

MUNICIPAL CIVIL SERVICE RULES OF THE CITY OF SAN ANTONIO



PREFACE

The purpose of these rules is to set forth principles and procedures that are to be followed by the City Administration in its personnel program.

These rules and all amendments hereto, shall have the force and effect of the law in all departments. All employees, with the exception of uniformed Fire and Police personnel, shall abide by the rules set forth, and employees shall be accorded all benefits contained in these rules except in those instances where contracts, Article VI of the City Charter, or other legal exceptions prohibit or limit participation.

These rules are not intended to be inflexible; therefore, it is expected that amendments and revisions will be made in the manner provided by the rules whenever they are necessary to insure effective administration of the Civil Service Law.

The City of San Antonio will maintain an Equal Employment Opportunity Program in accordance with its policy of equal employment opportunity and will extend fair and impartial treatment to all its employees and to applicants for employment or promotion. No employee or applicant shall be discriminated against in any way by the City because of race, color, religion, national origin, sex, age, handicap, creed, and political affiliation or belief.

Employees and applicants for employment who feel they have been discriminated against may file complaints with the Department of Equal Employment Opportunity.

MUNICIPAL CIVIL SERVICE RULES OF THE CITY OF SAN ANTONIO

The Municipal Civil Service Commission of the City of San Antonio hereby certifies that in accordance with Article VI of the Charter of the City of San Antonio, as amended now or hereafter, the following rules for the regulation of the Classified and Unclassified Service of the City have been duly promulgated on this 19th day of August, 1977.

/s/ Thomas E. Duhaime City Manager
/s/ Gene W. Cooper Director
Personnel and Executive
Secretary to the Commission

Janella H. McArthur Chairperson
/s/ Raymond A. Sample Vice-chairperson
/s/ John B. Lee Member

This is to certify that these Civil Service Rules were approved by resolution of the City Council of the City of San Antonio, passed and approved on the 3rd day of November, 1977.

ATTEST

/s/ W. J. Jackson City Clerk

(Seal)

APF

/s/

Lela Cockrell

Mayor

EFFECTIVE AND REVISION DATES

EFFECTIVE DATE: NOVEMBER 15, 1977, rewritten under Ordinance 48670

REVISION DATES:

AUGUST 1, 1980, Ordinance 52527, Rule XX, Leaves of Absence amended

MARCH 15, 1984, Ordinance 58438, Rule XVII, Disciplinary Suspensions, Removals or Demotions amended

JUNE 28, 1990, Ordinance 71807, Rule XIX, Reduction in Force and Reinstatement List amended

OCTOBER 1, 2002, Ordinance 96175, Rule I, Definitions and Rule XII, Certification and Appointment amended

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RULE I
DEFINITIONS

ALLOCATE

The act of assigning each position to its proper class.

APPOINTING AUTHORITY

One having authority to appoint under these rules.

APPOINTMENT

The designation of a person by the City Manager or appointing authority to become an employee in said position.

CERTIFY

The act of the Director in supplying the City Manager or appointing authority with names of applicants who are eligible for appointment to the class and position for which certification is required.

CIVIL SERVICE LAW

Article VI of the Charter of the City of San Antonio, Texas as amended now or hereafter.

CLASS

A position or group of positions that involve similar duties and responsibilities and require similar qualifications and which is properly designated by one title or the nature of the work.

CLASSIFICATION PLAN

Consists of the following:

- a. A grouping into classes of positions which are of approximately equal duties and responsibilities.
- b. Class titles, descriptive of the work of the class, which will identify each class.
- c. Written Class specifications for each class of positions containing a description of the nature of the work and of the relative responsibility of the position in the class, illustrative examples of the work performed in the class, requirements in terms of knowledge, abilities, and skills necessary for performance of the work and a statement of experience and training desirable for recruitment into the class.

CLASSIFIED EMPLOYEE

An employee occupying a position in the classified service and has completed the initial probationary period.

RULE I

DEFINITIONS, CONTINUED

CLASSIFIED SERVICE

All positions in the City service except those specifically placed in the unclassified service.

COMMISSION

The Municipal Civil Service Commission of the City of San Antonio. A "COMMISSIONER" or "COMMISSION MEMBER" means a member of that body.

COMPENSATION

The salary, wages, fees, allowance, and other forms of valuable consideration, earned by or paid to any employee by reason of service in any position but does not include allowances for expenses authorized or incurred as incidentals to employment.

DEMOTION

The transfer of any employee from a position in one class to a position in another class for which the maximum rate of pay is lower, or a reduction in pay without such transfer unless such reduction is a part of a general plan to reduce salaries for that class of employment.

DEPARTMENT HEAD

The Directors of Departments and heads of other independent agencies of the Administrative Services.

DIRECTOR

The Director of Personnel designated by the City Manager to act in the capacity of Executive Secretary to the Municipal Civil Service Commission.

ELIGIBLE

A person listed on an active eligibility list and who has rights under these rules to be certified.

ELIGIBILITY LIST

The list of applicants for a position who have taken an examination and passed, ranked on the list in order of score received or by date application was received by the Personnel Department.

EMPLOYEE

One filling a position defined under "Classified or Unclassified Service," with the exception of elected officials and boards or commissions or individuals appointed by the City Council.

RULE I

DEFINITIONS, CONTINUED

EXAMINATION

A method for determining fitness for entrance into municipal employment. Such examinations may be in various forms as: written tests, oral interview, performance test, physical and health tests, adaptability and aptitude tests, or a review of past training and experience.

MUNICIPAL OFFICERS

Department head, division head, and any person having supervisory power.

NON-TESTED POSITIONS

Positions in the Classified Service which do not require the applicant to pass a formal, assembled, written or performance test.

PAY PLAN

A schedule of salaries established by ordinance for the several classes of positions recognized in the classification plan, so that all positions of a given class will be paid according to the same range established for the class.

PER DIEM

All employees receiving an hourly wage.

POSITIONS

A grouping of current duties and responsibilities assigned or delegated by competent authority requiring the services of an employee.

PROMOTION

A change from one grade to a higher grade or rank, or a change in duties or in title, involving a distinct change in duties for which there is required a promotional examination, either written or unwritten. Promotion, as defined in these rules, shall always mean an increase in responsibilities.

PUBLIC HEARING

An opportunity given, not later than ten (10) days excluding Sundays and holidays, after an appeal by any person subject to these rules, who has completed the initial probationary period, to appear and be heard before the Commission.

REINSTATEMENT LIST

A list of persons, according to class, arranged in the order provided by these rules, who have previously occupied positions in the Classified Service and have been laid off from active service in accordance with these rules and who may be certified for appointment to such positions when vacancies occur.

RULE I

DEFINITIONS, CONTINUED

UNCLASSIFIED SERVICE

- a. Members of the City Council;
- b. Persons who are appointed or elected by the Council pursuant to the City Charter;
- c. The City Manager, the Assistant City Manager(s), the Assistants to the City Manager, if any, and their Executive Secretaries;
- d. The Directors of departments, Assistant Directors of departments and one Executive Secretary;
- e. Persons, firms, corporations, associations, foundations, or other organizations whose services may be specially engaged for professional, investigative, consultative or other special service, and all employees or agents performing such services for such persons, firms, corporations, associations, foundations, or other organizations so specifically engaged;
- f. Offices and employments and officers and employees of such classes or departments as are within the jurisdiction of any civil service statutes of Texas, and of any board of authority, other than the Council or City Manager, under any statute of Texas or under any mortgage, indenture, or deed of trust. However, when such statute, mortgage, indenture or deed of trust shall expire, be repealed, or cease to be operative in the City, this exception will no longer apply, and thereafter all such offices and employments and officers and employees shall be in the Classified Civil Service of the City, and all such officers and employees shall continue in their offices and employments without preliminary or probationary tests;
- g. All members of Boards and Commissions;
- h. Part-time and temporary, as defined in these Municipal Civil Service rules;
- i. Temporary employees hired to fill positions with appointments not to exceed ninety (90) days. Temporary employees are not entitled to Civil Service benefits as outlined in these rules.
- j. Probationary employees who are serving the initial six month period of employment. Probationary employees are not entitled to Civil Service benefits as outlined in these rules.
- k. Grant Employees – All employees whose appointments are made with Federal, State, or local monies to supplement the regularly budgeted positions in the City service. Grant employees are afforded such benefits under these rules as stipulated in the funding contract or agreement.

RULE I

DEFINITIONS, CONTINUED

VACANCY

A position, duly created and not abolished, which is not occupied and for the filling of which a valid requisition has been received by the Director.

VETERAN

A person, discharged under honorable conditions, who has served in any of the Armed Forces of the United States.

RULE II

GENERAL PROVISIONS

SECTION 1. PURPOSE

It is the purpose of these rules to give effect to the purpose and requirement of Article VI of the City Charter by establishing procedures for handling personnel transactions and activities in such a manner to insure:

- a. That all appointments and promotions to positions in the service of the City and all measures for the control and regulation of employment in such positions, and separation therefrom, shall be ascertained by means of competitive tests, or service ratings, or both;
- b. That the City service, so far as practicable, shall be made attractive as a career and each employee shall be encouraged to perform in willing compliance with the provisions of Article VI of the City Charter;
- c. That a modern and comprehensive system of personnel administration for the City shall be provided, whereby, economy and effectiveness in the personal services rendered to the City, and fairness and equity to the employees and taxpayers alike, may be promoted.

SECTION 2. POSITIONS COVERED BY RULES

These rules shall apply to all positions in the City service, except as otherwise stated.

SECTION 3. AMENDMENT OF RULES

Amendments to these rules may be made by the Commission as circumstances and conditions may require and may be made in accordance with the procedures outlined in Rule XXVI, Section 2.

SECTION 4. WAIVING OF RIGHTS

No applicant for employment by the City shall sign or be permitted to sign any document or instrument, nor give consent verbally, orally or otherwise, whereby applicant shall waive, relinquish or forego any right or rights under the City Charter or these rules. No municipal officer shall require an employee to waive any rights accruing under the law and rules. This rule shall not be applicable to employees who have, previous to the adoption of these rules, signed instruments or documents whereby they have relinquished sick leave benefits accruing to them under these rules in order to remain in the employ of the City.

RULE III

POLITICAL ACTIVITY

SECTION 1. USING OFFICIAL AUTHORITY

No employee shall be reinstated in the exercise of rights as a citizen to express an opinion and to cast a vote; however, no employee shall make any contribution to the campaign funds of any political party or candidate for political office, or take any part in the management affairs or political campaign of any political party. No employee of the City shall use official authority or influence to coerce the political action of any person or body. No person shall dismiss, or cause to be dismissed, or threaten to dismiss, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any person in such service, because of political opinion or affiliations.

No employee of the City shall continue in such position after becoming a candidate for nomination or election to any public office. In the event any employee of the City shall file with the chairman or other proper officer of any political party within the state or with the proper officer of the State of Texas or any city, county precinct, or other political subdivision of the State of Texas an application or a request to be a nominee of any political party or candidate for any public office in the state, same shall constitute an automatic resignation of said City employee without any further action by the City of San Antonio, and the Director of Personnel shall declare the position held by the said City employee vacant and said City employee shall be held compensated for services up to and including the day of filing said application or request.

SECTION 2. NON-DISCRIMINATION

No discrimination shall be exercised, threatened, or proposed against or in favor of any applicant, competitor or eligible, or employee because of race, color, sex, age, handicap, creed, religious beliefs, national origin, political opinions or affiliations, provided such beliefs or creeds do not advocate the overthrow of the government by force or violence.

Employees and applicants for employment who feel they have been discriminated against may file complaints with the Department of Equal Employment Opportunity.

SECTION 3. NO POLITICAL RECOMMENDATIONS

No recommendations for any applicant, competitor, or eligible person involving the disclosure of political opinions or affiliations shall be received, filed, or considered by the Commission, City Manager, or Director,

SECTION 4. LIKE PENALTIES FOR LIKE OFFENSES

In making removals or reductions, or in posing penalties for delinquency or misconduct in the service, penalties like in character shall be imposed for like offenses and action thereon shall be taken irrespective of the political opinions of the offenders.

RULE IV

GENERAL DUTIES OF PUBLIC OFFICERS AND EMPLOYEES

SECTION 1. COOPERATION OF MUNICIPAL EMPLOYEES

All municipal employees shall afford the Commission all reasonable facilities in conducting the inquiries specified in these rules and the civil service law and shall permit inspection by the Commission of all books, papers, and documents belonging, or in any way appertaining to, their respective offices, and shall also produce said books and papers, and shall attend and testify when required to do so by the Commission.

SECTION 2. OFFICERS AND EMPLOYEES TO ABIDE BY PROVISIONS OF RULES

It shall be the duty of all officers and employees of the City to conform to, comply with and to aid in all proper ways in carrying into effect the provisions of those rules and any modification thereof.

RULE V

ORGANIZATION OF COMMISSION

SECTION 1. OFFICERS

The Municipal Civil Service Commission shall consist of three members which shall be appointed by the City Council, which shall designate one of the three as Chairperson. During the month of May of each year, the members of the Commission shall select a Vice-Chairperson who shall serve as Chairperson in the absence or incapacity of the Chairperson. Two (2) members of the Commission shall constitute a quorum to do business.

SECTION 2. OFFICIAL SIGNATURES

The minutes of the Commission shall be signed by those Commission members present at the meeting, together with the Executive Secretary of the Commission.

SECTION 3. MINUTES

The minutes of the Commission shall record the following:

- a. Appeals from dismissals, demotions, or suspensions with the actions of the Commission thereon;
- b. All leaves of absence, which require the Commission's approval or consideration;
- c. Changes in the Classification Plan;
- d. Approval of and changes in examination schedules;
- e. Subjects and weights of examination schedules;
- f. Appointment of special examiners;
- g. Any other action or report directed to be acted upon by the Commission.

SECTION 4. MEETINGS

a. Regular Meetings

The Commission shall meet weekly or at such times as the Commission deems necessary in the office of the Personnel Director or any other designated location.

b. Special Meetings

Special Meetings may be called by the Executive Secretary of the Commission at the request of the Chairperson or at the written request of any two (2) members of the Commission or by request of the City Manager.

c. Open Meetings

Both the regular and special meetings of the Commission shall be open to the public.

RULE V

ORGANIZATION OF COMMISSION, CONTINUED

SECTION 4. MEETINGS, CONTINUED

d. Committee of the Whole

The Commission may meet as a Committee of the Whole, at which no official action can be taken other than to consider the recommendations, if any, which shall be made to the Commission at the next regular or special meeting of the Commission where such matters may be duly acted upon. Only duly elected members of the Commission and such other persons, as the Commission may by majority vote invite to be present, attend a meeting of the Commission Committee of the Whole.

e. Notice of Meetings

Notice of all meetings of the Commission or of its Committee of the Whole shall be given by the executive Secretary to the members of the Commission at least seventy-two (72) hours in advance of the time set for such meetings. Public, written notice giving the date, hour, place, and subject of each meeting shall be posted.

f. Order of Business

The regular order of business shall be reading of the minutes, reports of the committee, report of the secretary, unfinished business and new business.

g. Regulations

The Commission may, by majority vote, make rules of procedure from time to time for the administration of these rules.

RULE VI

CLASSIFICATION PLAN

The City Council shall adopt in ordinance form a classification plan for all employees in the classified service. Such plan shall have been originally prepared by the Director and submitted to the Commission for its recommendations, before final submission to the City Manager and City Council for their action.

The plan shall include titles for each class of positions. Each class shall include all positions which are sufficiently similar with respect to duties, responsibilities, and authority so that the same title may be used to designate each position allocated to the class; the same requirement as to education, experience, intelligence, general and specialized knowledge, skill, physical condition and other qualifications that may be demanded of employees for the performance of their duties. It will also be the responsibility of the Director to maintain the classification plan and keep it current by revision and updating procedures. Such revisions or modifications will be subject to approval of the Commission.

RULE VII

PAY PLAN

It shall be the duty of the Director to prepare and recommend to the City Manager at least sixty (60) days before the beginning of each fiscal year for presentation upon approval by the City Manager to the Council, a pay plan, including a schedule of pay for each class of positions with minimum and maximum rates and where necessary, intermediate rates, and, following the adoption of the appropriation ordinance by the Council, see that payments are made in accordance therewith. Provisions will be made to allow for amendment of the pay plan in accordance with actions of the City Council or budget actions.

RULE VIII
APPLICANTS

SECTION 1. FILING APPLICATIONS

- a. Any person shall be considered for appointment to a vacancy in the classified service who has filed an application with the Director in the manner specified in these rules and upon the form furnished by said Director; and whose application has not been rejected by the Director for cause in accordance with the provisions of these rules.
- b. The applicant shall be required to make application and certify to the correctness of the facts.
- c. No person shall, after the adoption of these rules, be employed in or transferred to any division of the City of San Antonio, if a kinsman by blood or marriage of such person is then employed in a supervisory position in said division.
- d. City employees will be given preference for job vacancies, provided they are fully qualified for the vacancy on the basis of technical competence and satisfactory service. If there are no qualified City employees, then the vacancy will be filled by a qualified applicant.

SECTION 2. AGE

Eighteen years shall be the minimum age to take any entrance examination for positions in all departments of the City of San Antonio coming within the jurisdiction of the Municipal Civil Service. These limits shall also apply even where no examination is required. Certain positions may be exempted from this rule as determined by the Director.

SECTION 3. CHARACTER AND FITNESS OF APPLICANT

Applicants must furnish evidence of good moral character, temperate habits, sound health and physical ability to perform the duties of the position applied for. A physical examination by the City shall be required of all appointees to positions coming under these rules, and must be found by the City to be physically and mentally fit to perform the duties assigned. No applicant shall be appointed who has not been physically examined and found qualified within thirty (30) days prior to appointment.

SECTION 4. CAUSE FOR REJECTION

The following may be declared cause for rejection of any application, or cause for dismissal in the case of an applicant already in the employ of the City; that the applicant:

- a. Is found to lack any of the minimum qualifications set forth in the notice inviting applications and established as minimum qualifications in the classification plan;
- b. Is physically or mentally unfit for the performance of the duties of the position;
- c. Has been convicted of a felony of any other crime involving moral turpitude;

RULE VIII

APPLICANTS, CONTINUED

SECTION 4. CAUSE FOR REJECTION, CONTINUED

- d. Has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud during the application, examination, or appointment;
- e. Has been dismissed from the City service for cause within a two year period prior to date of application.

RULE IX
APPLICATIONS

SECTION 1. CONTENTS OF APPLICATION

All applications shall state:

- a. Position(s) applied for;
- b. Applicant's full name and address;
- c. Residence for previous five years, when required
- d. United States citizenship status;
- e. Age, giving date of birth;
- f. Proof of age, when required;
- g. Health and physical capacity for public service;
- h. Business experience or employments and education which qualifies applicant for the positions(s);
- i. If served in the military of the United States, the name of the organization to which attached, date of discharge from the service and any physical disability incurred in such service;
- j. Military discharge (DD214), when required;
- k. Such other information as the Commission may reasonably require concerning the applicant's merit and fitness for the public service;
- l. Social Security Number;
- m. Whether applicant has ever been convicted of a felony, treated in a mental institution, or is a narcotic addict.

SECTION 2. APPLICATIONS NOT RETURNED

Applications not returned to the applicant for correction will remain on file for sixty (60) days in the office of the Director of Personnel and under no circumstances will be returned to the applicant. Applications may be destroyed after one (1) year by the Director. Applicant may request removal from the eligibility list by requesting in writing that the Personnel Director remove the application.

RULE X
EXAMINATIONS

SECTION 1. EXAMINATIONS

All persons shall be required to take an examination for the specific position applied for before being employed by the City.

SECTION 2. CHARACTER OF EXAMINATIONS

All examinations shall fairly test the capacity and fitness of the persons examined to discharge the duties of the particular positions. Such examinations shall provide for a thorough inquiry into the applicant's knowledge of and qualifications for the position(s).

Competitive examinations need not be required for positions which require exceptional qualifications of a scientific, managerial or professional character where approval to that effect is made by the City Manager.

SECTION 3. CONTENT OF EXAMINATION

Examinations for entrance into the municipal service and for promotion within the service shall consist of one of the following parts as considered appropriate for the various classifications of positions. The following tests shall be administered to all applicants:

- a. Oral:
The personal interview with applicants prior to appointment for position.
- b. Physical and Health:
Shall consist of the furnishing of information by the applicant regarding health and physical condition. It shall also consist of an examination of the applicant by the City Medical Examiner, reported on an approved form. In the event of rejection, the findings of the City shall be final.
- c. Training and Experience:
Shall consist of questions on education and experience contained in the application form, and of such supplementary data as may be furnished by certification and proof of statements made in the application, or it may consist of questions on training and experience asked at the time the written tests are given. The Director may investigate the truth of the applicant's statements as to training an experience and govern the rating accordingly.

The following tests will be administered when required:

- d. Written:
Shall include a demonstration designed to show the familiarity of applicants with the knowledge needed in the class of positions to which they seek appointment.
- e. Performance:
Shall include such test of performance as will determine the ability and skill of applicants to perform the work involved.
- f. Adaptability and Aptitude:
Shall include tests designed to determine general adaptability or to ascertain special traits and aptitudes.

RULE X

EXAMINATIONS, CONTINUED

SECTION 4. CONDUCT OF EXAMINATION

- a. The actual conduct of every written examination shall be under the direction of the Director or designated examiners, free from the presence, participation or influence of any person other than the examiner or experts appointed by the Director.
- b. An applicant who in any written examination uses or attempts to use any unfair or deceitful means to pass such examination shall be informed by the examiner witnessing the act that the applicant's actions will be reported to the Director with a recommendation that the applicant be excluded from further consideration. The examiner shall later make the report to the Director for determination.
- c. Periodic written examinations may be conducted as the need arises to establish current eligibility lists from which appointments can be made.

SECTION 5. PASSING SCORE

Weighing on a basis of one hundred percent (100%) for perfection, seventy percent (70%) shall be the score for passing any written test, and no person shall be eligible for appointment whose score on the complete examination is less than seventy percent (70%). When a written test is composed of several subsections, the Commission may require a minimum score of seventy percent (70%) on a particular subsection, even though the scores of the other subsections are high enough to give the complete written test an overall average of seventy percent (70%) or higher. On an entrance examination only, a veteran who has served in the Armed Forces of the United States and received an honorable discharge shall receive an additional five (5) percentage points on the grade provided and the original grade achieved was at least seventy percent (70%)

SECTION 6. POSTPONEMENT OR CANCELLATION OF EXAMINATION

- a. The Director or a designated examiner may, because of the small number of applicants for any position, or because of any other valid and sufficient reason, postpone an examination to a later date.
- b. Any examination may be cancelled by the Director or a designated examiner should its holding become unnecessary because of a change in the personnel requirements of the classified service.

SECTION 7. CORRECTION OF ERROR

The Director may correct any manifest error, mistake, or rating appearing on an examination on the formal written appeal of the applicant within seven (7) working days. Such correction will be made without prejudice to the status of any person previously appointed as a result of such examination. Such appeal shall be considered as opening all the applicant's papers for review, whether resulting in a higher or lower average standing. No change in rating shall be made as the result of an appeal unless it would affect the applicant's relative position on the eligibility register. This provision shall not be held to prevent the Director from correcting at any time during the life of any eligibility list an obvious clerical error.

RULE X

EXAMINATIONS, CONTINUED

SECTION 8. LETTERS OF RECOMMENDATION

No letter of recommendation or endorsements shall be considered in rating an applicant unless called for in connection with the examination.

SECTION 9. EXAMINATION PAPERS TO BE SHOWN

The examination papers of an applicant will be exhibited only to the applicant or a duly authorized representative, or to the City Manager to whom the name is certified, or to the department head under whom the applicant is to be employed, upon the department head's written request and subsequent approval by the Personnel Director.

SECTION 10. ABUSES AND FRAUDS

No person shall deceive or obstruct any person in respect to the right of examination under the provisions of these rules and the Civil Service Law, or falsely mark, grade, estimate or report upon the examination or standing of any person examined hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the Commission, any special information for the purpose of either improving or injuring the rating of any person for appointment or employment. No applicant shall deceive the Commission in an attempt to improve the chances for appointment.

RULE XI

ELIGIBILITY LISTS

SECTION 1. ESTABLISHMENT OF ELIGIBILITY LISTS

No more than one (1) week after the conclusion of the examination, the Director shall prepare the names of all candidates who have successfully passed the examination listed in order from the highest score to the lowest. This list shall then become the eligibility register for the position for which the examination was given and all appointments to positions shall be made from this list. Eligibility lists for non-tested positions shall be established on the basis of the date the application was received by the Personnel Department.

SECTION 2. IDENTICAL GRADES

Whenever two (2) applicants shall attain the same grade, the applicant filing the application on the earliest date shall be listed first.

SECTION 3. NOTICE OF PLACEMENT ON LIST

Applicants shall be notified of failure on the examination or of placement on the eligibility list. Applicants shall be informed of their position on the list and the grade on the examination.

SECTION 4. REMOVAL FROM LIST

An applicant's name will be removed from an eligibility list whenever the applicant becomes dispossessed of any qualifications required, and may also be removed for any of the causes stated in Section 4 of Rule VIII. If a person's name appears on two (2) or more lists and is appointed to a position in the service, the name shall be removed from the remaining lists on which it appears, unless otherwise requested by the applicant. Prior notification will be given whenever a person's name is removed from an active eligibility list.

SECTION 5. CHANGE OF ADDRESS

Each person on an eligibility list shall file with the Director written notice of any change of address, and failure to do so may cause that applicant's name to be removed from the list. Notices sent to a person's last known address shall be considered sufficient notification.

SECTION 6. TRANSFER OF ELIGIBILITY LIST

- a. The Director may abolish an eligibility list when there are three (3) or less names on such list or after five (5) months, whichever comes first, and may order a new examination and the preparation of a new eligibility list. Any names of persons left on the eligibility list to be abolished shall be transferred to the new eligibility list with the same grade that they have previously attained. Such persons as are transferred to the new eligibility list may, however, take the new examination announced, and in every case of re-examination, the grade received on the latest examination shall determine such person's ranking on the new eligibility list. Whenever an eligibility list is terminated, the subsequent Notice of Examination shall so state.
- b. For non-tested positions, eligibility lists will be abolished after sixty (60) days unless the personnel Department is notified by the applicant to renew the application.

RULE XII

CERTIFICATION AND APPOINTMENT

Effective November 15, 1977 new City employees shall be required to reside in the City limits of San Antonio upon completion of the initial probationary period. All current City employees who live outside the City limits must move inside the City when and if the move from their present address,

SECTION 1. REQUISITION

Whenever a vacancy is to be filled, the department head shall make requisition to the Director upon the form prescribed in accordance with these rules. The Director shall then advertise the vacancies to City employees by written announcement and to the public by published advertisement.

SECTION 2. CERTIFICATION

Upon receipt of a request for certification, the Director shall certify to the department head from the reinstatement list for the class of positions in question, one name for each vacancy to be filled. If there is no reinstatement list or if those on the list decline appointment, the Director shall certify from the appropriate eligibility list for the vacancy. Selection by the department head will be made from the appropriate list and notification sent to the Director. A notice of certification of a person's name for appointment shall be given such person at the last known address. If it is shown that all persons whose names have been certified are not available, have declined appointment, or do not fully meet the requirements of the vacancy, then a new certification shall be made. No appointment shall be deemed legal or final without approval of the City Manager or a designated representative.

SECTION 3. FAILURE TO RESPOND TO AN OFFER OF APPOINTMENT

The failure of an eligible person to report to the Personnel Department within three (3) working days after notice of certification shall be considered sufficient cause for removal of applicant's name from the list of eligibles and the next eligible will be notified. The name of the person refusing appointment shall be stricken from the eligibility list.

SECTION 4. CERTIFICATION RECORD

Record of each person certified and appointed shall be filed as required by Civil Service Law. Such record shall show:

- a. The date the notice of examination was posted;
- b. The date on which the person certified took examination to be placed on the eligibility list;
- c. The name of person or persons conducting the examination;
- d. The relative position of the person on the eligibility list;
- e. The date when person certified took physical examination;

RULE XII

CERTIFICATION AND APPOINTMENT, CONTINUED

SECTION 4. CERTIFICATION RECORD, CONTINUED

- f. The name of physician making examination, with information as to whether or not the applicant was accepted or rejected;
- g. The date on which the requisition for filling vacancy was made;
- h. The date on which applicant was notified to report for duty and date on which pay is to start.

The City Manager shall remove the Director for willfully failing to comply with any provisions of this section. The failure of the Director to file this record shall in no way, however, impair the civil service standing of any employee.

SECTION 5. TEMPORARY APPOINTMENTS

- a. Definition of Temporary Appointments
Temporary employees are unclassified employees hired by the City to fill positions where the needs of the City do not warrant a permanent full-time employee. A temporary employee's appointment(s) is for a defined period of time and shall not exceed 960 hours in a fiscal year except as provided in paragraph (b) and (c) below. Temporary employees are not entitled to any civil service benefits.
- b. Other Temporary Appointments
An employee is designated as temporary but may exceed 960 hours in a fiscal year when appointed to any of the following:
 - 1. An on-going position, requiring an employee to work on an on-going basis but only as needed and as available on a non-consecutive basis.
 - 2. A position resulting from participation in a federally or state funded program that provides support services to include job training;
 - 3. A cooperative work-study program with an educational institution;
 - 4. An intern position hired to develop job skills in preparing for entry into the workforce while enrolled in an educational institution;
 - 5. A Summer Youth Program;
 - 6. The Human Resources Temporary Office (Clerical) Support Program.
- c. Extension of Temporary Appointments
For the effective delivery of City services, the City Manager may extend temporary appointments past the 960 hours for those temporary employees hired under paragraph (a) above, upon recommendation of the affected Department Head through the Human Resources Director.

RULE XII

CERTIFICATION AND APPOINTMENT, CONTINUED

SECTION 6. PART-TIME APPOINTMENTS

Part-time employees are unclassified employees hired by the City to fill positions where the needs of the City do not warrant a Full-time employee. Part-time employees may work no more than 35 hours per work-week and are not entitled to any civil service benefits.

SECTION 7. EMPLOYMENT OUT OF CLASSIFICATION

Nothing in these rules shall prevent the City Manager from designating some person from a lower classification to fill a position in a higher classification temporarily. The temporary performance of the duties of any such person, who has not been promoted in accordance with the provisions of these rules, shall never be construed to promote such person.

RULE XIII

CERTIFICATION OF PAYROLL

Department heads should immediately report to the Director of Personnel any and all permanent changes in the status of their departmental personnel. By permanent change is meant a change for a period of time exceeding one (1) pay period. Such reports shall include:

- a. Change of address;
- b. Any appointments, affecting pay status of an employee, regardless of whether by original entrance, reinstatement or promotion;
- c. Removals from service, whether dismissals, lay-offs, suspension, absences or leaves of absence of any nature or vacations;
- d. Returns to service, whether reinstatements, returns from absence or leaves of absence or vacations; changes in departmental organization, such as creation, abolishment, or combining of offices or positions; and
- e. Salary changes, whether increases or reductions.

All actions so reported shall be in accordance with the procedure of the Commission.

RULE XIV
PROBATION

SECTION 1. PROBATIONARY PERIOD

All original appointments shall be for a probationary period of six (6) months of actual service and no appointment shall be deemed finally made until the appointee has satisfactorily served the probationary period, provided that this provision shall not apply to reinstatement made under the provisions pertaining to suspensions as set out in Rule XVII. All promotional appointments shall be for probationary period of (6) months of actual service, and no appointment shall be deemed finally made until the appointee has satisfactorily served a probationary period. In the event a promotional appointee's employment is not satisfactory, or is found to be incompetent or unqualified to perform the duties of the appointed position, it shall be the duty of the department head to demote the employee to the rank held at the time of appointment.

SECTION 2. RELEASE DURING PROBATION

During such probationary period, it shall be the duty of the City Manager to discharge all employees whose appointments were not regular, or not made in compliance with the provisions of the Civil Service Law or of the rules and regulations of the Commission, or is found incompetent or unqualified to perform the duties of the position, and hence is employed in violation of the Civil Service Law, and the City Manager shall eliminate such employee from the payroll.

SECTION 3. REPORT ON PROBATIONARY EMPLOYEES

- a. Appointing officers must submit to the Director a Performance Evaluation Report at the end of the third, fifth, and six month of the probationary period. No permanent appointment shall be made except on certification of the Director, based upon these reports that the officer or employee has satisfactorily passed the probationary period. When probationary employees are not performing satisfactorily, probationary reports will so indicate. The reports will also indicate what the deficiencies are, and certification that the employee was counseled on the deficiencies and that necessary corrective action was recommended.
- b. In the absence of any report from the department head that a probationary employee is unsatisfactory, such employee automatically becomes permanently employed at the end of the probationary period. At the termination of the period, such employees shall have full civil service rights and privileges.

RULE XV

PROMOTIONS

SECTION 1. PROMOTION BASED ON PERFORMANCE, EXAMINATION AND SENIORITY

Promotion shall be based upon performance, examination, experience, seniority and upon the qualifications of the person to be promoted.

SECTION 2. PROMOTIONAL EXAMINATIONS

Promotional examinations shall be subject to all the provisions of Rule X, Examinations.

SECTION 3. PROMOTIONAL ELIGIBILITY LIST

Candidates for promotion must make a minimum grade of seventy (70) percent on such promotional examinations to be eligible for placement on the promotional eligibility list. A promotional eligibility list shall thus be established, with names listed in order from the highest score to the lowest. Promotions shall be made by the City Manager from this list as provided for original appointments under these rules. For non-tested positions, candidates will submit application to the Personnel Department and the date application is received by the Personnel Department will determine the candidate's place on the list.

SECTION 4. PERFORMANCE EVALUATION REPORTS

Thirty (30) days prior to the employee's anniversary date, the immediate supervisor shall prepare a performance evaluation report on said employee on a prescribed form indicating the employee's manner of job performance during the period covered by the report. The report shall be submitted to the department head who shall review and may add comments. The report will then be forwarded to the Director of Personnel.

Special performance evaluation reports may be submitted at any time to cite an employee for outstanding performance or if the employee's performance has become unsatisfactory. The same procedure will be used with special regard placed upon documentation as to the reason for the special performance evaluation.

RULE XVI

DEMOTIONS, NON-DISCIPLINARY

Whenever a department head may desire the demotion of an officer or an employee under the department head's supervision or jurisdiction to a lower rank for non-disciplinary reasons, such department head may recommend in writing to the City Manager that such employee be so demoted, giving the department head's reasons therefore and requesting that the City Manager make such order of demotion. The Personnel Director may also recommend to the City Manager and the department head, after a job analysis, that an employee be demoted.

RULE XVII

DISCIPLINARY SUSPENSIONS, REMOVALS OR DEMOTIONS

SECTION 1. GENERAL PROVISIONS

No employee shall be suspended or removed by the City Manager except for violation of Rule XVII, Section 2.

SECTION 2. GROUNDS FOR SUSPENSION, REMOVAL OR DEMOTION

The following are declared to be grounds for suspension, removal, or demotion of an employee from the classified service of the City:

- a. Conviction of a felony or other crime involving moral turpitude;
- b. Violations of the provisions of the Charter of the City of San Antonio;
- c. Acts of incompetency;
- d. Neglect of duty or loitering while on duty;
- e. Discourtesy by said employee to the public or to fellow employees while said employee is in line of duty;
- f. Acts of said employee showing a lack of good moral character;
- g. Drinking of intoxicants, or intoxication, while on duty;
- h. Conduct prejudicial to good order;
- i. Absence without leave;
- j. Unauthorized absence from work for a period of two (2) working days, which may be considered by the department head and the Civil Service Commission as resignation;
- k. Acts of insubordination;
- l. Failure or refusal to carry out instructions;
- m. Misappropriation, destruction, theft, or conversion of City property whether on or off duty;
- n. Employee subsequently becomes physically or mentally incapacitated to continue employment with the City;
- o. Acts of misconduct while on duty;

RULE XVII

DISCIPLINARY SUSPENSIONS, REMOVALS OR DEMOTIONS, CONTINUED

SECTION 2. GROUNDS FOR SUSPENSION, REMOVAL OF DEMOTION, CONTINUED

- p. Willful disregard of orders or other misconduct;
- q. Violation of any of the rules and regulations of the department or of special order, as applicable;
- r. Habitual tardiness and/or absenteeism;

SECTION 3. RIGHT OF APPEAL

Any employee in the Classified Service may be suspended, demoted, or removed by the City Manager or officer having authority to appoint. Written notice of suspension, demotion or removal, stating the reasons therefor and when it is effective, shall be given to such person or sent by registered or certified mail to the employee's usual place of residence. Such person, within ten (10) working days after the receipt of such notice, may appeal in writing to the Commission for a hearing. The Commission shall, within ten (10) working days after such appeal, fix a place and time for holding a hearing, at which hearing the appellant shall have the right to appear and be heard in person or by counsel. The Commission shall, at the request of the appellant or of the City Manager or other officer ordering the suspension, demotion, or removal, compel other persons to attend the hearing as witnesses. All testimony shall be given under oath or affirmation. The members of the Commission shall have the power to administer oaths and affirmations and to compel the attendance of witnesses and other persons by subpoena and other processes provided by law, and to compel the production of all pertinent records. The Commission may make further investigation which it might deem proper. The Commission may, however, find the employee guilty of a lesser offense than that charged in the written notice of suspension, demotion, or removal and may recommend accordingly. Within forty-eight (48) hours after the completion of the public hearing, the Commission shall report its findings and recommendations to the City Manager, whose action shall be final. A copy of the written statement given the employee, or the written reply thereto, if any, and a copy of the findings and recommendations of the Commission and action of the City Manager shall be filed as public record in the office of the Personnel Director. When an employee is notified by the Commission or its duly authorized representative of a specific date, time and place for a hearing, and the Commission meets, failure of the employee to report or notify the Commission of employee's inability to attend may constitute forfeiture of the employee's right to appeal.

Employees suspended up to a maximum of five (5) working days may, at the department head's discretion, serve such suspension by working off-duty hours without compensation at times and assignments designated by the department head for a period of time to equal the suspension; or forfeiting accumulated time off (accumulated annual leave) equal to the suspension. Working-off suspensions or forfeiting time off equal to the suspensions applies only to those suspensions which are mutually agreed to by the employee and the department. Employees who either work-off a suspension or forfeit time off equal to the suspension may not appeal the suspension to the Municipal Civil Service Commission, and employees are not eligible to receive any overtime compensation in connection with any hours worked under

RULE XVII

DISCIPLINARY SUSPENSIONS, REMOVALS OR DEMOTIONS, CONTINUED

SECTION 3. RIGHT OF APPEAL, CONTINUED

this rule even if hours worked in working-off a suspension constitute a total number of hours in excess of forty (40) hours in any work week. In the event a suspended employee working-off a suspension fails to perform the duties assigned in a satisfactory manner, the department head shall have the authority to require the suspended employee to serve the balance of the suspension with leave without pay. Nothing in the rule shall be construed to limit the department head's right to institute additional disciplinary action resulting from actions or events occurring during the time worked by a suspended employee working off his/her suspension, or forfeiting his/her accumulated time.

Off-duty time is defined as any hours outside the regularly scheduled or assigned work day, week or shift of the employee.

SECTION 4. SUSPENSION, NOTICE TO COMMISSION AND POWERS OF COMMISSION

a. Suspension

All persons holding positions in the Classified Service are subject to disciplinary suspension for cause without pay for a period not to exceed fifteen (15) working days by order of the department head.

b. Notice to Commission

In every case of suspension, the department head shall file with the Director of Personnel within seventy-two (72) hours, excluding Sundays and holidays, a written statement of the action.

c. Powers of Commission

The Commission shall have the power to investigate and to determine whether or not there is just cause for such disciplinary suspension. The Commission shall recommend that the decision of the department head be reversed, amended, or upheld and shall so recommend to the City Manager. The City Manager shall make the final decision.

RULE XVIII

RESIGNATION

Any employee wishing to leave the service in good standing shall file with the department head and the Civil Service Commission at least two (2) weeks before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving the City service. Failure to comply with this procedure will be entered on the service record of the employee and shall be considered grounds for denying future employment with the City.

RULE XIX

REDUCTION IN FORCE

SECTION 1. REDUCTION IN FORCE

These rules and procedures are established in the event a reduction in force is directed by the governing body or directed by the City Manager. Competitive Area will initially be determined within the affected departments and fund and then, where necessary, city-wide. Exemptions shall be limited to an individual with special skills and justified to the City Manager.

- a. The City Manager shall determine and identify the number of position(s) targeted by job classification(s) within the competitive area, which will be determined by the City Manager. The implementation of this policy shall be the responsibility of the Director of Management Services, who is the Director of Personnel in accordance with Article VI of the City Charter.
- b. Employees in the targeted job classification(s), in the competitive area, will be ranked according to longevity, which is defined as continuous uninterrupted service in a full-time status with the City.

If there is a tie in longevity, then the tie will be broken by the overall rating on the last scheduled Employee Performance Appraisal. The employee with the greater overall rating shall be considered to have the greater longevity. A scheduled Employee Performance Appraisal is defined as a probationary appraisal (initial three or five month or a six month promotional probationary period appraisal) or an annual appraisal. If a tie still exists between the last scheduled ratings of the employees, the tie will be broken by the number of suspension days the employee has served within the last 24 months. The employee with the least suspension days served in the last 24 months shall be considered to have the greater longevity.

- c. Employees affected by the rank order established by the application of the policies and procedures set forth herein are entitled to the Placement, Bumping and Reinstatement procedures provided as follows.

SECTION 2. PLACEMENT

Attempts will be made to place those employees affected by the Reduction in Force in vacant positions according to job classification(s) and employee qualifications. If these attempts are unsuccessful, the employee may elect to "bump."

SECTION 3. BUMPING

Bumping of one employee by another employee will be authorized using the following criteria:

- a. A "bumping" procedure permits an affected employee who was promoted or reclassified to accept a demotion and "bump" an employee in the related job classification. The employee can use this right only (1) within the same competitive area and job classification, and (2) in connection with an employee with fewer retention rights. The demotion when takes place, and the person "bumped" is laid off following the above procedures.

RULE XIX

REDUCTION IN FORCE, CONTINUED

SECTION 3. BUMPING, CONTINUED

- b. An employee must meet the minimum qualifications for the job classification specification of the position they would be bumping into in order to be eligible to bump into that position. Qualifications shall be determined by the Director of Management Service, who is the Director of Personnel in accordance with Article VI of the City Charter.
- c. A bumping eligible employee will bump to the position held by the employee in that job classification with the least longevity therein. A bumping eligible employee may not bump and employee with greater longevity as defined herein. The remaining employee(s) shall have the opportunity to bump into a position(s) in other previously held job classifications, if available in the competitive area.
- d. There will be no probationary period for an employee who bumps into a position as a result of this ordinance.
- e. The opportunity to bump by a bumping eligible employee is voluntary. If the bumping eligible employee chooses not to bump, they will be processed for lay off and retain reinstatement rights as provided in Section V herein.
- f. Any employee who is bumped, is eligible to bump and may bump another employee under the provisions of this ordinance.
- g. Any employee who either laterally (within the current job classification) or vertically (a previously held job classification) bumps to another will have reinstatement rights as provided in Section V herein..

SECTION 4. APPEALS

The City Manger shall afford appropriate due process procedures to affected employees, through the appeals to the Municipal Civil Service Commission, on the basis that the action taken was in violation of the application of this ordinance to that employee. A copy of the findings and recommendations of the Municipal Civil Service Commission shall be given to the employee and forwarded to the City Manger.

SECTION 5. REINSTATEMENT

Affected employees retain reinstatement rights twenty-four (24) months after the lay off occurs. Administrative procedures are outlined in Table 1-1 attached hereto and incorporated herein.

Reinstatement: Table 1-1

- I. The Management Service Department will notify affected employee(s) in writing of their rights of reinstatement and will be responsible for administering and monitoring the reinstatement process.
- II. Any employee, who is laid off, will be placed on a reinstatement list.

RULE XIX

REDUCTION IN FORCE, CONTINUED

SECTION 5. REINSTATEMENT, CONTINUED

Reinstatement: Table 1-1, Continued

- III. The last employee to be laid off in the affected classification and competitive area will be the first employee to be reinstated if funding is restored in the same job classification and competitive area.

- IV. The employee's reinstatement right will be cancelled for any of the reasons listed below:
 - i. The employee does not respond to a reinstatement notice (sent by certified mail) within ten (10) working days after receiving it.

 - ii. The employee refuses a position in the same job classification and competitive area.

 - iii. The employee does not have a current address on file with the Management Services Department.

 - iv. The employee has been laid off for more than twenty-four (24) months.

RULE XX

LEAVES OF ABSENCE

SECTION 1. LEAVES OF ABSENCE WITH PAY

- a. Attendance of employees at conventions, conferences, short training courses and meetings of like nature, in the interest of the City, or to serve required jury duty or to serve required poll bearer duty, only when approved by the City Manager in advance, shall be considered leaves of absence with pay.
- b. In case of death in the immediate family, the City Manager may waive as much as three (3) working days of absence taken by an employee. Immediate family shall include father, mother, sister, brother, husband, wife, or child, and other relative if the latter are actually members of the employee's household.
- c. Municipal employees who enter service in the Armed Forces shall receive all rights and benefits in accordance with applicable State or Federal laws relating thereto.

SECTION 2. ANNUAL LEAVE

All permanent, full-time employees in the service shall be allowed annual leave with full pay, computed on the following basis:

- a. One (1) through fourteen (14) years of service – 13 working days;
- b. Fifteen (15) years of service and over – 15 working days.

Additionally, the following provisions apply:

- c. Annual leave with pay may be accumulated to a total not to exceed forty-five (45) working days.
- d. The department head shall determine the time at which annual leave may be taken.
- e. No employee shall be given annual leave in excess of the employee's accumulated annual leave.
- f. Annual leave may be taken for periods of not less than one-half (1/2) day leave periods.
- g. Employees will be paid for accumulated annual leave up to forty-five (45) working days at termination of employment.
- h. Annual leave with pay may be accumulated by department heads to a total not to exceed fifty-four (54) days.

RULE XX

LEAVES OF ABSENCE, CONTINUED

SECTION 3. TEMPORARY DISABILITY

a. Sick Leave Credit

All permanent, full-time City employees shall accumulate one and one-fourth (1 1/4) days of sick leave for each full calendar month served so as to total fifteen (15) working days of sick leave in one year. Sick leave may be accumulated from year to year; however, no employee shall ever be credited with or entitled to more than one hundred fifteen (115) working days of sick leave at any one time. Employees may begin accruing days of sick leave above ninety (90) beginning January 1, 1981. Effective the last pay period of December (1981) and each year following (in December), or upon termination, employees will be paid for all accrued sick leave in excess one hundred (100) days, at the rate of one day's pay for each two days accumulated sick leave. Payment will be automatic unless otherwise instructed by the City Manager.

City employees who are absent from work because of illness shall be responsible for having absenteeism reported to the superintendent or appropriate division head within one (1) hour after the designated reporting time of day of the absence and such leave will be charged against sick leave with pay. If the employee has no sick leave, annual leave may be used. If annual leave is exhausted, the employee shall be placed on leave without pay during the remaining period of absence.

In the event of a consistent pattern of sick leave use by an employee, a supervisor or appropriate division head may require medical evidence that the employee was actually ill. If the employee does not have sufficient evidence of actual illness, when such is requested, employee will then be charged with leave of absence without pay. All sick leave in excess of a three (3) working day period shall be supported by proof of illness,

b. Injury Leave and Compensation

In the event a City employee is injured by external or violent means while engaged in the actual performance of his duties, and the employee is temporarily incapacitated as a direct result of such injury, the employee shall be entitled to leave at full pay for eight (8) days or until such time as Workmen's Compensation pay becomes effective. Subsequent to such a full pay period, the City will voluntarily pay a Wage Continuation Benefit for the period of time commensurate with the nature of the injuries received. Guidelines outlined in the Workmen's Compensation Law, V.T.C.S. Art. 8306, 8307 and 8309 will be adhered to. The Wage Continuation Benefit is defined as the difference between the employee's Workmen's Compensation payment and his regular pay. Any Wage Continuation Benefit provided is purely voluntary on the part of the City and may be terminated at any time without notice. In no event shall the Wage Continuation Benefit continue for more that one (1) calendar year from the date of injury, unless extended by action of City Council.

RULE XX

LEAVES OF ABSENCE, CONTINUED

SECTION 3. TEMPORARY DISABILITY, CONTINUED

c. Accident and Medical Care

In the event an employee is injured as described in Section 3(b), it will be the responsibility of the supervisor directly in charge of the injured employee to ensure that all accident reports as required by the Workmen's Compensation Law, V.T.C.S. Art. 8306, 8307 and 8309 are submitted within the time limits established.

As a condition of the Wage Continuation Benefit, the Director of Personnel may require the injured employee to submit to a full and complete examination by a physician (or physicians) of the City's choice. In case of a disagreement of medical opinion between the employee's doctor and the doctor selected by the City concerning the physical fitness and recommended duty status of the injured employee, the Director shall make a reasonable effort to reconcile such differences. Should reconciliation fail, the Director shall have the authority to take the necessary steps to cease the City's payment of the Wage Continuation Benefit.

d. Maternity Leave

Pregnancy is classified as a temporary disability and shall not be cause for refusal to hire, except for reason of business necessity, or for dismissal of an employee. An employee requesting maternity leave shall furnish a doctor's statement which sets forth the expected period of disability of the employee. At the end of the period of disability the employee shall be entitled to return to the position held at the time the maternity leave was granted

In the event of extended maternity leave, the Director of Personnel may require the employee to be examined by a physician of the City's choice, to determine the physical fitness and recommended duty status of the employee.

Maternity leave shall be charged against accrued sick leave with pay. If sick leave is exhausted during the period of maternity leave, annual leave may be used. If annual leave is exhausted, the employee shall be placed on leave without pay during the remaining period of disability.

SECTION 4. LEAVES OF ABSENCE WITHOUT PAY

The department head may grant any employee in the department leave of absence without pay for a period not exceeding one (1) work week. Leave of absence of an employee for a period beyond one (1) work week granted by the department head shall be requested on a form provided for that purpose and shall be presented to the City Manager for approval. The City Manager shall have the sole authority to grant such request and the Manager's ruling shall be final. The request shall state the entire additional time desired and the reasons therefor. No employee shall be given a leave of absence to take a position outside the City service for more that sixty (60) days in any calendar year unless it clearly appears that the public's interest is to be served by such leave.

Sick Leave and annual leave will not accrue when an employee is on leave without pay status.

RULE XX

LEAVES OF ABSENCE, CONTINUED

SECTION 5. RECORDS OF ABSENCE TO BE MAINTAINED

All annual, sick and other leaves of absence, with pay and without, shall be fully and carefully recorded on an appropriate record. Absences, irregular attendance of any kind, and tardiness shall be taken into consideration in making the performance evaluation reports of employees and when persistently indulged in shall justify disciplinary action or dismissal.

All annual leave, leave of absence with pay, leave of absence without pay, sick leave, injury leave, extension of injury leave and unauthorized leave must be approved by the City Manager.

SECTION 6. MILITARY LEAVE OF ABSENCE

The Civil Service Commission, on written application of an employee of the City, shall grant military leave of absence without pay to such members to enable the employee to enter the military service of the United States in any of its branches with leave of absence to continue during the period of active military service of such member. Any such member receiving a military leave of absence shall be entitled, in accordance with Article 6252-4 A & B, Vernon's Texas Civil Statutes, to the following:

- a. To return to the position in the department held at the time the leave of absence was granted upon termination of active service, provided the member receives an honorable discharge and remains physically and mentally fit to discharge the duties of that position, and further providing that application for reinstatement is made within ninety (90) days after initial discharge.
- b. Upon being returned to said position, such member shall receive full seniority credit for the time spent in the military service. During the absence of the employee on military leave, the department may fill the vacancy created in accordance with these rules.
- c. All officers and employees who are either members of the Texas National Guard or of any of the Reserve Components of the Armed Forces shall be entitled to fifteen (15) working days of absence in accordance with Bill 761, Chapter 214, of the Acts of the 61st Legislature of Texas; Regular Session, and Article 6252-4 A & B of Vernon's Texas Civil Statutes. The employee is permitted to retain military compensation along with full pay and allowances from the City. Any additional time for voluntary extended military leave will be without pay and with prior approval of the department head.

For further amplification of this section, review Appendix I to these rules.

RULE XXI
WORK HOURS

SECTION 1. WORK HOURS

Employees will observe a forty (40) hour work week, except in the Waste Disposal Division, which will observe a forty-eight (48) hour work week. The work week will begin at 12:01 A.M. Saturday and terminate at midnight on Friday. Daily hours of starting and completing of work may, with the approval of the City Manager, be established by department heads for particular divisions which require special treatment.

SECTION 2. OVERTIME

All employees will work over stipulated hours whenever the City Manager determines that necessity demands additional service of an occasional nature. Overtime is defined as work in excess of forty (40) hours per week. Uniformed members of the Fire and Police Departments are not covered under this rule. All employees, other than exempt employees, shall be compensated for overtime work at the rate of one and one-half (1 1/2) hours compensation for each overtime hour worked.

Exempt Employees

Exempt employees are those persons included under Unclassified Service, Rule I, Definitions, together with employees performing work of a high level supervisory or professional nature, with the exception of part-time, temporary, probationary and grant employees. A list of such exempt employee classifications shall be compiled, maintained and annually reviewed by the Personnel Department. Time off for exempt employees who exceed customary supervisory or professional standards may be granted by the department head.

Compensation

Compensatory time off shall be used when it will not substantially reduce operating efficiency. When such a reduction would occur, employees may, with the approval of the City Manager, be compensated by payment at the rate of one and one-half (1 1/2) hours regular pay for each hour of overtime worked.

The maximum accrual of compensatory time shall be thirty-six (36) hours and compensatory time off shall be taken within ninety (90) days after it is earned. Such time off should be taken at a time mutually agreeable to both employee and supervisor; however, compensatory time off will not be lost solely for the convenience of the department. In the event compensatory time off cannot be granted because of its effect on the department, employees shall be compensated by payment for overtime. Exceptions to this rule must have the prior written approval of the City Manager.

SECTION 3. LEGAL HOLIDAYS

Legal holidays observed by the City employees shall be set each year by the City Council. In those cases where a regular shift may require employees to work on a holiday, it shall not be regarded as overtime, but such employees shall receive a day off in lieu of the holiday. The days off shall be taken at a time mutually agreeable to the employee and the supervisor, but in no event, later than thirty days after the holiday worked.

RULE XXII

ROSTER

An official roster which shall contain the name of every employee shall be kept in the office of the Personnel Director. This roster shall show as a minimum the following information:

Name and address of the employee;

Title of the office or employment;

Date and character of each appointment
and every subsequent change in status
and all changes in compensation.

RULE XXIII

RECORDS AND REPORTS

SECTION 1. RECORDS

All proceedings of the Commission, the classification and compensation plans and the roster of employees shall be public records, subject to the provisions of State law.

SECTION 2. REPORTS BY THE COMMISSION

The Commission may investigate and report annually to the City Manager concerning the administrative needs of the service, the personnel, positions in the service and the compensation provided therefor; the examinations held by the Commission, the appointments made, service ratings and removals in the Classified Service, the operation of the rules of the Commission and recommendations for promoting efficiency and economy in the service, with details of expenditures and progress of work.

RULE XXIV

OUTSIDE COMPENSATION AND OUTSIDE EMPLOYMENT

SECTION 1. RESTRICTION REGARDING OUTSIDE COMPENSATION FOR SERVICES

No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees for the performance of their official duties. If a reward, gift, or other form of remuneration is made to any employee, it shall be credited to designated employee fund with the approval of the City Manager.

SECTION 2. RESTRICTION REGARDING OUTSIDE EMPLOYMENT

No person shall, after adoption of these rules, be employed in any gainful employment other than with the City, without the written approval of the employee's department head.

RULE XXV

SPECIAL REQUIREMENTS

- a. Fingerprints. Fingerprints will be taken of all candidates for entrance positions. A check will be made of the San Antonio Police Department files.
- b. Physical Examinations. All employees shall be required to pass physical examinations given by the City upon entrance and all employees shall submit to physical examination at the request of the department head or Director of Personnel, when such is felt to be necessary.

Employees must remain physically fit to perform their assigned duties or be released from the City's employment.

RULE XXVI

SAVING CLAUSE

SECTION 1. SAVING CLAUSE

The provisions of these rules are declared to be severable, and if any rule, section, sentence, clause, phrase or word of these rules shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, sections, sentences, clauses, phrases and words of these rules, but they shall remain in effect, it being the legislative intent that these rules shall stand notwithstanding the invalidity of any part.

SECTION 2. APPROVAL REQUIRED

Every change in the rules finally adopted by the Commission shall be submitted to the City Council of the City for its consideration. No change in these rules will become valid unless the approval of the City Council has been obtained.

RULE XXVII

RETIREMENT

SECTION 1. MANDATORY RETIREMENT AT AGE SEVENTY

Every classified employee of the City of San Antonio shall be retired from employment with the City on the last day of the calendar year in which such employee reaches seventy (70) years of age.

SECTION 2. BENEFITS UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM

The provisions of this rule are for the purpose of regulating the period of service of employees of the City of San Antonio. Except insofar as such regulation affects the eligibility for benefits under the Texas Municipal Retirement System of such employees by reason of length of service, this rule is not intended to affect or regulate the rights of employees to retirement benefits under such system.

RULE XXVIII

JOB RELATED GRIEVANCES

“Complaint” means an employee’s dissatisfaction with some condition of the job and/or relationship with others on the job, which are outside the employee’s control.

A “job related grievance” is associated with an incident, a disciplinary action, or occurrence within the authority of the immediate supervisor to alter. A complaint does not become a grievance unless and until the employee has (1) discussed the causes of the complaint with the immediate supervisor, (2) the immediate supervisor has rendered a decision which is unsatisfactory to the employee. The employee then has a grievance.

Grievance Procedure

Step 1 – Any employee having a complaint, which is within the authority of supervision to adjust, first will discuss the problem with his immediate supervisor. The supervisor is required to render a decision within two (2) working days.

Step 2 – If the employee is not satisfied with the supervisor’s decision, the employee may, within (5) working days, submit the grievance to the division head. The grievance shall be in writing, or the immediate supervisor shall confirm to the division head, in writing, that the complaint has been reviewed and denied. The division head will render a decision within five (5) working days.

Step 3 – If that decision fails to satisfy the employee, the grievance may then within five (5) working days be submitted to the department head. This request must be submitted in writing, however, the department head shall interview the aggrieved employee in person and take such other action as necessary to ascertain the facts and circumstances. The department head may affirm, deny, or modify the division head’s decision. A decision shall be rendered within ten (10) working days.

Step 4 – Should this decision fail to satisfy the employee, an appeal may be made, in writing, to the City Manager, within five (5) working days. The City Manager will appoint a grievance committee, consisting of three (3) members, to investigate the grievance and report its findings and recommendation. The decision of the City Manager is final.

APPENDIX I

MILITARY SERVICE OF EMPLOYEES

ARTICLE 6252-4a. MILITARY SERVICE OF EMPLOYEES: RESTORATION TO EMPLOYMENT

Section 1. Any employee of the State of Texas of any political subdivision, state institution, county or municipality thereof, other than temporary employee, and elected official, or one serving under an appointment which requires confirmation by the Senate, who leaves his/her position for the purpose of entering the Armed Forces of the United States, or enters State service as a member of the Texas National Guard or Texas State Guard or as a member of any of the reserve components of the Armed Forces of the United States shall, if discharged, separated or released from such active military service under honorable conditions, be restored to employment in the same department, office, commission or board of the State of Texas or any political subdivision, state institution, county or municipality thereof, to the same position held at the time of induction, enlistment of order to active Federal or State military duty of service, or to a position of like seniority, status, and pay, if still physically and mentally qualified to perform the duties of such position.

ARTICLE 6252-4a. PUBLIC OFFICES

Section 2. If such person is not qualified to perform the duties of such position by reason of disability sustained during such military service but qualified to perform the duties of another position in the same department, office, commission or board of the State of Texas or any political subdivision, state institution, county or municipality thereof, the veteran shall be restored to employment in such other position, the duties of which the veteran is qualified to perform as will provide like seniority, status, and pay, or the nearest possible approximation thereof.

MILITARY SERVICE AS FURLOUGH OR LEAVE OF ABSENCE

Section 3. Any person who is restored to a position in accordance herewith shall be considered as having been on furlough or leave of absence during such absence in Federal or State military service, and shall be entitled to participation in retirement or other benefits to which employees of the State of Texas or any political subdivision, state institution, county or municipality thereof, are, or may be, entitled and shall not be discharged from such position without cause within one (1) year after such restoration.

APPLICATION FOR RESTORATION

Section 4. Veterans eligible for restoration to employment hereunder shall make written application for such restoration within ninety (90) days after discharge or release from active Federal or State military service, to the head of the department, office, commission or board of the State of Texas or any political subdivision, state institution, county or municipality thereof, in or by which such veteran was employed prior to entering such military service and shall attach thereto evidence of discharge, separation, or release from such military service under honorable conditions.

APPENDIX I

MILITARY SERVICE OF EMPLOYEES, CONTINUED

REQUIRING COMPLIANCE WITH LAW: HEARING

Section 5. In case any person action in a public capacity fails or refuses to comply with the provisions hereof, the district court of the district in which such person is a public official, shall have power, upon the filing of a motion, petition or other appropriate pleading by the person entitled to the benefits of such provisions to specifically require such public official to comply with such provisions. The court shall order a speedy hearing in any such case, and shall advance it on the calendar. Upon application to the district attorney for the pertinent district by a person claiming to be entitled to the benefits of such provisions, such district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require the compliance with such provisions; provided, that no fees or court costs shall be taxed against the person so applying for such benefits.

Section 6. Chapter 107, Acts of the 52nd Legislature, 1951, 1 is repealed. Acts 1967, 60th Leg., p. 1074, ch. 469, eff. Aug. 28, 1967.

ARTICLE 6252-4b. NATIONAL GUARD DUTY OF EMPLOYEES: EMERGENCY LEAVE

A state employee who is a member of the National Guard called to active duty by the governor because of an emergency, is entitled to receive and shall be granted emergency leave without loss of military of annual leave. Acts 1969, 61st Leg., p. 620, ch. 214, 1, eff. September 1, 1969.