

RULES

of the

CIVIL SERVICE SYSTEM

CITY OF BURBANK

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DEFINITIONS

These Definitions apply to the Rules which follow.

Applicant means a person who has filed an application for appointment to a position in City employment.

Appointing Authority means the City Manager or a Department Manager authorized by him in accordance with Section 10 (b) (3) of the City Charter.

Appointment means a selection and formal employment by the appointing authority.

Board means the Civil Service Board of the City of Burbank.

Civil Service System means the employment system based on merit and fitness established pursuant to Section 37 of the City Charter.

Class means a position or group of positions which are so similar in terms of difficulty, responsibility, and character of work as to merit equal pay and to require substantially the same kind and amount of training and experience for proper performance.

Classification Plan means a compilation of all classes which are established in City employment, together with the title of each class, the description of the typical tasks of the positions composing each class, the employment standards required of persons appointed to positions in the class, and such other data as deemed appropriate.

Department means a separate division of City government and includes the offices of elected City officials and councilmanic appointees.

Developmental Assignment means an assignment and/or appointment of an existing employee for a short duration to provide the employee with development/training opportunities. No employee who has received a Developmental Assignment and/or appointment shall accrue any rights or privileges in the position to which they have been assigned and/or appointed. The City Manager shall provide a quarterly report to the Civil Service Board listing current Developmental Assignments. The report shall contain, at a minimum, the employee's name, title, department, date of assignment and/or appointment, anticipated length of time of assignment and/or appointment, and a general description of the goals and activities of the assignment and/or appointment. (Added by Res. No. 28,419, October 4, 2011)

Emergency Appointment means an appointment pursuant to Section 2-68 (e) of the Municipal Code.

Employee means any office or person holding a position in the Civil Service System.

Employment List means a list of names and final grade averages of all applicants who have passed a competitive examination.

Employment Standards mean the qualifications (including the experience, knowledge, skills, abilities, and personal and physical characteristics) which are prescribed for the examination, selection, or appointment of any applicant to fill any position included in the classification plan of City employment.

Exempt Appointment means an appointment for an indefinite period to an exempt position.

Exempt Employee means an employee appointed to an exempt position.

Exempt Position is one of the employments mentioned in Section 2-59 of the Municipal Code which is included under the classification plan but outside the Civil Service System.

Military Vacancy means a position opening resulting from an employee being called to active military duty to fulfill a military obligation.

Open Examination means an examination given for the purpose of establishing priority among applicants who meet the employment standards for a position.

Part-time Employee means an employee who ordinarily works less than 40 hours a week.

Permanent Appointment means an appointment for an indefinite period to a permanent position in the Civil Service System following the appointee's satisfactory completion of a probationary period.

Permanent Employee means an employee who has satisfactorily completed his probationary period and has received a permanent appointment.

Permanent Position means a position the duties of which do not terminate at any stated time.

Position means the duties and responsibilities performed by one employee.

Probationary Appointment means an appointment for a definite probationary period.

Probationary Period means the period referred to in Section 2-69 of the Municipal Code.

Promotional Examination means an examination given for the purpose of establishing priority among applicants who have status as permanent employees.

Provisional Appointment means an interim appointment of an employee pending the establishment of an employment list. (Revised by Res. No. 28,419, October 4, 2011)

Seasonal Position means a temporary position which may offer recurring periodic employment.

Series means a group of classes of positions related by substantially similar duties and responsibilities, and described under one common designation.

Temporary Appointment means an appointment of short duration for which no rights or privileges accrue when the needs of the service make it necessary to employ additional personnel for a temporary period. (Revised by Res. No. 28,419, October 4, 2011)

Temporary Assignment means placement of an existing employee temporarily into a position usually occupied by another employee who is temporarily unable to perform the duties of the position due to illness, authorized absence, assignment to other duties, or other reasons required or approved by the City. (Added by Res. No. 28,419, October 4, 2011)

Temporary Position means a position the duties of which are not permanent in nature and are expected to terminate within a definite period of time.

Title means the common designation of a position or group of positions composing a class.

Veteran means any person who has been a member of the Armed Forces of the United States of America during a time of actual hostilities, as defined by the Congress of the United States, and has received an honorable discharge or certificate of honorable active service.

(Amended by Reso. No. 24, 307, August 23, 1994.)

RULE I

CLASSIFICATION PLAN

1. Adoption of Classification Plan
2. Continuing Study of Classification Plan
3. Request for Revision in Classification Plan
4. Revision of Classification Plan – Hearing
5. Adoption of Revisions
6. Use of Classification Plan
7. Allocation of Positions
8. Employment Standards Prescribed
9. Temporary Assignments – Training Program
10. Enforcement
11. Reports from Departments

1. **Adoption of Classification Plan** – The Classification Plan established by Resolution No. 9240 of the Council of the City of Burbank, adopted June 16, 1953, as amended, is affirmed and continued as the Classification Plan of the City of Burbank.
2. **Continuing Study of Classification Plan** – The Personnel Director shall conduct a continuing study of the duties and responsibilities of all positions in City employment for the purpose of maintaining and revising the Classification Plan as needed. As such studies are completed, the Personnel Director shall prepare and present to the Board his findings, conclusions and recommendations.
3. **Request for Revision in Classification Plan** – A Department Manager may request changes or additions to the Classification Plan. The request shall be referred to the Personnel Director for study and recommendation. An employee may also submit a request for a classification study to his Department Manager, for his consideration.
4. **Revision of Classification Plan – Public Meeting**

- A. The Management Services Director shall prepare each proposed change or addition to the Classification Plan in writing. Each proposal shall identify the position or class affected and shall detail the proposed change or addition.
- B. The Board shall conduct a public meeting on each proposed change to the Classification Plan within the Civil Service System. Reasonable notice of the meeting shall be given by the Management Services Director and the meeting shall be conducted in the manner prescribed by the Board.
- C. At the conclusion of the meeting, the Board shall transmit its decision regarding the proposed change or addition to the City Manager. The City Manager shall implement the Board's decision or may appeal the decision to the City Council.

(Amended by Res. No. 28,419, October 4, 2011.)

- 5. **Use of Classification Plan** – The titles established by the Classification Plan shall be used in all accounting, personnel, and other official records of the City. The class specifications are to be considered descriptive and explanatory, and not necessarily inclusive or exclusive.
- 6. **Allocation of Positions** – Whenever the Classification Plan is revised, the Personnel Director shall allocate or reallocate such positions, subject to the approval of the City Manager.
- 7. **Employment Standards Prescribed**
 - A. The City Manager may at any time revise the employment standards for any classification. Such revision shall be posted for a period of five days on the official bulletin board in the City Hall and other conspicuous places. Included in all employment standards, although not specifically set forth therein, are the requirements of integrity, good character, and good judgment.
 - B. The Personnel Director shall provide the Board at its regular meeting with a monthly report of all employment standards which have been prescribed or revised.

Enforcement – The Manager of each department is responsible for maintaining the integrity of the Classification Plan. No employee shall be required to work in any higher classification for a continuous period in excess of 30 calendar days.

Reports from Departments – The City Manager shall require the Manager of each department to report to him the information he deems necessary to effect the purposes of the Classification Plan.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE II

APPLICANTS AND APPLICATIONS FOR EXAMINATION

1. Application Form
 2. Time for Filing Applications
 3. Applications Required
 4. Disqualification of Applicant
 5. Notification of Rejection of Application
 6. Persons Excluded
1. **Application Form** – An application form shall require information which covers education and/or training and experience, and other pertinent information such as deemed necessary. All applications must be signed by the individual making the application.
 2. **Filing Applications** – All applications must be filed at the place, within the time, in the manner, and on the form specified in the examination announcement. A separate application shall be filed for each examination unless otherwise specified in the examination announcement. Under no circumstances will applications be returned to applicants. The time for filing applications may be extended or reopened by the Personnel Director as the needs of the service require, provided notice is given. See Rule III, Section 3. Applications may be accepted before an announcement for an examination has been posted.
 3. **Applications Required** – Applications must be on file for all persons employed by the City.
 4. **Disqualification of Applicant** – The City Manager may refuse to accept an application or to examine an applicant, or may remove the name of a person from the employment list for certification, for any of the following reasons:
 - A. Failure to possess any one of the necessary requirements stated in the examination announcement or bulletin;
 - B. Failure to meet the City's medical standards;
 - C. Conviction or forfeiture of bail for any felony, or any misdemeanor which reflects upon the applicant's integrity, fitness, character, and ability to perform the duties of the position in a satisfactory manner;

- D. Having his privilege to operate a motor vehicle on the public highways of the State of California or any other state suspended or revoked by the Department of Motor Vehicles for any reason within one year of the date of application, if a driver's license is required;
- E. Gambling, immoral habits or disorderly conduct; the excessive use of intoxicating liquors, or the illegal use or possession of narcotics, or dangerous drugs;
- F. Discharge from public or private employment for cause, including inefficiency, delinquency, or misconduct;
- G. Discharge from the Armed Forces of the United States under conditions other than honorable;
- H. Making a false statement of any material fact, or attempting any deception in his application, which would include omissions;
- I. Refusal to execute an oath as may be prescribed by law;
- J. Failure to present himself for fingerprinting as required;
- K. Or any other activity which is inconsistent with the best interests of the City.

5. Notification of Rejection of Application

- A. Whenever an application is rejected, notice of, and the reason for, rejection shall be given to the applicant prior to the examination date.
- B. Persons whose applications have been rejected because they were incomplete may call at the Personnel Department and clarify their applications, upon the approval of the Personnel Director. However, such clarification must be made before the time of the examination.

6. Persons Excluded

- A. No person concerned in preparing, conducting or holding an examination shall be permitted to be a candidate in such examination.
- B. No person shall be eligible to take an examination for a position unless he meets all qualifications for such position within the time provided to file an application.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE III

EXAMINATIONS

1. Examinations Impartial
 2. Ordering of Examinations
 3. Public Announcement
 4. Competitive Examinations
 5. Promotional Examinations
 6. Method of Examining
 7. Medical Examinations
 8. Continuous Examinations
 9. Postponement or Cancellation of Examinations
 10. Preparation
1. **Examinations Impartial** – All examinations shall be competitive, impartial, and suitable, as determined by the Personnel Director, for testing fairly the relative merit and fitness of the persons examined to perform the duties of the positions to which they seek appointment.
 2. **Ordering of Examinations** – The Personnel Director shall schedule examinations whenever necessary. The Department Managers shall anticipate future personnel needs of their departments as far as possible.
 3. **Public Announcement** – Notice announcing an examination, setting forth the title of the position, the period for submitting applications, and other descriptive material as deemed necessary by the Personnel Director, shall be posted on the official bulletin board in the Personnel Department in the City Hall, and other conspicuous places. Public notice shall be given at least 5 working days prior to the final filing date.
 4. **Competitive Examinations**
 - A. All examinations shall be competitive and examinations shall be deemed to be competitive when applicants are tested as to their relative qualifications and abilities, or when a single applicant is scored against a fixed standard.

- B. All competitive examinations shall consist of one or more parts carrying a specific or numerical percentage weight as announced at the time of the examination. Such weights are designed to qualify an applicant in terms of the relative fitness to perform the duties of the position for which the examination was ordered. Any part of an examination may be deemed as qualifying.
- C. Competitive examinations shall be promotional and/or open competitive. The Personnel Director will determine whether the competitive examinations will be promotional and/or open, in accordance with these Rules.

5. Promotional Examinations

- A. Whenever practical, vacancies shall be filled by promotion of permanent employees. Such promotion shall be based on competitive examinations, an evaluation of records of efficiency, merit, character, seniority in service, or such other measures of merit and fitness as may be necessary.
- B. The method of examination, the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment. The Personnel Director shall provide the Civil Service Board with a report each month of the promotional competitions which have been scheduled for fewer than four (4) eligible employees and the reasons therefor.
- C. The Personnel Director shall determine whether each promotional examination shall be interdepartmental promotional (open to all eligible employees) or departmental promotional (limited to eligible employees of the department embracing the position for which the examination is given).

6. Method of Examining – Examinations may consist of one or more of the following parts, to which weights shall be assigned according to their relative value in ascertaining the fitness of candidates:

- A. Written tests;
- B. Oral test of knowledge or ability;
- C. Performance tests, including physical tests of strength, training, or experience;
- D. Interviews covering general qualifications, education, training, or experience;

- E. Evaluation of education, training, experience, or other qualification as shown by the application, or by other information submitted, including questionnaires submitted to references; and any other measure of fitness as deemed appropriate.

7. **Medical Examination** – See Rule VIII, 4.

8. **Continuous Examinations**

- A. For classes of positions for which the Personnel Director finds it difficult to maintain adequate eligible lists, he may receive applications, conduct examinations, and create eligible lists continuously. (The Personnel Director shall prepare a list of these titles and send it to the Civil Service Board).

The names of eligibles who took the same or a comparable examination on different dates may be ranked for purposes of certification in the order of final earned ratings, except as such order may be modified by the application of veterans' preferences. Eligibility from a continuous examination may be deemed to be established as of the date of the examination.

No unsuccessful applicant taking a continuous type of examination may re-apply for the same position within 90 days, unless the position is removed from open continuous examination.

9. **Postponement or Cancellation of Examinations** – Any examination or any part thereof may be postponed or cancelled at any time. Notice of such postponement or cancellation shall be posted on the official bulletin board in the Personnel Department in the City Hall, and mailed or telephoned to the applicants. In an emergency, when time does not permit such notice, an examination maybe postponed or cancelled, or the place of examination changed, by posting a notice on the official bulletin board in the City Hall, in the Personnel Department, as soon as possible, as well as in a conspicuous location at the place where the examination was to be held originally.

10. **Preparation** – The Personnel Director shall prepare, or have prepared under his direction, all examinations. He may call upon other persons to draw up, conduct, or grade examinations.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE IV

CONDUCT OF EXAMINATIONS

1. Admission
2. Written and/or Performance Examination

1. Admission

- A. Any person shall be admitted to examination who has filed an application as provided herein within the period prescribed in the public notice announcing such examination, and whose application has not been rejected for cause.
- B. When an applicant is unable to appear for an examination at the time designated, or at any time during the progress of the examination, the City Manager determines that applicant had good reason for such failure to appear, the City Manager may direct that the examination be given the applicant at a time and place to be fixed by the Personnel Director, provided that no fraud will be perpetrated, and that no person taking the examination will be materially prejudiced or assisted in passing the examination by reason of such privilege.
- C. Consistent with the needs of the City, the Personnel Director may limit admission to open competitive examinations to those of the applicants meeting the minimum qualifications whose applications show the best combination of qualifications in relation to the requirements and duties of the position under consideration.

2. Written and/or Performance Examination

- A. In conducting an examination, all necessary explanations shall be made to the entire group being examined, and no question shall be explained to any individual competitor separately, except where the character and type of examination require that the candidates be separated from the place of examination.
- B. All conversations or communications between or among applicants during an examination shall be strictly prohibited, and no applicant shall be permitted to leave the room except in case of necessity, with the permission of the person in charge.
- C. Unless specifically stated in the examination announcement or notice of examination, no assistance of any kind whatsoever, written or printed matter, tools or specialized supplies, or such other equipment that would provide aid to the applicant, will be permitted at the location of the examination. If any of the above are found at the location of the

examination or on the person of the applicant, it shall be deemed cause for removal from the examination and disqualification. Nothing in these Rules will be deemed to prohibit the City from supplying the necessary supplies, tools or equipment for an examination. The applicant may be required to furnish tools, books, or other necessary equipment.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE V

SCORING AND REPORTING OF EXAMINATIONS

1. Subjects, Weights and General Averages
2. Veteran's Preference
3. Promotability
4. Seniority
5. Inspection of Examination
6. Preservation of Examination Papers
7. Retaking of Examinations
8. Reuse of Test Scores
9. Results of Examinations and Promulgation of Employment List
10. Fire Fighter

1. Subjects, Weights and General Averages

An examination shall consist of one or more parts. Each part is to be weighted to represent its relative value in the whole examination. The method of obtaining the average percentage of the examination is as follows: multiply the rating obtained in each part by the relative weight of that part, add the products, and divide the sum of the products by the sum of the relative weights. The results thus obtained will be the average percentage for the examination. This average percentage shall be rounded either to the second decimal place or in accordance with applicable Memorandum of Understand with an exclusively recognized employee organization and considered accurate to that degree for the purpose of establishing employment lists only. The passing score shall be set based on consideration of the difficulty of the test, the quality of the competition, and the needs of the City. At no time shall the passing score be set so that it is lower than an arithmetic 70%.

Any portion of an examination may be deemed as qualifying. When an examination consists of two or more parts, the Management Services Director shall determine whether all applicants who do not pass on one part will or will not be allowed to proceed to the next part of the examination. This decision, as well as the passing score for each qualifying part, is to be based on a consideration of the difficulty of the part, the quality of the competition, and the needs of the City.

Such determination is to be made before the identification of the competitors' examination papers.

If an applicant fails in a part of the examination with a weight sufficiently great to make it impossible for him/her to attain the passing score for the overall exam, he/she shall be excluded from further examination and shall be considered as having failed in the entire examination.

(Amended by Res. No. 28,419, October 4, 2011.)

2. Veteran's Preference

A. When and if a veteran earns a passing grade in an open competitive examination, an additional 1-1/2 percent of such grade scored shall be added to his grade for each six (6) months of active service, up to a maximum of six (6) percent.

B. A veteran entitled to a disability pension who has been honorably discharged because of wounds or other service-incurred disabilities shall be entitled to the full six (6) percent regardless of length of service. Wives of veterans who were wounded, crippled, or otherwise physically or mentally incapacitated to an extent preventing them from engaging in any remunerative occupation, and widows of veterans who died while in such service, shall be accorded the same preference credit as provided for veterans.

C. The veteran should submit with his application his original discharge (or certificate of active service) or a photostatic copy or certified copy thereof, or, if this is not possible, an official record of his military or naval service based upon records of the Department of Defense. Such document must show the period of active service.

3. Promotability –When and if an employee earns a passing grade in a promotional examination, there shall be added to his grade a credit for promotability determined by a special Rating Sheet filed by the Department Manager immediately prior to the competition in accordance with the following point schedule:

Not recommended for promotion	0
Promotable	1
	2
Above standard	3
	4
Outstanding	5

A copy of the Rating Sheet shall be made available to the employee at the time notification of test results is made.

4. **Seniority** – When and if an applicant earns a passing grade in a promotional examination there shall be added to his grade a seniority credit. Credit for seniority shall be determined from the record of the employee's service. For the completion of six (6) months of service, there shall be given a credit of one-fourth point, and a like amount shall be added for each additional six (6) calendar months of service thereafter, provided, however, that the total credit for seniority thus determined shall not exceed five (5) points.

5. **Inspection of Examination**

A. Any applicant in an examination may inspect a copy of the question booklet and the correct answers in the Personnel Department during the five working days immediately following a written test. Standardized tests shall not be subject to review, and continuous tests, if not standardized, shall be open to review only after the end of the testing period.

B. Examination papers of applicants are not subject to inspection by the public nor by other applicants, and the references and oral rating sheets shall be deemed confidential and shall not be open to inspection by the applicant nor by the public.

6. **Preservation of Examination Papers**

Application forms and examination papers for each examination shall be preserved for a period of not less than forty (40) days after the date of the establishment of the resulting employment list. The examination papers written by an applicant certified for appointment shall be open to the inspection of the appointing officer during this period.

After the requirements of this section have been fulfilled, all papers relating to an examination may be destroyed, except as provided elsewhere in these rules.

7. **Retaking of Examinations**

Any person who has been disqualified in any part of an examination may take the next scheduled examination for the same classification under either of the following conditions:

A. When at least three (3) months have elapsed since the date of the part of the previous examination in which the application was disqualified.

B. When less than three (3) months have elapsed since the date of the part of the previous examination in which the applicant was disqualified, but that part has since been substantially revised or changed.

8. **Reuse of Test Scores**

Test scores of applicants are considered in effect for a period of three (3) months. If an applicant takes a test for an examination for one classification and then is accepted within three (3) months for another examination in which the same test

is to be used, either as part or all of the current examination, his previous raw score on that test will be used in computing his converted score on that portion of the current examination.

9. Results of Examination and Establishment Employment List

- A. No examination shall be deemed to have been completed until the markings and results thereof have been determined and an employment list has been established therefrom.
- B. The employment list may be promulgated by the City Manager and shall set forth in writing the names of the successful applicants in the numerical order in which they have been rated, giving their ratings and any other data deemed to be pertinent for the purpose.
- C. After reviewing the results of the examination and before establishing a list, the City Manager may reject the examination and notify the Civil Service Board at their next meeting, giving the reasons therefore. If the examination is rejected, no employment list shall be established therefrom.
- D. No person taking an examination shall acquire any rights by reason of the outcome thereof until an employment list has been established therefrom. Such employment list, however, may be revised or canceled as the result of any appeal involving the examination or the employment list. See Rule VI, 5.

(Adopted by Res. No. 16, 232, October 24, 1972.)

- 10. Fire Fighter** – The provision in Rule V.1 providing that the average percentage of the examination shall be rounded to the second decimal place and considered accurate to that degree for the purpose of establishing employment lists only, shall not apply to all examinations for Fire Fighter for the period August 1, 1993 to June 30, 1994. Instead, the final average scores will be calculated and rounded up or down to the nearest whole score. The scores will be rounded down if below .5 and rounded up if .5 or above. All other provisions of Rule V.1 shall apply to the examinations for Fire Fighter for the period August 1, 1993 to June 30, 1994.

(Adopted by Res. No. 24,077, November 23, 1993.)

(Rev. 2/94)

RULE VI

EMPLOYMENT LISTS

1. Employment List Created
2. Order of Names on Employment Lists
3. Tie Scores
4. Disclosure of Names of Eligibles
5. Termination of Employment Lists
6. Duration of Employment Lists
7. Automatic Cancellation of Employment List
8. Employment List, Several Departments
9. Removal from Employment List
10. Restoration of Probationers to Employment Lists
11. Veterans
12. Fire Fighter

1. **Employment List Created** – The Personnel Director shall, when necessary, prepare in accordance with these Rules, employment lists for classifications.
2. **Order of Names on Employment Lists** – The names of applicants who received a passing score shall be placed on an employment list in order of their final scores.
3. **Tie Scores** – Whenever two or more applicants in a competitive examination have the same final grade, the one who filed his application first shall be highest on the list.
4. **Disclosure of Names of Eligibles** – The employment list, including the names and final scores of all those who passed the examination, shall be open to public inspection.
5. **Termination of Employment Lists** – An employment list may be terminated by the City Manager whenever fewer than three names remain on the list or when a certification of at least three names is impossible because the eligibles on the list

have either refused appointment or failed to reply to a written inquiry regarding availability.

6. **Duration of Employment Lists** – An employment list shall be in effect for one year from the date of establishment, except for promotional lists for safety members (Fire and Police), which shall be in effect for two years from the date of establishment. The Civil Service Board, at its discretion, may designate a shorter period of time for the duration of any employment list.

An employment list may be extended by the City Manager for an additional year. A person eligible for certification may retain such rights beyond the life of the employment list as provided in the military leave provisions of these Rules. See Sections 10 and 11.

7. **Automatic Cancellation of Employment List** – An employment list which has been in effect for six months shall be cancelled upon promulgation of a new employment list for the same position or group of positions, unless otherwise ordered by the Board.
8. **Employment List, Several Departments** – If an employment list is used for several departments, a refusal to accept a position in one department shall not preclude certification to a similar position in another department.
9. **Effect of Appointment from Employment List** – Whenever a person accepts a permanent appointment to a full-time position, his name shall be removed from the employment list for such a position. If he is appointed to a permanent part-time position, his name shall remain on such list. If he is appointed to a lower level position from an appointment list pertaining to a higher position, his name shall remain on such list. (Any person declining to accept a full-time appointment on account of salary shall be removed from the list.)
10. **Restoration of Probationers to Employment Lists** – Upon the expiration of a military vacancy, any person having been appointed to fill such vacancy from an employment list shall have his name restored to the current and succeeding lists like the one on which his name previously appeared and in the place corresponding to his general average in the examination, to remain for the balance of the time that his name would have appeared on the original list until it expired, except where he has voluntarily resigned from the City service or been dismissed therefrom for cause.
11. **Veterans** – Upon written request, any person entitled to a veteran's preference with respect to any position and (1) not physically incapacitated to hold such position, or (2) who was prevented from accepting a prior appointment by such military service, may have his name restored to the same employment list on which his name previously appeared, or on the current list, in the same place corresponding to his general average plus his veteran's preference.

(Adopted by Res. No. 16,232 1/24/72; amended by Res. 17060, adopted 3/18/75.)

12. **Fire Fighter** – Rule VI.2 and Rule VI.3 shall not apply to all applications for Fire Fighter for the period August 1, 1993 to June 30, 1994. Instead, successful candidates will be grouped into whole score bands, and ranked in alphabetical order within the bands. Candidates will be listed on the Employment List in descending order of the whole score bands, from the highest to the lowest.

(Adopted by Res. No. 24,077 11/23/93.)

(Rev. 2/94)

RULE VII

CERTIFICATION FROM EMPLOYMENT LISTS AND APPOINTMENT

1. Requisition for Appointment
2. Canvass of Employment List
3. Appointments
4. Fewer Than Three Names
5. Priority of Lists
6. Withholding Names from Certification or Removal from the Employment List
7. Temporary Appointments
8. Objections and Substitutions
9. Evaluation of Probationary Employees
10. Appointment to a Seasonal Position
11. Probationary Period
12. Fire Fighter

1. **Requisition for Appointment** – Whenever a vacancy is to be filled, the Department Manager shall request a certification of eligible persons from the Personnel Director. Except in the case of persons reinstated after layoff as provided for by Section 2-517 of the Municipal Code, the names of persons willing to accept appointment shall be considered in the order in which they appear on the employment list. The Personnel Director shall certify the names to the appointing power in that order. The number of names eligible for consideration for appointment or certification for appointment shall exceed by two (2) the number of vacancies to be filled. Also, see Section 2-511 of the Municipal Code.

2. **Canvass of Employment List.**

A. Whenever the Personnel Director is notified that proficiency in a special subject is needed in the position to be filled, he may ascertain the names of all those on the list who possess such qualifications and shall certify them,

with the approval of the City Manager, in order of standing, or shall, in his discretion, conduct a new examination.

- B. If the duties of a position require a particular sex, the Personnel Director shall certify in the order of their standing the eligibles of the sex required or, if necessary, shall conduct a new examination.
3. **Appointments** – The appointing power may, with the approval of the City Manager and in accordance with the provisions of the Municipal Code and Civil Service Rules as to certification and appointment, fill a vacancy by making an appointment from an employment list established for a comparable or higher level position, provided:
 - A. The duties or qualifications of the comparable or higher level classification include those of the position being filled; and
 - B. No employment list exists for the position being filled; and
 - C. There are not sufficient persons eligible for and wanting promotion to give a promotional examination for the position being filled.
 4. **Fewer Than Three Names** – Whenever an employment list from which certification is to be made contains fewer than three names, the appointing power may make an appointment from such list or may make a temporary appointment until at least three (3) names of eligibles are certified to him.
 5. **Priority of Lists** – When two or more lists are of different types, they may be used by the appointing power in any order of priority, or any combination thereof:
 - A. Departmental promotional – selection of candidates in department where vacancy exists;
 - B. Interdepartmental promotional – selection of candidates from any eligible City employee; and
 - C. Open competitive – selection from any qualified candidate;
The Police Department may request an open competitive list specifically for Police Officer candidates who have graduated from a California police training academy approved by the Commission on Peace Officer Standards and Training (POST), or candidates who have been employed for at least one year with a state, county, or municipal police agency outside the state of California, and who meet POST and Police Department requirements for Police Officer. However, out-of-state candidates must be appointed as Police Recruits until approved by POST

for Police Officer status. Certification may be made from any of these lists as the needs of the Police Department may require.

The Fire Department may request certification from an open competitive list or an open competitive list specifically for Fire Fighter candidates who have graduated from a recognized California fire training academy and who have completed at least one year of paid service and are currently employed as a Fire Fighter in a California fire protection agency.

(Amended by Res. No. 28,419, October 4, 2011; 19,485; 18,137, 18,118, 17,368)

6. **Withholding Names from Certification or Removal from the Employment List** – The name of an eligible may be withheld from certification or removed from the employment list for any of the reasons set forth in Rule II, 4 or for any of the following:
 - A. He expresses unwillingness or inability to accept appointment;
 - B. He fails to respond within five (5) working days next succeeding the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment;
 - C. He fails to present himself for duty at the time agreed upon after having accepted an appointment;
 - D. He fails to present the license, registration, certificate, or any other credential required of the position.
7. **Temporary Appointments** – The acceptance or declination of an appointment for less than six (6) months shall not affect the certification of an eligible's name for permanent appointment. The name of an eligible who accepts a temporary appointment shall remain on the employment list.
8. **Objections and Substitutions** – If a person has been certified three times without receiving an appointment, his name shall be removed from the employment list, unless the City Manager approves the retention. The Department Manager may object to any person certified on any of the grounds hereinabove set forth or under Rule II, 4 as disqualifications for applicants. If such person's name shall be struck from the employment list, the Administrative Services Director shall certify the next name on the employment list.
9. **Evaluation of Probationary Employees** – During the probationary period, reports will be made on the progress, efficiency, and desirability as a permanent employee. The Department Manager will report in such manner as the City Manager requires.

10. **Appointments to a Seasonal Position** – Appointees to seasonal positions shall be by temporary appointment only.

11. **Probationary Period** – All original and promotional appointments to positions in the Civil Service system shall be for a probationary period of twelve (12) months, except as otherwise provided in a Memorandum of Understanding with an exclusively recognized employee organization.

(Amended by Res. No. 21,196, adopted March, 12, 1985.)

(Adopted by Res. No. 16,232, October 24, 1972.)

12. **Fire Fighter** – Rules VII.1, VII.2 and VII.4 shall not apply to all applications for Fire Fighter for the period August 1, 1993 to June 30, 1994. Instead, the following Rules shall apply:

A. Upon receipt of a signed and authorized Personnel Requisition to fill one vacancy, Personnel will certify to the department, for consideration for hire, the names of all eligible candidates whose scores, at the time of certification, represent the three highest whole score bands.

B. Upon receipt of a signed and authorized requisition to fill more than one vacancy, Personnel will certify to the department, for consideration for hire, the names of all eligible candidates whose scores, at the time of certification, represent no less than three (3) whole score bands or the number of whole score bands required to provide a minimum of two (2) candidates for each vacancy, whichever is greater.

C. All candidates within all bands certified to the department shall be considered equally qualified and eligible for hire by the department, and the appointing authority may appoint any eligible candidate from the certified list of names.

D. Whenever an Employment List from which certification is to be made contains fewer than three (3) whole score bands, the appointing authority may make an appointment from such list or may make a temporary appointment until at least three (3) bands of eligible candidates are certified.

(Adopted by Res. No. 24,077, November 23, 1993.)

RULE VIII

MEDICAL EXAMINATIONS

1. Purpose
2. Examination Standards – Regulations
3. Time of Examination
4. Disqualification
5. Report of Medical Examination
6. Review of Medical Examination
7. Surgical Operations
8. Special Medical Examinations
 1. **Purpose** – The medical examination is part of the examination process the purpose of which is to obtain, retain, or return to employment employees free from any physical, psychiatric or neurological defect or pathological condition which would limit or interfere with the proper, full and effective, performance of their duties. In addition, medical examinations shall be required for promotion only for those positions as may be specified by the City Manager.
 2. **Examination Standards – Regulations** – The City Manager shall establish, upon recommendation of the Personnel Director and the City Medical Consultant, the medical and physical standards for each employment class and may provide for regular periodic examinations for all or any classes of City employees. Further, the conditions under which medical examinations will be required for an employee returning from any type of medical leave of absence shall be determined by the City Manager.
 3. **Time of Examination** – The medical examination, whenever possible, shall be scheduled and so held as to permit the applicant to take such examination prior to his appointment.
 4. **Disqualification** – An applicant whose name appears on an employment list, or who has been certified pending the medical examination, who fails to pass such medical examination, shall be disqualified. In the event the applicant is subsequently able to pass the medical examination during the life of the employment list, he shall be eligible for certification in accordance with his original grade and his standing on the employment list at that time.

An applicant may be medically disqualified in the absence of a disabling defect if, in the judgment of the medical examiner, a condition exists which may develop into a physical, psychiatric, or neurological limitation or disability.

5. **Report of Medical Examination** – The report of the medical examination shall be confidential and released only as provided herein. When an applicant is disqualified as a result of a medical examination, he shall be so notified, stating the reasons for the medical disqualification.
6. **Review of Medical Examination**
 - A. When an applicant is disqualified because of failure to meet the medical or physical standards, he may appeal to the City Medical Consultant in writing within five (5) working days after notification of the disqualification. The applicant may file with his appeal such written medical or laboratory reports, X-rays, photographs, or other exhibits or written statements he may desire. If, upon review, the City Medical Consultant deems that a re-examination is warranted, an examination may be conducted and shall be paid for by the applicant.
 - B. Based on a study of the re-examination results, the City Medical Consultant's decision shall be final.
7. **Surgical Operations** – Applicants shall not be accepted for appointment subject to the performance of surgical operations, corrective therapy or other medical care for the removal or cure of defects which would limit or interfere with the proper, full, and effective performance of their duties.
8. **Special Medical Examinations** – The City Manager or a Department Manager may require an employee to have a special medical examination at City expense, if it appears that the employee has or is developing a condition that may impair his ability to perform his work.

If the examination confirms that the employee has or is developing such a disabling condition, the employee will be advised of it and directed to seek attention under the direction of his personal physician. The employee will be evaluated for retention in his present position, transfer to another position, rehabilitation training, or termination, depending on specific conditions in each case.

(Adopted by Res. No. 16,232; amended by Res. No. 16,437, June 19, 1973.)

RULE IX
TRANSFERS

1. Transfers
2. Transfer to Position not in Civil Service
3. Transfers – Physically Incapacitated
4. Transfers Refused
5. Seasonal Employees – Transfer

1. **Transfers**

A. The City Manager may transfer an employee from one position to another of the same or comparable class and character of work, and where the same general type of examination is given for such position.

B. An employee may request transfer or reassignment to a position of the same class and character of work in the same or lower rank, subject to the approval of the Department Managers involved and the City Manager. Department Managers involved will be given appropriate notice.

2. **Transfer to Position not in Civil Service** – See Section 2-70 of the Municipal Code.

3. **Transfers – Physically Incapacitated** – Where an employee becomes mentally or physically incapacitated for the performance of his duties, the City Manager may transfer such employee to a position in the same or in a lower class which he has the ability to fill.

4. **Transfers Refused** – The City Manager shall refuse to authorize the transfer or reassignment of an employee, or may order the assignment of an employee changed, if upon investigation he finds that the transfer or reassignment is proposed or made:

A. With the intent of forcing or causing an employee to resign;

B. Because of political, social, or religious discrimination or other improper influence;

C. To inflict undue hardship on the employee; or

D. In violation of these Rules.

5. **Seasonal Employees – Transfer** – Seasonal employees shall qualify for transfer to continuous service by competitive examination. Seniority accrued in seasonal employment is applicable for continuous service in the same class
(Adopted by Res. No. 16,232, October 24, 1972.)

RULE X

REINSTATEMENTS

1. Reinstatement to Employment List
2. Military Leaves
3. Disabled Veterans

1. **Reinstatement to Employment List** – On the request of an appointing authority, the City Manager may approve the reinstatement within three years of any person having probationary or permanent status who was separated from their position through resignation without fault or delinquency on their part, if within that time there is need for their services in a position in the class from which the employee was separated or in a lower class in the same series or in a related series requiring similar types of qualifications, knowledge, and abilities, or in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range.

A person reinstated under the provisions of this section must possess the required minimum qualifications for the classification and shall serve the probationary period prescribed for the class before attaining permanent status. A person reinstated under this provision shall not be credited for service prior to their separation for purposes of layoff, sick leave, vacation accrual, or accrual of any other type of leave provided for in an applicable Memorandum of Understanding, unless approved by the City Manager. Leave accrual shall be limited to the maximum biweekly accrual rate as contained in an applicable Memorandum of Understanding.

Any such grant of additional vacation leave or other types of leave shall be reported by the City Manager in writing to the Board on at least a quarterly basis. The report shall contain, at a minimum, the employee's name, title, department, and the type and amount of additional leave granted.

(Amended by Res. No. 28,419, October 4, 2011.)

2. **Military Leaves** – Employees granted military leaves of absence from the City service shall be reinstated as provided in Chapter 7, Part 1, Division 2 of the Military and Veterans Code of California (Sec. 389 et seq.).
Note: When reinstated, they shall be entitled to receive salary at the step rates to which they would have been entitled had they continued without interruption in their respective positions.
3. **Disabled Veterans** – If the Board determines that a veteran returning from military leave is not entitled to reinstatement to his former position as provided in

said Military and Veterans Code because of being physically or mentally disabled, and it also determines that such veteran is able to perform the duties of a position, in the same department or in another department, of the same or a lower classification, the Board may approve his reinstatement to a position in such classification.

Upon written request of such disabled veteran and the recommendation of the head or heads of the departments involved, the City Manager may appoint him to a position in such classification.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE XI

SUSPENSION, DEMOTION, AND TERMINATION

1. Suspension, Demotion, and Dismissal
2. Termination or Demotion – Physical or Mental Incapacity
3. Reasons for Suspension, Demotion, or Dismissal
4. Notice of Resignation.

1. **Suspension, Demotion, and Dismissal** – The same procedure shall be followed in cases of suspension, demotion and/or dismissal as is provided by Sections 2-71 to 2-73 of the Municipal Code.
2. **Termination or Demotion – Physical or Mental Incapacity** – When, in the opinion of the appointing authority, an employee is physically or mentally incapable of performing duties assigned to his position, the appointing authority may require such employee to be examined by an appropriate specialist selected by the City Medical Consultant. An employee may be terminated or demoted if, after appropriate medical examination, it is determined that he is incapable for physical or mental reasons to perform the duties assigned to the position. The termination of said employee, for physical or mental reasons, shall be subject to the provisions requiring notice, review, and appeal of such action, as provided herein.

If an employee refuses to take an appropriate medical examination, the appointing authority may consider this reason for discharge.

3. **Reasons for Suspension, Demotion, or Dismissal** – Suspension, demotion, or dismissal of an employee may be accomplished for any one or more of the following reasons:
 - A. Violation of any official regulation or order or failure to obey any proper direction made and given by a superior, or failure to comply with any condition of employment or to maintain any necessary qualification in the course of municipal employment;
 - B. Neglect of duty;
 - C. Unjustified failure or refusal to properly perform the duties assigned;
 - D. Gross carelessness in the discharge of assigned duties;
 - E. Conduct of a disgraceful or scandalous nature;

- F. Malfeasance in office or employment;
- G. Conviction or forfeiture of bail for any misdemeanor involving moral turpitude, or any felony;
- H. Having one's privilege to operate a motor vehicle on the public highway in the State of California suspended or revoked by the Department of Motor Vehicles where a driver's license is required for the performance of your job;
- I. One or more days unauthorized absence;
- J. Repeated tardiness;
- K. Inability to establish and maintain proper working relationships with fellow officers or employees;
- L. Reporting for duty, or being on duty, under the influence of alcohol, drugs or any combination thereof; or rendering oneself unfit to perform fully one's duties for reasons attributable to, or produced by, indulgence in alcohol, drugs, or any combination thereof;
- M. Absence from the job during the working hours without permission;
- N. Unauthorized use of City tools, equipment or property;
- O. Abuse or gross negligence in the care of operation of City tools, equipment or property;
- P. Use of sick leave for unauthorized purposes;
- Q. Conduct unbecoming of a public officer or employee;
- R. Receiving gratuities or any personal favor in exchange for the performance or for the non-performance of an assigned duty;
- S. Discussion of confidential City business or information with unauthorized persons;
- T. Willful refusal to respond to an official call in an emergency;
- U. Continued and persistent refusal to pay just debts;
- V. Willfully making any false statements, certificates, or reports or in any manner committing or attempting fraud;

- W. Violation of administrative rules and regulations;
- X. Illegal possession or use of drugs or narcotics;
- Y. Incompetency or inefficiency in the performance of required duties.
- Z. Discrimination against, or harassment of, co-workers or the public based on race, religion, national origin, sex, age, handicap, or other unlawful consideration.
(Added by Res. No. 21,180, adopted 2/19/85.)

4. **Notice of Resignation** –A permanent employee who leaves City employment for reasons other than as stated herein, shall give reasonable notice of not less than 2 weeks and shall submit in writing his resignation from the position. Permanent employees who do not submit a resignation but voluntarily leave the service of the City without notice to the City Manager may be deemed discharged.
(Adopted by Res. No. 16,232, October 24, 1972.)

(Rev. 8/85)

RULE XII

APPEALS

1. Hearing re Employment Status
 2. Hearing re Working Conditions
 3. Examination Appeals
1. **Hearing re Employment Status** – Any employee under the Civil Service System shall have the right to appeal to the Board to determine his status under the Classification Plan. Such an appeal shall be made in writing and set forth:
 - A. Statement of his classification.
 - B. Complete statement of duties performed by him for not less than the past sixty days, and the percentage of time performing each of said duties.
 - C. Statement of classification claimed and reasons therefore.
 2. **Hearing re Working Conditions** – Any employee under the Civil Service System shall have the right to appeal to the Board relative to any situation connected with his working conditions. Such appeal shall be made in writing and set forth:
 - A. A brief statement of exact condition or conditions as to which complaint is made.
 - B. Date condition or conditions were drawn to the attention of the Department Manager.
 - C. What action, if any, such Department Manager took or any reason given for refusing to act.

The Department Manager will prepare a written answer regarding such allegations for the Civil Service Board.

(See also Sec. 2-73 of the Municipal Code.)

3. **Examination Appeals** – Any applicant who has competed in an examination may appeal any part of the examination according to the following provisions:
 - A. **Written Part:** Appeals on a written test may be made only on the basis of any of the following:

- (1) Clerical or machine error

- (2) Ambiguity
- (3) Factual error

B. **Other Parts:** Appeals on other parts of an examination, including but not limited to performance, physical, or oral examinations or application review or rating from records, may be made only on the basis of any of the following:

- (1) Mechanical errors in rating or scoring
- (2) Fraud
- (3) Prejudice
- (4) Unfair or unreasonable conduct of examination

C. Appeals on any part of an examination must be submitted in writing within 5 working days after notification. All appeals must state specific reasons and supporting evidence for the appeal. The Personnel Director may deny consideration to appeals that do not meet the requirements described above.

D. Appeals on the written test meeting the requirements described above may be referred for consideration to an Appeal Review Board consisting of at least two members. The Board shall be appointed by the Personnel Director. Evidence submitted in appeals may be summarized before presentation to the Appeal Review Board. The results of decisions made by the Appeal Review Board will either be posted in a conspicuous place or will be sent to appellants by mail.

E. Appeals on parts of the examination other than the written test will be referred to the Personnel Director for consideration and decision. The results of these decisions will be sent to appellants by mail.

F. Appellants who are not satisfied with the decisions made by the Appeal Review Board or the Personnel Director may notify the Personnel Director in writing within five days of the date on the Notice of Results of Appeal (exclusive of Saturdays, Sundays, and holidays). The Personnel Director will then make arrangements for the appellant to present his appeal in person to the Civil Service Board. The Board, after hearing the appellant, will make their recommendations to the City Manager and his decision shall be final. Results of such decision will be mailed to the applicant.

(Adopted by Res. No. 16,232, October 24, 1972.)

RULE XIII

LAYOFF, DISPLACEMENT, AND RECALL

1. Purpose
2. Seniority
3. Layoff
4. Displacement
5. Procedure
6. Recall
7. Benefit Considerations

1. Purpose

The purpose of this Rule is to provide a fair and equitable basis for the reduction of personnel when this becomes necessary in a department or in the total work force. In such circumstances, the City will make every effort to assist those employees who may be subject to layoff due to lack of work or similarly compelling reason. Assistance will be made available through utilizing existing vacancies to the fullest extent possible to relocate affected employees. In addition, contacts will be made with other employers to refer those employees who are unable to be placed in other City vacancies.

2. Seniority

- A. Seniority is defined as the status attained by the length of Civil Service in employment for the City of Burbank.
- B. Seniority shall accrue based on the present date of Civil Service employment. When an employee terminates for any reason, except layoff, seniority shall cease and not be reinstated in the event of reemployment. Seniority shall be reinstated in the case of layoffs where the employee is recalled within three years of date of layoff. Such seniority shall include credits for prior time worked only and will not include any time while on layoff.
- C. Seniority shall be implemented in accordance with the provisions as set forth in Sections 3 and 4 below of the Rule.

- D. An employee who has served the City under any Federally Funded Manpower Training Program and has subsequently moved to a position in the Civil Service System, shall not have any seniority under the training program credited to his or her total service at the time of probationary appointment.

3. Layoff

- A. Layoff of employees shall be determined by length of Civil Service with the City using the present date of hire except as otherwise provided in this Rule.
- B. Except as outlined below in Section 4E, layoffs shall be effected within departments and general displacement of employees across departmental lines shall not be permitted.
- C. An employee with unique skills or body of knowledge for the performance of his or her duties, as determined by the Department Manager with the concurrence of the City Manager, may be retained out of their seniority with the City as long as they have a minimum of two (2) years total employment. There shall be a limit of ten (10) employees, City-wide, who may be designated under this paragraph during any given layoff. Standards for defining retention of such employees shall be limited to:
 - (1) Special schooling provided or required by the City for an employee following his or her initial employment to fill a unique position or meet a specific program need where the schooling lasts for six (6) months or longer.
 - (2) Special experience provided or required by the City for a unique position or special program need where the experience requires at least one (1) year of training on the job.
 - (3) Possession of a unique craft, artistic endeavor or professional level skill not available in other City employees.
- D. An employee who has been previously appointed to provisional status in a higher classification at time of layoff considerations shall revert back to his or her permanent classification for purposes of determining his or her layoff.
- E. An employee in a probationary status as a result of a promotion within the Civil Service System cannot displace a permanent employee in the same classification at time of layoff.
- F. An employee may voluntarily request layoff in lieu of reassignment should his or her seniority be sufficient to be retained on the payroll.

- G. An employee on layoff shall be recalled to his or her previous classification based on the minimum qualification requirements which existed at the time of his or her layoff.
- H. An exempt employee shall have no rights relative to layoff or reassignment except the employee who at some time, during the same period of employment, served in a position under the Civil Service System and shall have the right to return to the System under the provisions of B.M.C. 2-70, provided time spent in the exempt position shall not be accrued toward Civil Service seniority.
- I. Part-time employees shall be considered for layoff only with other part-time employees and may not be retained by displacing full-time employees.

4. Displacement

- A. Except as stated in items B and E of this Section below, an employee whose position has been eliminated shall be permitted, in total seniority order within the respective job classification, to transfer to a lateral or lower classification within the employee's department. This transfer shall occur only when a position in such classification is either vacant or occupied by another employee with less total seniority as calculated from their present date of hire. On taking a lower classification, the employee shall be paid at the highest rate of the lower classification which is not greater than the rate earned prior to the displacement.
- B. For safety employees (Fire and Police) only, date of appointment to permanent rank in their present classification shall govern who remains or who is displaced to the next lower rank rather than using total seniority from present employment by the City. A higher ranking safety employee may only displace a lower ranking safety employee where the former employee has an earlier date of rank at the lower rank than the latter employee.
- C. In such instances as outlined in items A and B immediately above, employees must meet the minimum qualifications of the newly assigned position.
- D. Additionally, an employee must be medically fit to perform the duties of the newly assigned position.
- E. An employee displaced from a job because the position has been deleted or replaced by a higher classified employee with more seniority, shall be

eligible to transfer to the same or lower title in another department, where the employee last served prior to his or her current assignment, if:

- (1) he or she served in that title and in that department where a vacancy or employee with lesser seniority exists, and
 - (2) the Department Manager of the department to which the transfer is to be made approves such transfer if said department is any of the following: City Council, City Manager, City Attorney, Personnel or Management Research.
- F. An employee who is reduced in classification shall be returned to his or her previous higher classification and department when a vacancy occurs within a three-year period of the reduction. Such return will not require qualifying through testing or placement on an employment list. Where the return involves returning to a probationary status within six (6) months following demotion, the time spent in probationary status before the demotion occurred shall be applied toward permanent status.
- G. An employee in a provisional status in higher classification shall be returned to his or her permanent classification prior to layoff in order to determine his or her availability for displacement or reassignment.
- H. Where three (3) or more employees exist in a classification within a department, the department shall not be required to lose more than fifty (50) percent of its employees in any given classification through displacement by higher classified, longer seniority employees.
- I. An employee with greater seniority than other employees in the same classification and department may request voluntary transfer or demotion to another position under the provisions of Civil Service Rule IX, paragraph 1B.
- J. A part-time employee may displace another part-time employee only under the provisions which apply to full-time employees.
- K. A full-time employee may displace a part-time employee with lesser seniority only if the latter is in a position budgeted for thirty (30) hours per week or more.
- L. An employee designated by the City as a Manager may or may not be reduced to a lower classification which would result in the employee having to work for another employee whom he or she formerly supervised when in a management position.

- M. As used in this Rule XIII, “higher rank,” “higher classification” or similar phrases are synonymous and interchangeable.

5. Procedure

Departments anticipating a possible reduction in staff shall notify the City Manager and the Personnel Director as soon as possible in order for appropriate action to be taken.

- A. An immediate determination should be made as to which positions will be involved and the number of employees to be affected.
- B. The Personnel Director shall determine what openings exist in the same and other departments so that affected employees may be considered for transfer prior to layoff.
- C. Employees to be affected by a layoff will be given written notice thirty (30) calendar days in advance.
- D. Efforts will begin immediately to relocate affected employees into comparable positions of responsibility and pay or lower rated positions where practicable as outlined in Section 4 of this Rule. First priority for filling open positions will be given to affected employees as opposed to other employees or job applicants under consideration.

6. Recall

The Personnel Director, upon approval by the City Manager, will establish and make available to affected employees a Recall List showing all employees on demotion or layoff status along with the date of appointment. In utilizing the list, the following rules shall apply:

- A. Persons on the Recall List shall have absolute rights over regular employment, transfer or reinstatement lists.
- B. Names shall be listed in the inverse order of their layoff or demotion according to seniority. An employee shall be recalled to his or her last classification or lower classified position in any Department of the City should he or she be the most senior on the recall list or lists for the positions available. Should a lower classified position first become available and no recall list exists for such position, then the most senior employee on the recall list for the next higher classified position shall be recalled in accordance with Paragraph 6C below.

- C. Employees on the Recall List will hold reinstatement rights for a period of three years from date of layoff and be considered for openings as they arise and are determined to be medically fit. Prior to the recall of safety employees, a background investigation and polygraph examination may be required to cover the period of layoff only.
- D. Upon reinstatement, the employee will receive his or her old salary step or, if in a lower classification, the step nearest to, but not exceeding the old classification. In addition, if recalled within three years of layoff, previous seniority will be reinstated less any time spent on layoff.
- E. If an employee is recalled from layoff and had been (1) serving in a probationary status and (2) never in a permanent status in the Civil Service System, then his or her past seniority shall not be reinstated for purposes of satisfying the probationary period unless recalled to the former position within six (6) months following the layoff.
- F.
 1. An employee on layoff status shall be responsible for keeping the City's Personnel Department aware of the most current address and telephone number for purposes of contact at time of recall. Absences from the home for over one week should also be reported if the employee on layoff desires to safeguard against being passed over should notice of recall be given.
 2. On notifying employees of recall, the City of Burbank shall send notice by certified mail and the employee shall have five (5) calendar days to respond from receipt of such notice. Where the employee fails to respond, the City shall contact the next most senior employee on the Recall List, and the same procedures shall apply. Failure of an employee to respond to notices sent as a result of three (3) opportunities during the permitted recall period shall cause removal of his or her name from said list. In addition, employees must be available to return to work within two (2) weeks of receiving the above stated notification.

7. Benefit Considerations

- A. For layoffs under thirty (30) days, all benefits will be retained except for prorata reduction in the retirement plan and reduction of seniority for days on layoff.
- B. For layoffs of thirty (30) days up to three years, there is no accrual of seniority, vacation, sick leave or other benefits for the period of the layoff. Sick leave and vacation benefits not previously paid the employee at the time of layoff shall be paid at the end of the first month of layoff unless at the time of layoff, an employee elects to leave all sick leave and vacation credits on account and have such credits reinstated upon recall.

If the employee elects to leave all sick leave and vacation credits on accounts, such employee, or his or her heirs, representatives or assigns, may, at any time within three (3) years after the effective date of such employee's layoff, demand payment for such benefits in such sum or sums as would otherwise have been payable at time of layoff, without interest. The City shall have up to thirty (30) days to make such payment after time of demand. Failure to demand such payment during such three-year period shall constitute a waiver thereof. Payments of the cash value of accrued sick leave and vacation credits shall terminate all further obligation by the City to reinstate such past credits should the employee be returned to work. For safety employees, sick leave with no cash value earned prior to July 1974 shall be retained during any period of layoff not to exceed (3) years and shall be reinstated if the safety employee is recalled during that period.

- C. For layoffs of three years or more, recall privileges cease at three years.
- D. Any employee recalled following a layoff shall be entitled to receive at least the same level of benefits which he or she was receiving at the time the layoff occurred, provided, however, any reduction or increase in benefits for all employees in the recalled employee's represented group during the layoff period shall apply to the recalled employee.

(Rev. 7/78)

RULE XIV

STANDARDIZATION AS TO EMPLOYMENT

(a) Hours of work.

Eight (8) hours of work shall constitute a work day except for employees in the Fire Department on platoon shift for whom an average of twelve (12) hours shall constitute a work day and employees in the Fire Prevention Bureau and safety employees in the Police Department assigned a four (4) day work week for whom ten (10) hours shall constitute a work day.

(Amended by Res. No. 17,333, adopted 9/30/75; 16,861.)

The work week shall consist of five (5) consecutive work days followed by two (2) consecutive days off. Unless otherwise specified, the work week shall begin on Monday with Saturday as the first day off and Sunday the second day off.

(Amended by Res. No. 16,727, adopted April 16, 1974. Previous amendment: Res. No. 11,693.)

The City Manager may authorize deviations from the work week, to include:

- (1) A work week beginning other than on Monday, the last two days of which shall be considered as the "first day off" and "second day off," respectively.
- (2) A work week beginning on Monday or any other day of the week depending upon shift assignment. Whenever a change in shift assignment results in an employee's having more than two consecutive days off before beginning his new work week, his "second day off" shall be the second and fourth days off, respectively. Over a period of four weeks or more, no employee shall be required as a part of his regular work week to work more than an average of 40 hours per week under this deviation.
- (3) Platoon Shift, 24 hours on duty alternating with 24 hours off duty and certain non-working shifts at regular intervals so as to constitute a work week averaging 56 hours. Days off in a platoon shift shall consist of that period of time, if any, in excess of the first 24 hours of time off. The "first day off" shall constitute that period of time from 7:30 a.m. to midnight. The "second day off" shall constitute that period of time from midnight to 7:30 a.m.

(Amended by Res. No. 16,024, effective February 8, 1972. Previous amendments: Res. Nos. 13,307, 13,898 and 15,537.)

- (4) A four (4) day work week for employees in the Fire Prevention Bureau and designated safety employees in the Police Department.
(Amended by Res. No. 17,333, adopted 9/30/75; 16,861.)
- (5) Such additional hours, including work on holidays, as may be required by public necessity or convenience.
- (6) Off-duty training to maintain proficiency in the use of firearms for all police personnel or basic educational requirements for newly recruited police personnel.
(Added by Res. No. 13,701, adopted March 31, 1964.)

Schedules for employees on rotating shifts or whose days off are other than Saturday and Sunday shall be changed by department heads at periodic intervals so as to equalize holiday benefits. Such changes shall be effected insofar as possible to avoid overtime which would not have occurred except for the shift change.

(Amended by Res. No. 10,893, adopted December 4, 1956.)

Part-time employees may be assigned a work day of less than eight (8) hours a day and a work week aggregating less than forty (40) hours per week.
(Added by Res. No. 12,471, adopted July 5, 1960.)

(b) Attendance.

Employees shall be in attendance at their work during the regular hours of work and shall not absent themselves during working hours for any reason without the prior approval of the department head.

(c) Attendance Records.

All departments shall keep daily attendance records of employees on the forms prescribed by the Board which shall be transmitted to the Director of Personnel on the dates he shall specify.

(d) Unauthorized Absence.

Absence without prior approval for not less than one (1) day nor more than four (4) days during any calendar year shall be sufficient grounds for suspension without pay; absence without prior approval for five (5) days or more during any calendar year shall be sufficient grounds for dismissal.

(e) Holidays.

Holidays shall be:

- (1) Regular days off as provided in subsection (1) of this rule,
- (2) Legal holidays as follows:
 - January 1st, known as "New Year's Day"
 - February 12th, known as "Lincoln Day"
 - Third Monday in February, known as "Washington Day"

Last Monday in May, known as "Memorial Day"
July 4th, known as "Independence Day"
First Monday in September, known as "Labor day"
September 9th, known as "Admission Day"
November 11th, known as "Veterans Day"
December 25th, known as "Christmas Day"
Every day appointed by the President or Governor for a
public fast, thanksgiving, or holiday,
The day after a public fast or thanksgiving declared by
the President or Governor.
and such other days as may be authorized by resolution of the
City Council.

If a legal holiday falls on a day on which a provisional, probationary or permanent employee would normally work, he shall be entitled to the day off with pay, or if he works, to additional compensation as provided in the rule on overtime.

If any of the foregoing legal holidays fall on an employee's first or second day off, the nearest preceding or following working day, respectively, shall be the employee's day off, and the employee shall be entitled to additional compensation as provided in the rule on overtime if he works on such day.

Safety employees in the Police Department working a four (4) day week shall receive the nearest preceding working day off when a holiday falls on any of their scheduled days off, except employees whose scheduled days off are Saturday, Sunday and Monday shall receive the next following working day off. Employees shall be entitled to additional compensation as provided in the rule on overtime if they work on such day.

(Amended by Res. No. 17,333, eff. 9/20/75; Prev. Res. Nos. 10,893, 12,471, 14,660, 15,690 and 16,861.)

(f) First Vacations.

An employee shall be eligible for his vacation after he has completed one year of continuous service, at which time he shall be allowed a vacation with pay for the number of months of continuous service performed during the previous calendar year, not to exceed two (2) calendar weeks.

Vacation accrued during the first year of continuous service may be taken during that year with the consent of the department manager subject to such procedures and limitations as may be specified by the City Manager.

(Amended by Res. No. 16,861, adopted August 6, 1974. Previous amendment: Res. No. 13,961.)

(g) Subsequent Vacations.

Thereafter each employee shall be allowed an annual vacation with pay as follows:

- (1) Two (2) calendar weeks per year;
- (2) Upon the completion of eight (8) years of continuous service, an additional calendar week shall be added to the allowance currently available and the annual allowance thereafter shall be three (3) calendar weeks per year;
- (3) Upon completion of fifteen (15) years of continuous service and each year thereafter until the completion of nineteen (19) years of continuous service, an additional day shall be added to the currently available allowance until the additional allowance added each year reaches a maximum of five (5) additional days, after which the annual allowance shall be four (4) calendar weeks per year.

(Amended by Resolution No. 14,660 adopted August 15, 1967. Previous amendment: Res. No. 13,961.)

Effective January 1, 1975, the following provisions shall apply to all employees except Fire Department safety members in lieu of the provisions set forth in subdivisions 2 and 3 above:

- (1) Upon the completion of five (5) years of continuous service, an additional calendar week shall be added to the allowance currently available and the annual allowance thereafter shall be three (3) calendar weeks per year;
- (2) Upon completion of fifteen (15) years of continuous service, an additional calendar week shall be added to the allowance currently available and the annual allowance thereafter shall be four (4) calendar weeks per year

Vacation accrued in any current year may be taken in the year in which it is accrued with the consent of the department manager subject to such procedures and limitations as may be specified by the City Manager.

(Added by Res. No. 16,861, adopted August 6, 1974.)

For purposes of recruitment, the City Manager may at their discretion grant to employees additional vacation leave or other types of leave provided for in an applicable Memorandum of Understanding. Leave accrual shall be limited to the maximum accrual rate as contained in the applicable Memorandum of Understanding (Added by Res. No. 28,419, October 4, 2011)

Any such grant of additional vacation leave or other types of leave shall be reported by the City Manager in writing to the Board on at least a quarterly basis. The report shall contain, at a minimum, the employee's name, titled, department, and the type and amount of additional leave granted. (Added by Res. No. 28,419, October 4, 2011)

(h) Vacations Deduction.

Vacation allowances will be reduced for absences without pay on the same basis as vacation accrual.

(Amended by Resolution No. 13,961, adopted February 2, 1965.)

(i) Vacation Schedules.

The City Manager shall establish schedules for vacation accruals, vacation deductions for absences without pay, and for pro-rating first vacations, terminal vacations, variations from the standard work week and for part-time employment.

(Added by Resolution No. 13,961, adopted February 2, 1965.)

(j) Vacations – Holidays.

Whenever a legal holiday occurs during an employee's vacation period, it shall be added to such employee's vacation allowance.

(Amended by Res. No. 14,660, adopted August 15, 1967. Previous amendment: Res. No. 10,893.)

(k) Vacations – Termination of Employment.

Upon resignation, death, or other termination of employment, all annual leave accrued to the employee shall be granted and a cash settlement may be made; provided, however, that the City Manager, in his discretion, may refuse such accrued annual leave or payment therefore, or any portion thereof, if the employee resigns without giving the head of the department at least ten (10) days' notice thereof, or if the employee be discharged for cause.

(l) Vacations and Holidays – Temporary Employees.

Temporary employees working on an hourly basis are not entitled to vacation or holiday allowance, however, a leave of absence without pay may be granted.

(m) Vacations – When to Be Taken.

Employees shall take their annual vacations in one continuous period to start on a Monday or at the beginning of a work period unless otherwise specifically authorized by the department head. Vacations shall be taken during the calendar year following their accrual except that the department head may authorize such accrued vacation or any portion thereof to be carried over into the succeeding calendar year. Further carry-over of accrued vacation beyond a year's accrual shall require the approval of the City Manager. Accrued vacation that will

be lost unless carried over may, in the City Manager's discretion, be compensated in cash.

(Amended by Resolution No. 14,660, adopted August 15, 1967. Previous amendment: Res. No. 13,961.)

(n) **Vacation – Part-time probationary or permanent appointees.**

Part-time employees having probationary or permanent status shall accrue vacation on a pro rata basis, that is, the ratio of the average number of hours worked to the 40-hour week.

(Added by Resolution No. 12,471, adopted July 5, 1960.)

RULE XV

LEAVES OF ABSENCE

(a) Leave of Absence Without Pay.

The City Manager may grant a leave of absence without pay to any employee, upon recommendation of the Department Manager. The Department Manager may grant a leave of absence without pay for a maximum of five continuous days. An employee desiring a leave of absence without pay for three continuous days or more shall file a written request therefor on forms provided by the Personnel Department. The request shall state the title of his position and the name of the employing department, the beginning and ending dates of the desired leave of absence, and a full statement of the reasons supporting the request. The Department Manager's approval of a leave of absence without pay for a continuous period up to a maximum of sixteen hours, and for Fire Suppression personnel a maximum of twenty-four hours, may be reported by noting on the time report.

(Amended by Resolution No. 15,690, adopted December 8, 1970.)

(b) Sick Leave – Not a Right – Compensation for Unused Portion at Retirement or Death.

Sick leave shall not be considered as a right which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability.

If an employee, other than a safety member, with unused sick leave credit

- (1) dies;
- (2) retires under the City's retirement system or resigns when eligible for such retirement;
- (3) resigns to enter a City elective office without a break in continuity of City service and serves in such office or other City employment until retired under the City's retirement system; or
- (4) is laid off because of the abolition of his position or employment or because of the absence of funds;

he or his estate shall be entitled to receive one-half (1/2) the value of his accrued sick leave computed from his last base salary as an employee. Payment shall be made as soon as practicable following the occurrence of any of the foregoing events. The provisions of this paragraph shall apply to safety members as to unused sick leave accrued after June 30, 1974.

(Amended by Res. No. 16,861, adopted August 6, 1974. Previous amendments: Res. Nos. 10,388, 14,519, 15,083, 15,317.)

(c) Sick Leave – Accrual.

- (1) An employee, other than a safety member, shall be entitled to one day of sick leave for each calendar month or major portion thereof, during which he is employed by the City with pay.
- (2) A safety member shall be entitled to one day of sick leave for each calendar month, or major portion thereof, during which he is employed by the City with pay, provided, however, that any sick leave used by a safety member after June 30, 1974 shall be first deducted from sick leave accrued after June 30, 1974. Sick leave credited to a safety member on June 30, 1974 will be available for sick leave use when sick leave accrued after June 30, 1974 has been exhausted.
- (3) Part-time employees having provisional, probationary or permanent status shall accrue sick leave on a pro rata basis, that is, the ratio of the average number of hours worked to the 40-hour week.
- (4) In computing compensation payable for sick leave, the compensation paid shall be the amount the employee would earn during the sick leave period if working at his current rate of pay and work schedule without the inclusion of overtime earnings.
- (5) This subsection is not applicable to temporary employees working on an hourly basis.

(Amended by Res. No. 15,317, effective October 1, 1969. Previous amendments: Res. Nos. 12,471 and 14,660.)

(d) Sick Leave – Notice.

The employee shall notify the head of his department and the Department either prior to, or within four (4) hours after the time set for beginning his daily duties, or as may be specified by the head of his department.

(e) Sick Leave.

Upon presentation to the head of the department of satisfactory evidence of sickness or injury which necessitates absence from duty, an employee shall be granted a leave of absence by the City Manager, as provided in these rules. Sick leave may be used for medical appointments and examinations, and for illness in the employee's family.

(Amended by Resolution No. 14,660, adopted August 15, 1967.)

(f) Sick Leave – Revoked.

The City Manager shall revoke sick leave, if the employee is not, in fact, sick or incapacitated from performing his duty, or if he has engaged in private or other public work while on such sick leave.

(g) Sick Leave – Medical Certificate.

When an employee is absent more than three (3) work days, he shall file a physician's or practitioner's certificate or a personal affidavit stating the cause of such absence with the Department.

(h) Sick Leave – Without Pay.

If an employee has not recovered by the time he has exhausted his accumulated sick leave, upon application the City Manager may grant him a sick leave without pay.

(i) Leave – Death in Family.

An employee shall be entitled to absent himself from work in the event of the death of a member of his immediate family. The City Manager may, in his discretion, authorize pay for all or any portion not to exceed three (3) days of such leave, provided a written request for such pay is filed. Any absence in excess of (3) days shall be in accordance with the existing rules.

For purpose of this rule the term “member of the immediate family” is limited to:

- (1) any relative by blood or marriage who is a member of the employee’s household, and
- (2) any parent, spouse, child, brother, or sister of the employee, regardless of place of residence.

(Amended by Resolution No. 10,268, adopted June 28, 1955.)

(j) Industrial Accident Leave.

Accidents in Line of Duty – If an employee is compelled to be absent from duty on account of any injury or disease which comes under the State of California Workmen’s Compensation Insurance and Safety Act, he shall receive compensation from the City for each such accident as follows: During the first seven (7) calendar days of such absence, he shall receive compensation equivalent to his normal gross salary. Thereafter, until he is released by the State Workmen’s Compensation Insurance Fund, but not to exceed an aggregate period of twenty-five (25) consecutive or intermittent calendar weeks, he shall receive compensation at a rate equivalent to 100% of his normal gross salary less the amount of temporary disability indemnity received by him in accordance with and under the provisions of said Workmen’s Compensation Insurance and Safety Act. He shall not be entitled to avail himself of any sick leave or vacation benefits while he is receiving temporary disability indemnity under the provisions of said Workmen’s Compensation Insurance and Safety Act, except that in the discretion of the City Manager he may be permitted to take as much of his accumulated sick leave or his accumulated vacation as, when added to his temporary disability indemnity, will result in the payment to him of not more than 100% of his normal gross salary. Normal gross salary shall include differential pay to which the employee is entitled under Sec. 2-710 of the Municipal Code but shall not include any overtime pay. Temporary service employees who do not have probationary or permanent status in another title with the City of Burbank shall not be entitled to the benefits of this provision beyond the first seven (7) calendar days of absence. (Amended by Res. No. 14,857, adopted April 23, 1968.)

(k) Refusal of Leaves of Absence.

No leave of absence shall be granted, and if granted it shall be revoked, where the Board determines, after investigation instituted upon its own motion or upon complaint of any resident of the City, that the request for such leave of absence was for any of the following purposes:

- (1) Of accepting private employment,
- (2) Of enabling employment of a temporary employee to the same position,
- (3) Because of political pressure or other improper influence, or,
- (4) For a purpose contrary to the good of the service.

The order revoking such leave of absence shall specify the effective date thereof and the employee shall be informed of the contents of such order forthwith.

(l) Military Leave of Absence.

- (1) An employee may be absent on military leave as authorized in Sections 395 through 395.8 of the Military and Veterans Code of California. The employee shall furnish to the City Manager satisfactory proof of his orders to report for duty and of his actual service pursuant to such orders. He shall be returned to City service thereafter as provided in said Code.
- (2) Notwithstanding the above, for the duration of the Persian Gulf War the City of Burbank shall compensate any public employee who has been or is involuntarily called to active military duty the difference between the salary they would receive as employees of the City of Burbank and that they receive from the United States Government for their military duty.

The amount of pay each such employee shall be entitled to receive shall be the difference between the gross pay and allowances actually received by the officer or employee from the United States for such involuntary military service and the gross wages that said employee would have received from the City of Burbank if the officer or employee had not been involuntarily called to active military duty (subject to all necessary and appropriate deductions and withholdings).

The City shall also continue to pay to the appropriate insurance companies, the City contribution towards the premium of each such officer or employee's insurance benefit programs necessary to maintain the insurance benefit programs as determined by the City and the respective insurance companies.

No payment of any wage or insurance premium provided for in this resolution shall be made by the City unless and until an officer or employee requesting such payment provides sufficient and satisfactory documentation and proof (such as certified copies of official orders and pay records) concerning his or her eligibility to receive any such payments and with respect to the amount of such payments. (Amended by Res. No. 23,180, adopted January 29, 1991.)

(m) Return at Expiration of Leave.

Upon the expiration of any leave, other than a military leave, the employee shall be returned to the same class of position or to any position to which he had been eligible to transfer at the time his leave of absence was granted. (See Reinstatement – Time.)

(n) Return from Temporary Assignment.

Upon the termination of a temporary assignment, a permanent employee shall be returned to his permanent position.

(o) Medical Examination After Leave.

(See Medical Examinations, Rule VIII.)

(p) Good Friday.

Any employee who desires leave from work to attend religious service on Good Friday may be excused by the department head, or the City Manager, for not to exceed three (3) hours. This absence shall be leave without pay unless the employee chooses to use accrued vacation or in-lieu time, executive leave or paid personal leave time. Unless the services of employees are required by public necessity or convenience, they shall be allowed to absent themselves as herein provided. (Added by Res. No. 10,893; amended by Res. No. 18,239, adopted 1/24/78.)

(q) Jury Service.

Any officer or employee in a pay status, except a temporary employee or except an hourly employee, ordered to perform jury service shall be entitled to leaves of absence with pay at an amount equal to the officer's or employee's regular earnings. (Added by Res. No. 14,142; amended by Res. No. 17,607, adopted 8/17/76; 15,557.)

(r) Emergency Leave.

An employee may be excused from work without loss of pay for emergencies or special circumstances not covered by this rule. Such leave of absence may be granted by the department head for not to exceed one day. For longer periods of time approval of the City Manager is required. Any emergency leaves of absence in excess of fifteen (15) days shall be brought to the attention of the Civil Service Board. (Added by Res. No. 14,660, adopted 8/15/67,)

(Rev. 1/91)

RULE XVI
POLITICAL ACTIVITY AND SOLICITATION
OF POLITICAL CONTRIBUTIONS

(See Secs. 2-75 and 2-76 M.C.; Sec. 61, para. 3, Charter.)

RULE XVII

SALARIES

(a) **Five-Step Salary Schedule**

(Secs. 2-90, 2-91 and 2-93 M.C.)

(See Charter Sections 4 and 24 and Municipal Code Sections 2-79, and 2-91 to 2-111, inclusive, for any salary provisions not specifically referred to herein. This rule deals only with those provisions not specifically referred to herein. This rule deals only with those provisions which have to do with the rate of pay. For a statement showing a specific salary payable to the several positions within and outside the Civil Service System see Municipal Code Sections 2-101 to 2-110, inclusive, and Pay Plan which forms a separate portion of this volume. Salary payable to Councilmen is provided for in Section 5 of the City Charter.

(b) **Initial Salary**

(Sec. 2-93 M.C.)

(c) **Advance in Salary**

(Sec. 2-94 M.C.)

(d) **“Y” Salary Rate**

(Sec. 2-96 M.C.)

(e) **Hourly Rates**

(Sec. 2-97 M.C.)

(f) **Temporary Service Pay**

(Sec. 2-98 M.C.)

(g) **Differential Pay**

(Sec. 2-99 M.C.)

(h) **Overtime Pay.**

(Sec. 2-100 M.C.)

(1) **Definition of Overtime Work.** Overtime work is work performed by an employee of the City in excess of eight (8) hours a day, or on a holiday as defined in Rule XIV (e), or at times other than those normally required for his employment, except as follows:

Garbage and Refuse Personnel. Overtime work for garbage and refuse personnel is work performed by such personnel which exceeds forty (40) hours per week.

Part-Time Personnel. Overtime for part-time personnel is work in excess of forty (40) hours per week or work on holidays.

Platoon Assignment – Fire Department. Overtime work for employees of the Fire Department on platoon assignment is (1) work in excess of 24 hours in a 48-hour period, except work performed under the Minimum Manpower Level Program and work otherwise performed as a substitute for another employee, and (2) work performed on a holiday as defined in Rule XIV(e).

Four Day Work Week. Overtime work for employees of the Fire Prevention Bureau and designated safety employees of the Police Department on a four (4) day work week is (1) work in excess of ten (10) hours a day, (2) work performed on a holiday as defined in Rule XIV(e) or the day off in lieu thereof and (3) work performed at times other than those normally required for their employment.
(Amended by Res. No. 17,333, adopted 9/30/75.)

Training. Mandatory in-service training shall not constitute overtime work.
(Amended by Res. No. 17,608, adopted 8/17/76.)

Code 7 Time. Code 7 time (meal break) for Police Department personnel shall not constitute overtime.
(Amended by Res. No. 16,861, adopted 8/16/74.)

(2) **Dispute as to Normal Hours of Employment.** Any dispute or question of fact as to what time or times are normally required for the employment of any officer or employee shall be decided by the City Manager and his decision shall be final.

(3) **Definition of “Department Head.”** For the purpose of this rule, a department head is defined as the administrative head of a department or any activity of the City, whether the activity be a department or a separate bureau or division under the City Manager.

(4) **Policy.** It is the policy of the City that overtime work is to be discouraged. However, in case of an emergency or whenever the public interest or necessity requires, a department head may require an employee in his department, bureau or division, to perform overtime work. When in the opinion of the City Manager, mandatory training is required, and it is administratively not feasible to conduct such training during regular working hours, employees engaged in such training shall be paid for time spent in such program at the same rate of compensation payable for work performed during regular working hours.
(Amended by Res. No. 17,608, adopted 8/17/76; 16,861, 13,701, 13,044.)

(5) **Eligibility and Prior Approval.** Department heads shall not be eligible for overtime pay, but all other personnel shall be eligible therefor. Except in an emergency to prevent loss of life or injury or damage to persons or property, no one shall

be entitled to pay for overtime work unless such work was performed with the prior approval of the department head.

(6) **Rate.** (See Sec. 2-100 M.C.)

Temporary service employees shall be paid overtime at 1-1/2 times the hourly rate for temporary service.

Monthly rate employees shall be paid overtime at 1-1/2 times the hourly rate for the step in which employed, except that employees who receive differential pay under Section 2-99 of the Burbank Municipal Code shall be paid 1-1/2 times the hourly rate for the monthly rate they are paid under said section.

Fire Department personnel on platoon assignment shall be paid 1-1/2 times the hourly rate payable on a 40-hour basis. However, work performed on a legal holiday, which does not cause the employee to work longer than an average 56-hour week, exclusive of work performed under the Minimum Manpower Level Program and work otherwise performed as a substitute for another employee, shall be compensated on the basis of 1-1/2 times the hourly rate for such week (2912 hours per year).

(Amended by Res. No. 16,184, adopted 8/8/72; 16,024, 15,537, 13,898, 13,307.)

Police Department safety employees on a four (4) day work week who are regularly scheduled for and perform ten (10) hours of holiday work shall be compensated for eight (8) hours at 1-1/2 times their hourly rate or a pro rata portion of such compensation if less than ten (10) hours are worked.

(Added by Res. No. 17,333, adopted 9/30/75.)

Provisional, probationary or permanent part-time employees shall be paid overtime at 1-1/2 times the hourly rate for the step in which employed.

(Added by Res. No. 14,660, adopted 8/15/67; amended by Res. No. 10,893, adopted 12/4/56.)

(7) **Insufficient Overtime.** No payment of any kind shall be made for overtime work of less than thirty (30) minutes' duration which is performed immediately following the regular hours of work.

(Amended by Res. No. 17,608, adopted 8/17/76; 16,861.)

(8) **Overtime Pay – Minimum Payment.** When an employee is called back to work after returning home, or is called to work on a day when he would normally be off duty, or is called to work on a shift to which he is not assigned, he shall be paid a minimum of two (2) hours of pay at the overtime rate even though he works less than two hours. Should an employee so called to work be recalled after having been released from work he will again be paid a minimum of two hours of pay at the overtime rate provided he worked at least two hours during the previous call to overtime duty, or two hours had elapsed since the previous call to duty.

(Amended by Res. No. 10,580, adopted 4/3/56.)

(9) **Time Off With Pay in Lieu of Overtime Pay.** A department head, may, whenever he considers that the best interests of the City will be served, order that an employee take time off work with pay in lieu of overtime pay. He may also, at the request of the employee, authorize time off with pay in lieu of overtime pay. Time off with pay shall be given for a period equal to 1-1/2 times the number of hours of overtime worked, within thirty (30) calendar days after the overtime was worked unless extended by the department head.

(Amended by Res. No. 17,608, adopted 8/17/76; 16,861.)

(10) **Termination of Employment.** Any employee who tenders his written resignation from the service of the City, or who is laid off for lack of work or funds, or who withdraws from active service of the City with a retirement allowance granted under the provisions of the State Employees' Retirement Law, who has performed compensable overtime work and who upon the effective date of such resignation, layoff or retirement has not been compensated for such work by payment or time off in lieu of pay, shall be paid for such overtime work on the basis of the salary being received by him at the time of termination of his employment, provided he makes written application for such overtime payment and such application is approved by the City Manager before his resignation, layoff or retirement becomes effective. Such overtime payment shall not be approved for more than twenty (20) working days less any time off in lieu of pay during the same calendar year. In the case of any employee whose service to the City is terminated by his death, such payment may be made to the person who would be entitled thereto by law, upon written application by such person and approval thereof by the City Manager.

(11) **Records.** Each department head shall maintain daily and monthly records in connection with overtime work showing: name, title, work done, reason for overtime work, whether performed for compensation or for time off with pay in lieu thereof, number of hours worked, amount paid or whether time off with pay has been taken or is still due. Said records shall be reported to the City Manager by the 10th of the following month. The City Manager shall forward such reports to the Civil Service Board.

(12) **Review.** The Civil Service Board and the City Manager shall review the overtime reports every six (6) months commencing April 1, 1954, and may make such recommendations to the Council in connection with overtime policy as they deem desirable and necessary.

(Amended by Res. No. 10,157, adopted 4/5/55.)

(Rev. 10/76)