

City of Los Alamitos

Administrative Regulation

Regulation:	4.1	 _____ City Manager
Title:	Personnel Ordinance	
Authority:	City Manager	
Date:	December 6, 2004	
Revised:	May 9, 2005	

- 1. Purpose:** The purpose of this policy is to comply with the requirement of Ordinance No. 582 which establishes an equitable and uniform procedure for addressing personnel matters.
- 2. Application:** This regulation applies to all Personnel of the City of Los Alamitos.
- 3. Regulation:** The Personnel Ordinance No. 685 is attached for reference.

ORDINANCE NO. 685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALAMITOS, CALIFORNIA, AMENDING CHAPTER 2.64
OF THE LOS ALAMITOS MUNICIPAL CODE REGARDING
THE PERSONNEL ORDINANCE

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 2.64 of the Los Alamitos Municipal Code is hereby amended in its
entirety to read as follows:

"Article I. General Provisions

2.64.010 Adopted--Purpose.

In order to establish an equitable and uniform procedure for dealing with personnel matters, to attract to municipal service the best and most competent persons available, to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive tests and to provide a reasonable degree of security for qualified employees, the personnel system set out in this chapter is adopted. This chapter may be referred to as the Personnel Ordinance.

2.64.020 Applicability of chapter.

A. The provisions of this chapter shall apply to the competitive service, which is defined as all offices, positions and employments in the service of the City, except:

1. Elective officers.
2. Members of appointive boards, commissions and committees;
3. Persons engaged under contract to supply expert, professional or technical services for a definite period of time;
4. Volunteer personnel, who receive no regular compensation from the City;
5. The City Manager;
6. Assistant City Manager;
7. The City Clerk;
8. The City Attorney;
9. City Engineer;
10. Student interns;
11. Employees who are employed less than full time, which is defined as employees who work, or are expected to work, less than one thousand eight hundred twenty (1820) hours per calendar year;
12. All department and bureau heads appointed after July 1, 1993;
13. Any newly created position, which is designated at the time of its creation as being exempt from these rules.

2.64.030 Personnel Officer.

The City Manager, or the City Manager's designee, shall be the Personnel Officer. The Personnel Officer shall be responsible for administration of this chapter and the rules adopted pursuant thereto.

2.64.040 Preparation, adoption and revision of personnel rules.

Personnel rules shall be prepared by the Personnel Officer for adoption by the City Council. The rules shall establish specific procedures and regulations governing competitive service, including, but not limited to the following phases of the personnel system:

A. Prepare or cause to be prepared, a plan of compensation and revisions thereof, covering all classification titles for authorized city positions. The plan and any revisions thereof shall become effective upon approval of the council;

B. Public announcement of all tests and the acceptance of applications for employment;

C. Preparation and conduct of tests;

D. Certification and appointment of persons;

E. Establishment of probationary periods and evaluation of employees during the probationary period;

F. Appointment, transfer, promotion, demotion, and reinstatement of employees;

G. Separation of employees from the city service through lay-off, suspension and dismissal;

H. Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training;

I. The establishment of disciplinary, grievance and appeal procedures;

J. Content, maintenance and use of personnel records and forms.

2.64.050 Discrimination prohibited.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations, because of race, creed, color, national origin, religion, sex, age, sexual orientation, gender identity, marital status, medical condition, physical disability, or for any other unlawful reason.

2.64.060 Contracts for special services.

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The City Council may contract with any qualified person or agency for the performance of all or any of the responsibilities and duties imposed by this chapter, including, but not limited to:

A. The preparation of personnel rules and subsequent revisions and amendments thereof.

B. The preparation of a position classification plan and subsequent revisions and amendments thereof.

- C. The preparation of a plan of compensation and subsequent revision and amendments thereof.
- D. The preparation, conduct and grading of competitive tests.
- E. Special and technical services of advisory or informational character on matters relating to personnel administration.

2.64.070 Appropriation of funds.

The City Council shall appropriate such funds as are necessary to carry out the provisions of this chapter.

2.64.080 Status of present employees.

Any person holding a position included in the competitive service who, on the date of adoption of this ordinance, shall have served continuously in such position, or in some other position in the competitive service, of a period equal to the probationary period prescribed in the rules for his or her class, shall assume regular status in the competitive service, in the position held on such date without qualifying test, and shall therefore be subject in all respects to the provisions of this chapter and the personnel rules. Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

Article II. Personnel Appeals

2.64.090 Procedure Adopted.

In order to provide an appeals procedure for employees in the competitive service, the following personnel appeals procedure is hereby adopted.

2.64.100 Personnel Appeals Commission—Created—Appointment and terms of members.

A. The Personnel Appeals Commission consisting of five members is hereby confirmed as a City Commission. The current members shall continue to serve unless removed by the City Council or until their present terms expire at which time the same or new members shall be appointed by the City Council for four year terms.

B. The Commission shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson shall preside over the meetings and hearings of the Commission and otherwise carry out the duties and responsibilities set forth in this Article and the Personnel Rules. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

2.64.110 Personnel appeals commission—Filling of vacancies—Removal and residence requirement of members.

A. Vacancies on the Commission shall be filled by appointment of the City Council for the unexpired terms. Each member shall serve until a successor is appointed. A majority vote of the City Council shall be required to appoint a member to the Commission, and a majority vote shall be necessary to remove any member from the Commission prior to the expiration of the term.

B. Members of the Personnel Appeals Commission shall be residents of the City. No person shall be appointed to the Commission who holds any salaried public office or employment within the City.

2.64.120 Personnel Appeals Commission—Powers and duties.

The powers and duties of the Commission shall consist of:

A. To determine the order of business for the conduct of its meetings and hearings, and to hold such meetings as may be required by the rules or on call of the chairperson or a majority of the members of the Commission. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

B. As provided by this chapter and by the Personnel Rules, to receive and hear appeals submitted by any person in the competitive service relative to any dismissal, demotion, reduction in pay, or suspension without pay for more than forty hours and to certify the findings and recommendations as provided in this article.

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

D. Within ten days after concluding the hearing, the Personnel Appeals Commission shall affirm, revoke or modify the action taken and certify its findings and decision to the City Council, City Manager and to the affected employee. The decision of the Personnel Appeals Commission shall be final and binding upon the City and its officials.

E. Prepare rules of procedure for the conduct of appeal hearings including, but not limited to, requiring attendance of witnesses, swearing of witnesses, order and burden of proof, examination of witnesses by the parties and Commission, deliberation by the Commission and preparation of findings and conclusions.

Article III. Criminal History Information

2.64.130 Definitions.

As used in this article, the following terms shall have the meanings described below:

A. In addition to subsection F of this section "crimes of violence" means any felony or misdemeanor conviction for any of the offenses specified in subdivision (c) of Section 667.5 of the Penal Code or a violation or attempted violation of Chapter 3 (commencing with Section 207) Chapter 8 (commencing with Section 236) or Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code.

B. In addition to subsection F of this section, "drug crime," means any crime described in the California Uniform Controlled Substances Act (Division 10, commencing with Section 11000 of the Health and Safety Code).

C. "Employer" means the city and any nonprofit corporation performing contractual services for the city (or other organizations specified by the attorney general) which employs or uses the services of volunteers in positions in which the employee or volunteer has supervisory or disciplinary power over a child or children.

D. "Requester" means the city, its city manager, personnel officer, recreation director, chief of police, and any "employer" as defined above.

E. In addition to subsection F of this section, "sex crime" means a conviction for a violation or attempted violation of Penal Code Sections 220, 261, 261.5, 264.1, 267, 272, 273a, 273d, 285, 286, 288, 288a, 289, 314, 647.6 or former Section 647a, or subdivision (d) of Section 647, or commitment as a mentally disordered sex offender under former Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

F. Conviction for a violation or attempted violation of an offense committed outside the state of California is a crime of violence, drug crime or sex crime if the offense would have been a crime or offense as defined in this article if such crime or offense was committed in California.

2.64.140 Criminal background check required for certain positions.

A.1. Any applicant for employment with the city shall be subject to a criminal background investigation. The investigation will be performed in order to determine the character and fitness of the person applying for employment or contracted services. The request shall consist of a request to the California State Department of Justice for records of all convictions.

2. Any applicant for employment, licensing or as a volunteer with an employer as defined above in any human services field involving the care and security of children, the elderly, the handicapped or the mentally impaired shall be subject to a criminal background investigation. The investigation will be performed in order to determine the character and fitness of the applicant. The investigation shall consist of a request to the California State Department of Justice for records of all convictions, of any arrest for which the applicant was released on bail, or of any arrest for which the applicant on his or her own recognizance pending trial and the offense involved any crime of violence, drug crime or sex crime. Only positions which involve supervisory or disciplinary power over a minor, the elderly, handicapped or the mentally impaired under the applicant's care are subject to the provisions of this subsection.

B. Any request for criminal records shall include the applicant's fingerprints, which may be taken by the requester, and any other data required by the Department of Justice.

C. A copy of the information will be sent to the requester and to the applicant. All information obtained hereunder shall be confidential and used only for the purposes set forth herein. It shall be a misdemeanor for any person to release or use such information for any purpose not authorized herein.

2.64.150 Request for federal criminal information and/or out-of-state criminal background information.

The requester in his or her own discretion is authorized to seek criminal background information through the U.S. Department of Justice and/or the Federal Bureau of Investigation in accordance with the provisions of California and federal law.

2.64.160 Fees authorized.

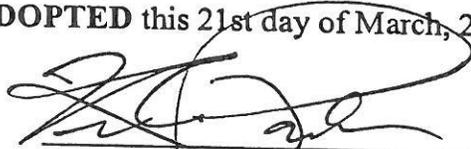
The city or other requesting entity shall be authorized to charge the applicant a fee sufficient to reimburse the city or requester for Department of Justice charges to provide such information to the city or requesting entity."

SECTION 2. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Los Alamitos Municipal Code.

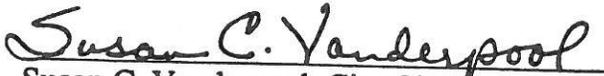
SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

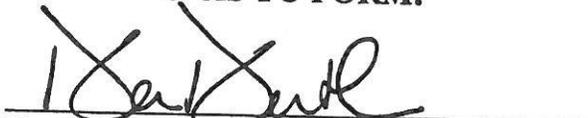
PASSED, APPROVED, AND ADOPTED this 21st day of March, 2005.


Kenneth C. Parker, Mayor

ATTEST:


Susan C. Vanderpool, City Clerk

APPROVED AS TO FORM:


Dean Derleth, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Susan C. Vanderpool, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 685 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 7th day of March, 2005, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 21st day of March, 2005, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS: Freeman, Driscoll, Parker, Poe & Jemsa
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None


Susan C. Vanderpool, City Clerk