transferred. An employee in original or disciplinary probation may not request a transfer, but may be transferred at the initiative of Department Head or the City Administrator.

4. Voluntary grade decrease. An employee may request a permanent change in assignment to a position with a lower pay grade. The employee shall possess the knowledge, skills, and abilities required of the new position. The new position has to be available. The employee may be asked by the Department Head to serve an original probation if the employee has never successfully completed probation in that position. An employee is not eligible to grieve or appeal an approved voluntary pay grade decrease.
5. Demotion. An employee may be demoted to a lower pay grade for disciplinary reasons.

Purpose: To establish a probationary period of classified employees and to define the types of probation.

HR-2-09. Probation

- A. Types of probation. *Original probation, disciplinary and promotional probation* are the only types of probation.
- B. Original probation.
 - 1. Duration. The original probationary period is 6 months of actual City service for most City positions. All police and fire positions require a 1-year probationary period of actual City service. Probationary periods may be extended as stated in (B)(2) of this section.
 - 2. Extensions.
 - a. A Department Head may extend an original probation for up to an additional 6 months for employment-related reasons.
 - b. The probationary period shall be extended for any period for which a probationary employee is on leave without pay for more than 80 consecutive working hours. If original probation is extended for this reason, the employee's probation will not exceed the period of actual City service required for the probationary period plus the period of time of unpaid leave.
 - 3. Completion of probation.
 - a. A supervisor shall evaluate a probationary employee and submit a report to Human Resources before expiration of the employee's probationary period. If for any reason the probationary period has reached the six-month period he/she will not be granted regular status until such action is approved by the City Administrator.
 - b. If the City determines at any time during an original probationary period that the services of a probationary employee are no longer required in that position for any reason or for no reason, the City may dismiss the employee without prejudice, without a stated reason, and without the right of appeal, providing the employee a letter of dismissal from Human Resources.
- C. Disciplinary probation.
 - 1. Duration. A permanent-status employee or a limited-status employee may be placed in disciplinary probation as a disciplinary action. The period of disciplinary probation may vary from 30 days to 180 days and may be extended for the same length of time as approved leave of absences.
 - 2. Procedure.
 - a. An employee placed in disciplinary probation shall be informed in writing of the offense or behavior that caused the need for discipline, and the length of the disciplinary probation period.

- b. Prior to completion of disciplinary probation, the supervisor shall meet with the employee to discuss the employee's performance.
 - c. Within 5 working days of the ending date of probation, the supervisor advises the employee and Human Resources of the successful or unsuccessful completion of probation.
 - d. If the employee fails to successfully complete probation, the employee is terminated with cause and has appeal rights.
- D. Promotional. When an employee is promoted to a different position, the employee is placed on a new original probation, as outlined above. During this period of probation, the City may terminate the employee's employment for any reason at all. No cause is necessary.
- E. Reemployment. When an employee is reinstated or reemployed, the Department Head:
 - 1. May require the former employee to complete an original probation.
 - 2. Shall require the former employee to complete an original probation if the former employee is reemployed in a position other than the position the employee previously held.