

# CIVIL SERVICE RULES

AMENDED  
Effective April 26, 2006

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**CIVIL SERVICE RULES**  
**EAST BAY MUNICIPAL UTILITY DISTRICT**

Adopted	Resolution No. 85	Effective May 1, 1924
Amended	Resolution No. 12840	Effective April 15, 1948
Amended	Resolution No. 15693	Effective December 17, 1952
Amended	Resolution No. 17481	Effective April 9, 1956
Amended	Resolution No. 21233	Effective December 12, 1962
Amended	Resolution No. 23005	Effective February 14, 1966
Amended	Resolution No. 24954	Effective November 3, 1969
Amended	Resolution No. 27880	Effective October 15, 1976
Amended	Resolution No. 28237	Effective November 22, 1977
Amended	Resolution No. 30473	Effective January 11, 1983
Amended	General Manager Approval*	Effective April 26, 2006

\* Civil Service System Policy adopted by the Board of Directors on October 11, 2005 (Resolution No. 33498-05) gave the General Manager the authority to amend the Civil Service Rules.

# Civil Service Rules

## Rule I – Definitions

The following definitions shall be applicable to these Rules unless the context clearly requires otherwise:

**ALLOCATION:** The assignment of a position to an appropriate class.

**ALTERNATE STAFFING:** An option which allows positions to be filled at any one of several different classification levels within a series and where incumbents are eligible to advance through the classification series based on a Competitive Standards evaluation.

**APPLICANT:** Person who has made application for a position.

**BOARD:** The elected Board of Directors of the East Bay Municipal Utility District.

**CANDIDATE:** Person who has been accepted for participation in an employment examination.

**CERTIFICATION:** The referral of names by the Human Resources Department of persons on employment lists who may be appointed to a position in District service.

**CIVIL SERVICE SENIORITY:** The total length of continuous service of an employee in a Civil Service classification or cumulatively in all Civil Service positions beginning with entry into the classification or to regular District Civil Service. Employees who are reinstated after a termination due to job injury, layoff or reduction in force shall receive seniority credit for their prior Civil Service employment time in the class from which they were laid off.

**CIVIL SERVICE STATUS:** The status of an employee who occupies a full-time Regular or Less-Than-Full-Time Regular position and has completed probation in that classification. Once achieved, the employee retains Civil Service status in the District even during an appointment to another non-Civil Service District position.

**CLASS OR CLASSIFICATION:** Group of positions with sufficiently similar duties and responsibilities so that the same title, rate of pay, qualifications and tests of fitness can be equitably applied.

**CLASS DESCRIPTION:** A written description of the duties and responsibilities, knowledges, skills, abilities and other qualifications for a classification.

**CLASS SERIES:** A number of classes which are similar as to types of work involved, but which differ in the degree of responsibility involved and the complexity of the duties.

**CLASSIFICATION PLAN:** The titles and class code numbers of classes approved by the Board of Directors, and the class descriptions prepared for those classes.

**DEMOTION:** A change of an employee from a position in one class to a position in another class having a lower maximum salary.

**DEMOTION LIST:** An employment list containing the names of persons who have requested and qualify for demotion to another class other than by placement on an internal eligible list.

**DEPARTMENT OR DIVISION HEAD:** An executive in charge of a major organizational unit, or one designated as a manager of an Office, Department or Division.

**DISTRICT:** The East Bay Municipal Utility District.

**ELIGIBLE:** A person who has successfully passed an employment examination for a particular class and is qualified for appointment.

**EMPLOYMENT LISTS:** Lists of persons who may be legally appointed to a position in the District. Such lists include open eligible, internal eligible, layoff and reduction, reinstatement, lateral transfer, reassignment and demotion lists, and reemployment preference lists.

**EXAMINATION:** A process of testing, evaluating or investigating the relative fitness of applicants for employment with the District.

**EXEMPT STATUS:** The status of an employee who is exempt from Civil Service pursuant to the Municipal Utility District Act as an officer elected by the people or an officer, assistant officer or other employee whose appointment is approved by the Board of Directors.

**FLEXIBLE STAFFING:** An option in the Staffing Plan that allows one position to be filled by two or more different classifications, not necessarily in the same class series.

**HIRING AUTHORITY:** The immediate supervisor responsible for making the hiring decision when filling a position.

**JOB SHARE:** A voluntary work arrangement in which two persons in the same classification each working half time equally share the work responsibilities of one full time position.

**INTERNAL ELIGIBLE LIST:** A list of regular District employees who have successfully passed an employment examination. Promotions, lateral transfers, or demotions of regular District employees may be made from internal eligible lists.

**LATERAL TRANSFER:** Movement to another classification that is on the same salary range.

**LAYOFF AND REDUCTION LIST:** An employment list containing names of persons who have been laid off, or laterally transferred, or demoted in lieu of layoff.

**LESS THAN FULL-TIME REGULAR EMPLOYMENT:** Work in a Civil Service position which is less than full time but more than one-half of a normal work day or work week, and more than 1,040 aggregate hours per payroll year.

**LIMITED TERM (LT):** Positions which are intended to augment regular District staff in accomplishing extra work or other operational programs and activities of a limited duration. LT positions are limited to two (2) years unless extended to a maximum of four (4) years.

**NON-CERTIFIED APPOINTMENT:** A temporary appointment to a class for which no open or internal eligible list is available.

**OPEN ELIGIBLE LIST:** A list of persons who have no regular employment status with the District who have successfully passed an employment examination for a specific classification.

**PART-TIME EMPLOYMENT:** Work which is no more than 832 hours per payroll year unless extended up to a maximum of 1000 aggregate hours by authorization from the Manager of Human Resources.

**POSITION:** A group of current duties and responsibilities normally requiring the employment of one person. A position may be occupied or vacant.

**POSITION TYPE:** A position may be regular, less than full time regular, part-time, limited term, temporary construction, exempt, or six-month temporary. Regular and less-than-full-time-regular positions within Civil Service and appointments to temporary positions are subject to the Civil Service Rules.

**PROBATIONARY EMPLOYMENT:** The status of an employee who has been appointed to a regular position from an open eligible, internal eligible, reinstatement, reemployment preference, or demotion list, but who has not yet completed the probationary period in the position.

**PROMOTION:** A change of an employee from a position in one class to a position in another class having a higher salary range.

**QUALIFICATIONS APPRAISAL BOARD:** A panel of two or more persons appointed to interview or otherwise observe candidates as part of the examination process, in order to evaluate their knowledge, skills, abilities and other qualifications for employment and rate the candidates.

**REALLOCATION:** The change in the assignment of a position from one class to another existing class or a new class.

**REASSIGNMENT:** A change of an employee from one position to another position in the same class.

**REEMPLOYMENT PREFERENCE LIST:** An employment list containing names of persons whose service has been terminated, other than by retirement, as a result of job injury and who has recovered or been rehabilitated.

**REGULAR EMPLOYMENT STATUS:** The status of an employee lawfully retained in a Civil Service position after completion of a probationary period.

**REINSTATEMENT:** The re-appointment of a former Civil Service employee to a position in his/her former Civil Service classification.

**REINSTATEMENT LIST:** An employment list containing names of persons who may be reinstated to a class.

**SUPERVISOR:** An employee whose duties largely involve the direction of subordinate employees and who has authority, in the interest of the District, to hire, promote, discipline, suspend, discharge, evaluate, recommend performance pay awards, address their grievances, or to recommend such action.

TEMPORARY CONSTRUCTION (TC): Positions which are of a limited and specified duration, typically associated with public works projects and facilities. TC positions may extend for the life of the project.

TEMPORARY EMPLOYMENT: An appointment of not longer than six (6) months in a twelve (12) month period.

WAIVER: The voluntary declining by an eligible of appointment to a specific position.

## **Rule II – Coverage**

Section 1. Civil Service. The District Civil Service Rules shall apply only to employees appointed to District Civil Service positions. They do not apply to employees appointed to positions exempt from the District Civil Service. Civil Service exempt positions include:

- a. Officers (members of the Board of Directors) elected by the people.
- b. Officers, assistant officers, and other persons and employees appointed by the Board of Directors.
- c. Temporary construction employees.
- d. Part-time and temporary employees.
- e. Up to 15 unfilled positions requiring peculiar and exceptional qualifications, including those of a scientific, professional or expert character or of special confidence that are excepted from "District Civil Service" upon recommendation of the General Manager approved by the Board of Directors.
- f. Limited-term employees.

Section 2. Exceptions. If any part of the Civil Service Rules should conflict with a Memorandum of Understanding (MOU), the MOU is controlling.

## **Rule III – Administration**

Section 1. Duties of the Manager of Human Resources. The Civil Service responsibilities of the Manager of Human Resources shall include:

- a. Interpreting and providing information concerning the provisions of these Rules.
- b. Preparing and maintaining the classification plan, job analyses, and class descriptions.
- c. Recruiting qualified applicants for District positions.
- d. Preparing and conducting Civil Service examinations for evaluation of applicants for District employment.
- e. Preparing and maintaining employment lists and certifying qualified individuals for employment consideration.
- f. Maintaining necessary employment records in connection with the District Civil Service and the employment system.
- g. Recommending revisions and amendments of these rules together with related regulations, policies and procedures.
- h. Enforcing the provisions of these Rules and of related procedures, directives and policies.

Section 2. Delegation. The Manager of Human Resources may delegate the performance of Civil Service functions described in these Rules and the authority to act on his/her behalf in administering these Civil Service responsibilities.

Section 3. Accountability. The Manager of Human Resources shall be accountable to the General Manager for administration of Civil Service responsibilities in a manner consistent with these Rules, applicable statutes, and District policies and procedures.

Section 4. Interpretation and Administration. These rules shall be interpreted and administered in a manner consistent with the District policy to provide equal opportunity for all persons in all aspects of employment. Such equality of opportunity shall be based solely on job-related knowledge, skills, abilities, and job performance, and shall be without discrimination because of race, color, religion, national origin, gender, age, disability, marital status, sexual orientation, union activity or affiliation, political affiliation, or any other factor unrelated to job performance.

## Rule IV – Classification

Section 1. Classification Plan. The Manager of Human Resources shall maintain a classification plan which shall include a list of class titles and class code numbers, and a written class description for each class approved by the Board of Directors.

Section 2. Revision of the Classification Plan. Requests to add new classes to the classification plan shall be recommended to the General Manager for approval, and upon adoption by the Board of Directors, shall then become revisions to the approved classification plan. Recommendations for title changes and classes to be deleted that do not affect existing representation unit status or salary level shall become revisions to the classification plan upon approval by the General Manager. The General Manager may also reallocate, flexibly staff, reassign, and/or transfer existing positions and personnel in accordance with procedures adopted by the General Manager pursuant to Board resolutions providing that authority.

Section 3. Class Descriptions. A class description shall be prepared for each class and shall include an appropriate class title, an outline of typical duties and responsibilities, and the knowledges, skills, abilities and other qualifications required of employees in the class. Class descriptions shall be prepared after due consultation with supervisors, incumbents, other persons technically familiar with the work and the affected union.

Section 4. Interpreting Class Descriptions. Class descriptions are to be considered descriptive and explanatory and not restrictive. They are intended to be illustrative of the kinds of positions allocated to the various classes and should not be construed as limiting assignments which may be made to a particular position. Typical duties outlined shall be representative of work performed but are not intended to prescribe all duties of positions in the class, or to exclude duties of similar kind or level. Knowledges, skills, abilities, and other qualifications shall include only those which are job-related and considered necessary for proficient job performance. Nothing in a class description is to be interpreted as restricting the assignment of an employee to perform duties of a higher class for limited periods during the absence of others. Procedures governing the assignment of and compensation for such duties shall be adopted as necessary.

Section 5. Revision of Class Descriptions. The Manager of Human Resources shall take necessary steps to ensure that class descriptions are accurate by directing the study of position duties, responsibilities, and qualifications, and recommending revisions of class descriptions as appropriate. Such revisions shall be approved and adopted by the General Manager.

Section 6. Allocation of Positions. Except as provided in Section 10 of this Rule, each position when created shall be allocated to one of the classes within the approved classification plan, and employees shall be notified of the allocations of their positions. In determining the allocation of any position, the position shall be compared with others, considering general duties, responsibilities, qualifications and relationships to other positions. Any number of positions may be allocated to a single classification if they have duties and responsibilities sufficiently similar so that:

- a. The same descriptive class title may be used to designate each position allocated to the class.

- b. The same schedule of compensation may be applied with equity to each position allocated to the class.
- c. The same qualifications and examinations of those qualifications are appropriate for each position allocated to the class.

Section 7. Classification Study Requests. The Manager of Human Resources shall recommend the proper allocation of a position and/or evaluate the need for a revision to class description upon the request of a department or division head, or upon the written request of an employee concerning the employee's position, or upon the Manager of Human Resources' own initiative, in one or more of the following circumstances:

- a. One or more new positions are being contemplated.
- b. Revision in organization, work methods, or business operations is planned.
- c. Changes in position duties and responsibilities are to be made.
- d. Changes in position duties and responsibilities have already occurred.
- e. Maintenance of the classification plan requires the review of positions and their allocation.

Section 8. Procedures in Classification Studies. One or a combination of the following procedures shall be observed in the allocation of positions:

- a. The department or division head concerned shall transmit to the Manager of Human Resources a comprehensive statement of the facts and circumstances related to the allocation request, including a detailed summary of position duties and responsibilities proposed or currently in effect.
- b. The Manager of Human Resources shall direct a study of the duties and responsibilities of the position, the qualifications required, and the relationships of the position to others.
- c. The Manager of Human Resources shall recommend whether a new position should be allocated to a new class or an existing class, and whether an existing position is properly allocated or should be reallocated to a new class or an existing class.
- d. The Manager of Human Resources shall recommend to the General Manager the steps necessary in approving the allocation or reallocation, including the adoption of such new or revised class descriptions as may be required. No new position shall be filled until there is an approved class description covering the work to be performed, and no position reallocation to a new classification shall be final until approved by the Board of Directors.

Section 9. Incumbents of Reallocated Positions. When a reallocation occurs, an employee occupying the position shall be retained in the position, and shall retain earned Civil Service status, providing there is documented evidence from the department or division head and Manager of Human Resources that the following conditions are met:

- a. The reallocation results from an official recognition of changes in duties and responsibilities which have already occurred.
- b. The addition of duties and responsibilities resulting in the reallocation could not reasonably have been anticipated.
- c. The changed duties and responsibilities could not reasonably have been assigned to another employee without necessity of a reallocation.
- d. The incumbent has satisfactorily performed the duties and responsibilities that are the basis for the reallocation of the position for at least two years.
- e. The incumbent has regular Civil Service status in the class to which the position was formerly allocated.
- ƒ. The incumbent demonstrates and the Manager of Human Resources certifies to the possession of the knowledge, skills, abilities, and other qualifications of the class to which allocation is made.

The above conditions are established as a means of encouraging proper classification without jeopardizing the earned Civil Service status of employees. If the conditions cannot be met, the Manager of Human Resources shall be guided by other appropriate provisions of these Rules.

Section 10. Alternate Staffing Allocation. Other sections of this Rule notwithstanding, one position may be allocated to a multi-level classification series such that the positions may be filled at any one of several classification levels within the series, with the provision that the position may only be filled at one alternate staffing level at a time. Advancement through a multi-level classification series shall be in accordance with Rule VI.

## **Rule V - Recruitment and Application**

Section 1. Determination to Hold Examination. The Manager of Human Resources shall determine when to announce an examination to establish an open and/or internal eligible list for a class. Examinations may be announced in the absence of an eligible list or when an eligible list is about to be exhausted or terminated. Examinations shall be announced only for classes which have been approved by the Board of Directors.

Section 2. Recruitment. The Manager of Human Resources shall direct preparation of an official job announcement for each proposed examination. The announcement shall include the title and salary for the class, examples of duties to be performed, qualifications for employment, the period during which applications will be received, and a general description of the examination. The announcement shall be posted in public view for not less than five working days. Recruitment shall include the use of various techniques as necessary to assure effective distribution of information concerning the employment opportunity in order to secure persons qualified for District employment.

Section 3. Applications. Application forms shall be made available to potential applicants in such form as may be prescribed by the Manager of Human Resources. Applications filed shall become the property of the District.

Section 4. Names Not to be Made Public. Names of applicants shall not be made public.

Section 5. Disqualification of Applicants. An applicant may be refused an opportunity to take an examination and an eligible on an open or internal list may be refused certification or removed from an eligible list for any of the following reasons:

- a. Failure to fulfill the qualifications of the class for which application is made.
- b. Failure to furnish true statements of material facts.
- c. Practice or attempted practice of fraud or deception in connection with filing an application or during the examination.
- d. Physical unfitness for the employment sought, as determined by medical authority, consistent with applicable laws regarding persons with disabilities.
- e. Conviction of a crime judged detrimental to effective performance of the duties of the class for which application is made.
- f. Failure of the applicant after notification to appear for any portion of the examination.
- g. Participation in the preparation or any phase of administration of the examination for which application is made which will in any manner give an advantage over other competitors.
- h. Waiving appointment two times after certification from the same employment list.

- i. Failure to reply within five (5) work days of the District's request to confirm availability for employment.

Section 6. Notice of Disqualification. Whenever any person is disqualified for any of the reasons outlined in Section 5 above, the reasons for disqualification shall be given to the person in writing. A person who has been disqualified may request in writing that the Manager of Human Resources reconsider the disqualification, stating the reasons for the request and submitting additional information as necessary. The request of an applicant disqualified from taking an examination must be received prior to the date of the examination. The decision of the Manager of Human Resources on any request for reconsideration shall be in writing and shall be final.

Applicants shall be admitted to an examination by the Manager of Human Resources pending decision on a request for reconsideration. Admission to the examination under such circumstances is conditional, and a decision of disqualification shall result in no further consideration of the applicant for that examination.

## **Rule VI – Examinations**

Section 1. Scheduling and Preparing Examinations. Examinations shall be scheduled, prepared and administered under the direction of the Manager of Human Resources. The Manager of Human Resources may arrange for persons of recognized competence to assist in the preparation, conduct, scoring or review of examinations. Examinations shall be conducted to establish both open and/or internal eligible lists.

Section 2. Content and Types of Examinations. Examinations shall be competitive. Their content, type, and the relative weighting of examination parts shall be determined by the Manager of Human Resources, based upon the requirements of the class or particular positions within the class requiring specific job-related skills. Examinations shall be designed to fairly measure and evaluate the knowledge, skills, abilities, and other qualifications of candidates to perform the duties of the class for which they seek appointment.

Section 3. Repeating Exam Parts – No individual shall be allowed to take a test or a section of the same exam more than once within a six-month period. In the event a test part is used in subsequent exams(s) for the same or a different classification within the six-month period, the previous score will be used as though the previous test section was taken as part of the current exam.

No person shall compete a second time in the same continuously open examination within six (6) months of previous competition.

Section 4. Identity of Candidates Concealed. The identity of candidates in an objectively scored written examination shall be concealed from the examiner by appropriate techniques such as the use of identification numbers on all answer sheets. Candidate identity shall remain concealed until all answer sheets pertaining to the written examination have been scored.

Section 5. Scoring of Examinations. A final score shall be determined for each candidate's examination, computed in accordance with the weights for the several parts of the examination. Failure in any part of the examination may disqualify the candidate from participation in subsequent parts of the examination. Candidates shall be notified in advance, in writing, if a passing score is required. All candidates in each phase of the examination shall be accorded uniform and equal treatment in the examination procedure. Minimum passing scores on the parts of an examination will be determined by taking into consideration such pertinent factors as the number of candidates, the number of vacancies expected to occur during the life of the open eligible and/or internal eligible list, the test type and its relative weight, statistical analysis of test results and the competence of candidates as demonstrated in the examination procedure.

Section 6. Notice of Examination Results. When examinations have been scored and an open eligible and/or internal eligible list(s) established, candidates shall be notified of their test results and, if successful in the examination, their placement on the appropriate eligible list.

Section 7. Review of Test Materials: Instructions and opportunities to provide comments on subject matter contained in objectively-scored written tests will be provided to candidates at the time a written test is administered. Such comments will be analyzed prior to scoring the examination and may result in re-scoring or removing specific test questions from the written

exam for all candidates. Up to 30 minutes will be provided at the conclusion of a written examination for candidates to provide written comments regarding the test content.

Section 8. Inspection of Candidate Answers. For a period of ten (10) working days after administration of an objectively scored written test, candidates who wish to do so may review their answer sheets against a certified list of correct answers, in order to assure that papers were correctly scored according to the official key.

Section 9. Protest of Other Examination Ratings. A candidate may submit to the Manager of Human Resources a written protest on parts of the examination not covered in Section 7 above. Reasons for the protest must be stated and the request filed within five (5) working days after results of the examination were mailed to the candidate. After full consideration and investigation of the protest, the candidate shall be notified in writing of the decision of the Manager of Human Resources and the reasons for the decision. The decision of the Manager of Human Resources shall be final.

Section 10. Effects of Examination Protests. If an examination protest is received under Section 9 above, the hiring process will be suspended until the Manager of Human Resources has completed the investigation, but there shall be no effect upon appointments already made. In the event errors are found in the ratings of candidates as a result of reviews by the Manager of Human Resources, corrections shall be made, examinations re-administered or re-scored, and the eligible list(s) revised accordingly. All candidates affected shall be notified of any changes resulting from reviews.

Section 11. Preservation of Examination Papers. Examination papers shall be preserved for the life of the eligible list resulting from the examination or for a longer period if necessary in accordance with legal requirements.

Section 12. Special Examination Administrations. If a candidate fails to take or complete an examination because of an error or oversight that is the fault of the District, a special examination shall be given unless unusual circumstances prohibit such examination. The claim for special examination shall be presented in writing to the Manager of Human Resources within ten (10) working days after the date of the original examination. If the Manager of Human Resources finds and records in writing that the candidate's failure to take or complete an examination was the fault of the District, a special examination shall be administered in a form and manner equivalent to the original examination.

A special examination administration may also be granted by the Manager of Human Resources to accommodate candidates with disabilities or religious conflicts; those on approved military leave; or, for one-time special events such as the candidate's own wedding or for other circumstances in the best interest of the District as determined by the Manager of Human Resources. Candidates must submit such requests at least five (5) working days prior to the exam administration. In the event that a candidate has a serious injury or illness just prior to the examination, the District will consider a special examination administration on a case by case basis providing that appropriate medical documentation is provided by the candidate.

Section 13. Continuously Open Examinations. Continuous recruitment and examination procedures may be announced for classes for which it is difficult to establish or maintain adequate employment lists. Following announcement of a continuously open examination, and until an announcement terminating recruitment, applications will be accepted, candidates examined, and the names of successful candidates placed on the employment list at any time in

relation to the scores of others. No person shall compete a second time in the same continuously open examination within six (6) months of previous competition.

All other provisions of these Rules not in conflict with this Section shall apply. The Manager of Human Resources shall adopt necessary procedures to assure fair standards of competition and equivalent measures of competence.

Section 14. Examination by Competitive Standards. Incumbents of reallocated positions or employees who are eligible for advancement within an alternately staffed classification series in accordance with Rule IV, shall demonstrate possession of the required knowledges, skills, abilities and other qualifications, which shall be evaluated by means of measurement against competitive standards. Such competitive standards assessments may consist of measures of satisfactory performance, completion of steps in a training program, established rates of production, written or performance tests and/or other job-related assessments of competence.

Section 15. Internal Only Examinations. Examinations will typically be open to both public and internal competition; however, an examination shall be administered on a closed promotional basis when the Manager of Human Resources determines that the number, diversity and qualifications of potential employee applicants having Civil Service status are sufficient to generate a minimum of five (5) candidates per vacancy and one additional candidate for each additional anticipated vacancy, during the life of the list.

When the above criteria are not met, internal and external recruitments shall be conducted simultaneously. Both an open eligible list and an internal eligible list shall be established from those candidates who are successful in the examination process.

## Rule VII - Employment Lists

Section 1. Types of Employment Lists. There shall be several types of employment lists from which names may be certified to fill vacant positions in the District Civil Service, including open eligible, internal eligible, layoff and reduction, reassignment, reinstatement, lateral transfer, and demotion lists. and reemployment preference lists.

Section 2. Open and Internal Eligible Lists and Their Duration. The names of candidates successful in an examination shall be placed upon an open eligible or an internal eligible list in the order of their final ratings or scores, starting with the highest. Successful candidates will be ranked on either the open eligible or the internal eligible list based on their District employment status as of the date the recruitment period closed; however, under no circumstances will a candidate be ranked on both of these lists. If two or more persons have identical final ratings, their names shall occupy the same rank on the open eligible or internal eligible list. Open eligible and internal eligible lists shall be in effect upon the date when approved by the Manager of Human Resources and shall normally be in effect for one year. The Manager of Human Resources may extend this period for up to an additional twelve months.

The Manager of Human Resources may terminate an open eligible or internal eligible list before one year has elapsed under any of the following circumstances.

- a. The employment list contains fewer names of persons eligible for appointment than are required for certification under Rule VIII.
- b. Requirements for employment in the class have changed to an extent that the Manager of Human Resources can no longer certify that persons on the eligible list possess the required knowledge, skills, abilities or other qualifications for employment.
- c. A new examination for the class is required as part of the efficient scheduling of examinations for other related classes.

In addition, the General Manager may declare an open eligible or internal eligible list terminated upon a finding that such action is in the best interests of the District. In the event an eligible list is terminated by the Manager of Human Resources or by order of the General Manager before one year has elapsed, the Manager of Human Resources shall notify candidates remaining on the list of the termination and the reasons for termination, by written notice mailed to each candidate's last known address.

Section 3. Layoff and Reduction Lists. The Manager of Human Resources shall list by class, on appropriate layoff and reduction lists, the names of persons with regular Civil Service status who have been laid off or demoted in lieu of layoff, in the order in which they were laid off or demoted, but no name shall remain on a layoff and reduction list for a continuous period of more than two years.

Section 4. Reinstatement Lists. Any Civil Service employee who has resigned in good standing may, within a period of two years from the date of resignation, file a written request and application with the Manager of Human Resources for reinstatement, and the person's name shall be placed on a reinstatement list for the person's former class. A name may remain on the

list for two years from the date of resignation, at which time eligibility for reinstatement shall cease.

Section 5. Reemployment Preference Lists. The name of any former regular Civil Service employee not on disability retirement from the District whose District service was terminated as a direct result of disabling injury arising out of and in the course of District employment shall be placed on a reemployment preference list if either of the following conditions is met:

- a. The former employee has recovered sufficiently in the opinion of a District-approved physician to resume the duties of the person's former classification; or
- b. The former employee has been rehabilitated and retrained for another occupation and is eligible for consideration on a current District eligible list resulting from civil service examination.

A name shall remain on the reemployment preference list for two years from the date the person is determined to be recovered or rehabilitated, but not to exceed four years from the date of termination.

At the time of termination of an employee as a result of disabling injury, the Manager of Human Resources shall notify the employee of conditions of reemployment preference.

Section 6. Demotion and Lateral Transfer Lists. A Civil Service employee may submit an application for demotion or lateral transfer to a classification in which s/he formerly completed probation or to a classification for which s/he successfully placed on an open eligible or internal eligible list or to a lower classification within a series or as determined as qualified by the Manager of Human Resources based on a review of the knowledge, skills and abilities required in the new classification. Names will be placed on demotion and lateral transfer lists in alphabetic order and will remain on the list for one year from the date the application. Employees may apply to administratively transfer without examination between classifications which have the same salary levels and identical or very similar minimum qualifications if they have regular status in one class.

Section 7. Reassignment Lists. A Civil Service employee may submit an application for reassignment to another regular position within his/her classification at any time after the completion of probation. Names will be placed on the reassignment list in alphabetic order and will remain on the list for one year from the date of application.

Section 8. Removal of Names from Employment Lists. The Manager of Human Resources may remove the name of a person from an employment list:

- a. For any of the reasons specified in Rule V.
- b. If the person fails to reply within five (5) working days from the date an availability inquiry is mailed to the person's last known address.
- c. On receipt of a written statement that the person no longer desires consideration for positions in the class.
- d. If, after acceptance of appointment, the person fails to appear for work without satisfactory reason.

- e. In accordance with Rule VIII.
- f. If the person declines two separate offers of employment.

Except in (c) above, the Manager of Human Resources shall notify the person of the action and the reasons for the action in writing.

An eligible's name shall be restored to its former relative position on an eligible list if the Manager of Human Resources shall find a satisfactory cause for doing so after investigation of the person's written request for reconsideration. The decision of the Manager of Human Resources shall be in writing to the person making the request and shall be final.

## **Rule VIII – Certification**

Section 1. Request for Certification. Whenever a vacancy is to be filled from an employment list, the hiring supervisor, with approval from the department head, shall officially request the certification by the Manager of Human Resources of eligibles for the vacancy and shall state the probable duration of employment and any specific skills required in the position.

Section 2. Certification. When assured that a vacancy exists in an approved position and that a class description and salary have been established, the Manager of Human Resources shall simultaneously certify names from all appropriate lists in accordance with the provisions of this Rule. Certification shall mean that the Manager of Human Resources certifies that all names forwarded for hiring consideration meet the requirements for the classification and may be legally appointed to a position in the classification.

Section 3. Layoff and Reduction Lists. When a request for certification has been made and there exists an appropriate layoff and reduction list for the class, no certification from other employment lists shall be made until persons on the layoff and reduction list have been appointed or have waived re-employment in the reverse order of their placement on the list. The last person entered on the list shall be the first to be appointed.

Section 4. Disability Placement.

In order to comply with the District's legal obligations under state and federal disability accommodation laws, as well as an order from a court of competent jurisdiction or an award as a result of binding arbitration, the Manager of Human Resources may require the appointment of a qualified employee who is assessed as possessing the requisite knowledge, skills, and abilities to the next vacant position in a class regardless of the ranking the employee may hold on the employment list for that class, if any. Such an appointment will take precedence over all other appointments, except those from a layoff or reduction list.

Section 5. Reemployment Preference Lists. When a request for certification has been made and there exists no layoff and reduction list, no certification from other employment lists shall be made until persons on the reemployment preference list have been offered employment in the same order as their placement on the list; the first person entered on the list shall be the first to be appointed.

Section 6. Open Eligible and Internal Eligible List Certification. If no layoff and reduction list and no reemployment preference list exists for a class, the Manager of Human Resources shall certify, for one vacancy, the names of those occupying the five highest ranks on the open eligible list, the top five ranks on the internal eligible list, and all names on the reassignment, demotion, lateral transfer, and reinstatement lists. For classifications represented by Local 2019, the number of ranks certified from the open eligible list is defined in the MOU. For each additional vacancy for which the certification is requested simultaneously, the Manager of Human Resources shall certify the name(s) from one additional rank on the open eligible list. Five ranks on the open eligible list and/or a minimum of five ranks on the internal eligible list shall constitute a full certification.

Section 7. Limited Certification. If an eligible list contains fewer than 5 ranks on the open eligible and/or internal eligible list then a limited certification of a lesser number of ranks may be made with selection to be in accordance with Rule IX.

Section 8. Supplemental Certification. After certification, if changes in the availability of persons results in fewer than 5 ranks for consideration on the open eligible list, additional names from that list may be certified at the hiring supervisor's request in order to achieve full certification as described in Section 6. The hiring supervisor may also request all remaining ranks from the internal eligible list for 2019 represented classifications.

Section 9. Alternate Certification. If no eligible list exists for the class to which a position has been allocated, the Manager of Human Resources may certify names from an alternate open eligible or internal eligible list for a class which the Manager of Human Resources determines to be comparable in knowledge, ability, and skill requirements and which is at the same or a higher level of responsibility and salary range. Eligible lists established for positions requiring specific job related skills will not be certified for other openings in the same job classification. Declining availability or waiving appointment under this Section shall not affect consideration of an eligible for a position in the class for which the eligible list was originally established.

Section 10. Selective Certification. Notwithstanding the foregoing rules, when the hiring supervisor or department head establishes to the satisfaction of the Manager of Human Resources that the qualifications for the vacant position include fluency in a language in addition to English, or include another specific skill or license not essential to other positions in the class, only those persons possessing such fluency, skills, or license shall be certified.

Section 11. Certification of Meeting Competitive Standards. Following evaluation of an incumbent of a reallocated or alternately staffed position in accordance with Rule VI, the Manager of Human Resources shall forward to the department or division head concerned the results of such evaluation, including certification that an incumbent has met competitive standards determined for the new or higher level position.

Section 12. Availability. The Manager of Human Resources may consider a person to be not available for a given position if the person fails to reply within five (5) working days from the date of leaving a voice mail message for the person at the last known telephone number, e-mailing the person at the last known e-mail address, mailing of a written inquiry to the person's last known postal address, or if the person gives notification of non-availability, or if the person is not able to report for consideration within a reasonable time.

Section 13. Waiver. An eligible may waive an offer of appointment after certification, but after two such waivers of appointment, the eligible's name shall be removed from the eligible list.

## **Rule IX – Selection and Appointment**

Section 1. Evaluation and Selection. The hiring supervisor to whom names are certified shall be responsible for determining candidate suitability for selection, based upon an assessment of job-related qualifications as determined by application review, reference checks, work sample tests, and/or interviews. The hiring supervisor must interview all candidates within the top 5 ranks on the internal eligible list unless only the reassignment list is considered. When prepared to recommend selection, the hiring supervisor shall recommend the selection through the department head to the Manager of Human Resources and, upon approval by the Manager of Human Resources, shall notify the person selected.

Section 2. Selection from Limited Certification. In the event that limited certification has been made in accordance with Rule VIII, Section 5, the hiring supervisor may make a selection in accordance with Section 1 of this Rule or may elect to return the certification to the Manager of Human Resources as insufficient for selection.

Section 3. Physical Requirements. No selection shall be final until all employment requirements have been met, including such job-related physical requirements as shall be established for the class through job analysis by the Manager of Human Resources to ensure that each employee is able to perform all essential functions without hazard to self or others.

Section 4. Medical Examination. Before any appointment of a new or reinstated employee to a Civil Service position, the individual may be required to pass a medical examination satisfactory to the District and given by a regularly licensed physician designated by the District. No person shall be given a probationary or regular appointment who at the time of appointment is unable to perform the essential functions of the position. Regular Civil Service employees being appointed to positions in classes having different physical requirements may also be required to pass a physical examination appropriate to assess the employee's ability to perform the essential functions of the new position.

Section 5. Oath. Every new appointee shall take an oath or affirmation to support the Constitution of the United States and the State of California, in accordance with statutory requirements. No person shall be employed who is committed to the principle of overthrow of government by force.

Section 6. Mandatory Return to Former Class. A current incumbent of a Civil Service position may be displaced by a former regular incumbent only under the following circumstances:

- a. Return of a regular permanent employee from an approved leave of absence.
- b. Reinstatement of a regular employee in accordance with these Rules or the law, by any court of competent jurisdiction, or as a result of binding arbitration.
- c. In the event of bumping within or between classes as a result of a layoff or reduction in force.
- d. Reinstatement of a regular employee returning to work from an approved disability leave.

- e. Reinstatement of a regular employee failing to complete a probationary period in another classification.

The names of probationary employees displaced in accordance with this section shall be returned to their earned positions on eligible lists from which they were certified if such lists are still in effect. The names of regular employees displaced shall be placed on layoff and reduction lists in accordance with the provisions of Rule VII.

Section 7. Probationary Appointments. A probationary appointment shall be made when a vacant Civil Service position is filled unless the position is filled by reassignment, or from a layoff and reduction list.

Section 8. Regular Appointments. Regular appointments shall be made upon successful completion of the probationary period as provided in Rule X.

Section 9. Temporary Appointments. If an employee is needed for a temporary period, either to fill a budgeted temporary position or to temporarily fill a Civil Service position while a position study, or other organizational action is in progress, certification shall be made in the same manner as described in Rule VIII, provided appropriate employment lists exist.

The duration of a temporary appointment shall be limited to the period of need and in no event shall continue for more than six (6) months in any twelve (12) month period. Successive temporary appointments of the same individual to the same position shall not be made nor shall one individual receive temporary and non-certified appointments for more than six months in any twelve-month period. Acceptance of a temporary appointment by a regular employee is contingent upon the approved release by the current supervisor of that employee from his/her current regular position for the duration of the temporary appointment. Managers and supervisors may deny an employee the opportunity to take a temporary appointment if the operations of the District will be negatively impacted. However, if the manager or supervisor denies an employee the opportunity to take a temporary appointment, the manager or supervisor shall make the appropriate accommodations to make the employee available if a second temporary appointment is offered at a later time. The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period.

Section 10. Non-Certified Appointments. If, in the opinion of the department or division head, there are urgent reasons for filling a Civil Service position and no appropriate employment list exists, the hiring supervisor may make a temporary non-certified appointment to fill the position, not to exceed six (6) months. The person appointed shall possess the qualifications for the classification and be otherwise eligible to fill the position. As soon as practicable after a non-certified appointment is made, the Manager of Human Resources shall cause an examination to be given, and all non-certified appointments shall be terminated within twenty (20) working days after the establishment of an appropriate eligible list except that the Manager of Human Resources may extend the non-certified appointment an additional twenty (20) workdays if necessary. The duration of and other conditions related to non-certified appointments and appointees shall be identical to those outlined for temporary appointments in Section 9 of this Rule.

Section 11. Selection from Re-employment Preference List. Where certification has been made of names on a re-employment preference list, offers of appointment shall be made to those persons unless:

- a. Mandatory selection or reinstatement of another person is required under Section 6 of this Rule; or
- b. The General Manager determines that selection for a specific position would be contrary to the interests of the District.

## **Rule X - Probationary Period**

Section 1. Nature and Purpose. All appointments to Civil Service positions shall begin with a probationary period except those made from layoff and reduction lists, reassignment lists, and by mandatory return to former class under Rule IX.

The probationary period shall be used for evaluation, counseling, and training of employees as needed and for effective adjustment of an employee in the position assigned.

Section 2. Duration. Every appointee to a regular position under this Rule shall be on probation for six months, except that the General Manager or the Manager of Human Resources may establish a probationary period for up to twelve (12) months for professional, technical, skilled craft, scientific, administrative, supervisory, management or executive positions and new appointees shall be notified of such longer probationary periods. Employees who have attained Civil Service status in one class and who are appointed to a new position in a different class, or who are appointed from a reinstatement list must serve a six month probationary period. Civil Service Exempt employees shall not serve probation and are considered to be "at will" for the duration of their appointment to an exempt position. Employees with civil service status when promoted to another civil service position will serve a 6-month probationary period.

Employment of any sort prior to a probationary appointment shall not reduce the duration of the probationary period. If an employee is absent from duty for a prolonged period during a probationary period, and there is not reasonable opportunity to evaluate the performance of the employee, the department or division head may elect to calculate the probationary period on the basis of actual service, exclusive of the time of absence, and the employee shall be so notified.

Section 3. Recommendation for Regular Appointment. Regular appointment of a probationary employee shall begin following the date ending the probationary period upon written recommendation of the department or division head to the Manager of Human Resources, stating that services of the employee during the probationary period have been satisfactory and permanent appointment is recommended. The hiring supervisor and his/her respective department head are responsible for submitting a statement with recommendations to the Manager of Human Resources twenty (20) working days before the end of the probationary period. If an appointment is to be made regular, the department or division head will so notify the employee.

Section 4. Appointment to Another Class During Probation. The service of a probationary period shall not, of itself, prevent an employee from being appointed to a position in another class. If the new appointment is probationary, the probationary period for the new class shall begin with the date of appointment and shall not be reduced by time spent in the former probationary appointment.

Section 5. Failure to Complete Probation A probationary appointment may be terminated at any time. The department or division head shall notify the probationary employee in writing of the termination, such notice to be delivered to the employee in person or by certified mail. An employee whose probationary appointment is terminated shall have no right of appeal.

A probationary employee holding regular Civil Service status in another class may at any time request termination of a probationary appointment and return to a position in the employee's former class. The name of the employee shall be reactivated on the employment list from which

the employee was selected; however, the employee shall not again be certified for the same position during the life of the list.

The name of a probationary employee whose appointment has been terminated because of another employee's return to former class shall be reactivated on the employment list from which the employee was selected, consistent with Rule IX.

## **Rule XI - Reassignment, Lateral Transfer, Promotion, and Demotion**

Section 1. Reassignment. Department or division heads may reassign an employee, without examination or certification, from one position to another position in the same class. The Manager of Human Resources shall be notified of such reassignments. An employee may also apply for reassignment in accordance with Rule VII and may be considered for selection in accordance with Rule IX.

Section 2. Lateral Transfer. An employee may apply to laterally transfer or may be laterally transferred by the Manager of Human Resources in the best interests of the District without examination between classifications which are on the same salary range and have identical or very similar minimum qualifications as well as knowledge, skill, and, ability requirements, if the employee has Civil Service status in one class.

Section 3. Demotion. The Manager of Human Resources may approve the demotion of an employee for failure to complete probation or as a result of reduction in force or for other cause. Except in probationary, lay-off, or disciplinary situations, there shall be no involuntary demotion of an employee until reasonable effort has been made to reassign the employee in accordance with applicable Civil Service rules. Demotions shall contain the certification of the Manager of Human Resources that the employee meets the requirements as to knowledges, skills, abilities and other qualifications, as evidenced by having passed the Civil Service examination or having completed probation in the class in the past or as determined as qualified by the Manager of Human Resources based on a review of the knowledge, skills and abilities required in the new classification, and shall be subject to the recommendation of the department or division heads concerned and the Manager of Human Resources. An employee may also apply for voluntary demotion if he/she meets the criteria above and may be considered for selection in accordance with Rule IX.

Section 4. Promotion. A change from a position in one class to a position in another class having a higher salary range is a promotion and shall be made only in the manner prescribed Rule VI. An employee must compete in the examination process and successfully place on the internal eligible list for the higher class to be considered for promotion.

Section 5. Employee Requests. An employee may apply for reassignment at any time and may request lateral transfer or voluntary demotion in the following circumstances:

- a. An employee subject to separation by reduction in force may elect demotion or lateral transfer to a classification in which the employee previously held permanent Civil Service status during the employee's current period of employment.
- b. An employee may request consideration for lateral transfer or demotion to a vacant position in another class for which the employee meets the requirements as to knowledges, skills, abilities, and other qualifications, as determined by the Manager of Human Resources or by having previously held Civil Service status in the class or by having passed the Civil Service examination in the past.

Except in (a) above, the decision to fill or not fill a position and the decision to fill a position by examination, reinstatement, reassignment, lateral transfer or demotion shall rest solely with the

hiring supervisor and the department or division heads involved, subject to approval by the Manager of Human Resources.

## **Rule XII - Status, Tenure and Separation**

### Section 1. Civil Service Status.

- a. An employee who has successfully completed the probationary period in a class has Civil Service status in that class as long as the employee holds a position in that class.
- b. An employee who successfully completes the probationary period in a new class gains Civil Service status in the new class and gives up Civil Service status in the former class.
- c. An employee who does not successfully complete the probationary period in a new class retains Civil Service status in the former class and may return to a position in that class.
- d. An employee appointed from a layoff and reduction list immediately regains Civil Service status, and, if previously transferred or demoted in lieu of reduction in force, gives up Civil Service status in the class to which the employee had been transferred or demoted.

No person having Civil Service status who, in addition to his/her regular duties, is given additional or new duties by the Board of Director, shall lose Civil Service status as a result of the imposition of such additional or new duties.

Section 2. Employment Tenure. The employment tenure of every regular employee shall be during the satisfactory performance of duties. This provision, however shall not be interpreted to prevent the separation of an employee for cause or the separation of an employee because of lack of funds or curtailment of work when such separation is made in accordance with these Rules.

Section 3. Resignation. An employee who resigns shall, as far as practicable, present written notice to the department or division head or designated representative at least ten (10) working days prior to the effective date of the resignation. A copy of the resignation shall be forwarded to and recorded by the Manager of Human Resources. The department or division head or designated representative shall also forward an appraisal of the services performed by the employee, which shall become a part of the personnel records of the employee. An employee who resigns in lieu of discharge shall not be considered to have resigned in good standing and shall be denied future employment with the District unless special provisions are authorized by the Manager of Human Resources and approved by the General Manager.

Section 4. Reduction in Force. A department or division head may separate any employee, without prejudice, because of lack of work or funds, retrenchment or completion of work. No regular employee shall be separated when there are non-certified, temporary or probationary employees serving in the same class; provided, however, a regular employee otherwise subject to separation may be transferred or demoted in accordance with these Rules, if any vacancies exist. Any regular employee who is not transferred or demoted to a regular position shall be offered appointment to any temporary position in the employee's classification which is filled at the time of the proposed separation. The order of separation, transfer, or demotion due to reduction in force shall be based first on seniority within class then cumulatively in prior

classifications and all such actions shall be approved by the General Manager in accordance with District procedures for reduction in force and applicable Memoranda of Understanding. The name of any employee separated, transferred or demoted due to a reduction in force shall be placed upon an appropriate layoff and reduction list, as provided in Rule VII.

Section 5. Discipline. No employee with Civil Service status shall be removed, discharged or suspended except for cause and in accordance with procedures set forth in applicable Memoranda of Understanding or in the District's Civil Service appeal procedure in accordance with Rule XIII. Suspension, removal or discharge may be made for any reason provided in the Municipal Utility District Act or in the District's disciplinary policies and procedures.

## **Rule XIII - Appeals**

Section 1. Request for Civil Service Appeal Hearing. Within five (5) working days after the mailing of written notice of discharge or suspension any employee may file a written request with the Manager of Human Resources for an opportunity to be heard in the employee's own defense. A Civil Service appeal will not be accepted if the employee has elected to file a grievance on the same matter through the applicable Memorandum of Understanding process.

Section 2. Hearing. When a request for Civil Service Appeal Hearing is filed the Manager of Human Resources shall immediately appoint from among officers or assistant officers of the District (other than elected officials) or department or division heads, a committee of three to hear and determine such charges and shall notify the person who has been discharged or suspended of the time and place when the charges will be heard by mailing a notice to the person's last known address. Whenever possible the appeal committee shall be composed of individuals who themselves are not subject to the provisions of these Civil Service Rules.

The appeal committee shall examine the facts and testimony of the case and make such decisions as it deems just and may, among other things, order the employee discharged, suspended or reinstated. Its order or decision shall be given in writing to the employee and shall be final unless the employee within ten (10) working days after the date of the order requests the General Manager to review the order. In that event, the General Manager may require any additional evidence deemed material, and General Manager's order or decision, with or without such additional evidence, shall be final.

Section 3. Resignation Before Decision. Whenever any person who has been discharged or suspended resigns before final action has been taken by the appeal committee, no further action shall be taken by the committee.

## **Rule XIV - Adoption and Amendment**

Section 1. Adoption and Amendment. The Civil Service Rules of the East Bay Municipal Utility District or any amendments thereto shall be adopted by the General Manager. Prior to adoption, the Rules shall be posted in a conspicuous place in the office of the District and provided to members of the Board of Directors for their review. Such Rules and/or amendments shall then become effective twenty (20) working days after posting unless within ten (10) working days after such posting a written objection is filed with the General Manager. If such an objection is filed, the Rules or amendments thereto shall not become effective until the General Manager has given notice of a hearing, heard objections, and rendered a final decision.

Section 2. Effective Date. These Rules or amendments to these Rules shall become effective upon the date of the General Manager's final adoption and shall supersede all Civil Service Rules existing prior to that date.