



CITY OF SAN MATEO

Personnel Rules and Regulations

Amended 10/2/17

SAN MATEO PERSONNEL RULES AND REGULATIONS
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SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 1

DEFINITIONS

The following definitions apply throughout these Rules unless the context clearly requires another meaning.

- (1) “APPOINTMENT” shall mean the offer to and acceptance by a person of a position in the classified service through selection from an employment list in accordance with Chapter 5.
- (2) “BANDING” shall mean a scoring method used to group test scores in a specific range. Candidates whose scores fall within the same range are grouped together and are considered to have the same score.
- (3) “BOARD” used alone shall mean the San Mateo City Personnel Board.
- (4) “BREAK IN SERVICE”. Resignation to leave the classified service, failure to report for duty, or discharge for cause shall be considered a break in service. (Technical termination to accept another position in the classified service shall not be considered a break.)
- (5) “CLASSIFIED SERVICE”. Synonymous with “Competitive Service.”
- (6) “COMPETITIVE SERVICE”. All positions of employment in the service of the City, except those specifically excluded by Chapter 2.57.060 of the Personnel System.
- (7) “CONTINUOUS EXAMINATION”. An open competitive examination which is administered periodically and as a result of which names are placed on an employment list for a period of not more than one year.
- (8) “CONTINUOUS SERVICE” shall mean service in the classified service in any classification since original regular permanent appointment, excluding any time prior to a break in service.
- (9) “DISMISSAL” shall mean the termination of employment of an employee for cause.
- (10) “ELIGIBLE” shall mean any applicant for a merit examination who receives a final passing rating and whose name appears on the employment list.
- (11) “EMERGENCY EMPLOYEE” shall mean employees who are hired to meet the immediate requirements for an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.

- (12) “EMPLOYEE” means any person in the employ of the City of San Mateo who is engaged on a full or part-time or per diem basis in the service of the City.
- (13) “EXEMPT POSITION”. Positions exempted from the competitive service.
- (14) “HOURLY OR PER DIEM EMPLOYEES”. Employees who do not exceed 1040 hours in one fiscal year and are not in the competitive service.
- (15) “LAYOFF”. Unless provided otherwise in a Memorandum of Understanding with a recognized employee organization, layoff and reemployment therefrom shall be in accordance with the provisions of Section 2.57.140 of the San Mateo Municipal Code.
- (16) “LIMITED DURATION POSITIONS”. Non-permanent positions that do not exceed three (3) years. They can be utilized for any of the following reasons: (1) where the position is created for a project(s) or work that is expected to be completed within three (3) years; (2) where the position is funded by grant funds of three (3) or less years in duration; (3) where the position is funded by moneys from capital or enterprise funds that may be unavailable after three (3) years; or (4) time-limited trainee positions. Employees shall be informed of the expected duration of the position at the time of employment. At the end of the position’s duration, employment shall terminate with no right to appeal, and the employee shall not have layoff rights, bumping rights, severance payments or reemployment rights. Should an employee who was originally hired to fill a limited duration position be later appointed to a permanent merit position, his/her hire date will be that date that service began in the limited duration position.
- (17) “MERIT EMPLOYEES”. Employees who are in the competitive service.
- (18) “MINIMUM QUALIFICATIONS” shall mean the qualifications of education and experience, and other qualifications to be measured by written tests, practical tests, and qualifications appraisal interviews, or a combination of such as a prescribed for a given class in the City’s classification plan.
- (19) “PART-TIME MERIT EMPLOYEES”. Unless provided otherwise in a Memorandum of Understanding with a recognized employee organization, part-time merit employees are employees expected to work less than full-time but more than 1040 hours in a fiscal year. Such part-time employees shall receive pro-rated benefits.
- (20) “PERMANENT EMPLOYEE” shall mean an employee who has permanent status in the competitive service.
- (21) “PERMANENT STATUS” shall mean the status of an employee who is lawfully retained in a position after completion of probationary period provided in these Rules.
- (22) “PERSONNEL OFFICER” shall mean the City Manager of the City of San Mateo, or his/her designee, as set forth in Section 2.57.030 SMMC .

(23) “PROBATIONARY STATUS” shall mean the status of an employee who has been certified and appointed from an employment list, but who not completed the probationary period.

(24) “PROBATIONER” shall mean an employee who has probationary status.

(25) “PROMOTIONAL EMPLOYMENT LIST” shall mean an officially promulgated list of eligibles for a class or position in a promotional merit system examination as described in Chapter 2 of these Rules and Regulations.

(26) “REEMPLOYMENT LIST” shall mean a list of persons in a particular class who have probationary or permanent status, and who have been legally laid off.

(27) “RESIGNATION” shall mean the termination of employment of an employee made at the request of the employee.

(28) “SALARY ADVANCEMENT” shall mean an increase in salary within the salary range prescribed for the class by the City Salary Schedule.

(29) “SALARY” or “WAGE” shall mean the amount of money or credit received as compensation for services rendered exclusive of mileage, traveling allowances, and other sums received for actual and necessary expenses in the performance of duties in a position of the classified service.

(30) “WAIVER” shall mean the relinquishing of any right for consideration to appointment and assignment to a particular position.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 2

APPLICATIONS AND EXAMINATIONS

Section 2A. CHARACTER OF EXAMINATIONS.

(1) Examinations may be written, oral, or in the form of practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity, and any test of technical knowledge, ability, manual skill or physical and mental fitness or other relevant factors may be included in the examination.

Section 2B. PROMOTIONAL EXAMINATIONS.

(1) Promotional examinations shall be conducted on order of the Personnel Officer whenever practical and consistent with the best interest of the service. Merit employees are encouraged to prepare for, and compete in, promotional examinations. Only permanent employees who meet the requirements set forth in the promotional examinations may apply. The promotional examination may include any of the selection techniques mentioned in Section 2A(1), or any combination of them. Reasonable consideration shall be given to length of service and demonstrated capacity to perform the duties of the higher position.

Section 2C. NOTICE OF EXAMINATIONS.

(1) A public announcement shall include information concerning:

- a. The nature of work to be performed.
- b. The salary paid.
- c. The qualifications required for consideration.
- d. The examination process.
- e. How to participate in the examination.

(2) Recruiting and/or advertising shall be conducted so as to provide equal employment opportunities to persons in the effective job market and a pool of qualified applicants in the City.

Section 2D. DISQUALIFICATION.

(1) An application may be rejected or an applicant may be disqualified in an examination by the Personnel Officer if the applicant:

- a. Is found to lack one or more of the requirements established for the examination or position for which he or she applies.

- b. Has demonstrated disruptive or unprofessional conduct.
- c. Had left employment with the City of San Mateo not in good standing, including, but not limited to, resigning with less than two weeks' notice, termination for cause, failure to pass probation, or resignation in lieu of termination/probationary rejection.
- d. Has been dismissed or resigned from any position for delinquency, misconduct, or similar cause which would be a cause for dismissal from City service.
- e. Has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment.
- f. Has directly or indirectly obtained, or attempted to obtain, information regarding examinations to which an applicant he or she was not entitled.
- g. Has failed to submit an application correctly or within the prescribed time limits.
- h. Has intentionally practiced, or attempted to practice, any deception or fraud in his or her application, on the examination or in securing eligibility.
- i. Has otherwise violated provisions of these Rules.

Section 2E. CONDUCT AND RATING OF EXAMINATIONS

- (1) Examination shall be conducted and rated in accordance with the procedure described in the official announcement.
- (2) Ties in final scores shall be broken by scores received on the most important portion of the examination as reflected by the weights assigned in the examination announcement.
- (3) Each applicant shall be notified of his or her final band or score if successful in an examination, or of disqualification under Section 2D and of the reasons for the disqualification.

Section 2F. INSPECTION OF KEYED EXAMINATION BOOK

- (1) A candidate shall have the privilege of inspecting a keyed copy of a written examination for the purpose of requesting a review of such items as the candidate may believe are incorrectly or improperly keyed. No such inspection shall be permitted of standardized or copyrighted tests, or of a test not scored by an absolute standard.

(2) Keyed copies of written examinations subject to inspection shall be made available for inspection by candidates for three (3) days following administration of the examination, unless announced otherwise to the candidates. No further inspection of keyed examination books shall be permitted after such period of time.

(3) Regulations concerning the giving of notice, the type of inspection, who may inspect, and the time, place, manner and frequency of inspection may be established to prevent the abuse of this privilege.

Section 2G. INSPECTION OF EXAMINATION PAPERS.

(1) Any candidate shall have the privilege of inspecting the candidate's own written examination papers during the hours the City Hall is open within the three (3) days after notice of written examination results are mailed or delivered, for the purpose of detecting whether any clerical or other error has been made in the scoring of the papers.

(2) Regulations concerning the type of inspection, who may inspect, and the time, place, manner, and frequency of inspection may be established to prevent the abuse of this privilege.

(3) Any error in scoring, if called to the attention of the Human Resources Department within this period, shall be corrected.

Section 2H. MEDICAL EXAMINATION

(1) Applicants for certain positions shall be required to pass a medical examination administered by, or approved by, a physician, or physicians, designated by the City prior to appointment. Applicants shall be entitled to only one medical examination, unless further medical examinations have been recommended in writing to the Human Resources Department by the approving physician designated by the City.

Section 2I. APPEAL FOR REVIEW OF EXAMINATION

(1) Any candidate shall have the right to file in writing with the Human Resources Department an appeal against any part of the examination process described in Section 2A (1) of this Chapter. Such appeal shall cite the item, decision, action or portion of the examination process against which the appeal is directed, the reason for the appeal, and the action requested in sufficient detail to enable the reviewing authority to understand the nature of the appeal.

(2) Any appeal against an examination shall be submitted within the appeal periods specified below:

a. An appeal concerning any statement in the examination announcement shall be filed by the closing date for receipt of application.

- b. An appeal concerning the rejection of an application shall be filed within three (3) days from the date of notification.
- c. An appeal concerning the contents or method of administration of any portion of an examination shall be filed within three (3) days after administration of the portion of the examination against which the appeal is directed.
- d. An appeal concerning the results of an examination shall be filed within three (3) days from the date of notification.
- (3) No employment list shall be established until all the disputed questions and disputed portions of the examination have been resolved. The administration of an examination needs to be postponed pending outcome of any appeal directed against any portion of it.
- (4) Appeals on examination by candidates shall be handled by the Human Resources Director, who may consult with the department, experts in the field, or other resources to determine whether the question or questions should stand, alternate questions be approved, or be eliminated. The decision of the Human Resources Director shall be final and conclusive.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 3

EMPLOYMENT LISTS

Section 3A. ESTABLISHMENT OF EMPLOYMENT LISTS

(1) After each examination, the Personnel Officer shall prepare an employment list of persons qualified.

Section 3B. DURATION OF EMPLOYMENT LISTS.

(1) Open competitive employment lists shall remain in effect for six months, unless sooner exhausted, or abolished as specified in 3B(4) . The list may be extended by action of the Personnel Officer for a period of up to twelve months. In no event shall an open competitive employment list remain in effect for more than one and one-half years.

(2) Promotional employment lists shall remain in effect for two years, unless sooner exhausted, or abolished as specified in 3B (4), or announced for a shorter period as approved by the Personnel Officer, and may be extended by action of the Personnel Officer, but in no event shall a promotional employment list remain in effect for more than two and one-half years.

(3) In cases where open competitive examinations are held continuously, names resulting from such examinations shall remain on the employment lists for a period of one year.

(4) An employment list may be exhausted and abolished when all candidates have been contacted and considered, if available, for appointment.

Section 3C. REMOVAL OF NAMES FROM EMPLOYMENT LISTS

(1) The Personnel Officer may remove the name of an eligible from an employment list:

- a. On evidence that the eligible cannot be located; or
- b. On receipt of statement from the eligible in writing that he or she no longer desires consideration for the position with the City; or
- c. If the eligible fails to respond within 72 hours after any notice sent to him or her requiring an answer, or fails to keep the Human Resources Department advised of his or her correct address and telephone number; or
- d. If two offers of probationary appointment to the class for which the employment list was established have been declined by the eligible; or

- e. If the eligible is on a promotional list and has resigned or has been terminated from City employment; or
 - f. If the eligible is disqualified on the medical examination or another portion of the examination process; or
 - g. Other good and sufficient reason.
- (2) An eligible shall be notified in writing of the intention to remove his or her name from an employment list, together with the reasons therefore and his or her right to appeal.
- (3) The Personnel Officer, upon receipt of an explanation which is considered satisfactory, may reinstate a name that has been removed from an employment list.

Section 3D. INACTIVE STATUS.

- (1) Any person whose name appears on an employment list may request in writing that his or her name be placed on inactive status and not be certified for possible appointment or that he or she be certified only under certain specified conditions. Such name shall be restored to active status upon the request in writing of such eligible, provided the list is still in existence.

Section 3E. APPEAL OF REMOVAL FROM EMPLOYMENT LIST

- (1) An eligible may appeal to the Personnel Officer for reconsideration. Such appeal must be filed in writing at the Human Resources Department within 30 days after the date on which notification of the removal was mailed to the eligible. The Personnel Officer, after investigation, shall make his/her decision, in writing, and the eligible shall be given written notification within 20 days.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 4

CERTIFICATION OF ELIGIBLES

Section 4A. REQUEST FOR CERTIFICATION.

(1) Whenever a vacancy is to be filled in the classified service, the department head shall notify the Personnel Officer of that fact in a manner prescribed by the Personnel Officer.

Section 4B. NUMBER OF NAMES TO BE CERTIFIED.

(1) When a reemployment list is used to fill a vacancy or vacancies, the Personnel Officer shall certify from the top of the list the number of names equal to the number of vacancies to be filled. The appointing authority shall then appoint such person or persons to fill the vacancies.

(2) Unless otherwise required by a Memorandum of Understanding with a recognized employee organization, or as provided for reemployment lists, the Personnel Officer shall certify from the appropriate list the names of all individuals. If there are fewer than 10 available eligibles on a promotional list and an open competitive list, then additional available eligibles shall be certified simultaneously from later lists or other appropriate list to insure, insofar as possible, that the number of available eligibles shall total ten.

(3) If there is less than the required number of available eligibles on the appropriate promotional and open competitive lists, the department head at his or her discretion may select from such lesser number of eligibles or may request that another examination be held, in which case the Personnel Officer shall arrange for such examination as soon as practicable.

Section 4C. ORDER OF CERTIFICATION

(1) Whenever a vacancy is to be filled in the classified service from an employment list, the proper name or names shall be certified from such lists in the following order unless such lists are merged in accordance with an existing Memorandum of Understanding.

- a. Reemployment list
- b. Promotional list
- c. Open competitive list

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 5

APPOINTMENTS

Section 5A. ENTRANCE APPOINTMENT.

(1) An entrance appointment may be made, under the provisions of the Personnel Rules and Regulations, by the appointing authority from among the names certified by the Personnel Officer from an open-competitive employment list.

Section 5B. PROMOTIONAL APPOINTMENT.

(1) A promotional appointment may be made, under provisions of the Personnel Rules and Regulations, by the appointing authority from among the names certified by the Personnel Officer from a promotional employment list.

Section 5C. PROVISIONAL APPOINTMENT.

(1) A provisional appointment may be made by the appointing authority, with the Personnel Officer's approval, under Section 2.57.070(d) SMMC when:

- a. There is a vacancy in one or more positions and there are no available eligibles on an employment list. For the purposes of this provision, "available eligible" shall mean a person who is on an employment list that is more than three months old and where there have been no changes in the qualifications required or the skills/experience desired by the appointing authority.
- b. There is a temporary vacancy due to the long-term approved leave of a merit employee. For the purposes of this provision, "long-term approved leave" shall mean a leave of absence expected to be at least three (3) months in duration.
- c. There is a short-term increase in workload.

(2) A provisional appointment will only be granted to a person who meets the minimum requirements for the class.

(3) No provisional employment shall continue beyond 11-1/2 months.

Section 5D. UNCLASSIFIED APPOINTMENT

(1) An unclassified appointment may be made by the appointing authority pursuant to section 2.57.060 and 2.57.090 SMMC.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 6

PROBATIONARY PERIOD

Section 6A. NATURE, PURPOSE AND DURATION

- (1) The probationary period shall be an essential part of the examination process, and shall be utilized for the most effective adjustment of a new merit employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.
- (2) All appointments from officially promulgated employment lists for original entrance or promotion shall be for a probationary period required in the Memorandum of Understanding with the appropriate recognized employee organization.
- (3) A probationer who is laid off during the probationary period shall, in the event of reemployment, be required to complete the balance of the probationary period.

Section 6B. CONDITIONS PRELIMINARY TO PERMANENT EMPLOYMENT.

- (1) Permanent appointment of a probationary employee shall begin with the date ending the probationary period.

Section 6C. PROMOTIONS DURING PROBATION

- (1) The serving of a probationary period shall not, of itself, prevent a merit employee from being promoted to a position in a higher class, provided the employee is certified from an appropriate employment list for such higher class of position in accordance with the provisions of Section 5. If, within the above mentioned limitations, an employee is promoted in this way during a probationary period, the probationary period for the class of position to which the employee is promoted shall begin with the date of appointment to such latter class of position.
- (2) Should the employee return to his or her prior position, he or she shall complete the remainder of his or her initial probationary period.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 7

TRANSFERS AND VOLUNTARY DEMOTIONS

Section 7A. TRANSFERS

(1) A transfer of an employee from a position in one department of the City to a position of the same class in another department of the City may be made at any time by the appointing authorities concerned. No increase or advance in salary shall be made unless the regulations governing salary advancement are complied with.

(2) At the request of an employee who has one year of continuous merit system service, and with the approval of the Personnel Officer, an employee may be transferred from a position in one class to a position in another class with the same salary range involving substantially the same level of duties and responsibilities but requiring additional or different special requirements. The Personnel Officer may require the employee to demonstrate in an examination that he or she possesses the additional or special requirements. A transfer from one class to another class shall require the service of a new probationary period unless such probationary period is waived by the appointing authority.

(3) Notwithstanding anything in this or any other Section, an employee may be required to perform such duties as the appointing authority finds necessary for a period not in excess of 120 days.

Section 7B. VOLUNTARY DEMOTIONS

(1) At the request of an employee who has one year of continuous merit system service, and with the approval of the Personnel Officer, an employee may be demoted from a position in one class to a position in another class with a lower salary range involving the same type of duties and responsibilities. The Personnel Officer may require the employee to demonstrate in an examination that he or she possesses any additional or special requirements. A demotion from one class to another shall require the service of a new probationary period unless such probationary period is waived by the appointing authority.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 8

RESIGNATION DISCIPLINE, AND DUE CAUSE

Section 8A. RESIGNATION.

- (1) An employee who resigns shall submit his or her resignation in writing to the appointing authority at least two weeks prior to the separation date.
- (2) A resignation relates only to the specific positions from which the employee resigns and does not impair the employee's rights to other open employment lists.

Section 8B. DISCIPLINE.

- (1) The appointing power may suspend, reduce in pay, demote or dismiss any permanent employee in the classified service for due cause and subject to the right of appeal as set forth in Section 2.57.130 SMMC.

Section 8C. DUE CAUSE

- (1) The following are among the causes which shall be deemed sufficient for discipline:
 - a. Absence without leave or excessive absenteeism.
 - b. Upon conviction of any criminal act.
 - c. Conduct unbecoming of any employee in public service.
 - d. Disorderly, dishonest and/or immoral conduct.
 - e. Inability to perform duties due to mental or physical disability.
 - f. Incompetence or inefficiency.
 - g. Insubordination.
 - h. Intoxication while on duty or public intoxication while off duty.
 - i. Neglect of duty.
 - j. Negligence or willful damage to public property or waste of public supplies or equipment.

k. Violation of any lawful or reasonable regulation or order made and given by a superior officer.

l. Violation of any of the provisions of the civil service law or these Rules, or any City or departmental policy.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 9

ATTENDANCE, LEAVE, COMPENSATION AND TRAINING

Section 9A. PAY SCALE STANDARDS.

(1) A comprehensive compensation plan for all classes of positions shall be established and adopted. The plan shall include salary schedules for the various classes with the salary of each class consistent with the responsibility and difficulty of the work as outlined in the class specification and shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities. Such compensation plan shall include, for each class of position, a minimum and a maximum rate, and intermediate rates to provide for steps in salary advancement without change of duty.

(2) When the compensation plan has become effective through its adoption, it shall constitute the official schedule of salaries for all classes of positions in the classified service.

All salaries shall conform to the approved compensation plans and shall be at one of the salary levels for the class. A special exception may be granted by the City Council to protect the current salary of Merit System employees.

(3) An employee who, on the effective date of the compensation plan, is occupying a position for which the salary is in excess of the maximum of the salary range established by the City Council for that class, shall be permitted to receive and retain the salary in excess of the maximum during the period of his or her employment in that position. However, when this position is vacated, it shall be filled at a salary in accordance with the provisions of this Section.

(4) All employees who have been granted a military leave shall upon their return to the City service be entitled to the automatic salary advancements within the range scale of the established wage schedule of their classifications for the period they were in the military service.

Section 9B CONVERSION FACTORS.

(1) Hourly rates shall be computed by dividing monthly rates by 173.33. Daily rates shall be computed by dividing monthly rates by 21.66. Shift rates in the fire department shall be computed by dividing monthly rates by 10 for a 56-hour duty week.

(2) A partial monthly salary due an employee shall be computed by multiplying the monthly salary by the ratio of actual days worked to days scheduled to work during the month.

Section 9C. HOURS OF EMPLOYMENT.

(1) Established Workweek. The hours of work in each week provided herein shall constitute the established workweeks for all affected employees unless otherwise required by a Memorandum of Understanding with the recognized employee organization.

a. Merit System employees of the Library Department shall work the established workweek of 37-1/2 hours, except for those employees exempt from overtime compensation.

b. All other Merit System employees shall work the established workweek of 40 hours, except for those employees exempt from overtime compensation.

c. Those employees exempt from overtime compensation shall work without any specific workweek, but shall observe a schedule that is required to carry out their responsibilities to the satisfaction of the Personnel Officer, but such workweek shall generally be no less than 40 hours.

Section 9D. OVERTIME

(1) Policy. It is the policy of the City of San Mateo that overtime work is to be discouraged.

(2) The City shall provide overtime compensation in accordance with the existing Memorandums of Understanding with the recognized employee groups and existing labor laws.

(3) FLSA-Exempt Employees.

a. Executive, administrative and professional employees are exempt from the provisions of this overtime policy. Federal standards concerning exemptions from federal wage and hour laws shall be used as a guide in determining such exemptions.

b. The regular salary for such positions is considered total compensation without any specific work schedule which might be required to carry out assigned responsibilities.

c. Notwithstanding this exemption, the Personnel Officer may authorize the payment of overtime to exempt personnel at the employee's established rate of pay, who are required to work for extensive periods beyond their normal work schedule because of emergency conditions.

Section 9E. VACATION.

(1) Vacation Allowance. The City shall provide vacations with pay in accordance with existing Memorandums of Understanding with recognized employee organizations.

(2) Continuous Service Defined:

a. Continuous service shall mean service in the classified service in any classification since original regular permanent appointment, excluding any time prior to a break in service.

b. As used in this Section, year of completed continuous service shall include, but not be limited to, all time while the employee is using accrued paid leave, whether or not he or she is receiving benefits under Section 4850 of the Labor Code.

c. Neither military leave nor leave of absence without pay shall constitute an interruption in computing continuous service. However, leaves of absence without pay of over one month shall not be included when computing length of continuous service for vacation and seniority purposes.

(3) Termination Pay. The eligible accrued leaves of an employee who terminates employment shall be prorated to the date of termination, and paid after separation.

Section 9F. PAID LEAVES OF ABSENCE.

(1) Computation of Pay for Leaves of Absence.

a. The computation of pay for sick leave, disability leave, vacation and any other leaves with pay, as provided herein, shall be based upon the employee's current rate of pay. As used herein, current rate of pay means the employee's current salary plus any applicable monthly salary differentials and allowances for education incentives.

(2) Sick Leave.

a. The City shall provide sick leave with pay in accordance with existing Memorandums of Understanding with recognized employee organizations and the law.

b. No person shall be entitled to sick leave with pay while absent from duty on account of any of the following circumstances;

1. Sickness or disability sustained while on leave of absence, other than his or her regular vacation.

2. Disability benefits received as a result of the discharge of their duties as employees of the City, except as provided in a Memorandum of Understanding.

c. A merit employee who commences on or before the last day of a biweekly pay period shall be credited with a prorated amount of sick leave in the following biweekly pay period. Thereafter, he or she shall accrue 3.70 hours of sick leave each successive biweekly pay period of service.

d. As used in this Section, service shall include, but not be limited to, all time which the employee is on sick leave and/or vacation with pay, whether or not he or she is receiving benefits under Section 4850 of the Labor Code or these Rules. However, sick leave shall not accrue during periods when an employee is on leave without pay for one or more complete months. Such leave that is not used may be accumulated indefinitely.

(3) Jury Leave.

a. Any merit employee required to report for jury duty shall be granted a leave of absence with pay from his or her assigned duties until released by the court, provided the employee:

1. Notifies his or her department head immediately of the notice to serve and provides him/her with a copy of it;

2. Remits to the City all fees received for such duty other than mileage or subsistence allowance within 30 days from the termination of each jury service.

(4) Military Leave. Military leave of absence, with or without pay, shall be granted to employees under applicable provisions of Federal and State law.

Section 9G. LEAVE OF ABSENCE WITHOUT PAY

(1) The City shall provide leave of absence without pay in accordance with existing Memorandums of Understanding with recognized employee organizations.

a. Absence from duty without pay for a period not exceeding 15 calendar days for satisfactory reasons may be granted by the department head. A leave of absence without pay exceeding 15 calendar days also requires review and approval by the Personnel Officer.

b. Any employee who does not return to his or her employment on or before the date of expiration of his or her leave shall be deemed separated from service as of such date of expiration, subject to due process.

Section 9H RETIREMENT

(1) Retirement benefits shall be compensated for under applicable legislation pertaining to the Public Employees Retirement System and Social Security.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 10

PERFORMANCE RATINGS – PERSONNEL FILES

Section 10A. PERFORMANCE RATINGS.

(1) Performance Ratings shall be made for all permanent employees at least annually by department heads. A designated form shall be completed based on the independent judgment of the immediate supervisor of the employee being evaluated. The procedure and criteria for judgment shall be fair and consistent for all employees. Upon completion of the rating it shall be presented to the employee for review and signature and a copy given to the employee prior to being transmitted to the Human Resources Director.

Section 10B. PERSONNEL FILES.

(1) Inspection. At the time which is reasonable to employer and employee, the employer shall upon the request of employee, provide the opportunity to employee or his / her designated representative to inspect and receive a copy of any materials, records, etc., in their personnel file which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action, provided however, that this rule does not apply to the records of an employee relating to the investigation of a possible criminal offense.

(2) Release of Information. Information concerning employees will only be released to creditors or other persons outside of City government upon proper identification of the inquirer and acceptable reasons for the inquiry. Information then given is limited to verification of salary information if the person is inquiring first stated the correct salary to the City. Release of more specific information may be authorized by the employee.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 11

CLASSIFICATION PLAN

Section 11A. ALLOCATION OF POSITIONS.

(1) Each position in the classified service shall be allocated to one of the classes established by the classification plan. No person shall be appointed or promoted to any positions until it has been properly classified or existing classes are abolished or changed, such necessary allocation or reallocation shall be made to new or existing classes as is necessitated thereby.

Section 11B. CLASS SPECIFICATIONS.

- (1) For each class established, official class specifications shall be maintained, including:
- a. The official class title.
 - b. A definition of the class indicating, in terms of duties, responsibilities and/or place in the organization, the positions to be included in and excluded from the class.
 - c. A statement of the minimum qualifications for determining the fitness and qualifications of employees for each class of position and for applicants for examinations, which may include education, experience, knowledge, skills, abilities, and personal and physical traits and characteristics.
 - d. A statement of typical tasks to be performed by those holding positions allocated to the class.
 - e. Any additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in the evaluation of his or her qualifications but shall not be considered a prerequisite to consideration for employment.

Section 11C. NEW POSITIONS.

(1) All positions substantially similar as to the duties performed and the responsibilities exercised by the incumbents of such positions and as to the qualification requirements as shown in the class specifications shall be allocated to the same class.

SAN MATEO PERSONNEL RULES AND REGULATIONS

SECTION 12

CERTIFICATION AND DECERTIFICATION OF EMPLOYEE ORGANIZATIONS

Section 12A. RULES AND REGULATIONS.

(1) This Chapter is subject to the provisions of Chapter 10 of Division 4 of the Governmental Code of the State of California (Meyers-Milias-Brown act) as amended.

Section 12B. REPRESENTATION.

(1) The following employee organizations are recognized employee organizations formally acknowledged as representing merit system employees of the City of San Mateo:

- a. San Mateo City Employees' Association
- b. Local 2400, IAFF
- c. San Mateo Police Officers Association
- d. San Mateo Police Sergeants Association
- e. Maintenance Unit, S.E.I.U. Local 521
- f. Management Employees Association of the City of San Mateo
- g. Library Merit Unit, S.E.I.U. Local 521
- h. San Mateo Safety Managers' Association

(2) The following employee organizations are recognized employee organizations formally acknowledged as representing per diem employees of the City of San Mateo:

- a. Library Per Diem Unit, S.E.I.U. Local 521
- b. S.E.I.U. Part-Time Non Merit Part Time Unit, S.E.I.U. Local 521

Section 12C. RECOMMENDATION TO CITY COUNCIL.

(1) The Personnel Officer shall submit his or her recommendations as required by the San Mateo Municipal Code to the City Council upon completion of the meeting and conferring process required by Section 3505 of the Government Code.

Section 12D. TYPES OF EMPLOYEE ORGANIZATIONS.

(1) There shall be two types of employee organizations:

a. An Employee Organization.

1. An employee organization is any organization which includes employees of the City of San Mateo and which has as one of its primary purposes representing such employees in their relations with the City.

2. An employee organization has the right to:

a) Be consulted in good faith on matters of employer/employee relations which affect their members.

b) Represent their members before the Personnel Board or a grievance procedure.

b. Recognized Employee Organization.

1. A recognized employee organization is any employee organization which has been formally acknowledged by the City of San Mateo as an employee organization that represents employees of the City.

2. A recognized employee organization, in addition to the rights listed in 2a above, has:

a) The right to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment for an appropriate unit.

b) The privilege, under regulations established by the Personnel Officer, of:

(1) Access of officers and representatives to work locations.

(2) Using official bulletin boards and other means of communication.

(3) Being furnished, when administratively feasible, non-confidential information pertaining to employment relations.

(4) Voluntary payroll deductions.

(5) Reasonable use of City buildings and facilities.

(6) Reasonable use of City equipment on a reimbursement basis.

- (7) Reasonable time off to represent the appropriate unit.

Section 12E. CRITERIA FOR APPROPRIATE UNITS.

(1) An appropriate unit is a group of employees of the City of San Mateo designated, under authority of Section 12D(1)b., as appropriate for the purposes of meeting and conferring. The principal criterion in making this determination is whether there is a community of interest among such employees.

(2) The following factors, among others, are to be considered in making such determination:

- a. Which unit will assure employees the fullest freedom in the exercise of rights set forth under these Rules and Regulations.

- b. The history of employee relations:

1. In the unit

2. Among other employees of the City

3. In similar public employment

- c. The effect of the unit on the efficient operation of the City and sound employer-employee relations.

- d. The extent to which employees have common skills, working conditions, job duties or similar educational requirements.

(3) No merit system classification and no employee shall be included in more than one appropriate unit.

Section 12F. INFORMATION CONCERNING ORGANIZATIONS

(1) In order to establish and maintain certification, an employee organization or recognized employee organization shall provide the following information to the Personnel Officer when requested:

- a. Name and address of employee organization.

- b. Name and title of its officers.

- c. Names of the employee organization representative who are authorized to speak on behalf of its members.

- d. Information as to whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with, a regional or state, or national or international organization and, if so, the name and address of each such regional, state or international organization.
- e. A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.
- f. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail or personally delivered, shall be deemed sufficient notice to the employee organization for any purpose unless otherwise specified herein.

(2) The Personnel Officer shall decertify an employee organization or recognized employee organization which fails to supply any of the information required under Sections 12F, 12G, or 12H within 30 calendar days after notice to do so. For the purposes of this section, notice shall be by personal delivery or certified mail, return receipt requested, to the persons named pursuant to Section (1) f above. In addition, a second notice shall be sent in the manner provided for the first, not less than 10 calendar days prior to the expiration of the 30 calendar day period.

Section 12G. CERTIFICATION AS AN EMPLOYEE ORGANIZATION

(1) An organization that seeks certification as an employee organization under Section 12D (1) above shall file a petition which the Personnel Officer containing the following information and documentation.

- a. All of the information enumerated in Section 12F above.
- b. A statement that the organization has in its possession written proof that employees of the City of San Mateo have current membership in the organization and desire that the organization represent them under Section 12D of these regulations. Such written proof shall be submitted for confirmation to the Personnel Officer or to a mutually agreed upon disinterested third party. Any costs involved in such confirmation shall be borne by the petitioning organization.
- c. A request that the organization be certified as an employee organization under Section 12D of these regulations.

(2) The Personnel Officer shall approve the petition, in writing, of any employee organization which has complied with this Section.

(3) In addition to the information listed in Section 12F above, the Personnel Officer may, not more than once a year, require reconfirmation of membership as a condition of continued certification.

Section 12H.CERTIFICATION AS A RECOGNIZED EMPLOYEE ORGANIZATION.

- (1) A Petition for Certification as a recognized employee organization for an appropriate unit for purposes of meeting and conferring may be filed with the Personnel Officer only during the months of October, November or December of each year.
- (2) The Petition for Certification shall contain the following information and documentation:
 - a. All of the information enumerated in Section 12F above.
 - b. A description of the appropriate unit for which the organization seeks certification.
 - c. A statement that the organization has in its possession written proof, dated within 6 months of the date upon which the petition is filed, demonstrating that at least 30% of the employees in the established appropriate unit have designated the organization to meet and confer for them in their employment relations with the City. Such written proof shall be submitted for conformation to the Personnel Officer or to a mutually agreed upon disinterested third party. Any costs involved in such confirmation shall be borne by the petitioner.
- (3) If the Personnel Officer determines that that the Petition for Certification meets all the requirements specified above, and that any proposed modified unit is appropriate, he shall arrange for a secret ballot election to determine which organization, if any, shall represent the appropriate unit.
- (4) An organization shall be certified as the recognized employee organization for the appropriate unit if that organization receives the vote of a numerical majority (over 50%) of all employees eligible to vote in the unit in which the election is held.

Section 12I.DECERTIFICATION OF A RECOGNIZED EMPLOYEE ORGANIZATION

- (1) A Petition for Decertification may be filed with the Personnel Officer only during the 29-day window period which is less than 120 days but more than 90 days prior to the expiration date of a lawful memorandum of understanding negotiated by the public agency and the exclusive representative. Expiration date means the last effective date of the memorandum. The Petition alleging that a recognized employee organization is no longer the majority representative of the employees in an appropriate unit may be filed by an employee, a group of employees or their representatives.
- (2) The Petition for Decertification shall contain the following information and documentation:
 - a. The name, address, and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.

- b. An allegation that the recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts.
 - c. Written proof that at least thirty percent (30%) of the employees in the unit do not desire to be represented by the recognized employee organization. Such written proof shall be dated within six months of the date upon which the petition is filed and shall be submitted for confirmation to the Personnel Officer or to a mutually agreed upon disinterested party. Any costs involved in such confirmation shall be borne by the petitioner.
- (3) The Personnel Officer shall arrange for a secret ballot election to determine if the recognized employee organization shall be decertified.
- (4) The recognized employee organization shall be decertified if a numerical majority (over 50%) of all the employees eligible to vote in the unit in which the election is held vote for decertification.

Section 12J. MODIFICATION OF APPROPRIATE UNIT.

- (1) A Petition for Modification of an appropriate unit, or units, may be filed with the Personnel Officer only during the 29-day window period which is less than 120 days but more than 90 days prior to the expiration date of a lawful memorandum of understanding negotiated by the public agency and the exclusive representative. Expiration date means the last effective date of the memorandum. The petition may be filed by an employee, a group of employees or their representative, or by an organization:
- a. The Petition for Modification shall contain a statement, under oath, of all relevant facts in support of the proposed modified unit.
 - b. The Petition shall be accompanied by written proof that at least 50% of the employees within the proposed modification desire to be a separate unit or designate another employee organization to meet and confer for them in their employment relations with the City. These would be the employees who, if the proposed modification should be granted, would be moved from one representation unit to another. All petitions for unit modifications shall be accompanied by a list of all classifications to be included in the modified unit. Such written proof shall be submitted for confirmation to the Personnel Officer or to a mutually agreed upon disinterested third party. Any costs involved in such confirmation shall be borne by the petitioner.
- (2) The Personnel Officer shall hold a hearing on the Petition for Modification, at which time all affected employee organizations shall be heard.
- (3) The Personnel Officer shall determine, thereafter, whether the appropriate unit or units shall be modified as proposed.

(4) If the Personnel Officer determines that the proposed unit is an appropriate unit, then he or she shall follow the procedures set forth in Sections 12H and 12K for determining formal recognition rights in such unit.

Section 12K. ELECTION PROCEDURE.

(1) If the Personnel Officer determines that a certification or decertification election is to be held, he or she shall give 30 calendar days' notice of such election to the employees in the unit concerned. Such notice shall be provided via e-mail.

(2) The Personnel Officer shall arrange for a secret ballot election to be conducted by the City Clerk, the California State Conciliation Service, the American Arbitration Association, or some other mutually agreed upon third party.

a. The presently recognized employee organization and any challenging employee organization who have met the requirements of Section 12H above shall be included on the ballot.

b. The choice of "no organization" shall also be included on the ballot.

(3) Employees entitled to vote in such election shall be those with probationary or permanent status employed in permanent positions within the unit who were employed during the pay period immediately prior to the date which is 15 days before the election, including those who did not work during such period because of illness, vacation, or authorized leaves of absence and who are employed by the City in the same unit on the date of the election.

(4) In an election involving 3 or more choices, where none of the choices received a numerical majority (over 50%) of all the employees eligible to vote in the unit in which the election is held, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall also apply to a run-off election.

(5) There shall be no more than one election, excluding any required run-off election, in a 12-month period concerning the same unit.

(6) The services of the City Clerk in conducting an election shall be free. The cost of any election proceeding shall be borne by the challenging employee organization or organizations, the names of which appear on the ballot.

Section 12L. APPEALS OF REPRESENTATION PROCEEDINGS

Any complaint by an affected employee organization concerning a decision of the Personnel Officer made pursuant to the above Sections shall be processed in accordance with Section 2.57.050 SMMC, provided, however, that written request for appeal must be

filed with the Human Resources Department, or the Chair of the Personnel Board, within 7 days after the affected employee organization receives written notice of the decision upon which its complaint is based, or the decision of the Personnel Officer shall be considered final and not subject to appeal.