

SC Charter Amendments

Editor's Note: Following are some of the proposed amendments to the Santa Cruz city charter which will appear on the November 3 ballot. The first two columns present the current charter's provisions. The third column presents the proposed amendment. The fourth column is an explanation of the proposed change. Tomorrow's edition of The Sentinel will present additional proposed charter amendments and their explanation.

Current Charter Provisions

ARTICLE XI (CIVIL SERVICE)

SECTION 1101. MERIT PRINCIPLES. Appointments and promotions in the administrative service of the city shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

SECTION 1104. CLASSIFIED SERVICE. The civil service of the city shall be divided into the unclassified and the classified service.

a. The unclassified service shall comprise the following offices and positions:

1. Members of the city council;
2. City manager and the assistant city manager, if any;
3. City attorney and any assistant or deputy;
4. Police judge;
5. City health officer;
6. Auditorium manager;
7. All members of boards and commissions;
8. Leader and members of any municipal band or orchestra;
9. Positions in the clerical or any unskilled labor class or grade created for a special or temporary purpose and which would not exist for a period longer than six months within any consecutive twelve months' period. The civil service commission, upon application of the appointing officer or board, and after public notice and hearing, by the affirmative votes of all of its members, may exempt any position in any unskilled labor class for such period of time as it may determine. Any such exemption shall not affect the tenure of any person whose appointment has become final under the classified service; and

10. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

b. The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Proposed Change

ARTICLE XI

SECTION 1101: MERIT PRINCIPLE: Appointments and promotions in the administrative service of the city shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination, and from the eligible list for each position established in accordance with personnel rules and regulations adopted in accordance with this charter.

SECTION 1104: CLASSIFIED SERVICE: The civil service of the city shall be divided into the unclassified and classified service.

(a) The unclassified service shall comprise the following offices and positions:

1. Members of the city council;
 2. City manager;
 3. City attorney;
 4. City clerk;
 5. Director of finance;
 6. All members of boards and commissions;
 7. Leader and members of any municipal band or orchestra;
 8. Positions in the clerical or any unskilled labor class or grade created for a special or temporary purpose and which would not exist for a period longer than six months within any consecutive twelve month period. The civil service commission, upon application of the appointing officer or board, and after public notice and hearing, by the affirmative votes of all of its members, may exempt any position in any unskilled labor class for such period of time as it may determine. Any such exemption shall not affect the tenure of any person whose appointment has become final under the classified service; and
 9. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.
- (b) The classified service

Explanation

ARTICLE XI

This is the controversial article dealing with civil service. The city employees' association is opposing certain of these changes on grounds they would open the door to re-establishment of a "spoils" system of hiring. City officials, and the charter amendment committee, included the changes on grounds that civil service procedures should be spelled out in ordinance form rather than being frozen into the charter; and that the civil service commission should be an advisory body to the council, rather than the final authority as at present in cases of employee appeal from disciplinary action. An ordinance has been drawn incorporating civil procedures, for council action if the charter amendment passes.

SECTION 1101. This change simply adds the requirement that new employees be hired from the list of eligible applicants.

SECTION 1104. The change eliminates from the non-civil service positions the assistant city manager (there is none at present), the police judge (a function handled by the county), assistants to the city attorney, the health officer (also handled by the county), and auditorium manager (a post incorporated in another job). It adds to the list the director of finance, a new post.

SECTION 1106. CLASSIFICATION: The personnel director shall make periodic studies of the classification and grading of positions and shall submit to the city manager for approval any changes which he deems desirable to better classify positions, according to similarity of authority, duties and responsibilities.

Upon approval by the city manager, such proposed changes shall be referred to the civil service commission for the holding of a public hearing thereon at which officers and employes affected thereby and others interested and desiring to be heard shall be given an opportunity to do so. Upon approval by the civil service commission, they shall be referred to the city council for final consideration and adoption.

specifically included by this section in the unclassified service.

SECTION 1106: CLASSIFICATION — Repeal; However, the present SECTION 1114: POLITICAL ACTIVITIES PROHIBITED will replace it to become the new SECTION 1106.

SECTION 1106. The old section, providing for periodic review of civil service by the city personnel director, would be replaced by ordinance.

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SECTION 1107. RECRUITMENT: Examinations of applicants for positions in the classified service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the position to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the State of California for at least one year next preceding the date of such examination. The residential requirement may be waived by the civil service commission whenever it believes such waiver is in the public interest, but in each instance it must declare in its proceedings the reasons therefor. Promptly upon appointment, every appointee to any office or employment shall become and remain a bona fide resident of this city.

SECTION 1108. VETERANS: In all entrance examinations for positions in the classified service, veterans who attain a passing grade shall be allowed an additional preferential credit of 10 per cent of the maximum grade for such examinations.

The term "veteran" means any citizen of the United States who has served on active duty in the armed forces of the United States in time of war (and prior to the cessation of hostilities, as declared by the President or the Congress of the United States) and has received an honorable discharge or release from active duty.

SECTION 1109. EFFICIENCY RATINGS AND PROMOTIONS: A system of compulsory, periodic, at least annually, efficiency ratings shall be established by the personnel director for all employes in the classified service, subject to the approval of the civil service commission.

Special rating forms shall be designed for such classifications as require them in order that the quality of performance by each person rated of the required functions of his position may be accurately reflected through their use.

The city manager shall be required to rate all department heads and officers under him, and the department heads shall rate all officers and employes in their respective departments.

Promotions shall be on the basis of ascertained merit, credit and seniority in service and examinations unless the appointing power in particular instances believes it impractical, or not in the best interest of the public service and the reasons therefor are submitted to and approved by the civil service commission.

SECTION 1110. APPOINTMENTS: Upon the receipt of notice of a vacancy in the classified service, the personnel director shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. No candidate may be certified more than three times for any one classified position.

When no eligible lists are available, the civil service commission may authorize the appointing power to make temporary appointments in the classified service which shall remain in force until regular appointments can be made, but in no case to exceed six months, in order to prevent the interruption of public busi-

SECTION 1107. RECRUITMENT — Repeal; However, the present **SECTION 1116: CONTRACT FOR PERFORMANCE OF ADMINISTRATIVE FUNCTIONS** will replace it to become the new **SECTION 1107.**

SECTION 1105: VETERANS: In all entrance examinations for positions in the classified service, veterans who attain a passing grade and whose qualifications are otherwise equal to non-veteran applicants' qualifications, shall be allowed a preference.

The term "veteran" means any citizen of the United States who has served on active duty in the armed forces of the United States in time of war (and prior to the cessation of hostilities, as declared by the President or the Congress of the United States) and has received an honorable discharge or release from active duty.

(Editor's note: The section on "Veterans" in the present form of the charter is under **Section 1108.**)

SECTION 1109: EFFICIENCY RATINGS AND PROMOTIONS — Repeal.

SECTION 1110: APPOINTMENTS — Repeal.

SECTION 1107. The section deals with procedures for examinations. It would be replaced by ordinance.

SECTION 1108. This change would give veterans a preference over non-veterans only when qualifications were otherwise equal. Under the old rule, veterans are allowed a 10 per cent bonus in examination scores. This will become **Section 1105** in the revised charter, if passed.

SECTION 1109. The section spells out procedure for efficiency ratings. The proposal would repeal this, and it would be replaced by ordinance.

SECTION 1110. Procedure on appointments. The proposal would repeal this, and it would be replaced by ordinance.

tion with a general economy or curtailment program. A failure to grant an increase to an individual at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the city service shall likewise be a demotion.

SECTION 1115. PROHIBITIONS: No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provisions of this charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself or with others wilfully or corruptly violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Any person convicted hereunder shall be ineligible for a period of five years for employment in the city service and shall, if he be an officer or employe of the city, immediately forfeit his office or position.

SECTION 1117. OFFICERS AND EMPLOYES RETAINED IN CLASSIFIED SERVICE: To the end that there be no disruption in the present service of the classified service, and that no hardship may be worked upon any officer or employe in said classified service who shall have attained a certain position, grade or rank, all officers and employes who are in the permanent classified service of the city at the date of the approval of this charter by the state legislature, or who have been in the employ of the city for more than six months immediately prior to the date of such approval hereof, shall continue in the classified service of the city, and in the position, grade or rank then so held by such officer or employe.

SECTION 1115: PROHIBITIONS — Repeal.

SECTION 1117: OFFICERS AND EMPLOYES RETAINED IN CLASSIFIED SERVICE — Repeal.

SECTION 1108: ADOPTION OF RULES AND REGULATIONS: The civil service system provided by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the council upon recommendation of either the city manager or civil service commission.

SECTION 1115. Procedure dealing with fraud, false statements, and other misbehavior by applicants. The proposal is to repeal the section, which would be replaced by ordinance.

SECTION 1117. A procedural section relating to the charter's original adoption. Its proposed repeal would have no effect except to shorten the document.

SECTION 1108. This new proposed section is not related to the **Section 1108** proposed for repeal. The proposed section authorizes the council to make laws necessary to carry out the civil service system proposed.



ess and in order to meet extraordinary conditions. Provided further that during the time when a National Conscription Act is in effect, and when no eligible lists are available, the civil service commission, with the consent of the city manager and city council, may authorize the appointing power to make temporary appointments which shall remain in effect until regular appointments can be made, in no case to exceed twenty-four months, in order to prevent the interruption of public business and in order to meet extraordinary conditions. All temporary appointments shall be made under such rules and regulations as the civil service commission shall prescribe. Temporary employees need not reside in the City of Santa Cruz during their temporary employment unless required so to do by the civil service commission.

SECTION 1111. PROBATIONARY PERIOD: All original and promotional appointments shall be for probationary period of six months, during which the officer or employee may be rejected at any time without right to appeal or hearing in any manner.

An officer or employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged for cause.

SECTION 1112. ABOLITION OF POSITIONS: Lay-offs—Whenever it becomes necessary, in the opinion of the city council, to abolish an office or position, or to reduce the number of officers or employees in a given class in the classified service and to discharge the officer or officers, employee or employees holding such position or positions for economy reasons or any similar cause, the city council may do so by stating in its proceedings its reasons therefor. Should such office or position or positions involving substantially the same duties be created or filled within one year, the officer or officers, employee or employees discharged shall be appointed thereto.

All lay-offs shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of the lay-offs.

SECTION 1113. SUSPENSION, DEMOTION AND DISMISSAL: The city council and all officers having appointive power are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An officer or employee, other than one serving a probationary period, holding an office or a position in the classified service shall be subject to suspension without pay for a period of not exceeding thirty days in any one calendar year, or to demotion, or removal from his position for misconduct, incompetence, inefficiency, or for failure to observe the rules or regulations of the department, office or agency, or to cooperate reasonably with his superiors or fellow employees, but subject to the right of the officer or employee to appeal to the civil service commission in the manner set forth herein.

Such officer or employee shall be entitled to receive, upon request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in itemized form of the reasons therefor, a copy of which statement shall be furnished the secretary of the civil service commission. He shall have ten days after the receipt of such statement within which to file an answer to such statement or charge should he desire to do so.

The answer shall be filed in the office of the city clerk and with the secretary of the civil service commission. In his answer, or if no statement of charges has been made available to him as required, such employee may request a hearing by the civil service commission to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Hearings may be conducted informally and the rules of evidence need not apply. Written findings and conclusions, together with such recommendations as it shall deem proper, shall be made by the civil service commission to the appointing power, the city council and city manager, within ten days after completion of the hearing.

The findings and conclusions of the civil service commission shall be final and no appeal may be taken therefrom. Vacancies created under this section may be filled by the appointing power by temporary appointment pending the completion of any proceedings taken hereunder.

A reduction in pay shall be a demotion, under this section, unless it is part of a plan to reduce salaries and wages in connec-

SECTION 1111: PROBATIONARY PERIOD — Repeal.

SECTION 1112: ABOLITION OF POSITIONS. LAYOFFS — Repeal.

SECTION 1113: SUSPENSION, DEMOTION AND DISMISSAL — Repeal.

SECTION 1111. Provision for a six-month probation period for new or promoted employees. The proposal would repeal the section, and it would be replaced by ordinance.

SECTION 1112. Procedure on layoffs of employees. The same as above.

SECTION 1113. Procedure on suspension, demotion and dismissal of employees. This is the proposal causing all the stir. The present charter spells out the procedure, and provides that the civil service commission is the final authority, with no appeal possible.

The proposal is to repeal this section. The council's intention is to replace it by ordinance, with one significant change: the civil commission would recommend action to the council, and the council would have the final word.

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