



# Civil Service Board Rules & Regulations

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**SECTION I PURPOSE**

The purpose of the Rules and Regulations contained herein is to implement the provisions of Ordinance No. 866, an Ordinance relating to Civil Service.

**SECTION II ENABLING LEGISLATION**

The establishment of these Rules and Regulations is authorized by Section 5 (b) of Ordinance No. 866.

**SECTION III DEFINITIONS**

The following terms, whenever used in these Rules and Regulations, shall be construed as follows:

**Acting Appointment**

The temporary appointment of a person to a position in a class for which there is no employment list; to a position occupied by a regular employee on suspension as provided in Section 7(e) of Ordinance No. 866; or to a position occupied by a probationary or regular employee who is on a leave of absence.

**Allocation**

The assignment of a single position to the proper class in accordance with the specifications for that class.

**Applicant**

A person whose application for employment has been accepted, but who has not yet taken part in the selection procedure for a class.

**Board**

The Civil Service Board established pursuant to Ordinance 866 and the Newport Beach City Charter.

**Candidate**

An applicant who is participating in the selection procedure for a class.

**Certification**

The act of notifying a department head of the candidates whose names appear on employment lists as set forth in Section 9(f) of Ordinance No.866.

**City**

The City of Newport Beach.

**City Charter**

The City Charter of the City of Newport Beach.

**City Council**

The City Council of the City of Newport Beach.

**Class**

A group of positions sufficiently similar in duties, responsibilities, authority, and minimum qualifications for employment to permit combining them under a common title and the equitable application of common standards of selection and compensation.

**Class Specifications**

A written description of a class, setting forth factors and conditions which are essential characteristics of positions in the class.

**Continuous Service**

The service without break or interruption of an employee having a probationary or regular appointment.

Copyrighted or Standardized Tests

Written examinations which are used by agencies other than the City of Newport Beach.

Demotion

The reduction of an employee from a position in one class to a position in another class which has a lower maximum rate of compensation.

Department Director

An employee who is the head of an established office or department.

Discharge

The termination of a regular employee pursuant to Section 14 of Ordinance No. 866.

Eligible

A person whose name appears on an employment list.

Employee

A person legally occupying a position.

Employment Lists

As described in Section 9 of Ordinance No. 866, a list of the names of candidates who are eligible for probationary appointments to positions in a particular class.

Entry Level Position

A position in the first or beginning class in a series of classes which have increasingly responsible duties and progressively higher minimum qualifications and compensation.

Exempt Position

Those positions which either are specifically excluded by the City Charter from the Civil Service System or which are not included in the System in accordance with Section 2 of Ordinance No. 866.

Lateral Entry

This is an open list for the hiring of experienced persons in defined classes – as set by the Civil Service Board – at a level of pay commensurate with the level of experience. In some cases, experience will take the place of the written exam.

Layoff

As an economy measure, the separation of an employee because of lack of work or lack of funds.

Open Recruitment

A recruitment that is not restricted to City Employees.

Oral Board

No fewer than three (3) persons, selected by the Department Director or the City Manager or their designee, qualified to orally examine candidates.

Original Appointment

A person's first appointment as an employee of the City of Newport Beach.

Permanent Position

A position that is expected to exist indefinitely.

Position

A combination of current duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.

Probationary Status

The status of a person who has acquired a probationary appointment.

Probation Period

A working test period that is part of the selection process and during which an employee is required to demonstrate his/her fitness for the duties of the position to which he/she has been assigned by actual performance of such duties.

Promotion

The advancement of an employee from a position in one class to a position in another class which has a higher maximum rate of compensation.

Promotional Recruitment

A recruitment that is restricted to City employees.

Qualifications Appraisal Board

Unless otherwise designated shall be synonymous with "oral board".

Reallocation

The reassignment of a single position in a class to be in a different class on the basis of a change in the duties and responsibilities of the position.

Reassignment

The change of an employee by a Department Director from a position in a class to another position in the same class.

Recruitment

The process of attracting qualified persons to participate in a selection process for a class.

Regular Employee

An employee who has successfully completed his/her probationary period in a position.

Regular Status

The status of an employee who has acquired a regular appointment.

Reinstatement

The reemployment of a former employee.

Rejection

The separation from the City service of an employee who does not successfully complete his/her probation period in a position and who does not have regular status in another position in a different class; or, the reduction of an employee who did not successfully complete his/her probation period in a position to another position in a different class in which he/she has acquired regular status.

Resignation

An employee's voluntary separation.

Rules and Regulations

The Civil Service Rules and Regulations adopted pursuant to Ordinance No. 866.

Selection

The process of evaluating the qualifications of candidates through one or more techniques.

Separation

The termination of an employee's service with the City.

Suspension

The temporary separation of an employee as a disciplinary action.

System

The Civil Service System created in accordance with Ordinance No. 866 and the Newport Beach City Charter and including only those positions to which the provisions of Ordinance No. 866 apply.

Temporary Position

A position of limited duration.

Transfer

A change of an employee from one position to another position in the same class or in another class having the same maximum salary rate, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.

Vacancy

A position that is not occupied by an employee having either a probationary or regular appointment.

**SECTION IV CIVIL SERVICE SYSTEM**

**400. Establishment**

The Civil Service System within the City of Newport Beach was established pursuant to Article VIII of the City Charter.

**401. Positions Included**

All full-time, regular and permanent positions of employment in the Police and Fire Departments are included in the System, except those positions excluded by Section 802 of the City Charter. The City Council by ordinance may include in the System positions in other Departments.

**402. Purpose**

The purpose of the Civil Service System is to establish an equitable and uniform procedure for dealing with personnel matters; to attract to the City service the most competent persons available; to assure that the appointment and promotion of employees will be based on merit and fitness; and to provide reasonable security for employees.

**403. Fair Employment**

No appointment to, promotion to, or removal from a position shall be affected or influenced in any manner by sex, race, color, creed, nationality, age, political or religious opinion or affiliation, except as provided elsewhere in this or other City resolutions, or under the terms and conditions of any contractual agreement.

## **SECTION V CIVIL SERVICE BOARD**

### **500. Creation**

A Civil Service Board, consisting of five members, is appointed by the City Council in accordance with the City Charter. Each of the members shall be a person of good repute in his business, profession or occupation and known to support civil service principles in the public service.

### **501. Responsibilities and Authority**

#### **501.1 Meetings**

The Board shall determine the order of business for the conduct of its meetings; hold regular meetings at least once a month and such special meetings as are necessary on call of the Chairman or a majority of the members of the Board, and keep a record of its proceedings and transactions.

##### **501.1.1 Types of Meetings**

###### **A. Regular**

Regular meetings of the board shall be held on the first Monday of each month at 5:00 p.m., in the City Hall Council Chambers. If any such Monday falls on a City holiday the meeting shall be held on the next succeeding Wednesday at the same time and place. Any other meeting of the Board shall be a special meeting.

###### **B. Special**

Special meetings of the Board shall be held on call of the Chairman or majority of the members of the Board. Such meetings shall be held at such time and place as are designated in the call.

##### **501.1.2 Quorum**

A majority of the members of the Board shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the members present shall be necessary to exercise any of the functions or authority of the Board.

##### **501.1.3 Notice**

Under general direction of the Board, a written notice of each regular and special meeting shall be posted in the City Hall, Police Department, and each Fire Station. Such notices shall be posted before 2 p.m. of the Thursday next preceding a regular meeting, and at least 24 hours in advance of the time of a special meeting. Such notices shall contain the date, time, place of, and an agenda for, each such meeting. Notices of special meetings shall include the name or names of Board members calling such meetings.

##### **501.1.4 Agenda**

All written communications to the Board, and any matter to be considered by the Board, where practical, shall be summarized in the Agenda. No matter shall be considered by the Board at a special meeting unless it appears on the Agenda.

## 501.2 Recruitment, Examination and Selection

The Board shall establish policies and approve procedures of the recruitment and selection of Civil Service personnel, including, but not limited to, the posting of recruitment notices, the preparation and scoring of examinations, and the establishment and certification of employment lists.

### 501.2.1 Recruitment

Recruitments shall be specified by the Board as promotional or as open. Insofar as practicable and consistent with the best interests of the City service, all vacancies shall be filled by promotion.

#### A. Recruitment Notices

Notice of any open or promotional recruitments shall be posted not less than two weeks prior to the final date for submitting applications. The information required by paragraph D., below, may be included in the recruitment notice.

#### B. Applications

The Board shall have the right to require all applicants to submit applications, agreements, or statements pertinent to their employment.

#### C. Rejection of Applications

Applications for employment on the basis of either an open or promotional recruitment may be rejected for any of the following reasons:

1. Failure of the applicant to indicate conformity with all of the announced minimum qualifications.
2. False statements by the applicant on his/her application with regard to any material fact.
3. Failure of the applicant to submit an application within the time specified in the examination process.

#### D. Examination Announcements

Examination announcements shall be posted not less than two weeks prior to the final date for submitting applications. Such posting shall be in a conspicuous place at the City Hall, at the Office of the appropriate Department, and at such other places as the Board deems appropriate. In addition to a description of the examination scope and the relative weight of each test to be given, the examination announcement shall contain information on salary, final date for submitting applications, working conditions, minimum qualifications, and other information of interest to a prospective applicant.

### 501.2.2 Examination

#### A. Scope

The scope of an examination for a class shall be approved by the Board and stated in the examination announcement. It may consist of any one or a combination of the following techniques: written, oral and demonstration tests; an appraisal of education and experience; and any

test of manual skills or physical fitness which fairly evaluates the candidates.

Applicants will not be permitted to the examination process if they have participated in a previous examination by the City of Newport Beach for the same position within the last six month period. On a case by case basis, the Civil Service Board may waive this rule for promotional testing only when recommended by the Police or Fire Chief.

Lateral candidates may not be required to take a written examination.

B. Passing Scores

1. The minimum passing score shall be 70 percent for written and performance tests and for ratings by Qualifications Appraisal Boards. For written test such 70 percent need not be the arithmetical 70 percent of the total possible score but may be an adjusted score based on a consideration of to what extent, if any, the test has been validated; the number of competitors; and the number of existing and contemplated vacancies. Any such adjusted score shall be established before the candidates' test papers are identified.

2. The following tests shall be scored on a pass-or-fail basis using the standards specified:

(a) Typing, dictation, and other skills tests

Minimum scores as prescribed in the class specifications.

(b) Physical agility test

Completion of the test prescribed in a policy adopted by the Board motion within the time limit set forth in such policy.

(c) Medical examination

Possession of the minimum physical requirements described in a policy adopted by Board motion and as determined, in each examination, by the City's Medical Examiner.

(d) Psychological evaluation

Emotional maturity and stability as determined by the City's Psychologist or Psychiatrist in accordance with standards established by law.

(e) Inspection of Examination Papers

The examination papers of candidates are not subject to inspection by the public.

1) Written tests

Upon request made within seven days after the notices of the examination results have been

mailed, any candidate may inspect his/her own examination papers, including the questions and answers, excepting copyrighted or standardized tests. On copyrighted or standardized tests the candidate may review the accuracy of scoring and computations by comparing his/her answer sheet with the key answer sheet.

2) Other tests

The written comments of a Qualifications Appraisal Board and the written evaluation of a psychiatrist, if any, shall not be reviewed by the candidate; on request of the candidate, his/her rating by the Qualifications Appraisal Board shall be summarized for his/her information. Requests must be made within seven days after notification of the results of the Qualifications Appraisal Board.

(f) Review Procedure

If the candidate believes an error has been made in the grading of his/her examination or in the credit given to him, he/she may within twelve days after the mailing of examination results make written application to the Board for a review; provided, however, that in such application he/she must state specifically and particularly wherein he/she believes an error has been made.

Upon receipt of such application and in no case later than its next regular meeting, the Board shall examine the candidate's papers and grades. Any error or injustice shall be corrected, and any change in the order of standing of candidates as a result thereof shall be made by the Board. No appointments shall be made by the Board. No appointments shall be made from the employment lists until the Board has acted upon such application. The Board's decision shall be final.

(g) Disqualification of Candidates

A candidate for employment on the basis of either an open or promotional recruitment may be disqualified for any of the following reasons:

- 1) Any fraudulent practice by the candidate in connection with any phase of the recruitment and selection procedure.
- 2) Failure of the candidate to appear as scheduled for any phase of the selection procedure.
- 3) Disclosure of an unsatisfactory record in the background investigation.
- 4) Failure to attain a satisfactory score on any test conducted as part of the selection procedure.

501.2.3 Selection501.2.3.1 Employment ListsA. Priorities

Priority for consideration for employment shall be given to employment lists in the following order: reemployment lists, promotional employment lists, and open employment lists.

B. Reemployment Lists1. Defined

A reemployment list for a class shall consist of the names of the following:

(a) Regular Employees1) Layoff

Regular employees who have been laid off for lack of work or lack of funds.

2) Position Reallocation

Regular employees whose positions in a class have been reallocated to a class with a lower maximum rate of compensation.

Such names shall be placed on the list in the reverse order of layoff or position reallocation. The order of layoff or position reallocation shall be on the basis of inverse employee seniority in the class.

(b) Probationary Employees

The names of probationary employees who are laid off or reduced in rank for lack of work or lack of funds shall be restored to the same promotional or open employment list from which the original appointment was made and in the same order as when the original appointment was made.

2. Expiration

A reemployment list shall remain in effect until exhausted by the removal of all names on such list as herein provided.

3. Removal of Names

A person's name shall be removed from a reemployment list for any of the following reasons:

- (a) If he/she fails to respond within seven (7) calendar days to a certified mail, return-receipt-requested inquiry concerning his/her interest in being reemployed to a current vacancy.
- (b) If he/she declines reemployment to a currently existing vacancy.
- (c) Disclosure of any conduct that would be grounds for demotion, suspension, or discharge.
- (d) If the medical examination, required as a condition of reemployment, discloses any mental or physical disability that would be a reason for demotion or discharge on the grounds of in competency.
- (e) Reemployment of the person.

C. Promotional Employment Lists

1. Defined

Promotional employment lists shall consist of the names of City employees who have been successful in a promotional recruitment and examination.

2. Expiration

A promotional employment list shall expire one year after the date of the employment list unless exhausted sooner by promotion or termination of all employees whose names appear on such list or the list is vacated sooner by the Civil Service Board as provided herein. The list may be extended for an additional year on recommendation of the Department Director and approval of the Board. Candidates on the promotional employment list shall receive thirty (30) days advanced notice of the additional year extension.

3. Removal of Names

A candidate's name shall be removed from a promotional employment list for any of the following reasons:

- (a) Termination of his/her City employment.
- (b) If requested by the candidate.
- (c) If the candidate declines an offer of appointment to three (3) different vacancies.
- (d) If subsequent to the establishment of the employment list, there is evidence that the candidate does not possess the minimum qualifications required for appointment at the time the recruitment was undertaken.

D. Open Employment Lists

1. Defined

Open employment lists shall consist of the names of all candidates who have been successful in an open recruitment and examination.

2. Expiration

An open employment list shall expire one year after the date of the employment list or if the list is vacated sooner by the Civil Service Board as provided herein. The list may be extended for an additional year on recommendation of the Department Director and approval of the Board.

3. Removal of Names

A candidate's name shall be removed from an open employment list for any of the following reasons:

- (a) If the candidate fails to appear as scheduled for an interview with the Department Director in response to a written request to do so.
- (b) Failure of the candidate to reply within seven (7) calendar days to a certified mail, return-receipt-requested inquiry concerning his/her interest in remaining on the employment list or in being considered for a current vacancy.
- (c) If subsequent to the establishment of the employment list, there is evidence that the candidate does not possess the minimum qualifications required for appointment at the time the recruitment was undertaken.
- (d) If requested by the candidate
- (e) If the candidate declines an offer of appointment to a currently existing vacancy.

E. Notification and Appeal of Removal

1. Notification

A candidate or person whose name has been removed from any employment list, or any applicant whose application has been rejected, shall be promptly notified in writing of the reasons for such action and of his/her right to appeal.

2. Appeal

Within five (5) calendar days after such notification is mailed to the addresses indicated on his/her application, the candidate, person, or applicant may appeal such action to the board, provided he/she states in writing the

specific reason or reasons he/she believes the action of removal or rejection to have been in error. Upon receipt of such statement and appeal, the Board shall promptly schedule a hearing and the applicant shall be notified of such hearing.

(a) Reemployment and Promotional Employment Lists

In the case of an appeal resulting from the removal of a candidate's name from a reemployment or promotional employment list, an existing vacancy shall be maintained for each appeal until the Board has acted on such appeal.

(b) Open Employment Lists

In the case of an appeal resulting from the removal of a candidate's name from an open employment list, an appointment may be made from such list before the Board acts on the appeal.

(c) Rejection of Applications

An appeal of the rejection of an application shall not halt the examination process; if the appeal is resolved in the applicant's favor he/she shall participate on an individual basis in those tests, if any, which occurred during the appeal process so that the applicant may have an opportunity to compete on an equal basis with other applicants.

F. Authority to Vacate Employment Lists

The Civil Service Board may at any time vacate any promotional or open employment list, and thereafter no person on any list so vacated shall be appointed unless such person makes a new application, is examined, and qualifies as if such person had not been on the list so vacated.

G. Certification of Employment Lists

Subject to the provisions of Ordinance No. 866 and sections of these rules and regulations with respect to reemployment lists and the selection of the Police and Fire Chiefs, when an appointment is to be made the names of the highest three (3) eligibles willing to accept appointment shall be certified to the Department Director in the order in which they appear on the appropriate employment list and the appointment shall be limited to these eligibles. When a promotional or open employment list contains fewer than three (3) names, a new employment list shall be established on written request of the Department Director in order that the names of three (3) eligibles can be certified to the Department Director.

501.2.3.2 Other Appointments and Personnel ActionsA. Acting Appointments1. Absence of Employment Lists

In the absence of an employment list for a class, a vacant position may be filled by an acting appointment. No credit shall be allowed in any examination or the establishment of any employment list for service rendered under an acting appointment.

2. Absence of Regular Employee(a) Suspension

During the period of suspension of a regular employee from a position or pending final action on proceedings to review the suspension, demotion, or dismissal of a regular employee, the position may be filled by an acting appointment.

(b) Leave

During the period that a regular or probationary employee is on a leave of absence, the position may be filled by an acting appointment.

3. Limitations

An acting appointment shall be limited to ninety (90) calendar days in any 12 month period unless extended to a maximum of an additional ninety (90) calendar days on written recommendation by the Department Director and approval by the City Manager.

B. Temporary Positions

Appointments to temporary positions need not be made from employment lists. Such appointments shall be limited to 120 calendar days in any 12 month period unless extended by the Department Director and approved by the City Manager.

C. Transfers

With the approval of the City Manager an employee may be transferred from one position to another. Transfers shall not affect in any way the status, rights, and privileges of an employee under Ordinance No. 866.

D. Reinstatements

On recommendation of the Department Director and approval by the City Manager, a former employee may be reinstated to the class of position he/she occupied at the time of his/her termination, irrespective of the existence of an open or promotional employment list for the class, subject to the following conditions.

1. There must be vacant position in the class and no reemployment lists for such class.
2. The employee must have completed at least one year of continuous service in the class immediately prior to his/her termination.
3. The employee must have terminated his/her City employment under favorable conditions.
4. The reinstatement must occur within two (2) years of his/her termination:
5. The employee may be required to serve a probation period.
6. The employee will be required to take a medical examination at his/her expense and as prescribed by the City Manager.

#### 501 2.3.3 Probation Period

##### A. Defined

A probation period is a working test period that is part of the selection process and during which an employee is required to demonstrate his/her fitness for the duties of the position which he/she has been assigned by actual performance of such duties.

##### B. Application

A probation period shall apply to all appointments to positions included in the System except acting appointments.

##### C. Length

The normal length of a probation period shall be twelve (12) months. On written recommendation by the Department Director and approval by the City Manager, however, an employee's probation period may be extended for a maximum of six (6) months beyond the normal twelve (12) month period. The purpose of such extension shall be to allow the Department Director additional time to evaluate the employee's job performance.

##### D. Rejection During Probation

###### 1. Initial Appointment

At any time during which an employee is serving an initial probationary period, he/she may be discharged without cause and without the right of appeal to the Civil Service Board.

###### 2. Promotion

In the event of promotion to a position in a higher class and at any time within his/her probation period in that position, an employee may be rejected by the Department Director and reduced to such position

he/she occupied prior to such promotion without right of appeal to the Board, provided he/she had acquired regular status in such former position. If the employee had not acquired regular status in the System prior to such promotion, he/she may be discharged without right of appeal to the Board.

E. Notification to Employee

After the first twelve (12) months of the probation period have elapsed, the employee shall be advised in writing whether or not he/she has successfully completed his/her probation period. If not, and if an extension of his/her probation period has been approved, he/she shall be advised in writing of his/her status when such extension expires.

501.3 Disciplinary Actions, Appeals, and Hearings

Pursuant to the City Charter and Ordinance No. 866, the Board shall receive and hear appeals submitted by any employee, or any applicant or candidate for a position, in the System relative to original appointment, promotion, dismissal, demotion, suspension and other disciplinary actions; the alleged violation of Ordinance No. 866 or these rules and regulations; and certify its findings and recommendations. The Board shall also receive and hear appeals submitted by city employees not included in the System to the extent, and in the manner, specified by ordinance, resolution or other action of the City Council. The hearing procedures (Subsection 501.3.3) shall be applicable to all appeals.

501.3.1 Disciplinary Actions

Employees in the System may be demoted, suspended or discharged only on the following grounds: incompetency, inefficiency, dishonesty, misconduct, insubordination, or failure to observe Departmental or City rules and regulations.

501.3.2 Appeals

The Board shall convene in regular or special meetings for the purpose of reviewing appeals of regular employees as follows: Any regular employee in the System who has been suspended, demoted, or discharged may, within a period of five (5) days after such action, request of the Department Director a written statement of the reasons for such action. The Department Director shall furnish such statement within five (5) days thereafter. The employee may, within ten (10) days thereafter, file a written answer to such reasons with the Board. The Board shall within fifteen (15) days investigate the case and shall schedule a hearing. The hearing shall be a closed hearing at the request of the employee.

501.3.3 Hearings

A. In General

The Board hearings need not be conducted according to technical rules relating to evidence and witnesses.

B. Right of Counsel

The employee may be represented by counsel and shall have the right to produce witnesses to testify in his/her behalf. The Board shall issue subpoenas and compel the attendance of all witnesses.

C. Modification of Department Director's Action

The Board may modify or revoke a disciplinary action only on the following grounds:

1. The facts do not justify the action taken.
2. A substantive violation or omission of procedure was made.
3. The action taken was unreasonable, capricious or arbitrary in view of the offense, the circumstances surrounding the offense, and the past record of the employee.

D. Reimbursement of Loss of Pay

An employee shall be reimbursed for a loss of pay arising from a disciplinary action against him/her to the extent that it is subsequently revoked or modified by the Board. Reimbursement shall be confined to the period of time between the date of such disciplinary action and the date of the Board's final decision as set forth in section 501.3.3.E. hereafter.

E. Findings

The Board shall certify copies of its findings and decisions to the City Manager, the Department Director from whose action the appeal was made, and the appellant employee. The Board's decision shall be final.

501.4 Investigations

The Board shall make any investigation concerning the administration of personnel in the City service and report its findings to the City Council and City Manager when requested to do so by the City Council, the City Manager or by any organized City employees association.

In any investigation or hearing it conducts, the Board shall have the authority to examine witnesses under oath and to compel their attendance or the production of evidence before it by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Police Chief to cause all such subpoenas to be served, and refusal of a person to attend or to testify in answer to such subpoenas shall subject said person to prosecution in the same manner set forth by law for a failure to appear before the City Council. Each member of the Board shall have the power to administer oaths to witnesses.

501.5 Advisory Role

The Board shall act in an advisory capacity to the City Council on personnel administration in the City service.

501.6 Rules and Regulations

The Board shall recommend to the City Council, after approval by the City Attorney and after a public hearing thereof, the adoption, amendment, or repeal of Rules and Regulations to implement the provisions of Ordinance No. 866. After adoption by motion of the City Council, such Rules and Regulations shall have the force and effect of law.

## **SECTION VI CITY MANAGER**

### **600. Responsibilities and Authority**

#### **600.1 Rules and Regulations**

The City Manager shall be responsible for preparation of amendments to the Rules and Regulations for recommendation to the board. The City Attorney shall approve the legality of such amendments prior to their submission by the Board to the City Council for its approval. Rules and Regulations shall be adopted by motion of the City Council.

#### **600.2 Class Specifications**

The City Manager shall be responsible for, subject to approval by the Board, the preparation and revision of class specifications for positions included in the system.

#### **600.3 Personnel Procedures**

The City Manger shall be responsible for administration of Board policies and procedures within the framework of Ordinance No. 866 and these Rules and Regulations, including:

1. Public announcement of vacancies and examinations and the review of applications for employment.
2. Preparation and conduct of examinations and the establishment and use of employment lists.
3. Certification and appointment of eligibles.
4. Evaluation of employees during probation periods and periodically thereafter.
5. Appointment, transfer, promotion, demotion, rejection, layoff, dismissal and reinstatement of employees.
6. Allocation of positions to classes on the basis of duties, responsibilities and minimum qualifications.
7. Maintenance and use of personnel records.
8. Maintenance of effective communications between employees and their supervisors; between employees and the City Manager; and between employees and the Board relative to conditions of employment.

## **SECTION VII SELECTION OF POLICE AND FIRE CHIEFS**

### **700. Intent**

It is the intent of this section that vacancies in the positions of Police Chief and Fire Chief be filled by the best qualified persons available as determined by competitive examination. Qualifications being substantially equal, preference shall be given to candidates in the Newport Beach Police and Fire Departments who qualify under the selection process herein described. This section shall not be construed to include the positions of Police Chief and Fire Chief in the System.

### **701. Selection Process**

The selection of the Police Chief and Fire Chief shall be made by the City Manager from among the candidates whose names appear on an open employment list for the class. Such list shall be

created as a result of an examination consisting of a written test weighted at 50 percent and a qualifications appraisal weighted at 50 percent. The minimum qualifying score on each phase of the examination shall be 70 percent.

- A. The written test shall be prepared by a professional personnel agency designated by the City Manager with the approval of the Civil Service Board.
- B. The Qualifications Appraisal Board which interviews candidates successful on the written test shall consist of the following:
  - 1. The Chairman and one other Board member selected by the Board.
  - 2. Two chiefs selected by the Board from other police or fire departments in cities with populations comparable to Newport Beach.
  - 3. One person selected by the City Manager.
- C. The scope of the written test and the factors to be rated by the Qualifications Appraisal Board shall be jointly established by the City Manager and the Board.
- D. In order to be eligible to compete in the selection process for Police Chief or Fire Chief, all candidates must possess the minimum qualifications set forth in the class specifications. Such class specifications shall be prepared by the City Manager with approval of the Board.

### SECTION VIII REPEAL

All Civil Service Rules and Regulations operative on the effective date of the Rules and Regulations contained herein are repealed.

### SECTION IX SEVERABILITY

If any section, subsection, sentence, clause, phrase or portions of these Rules and Regulations, or any additions or amendments there to, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Rules and Regulations or their application to other persons. The City Council hereby declares that it would have adopted these Rules and Regulations and each section, subsection, clause, phrase or portion, and any additions and amendments thereto, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions, or the application thereof to any person, be declared invalid or unconstitutional.

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Rules approved by motion of the City Council effective February 11, 1974.

Reformatted/Revised Rules approved by motion of the City Council effective April 22, 2008.

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Civil Service Rules are also referred to in Ordinance No. 866 and the City of Newport Beach Municipal Code Chapter 2.24.