X. PROMOTIONS, TRANSFERS, DEMOTIONS, REINSTATEMENTS

Section 1. PROMOTIONS

A. POLICY

In filling vacancies in all City positions, first consideration for interviews will be given to current employees who apply for and who meet the minimum requirements of the position. Promotions are not guaranteed nor seniority based; in addition to length of City service, the employee's documented performance record will be considered by the hiring department. All employees who are in positions with the City (including temporary agency employees) are eligible to apply. Temporary employees will be considered only if there are no qualified City employees competing for the position vacancy or if, after interview, City employees are not selected by the hiring department.

B. NOTIFICATION OF PROMOTIONAL OPPORTUNITIES

Position vacancies, with the exception of Department Director positions, for which posting may be waived by the City Manager, will be posted internally for a minimum of three work days. These notices will be distributed to each department for posting on bulletin boards. The City reserves the right to advertise position openings externally simultaneously with internal posting, when it is deemed to be in the best interest of the City. However, qualified internal candidates will receive interview consideration.

C. APPLICATION

Each employee who wishes to compete for promotion must complete the appropriate application and submit it to the Human Resources Department on or before the closing date specified in the position vacancy posting. Any temporary employee who wishes to apply for internally posted positions must complete a City Employment Application and submit it to the Human Resources Department on or before the specified closing date.

D. PROBATIONARY PERIOD UPON PROMOTION

A **non-probationary** employee who is promoted to a higher level position will be required to serve a three month probation in the new position. A **probationary employee** who is promoted during his original (new hire) probationary period will be required to serve the balance of the new hire probation, plus an additional three months.

The probationary period requirement will be outlined in the written notice of promotion provided to the employee at the time of the promotion.

An employee (excluding temporary employees) who is not successful in the position to which he is promoted after the conclusion of the probationary period may return to his previously held position, if the position is available. If the former position is not open and no other comparable position is available, the employee may be terminated.

A temporary/seasonal employee hired for a promotional vacancy is considered a "new hire;" accordingly, the employee must serve the new hire probationary period required by the position.

E. PAY RATE UPON PROMOTION

1. An employee who is promoted shall receive a salary increase as outlined in "Rate of Pay Upon Promotion" in Chapter IV., Compensation Plan.

2. A temporary agency employee who is selected for a promotional vacancy shall receive a pay rate in the same manner as any new hire (Chapter IV., Compensation Plan, "Pay Rate Upon Initial Hire").

F. INTERVIEW PROCESS FOR PROMOTIONAL CANDIDATES

In order to be recommended for promotion, an employee must be interviewed by supervision/management or a review board in the hiring department.

G. REVIEW OF PROMOTIONAL CANDIDATES' PERSONNEL FILES

The hiring department is encouraged to review the personnel files of internal candidates to evaluate their documented performance record, including performance evaluations, any disciplinary actions, commendations, achievements, attendance record, etc. The personnel files are available for review in the Human Resources Department.

Section 2. TRANSFERS

A. An employee may request a lateral transfer to a position vacancy by completion of the appropriate form, and the process outlined in Section 1, Promotions. If the employee is transferred, his pay rate will remain the

same. Depending on the circumstances of the transfer (e.g., lateral transfer to a different position in a different department), the employee may be required to serve a three month probationary period. If a probationary period is required, the employee will be informed at the time of written notification of his selection for transfer.

B. The City, in the interest of the City and/or the employee, may transfer an employee, from one position to another position of the same classification or another classification in the same pay grade, if the employee meets the minimum qualifications of the other position. Such transfer will not change the employee's pay grade, pay rate, or status. If the employee is unable to perform the duties of the new position, with the approval of the City Manager and Human Resources Director, he may be transferred to another position for which he is qualified, or he may be terminated. Involuntary transfers are at the discretion of the City and are not subject to the grievance procedure. The movement of an employee to a higher or lower classification in a different pay grade does not constitute a transfer and any such action must be accomplished in accordance with the procedure established for promotions or demotions.

Section 3. DEMOTIONS

An employee may be demoted to an available position in a lower pay grade for which the employee is qualified, for any of the following reasons:

- as a disciplinary measure for violation of City or departmental rules.
- inability to satisfactorily perform the required duties and responsibilities of his present position to which he was hired or promoted.
- in lieu of layoff during a reduction in force or reorganization.
- when the employee voluntarily requests such demotion.
- in the interest of the City.

An employee who is demoted, whether voluntarily or involuntarily, shall have his pay rate decreased as outlined in Chapter IV., Compensation Plan, “Rate of Pay Upon Demotion.”

A requirement to serve a probationary period and the length of the probationary period, upon the demotion, is dependent upon the circumstances of the demotion (voluntary/involuntary), employee status (i.e., probationary, non-probationary), or other factors, as determined by the City.

Section 4. REINSTATEMENTS FROM MILITARY SERVICE

A. The purpose of this policy is to implement the rights, under applicable laws, afforded veterans, reservists, National Guard members, individuals being examined for admission to the military, and individuals rejected from military service, to return to their former positions. Accordingly, any changes in applicable statutes shall also apply.

B. These procedures and rules apply to all regular full-time employees of the City who resigned from City employment to enter the military service for a period of time in excess of six months.

C. All individuals returning from active duty, entitled to reinstatement, will be reinstated to their former jobs or provided jobs of similar seniority, status, and pay. Such individuals are subject to the following conditions:

1. To be eligible for reinstatement, the individual must have satisfactorily completed his service. Generally, this means that persons with a discharge of other than honorable, undesirable, or as a result of a court martial, are not eligible for reinstatement.

2. The individual must return to work within a period of time outlined in the Uniformed Services Employment and Re-employment Rights Act of 1994 and have had no intervening employment.

3. To be entitled to reinstatement to the same job, the individual must still be qualified to perform it. If the individual needs to acquire or practice job skills, a reasonable time will be granted for this purpose. In the event an individual is not qualified for his former position (e.g., required job skills have changed or the individual has a disability which prevents him from performing the essential functions of the position), then he will be allowed to attempt to qualify for a similar job. As an example, if a person needs to acquire additional skills to perform his former job, he can apply for a similar job, and then have a reasonable time in which to acquire the skills for the former position. If those skills are acquired, the employee can then resume the former position.

4. Individuals who did not hold regular full-time positions and/or had not completed their initial probationary period are not eligible for reinstatement under this policy.

5. Individuals eligible for reinstatement will be treated as if they had never separated; i.e., they will be entitled to continuous service

credit from the date of hire prior to the military service, and all benefits will be calculated based on that date.

6. Employees who are reinstated will be required to undergo a medical examination for certain positions, such as sworn police officers or certified firefighter, and will be required to undergo a drug/alcohol screen.

7. If the City's circumstances have changed to make it impossible or unreasonable to re-employ a veteran, then the person may be denied a job; e.g., the individual's previous position has been abolished, and if he had been employed at the time, he would have been laid off.

D. Other information regarding leaves for military service is outlined in Chapter XIV.

Section 5. REEMPLOYMENT (PREFERENCE) FROM LAYOFF

A. Employees who are on layoff are eligible for preference for a period of one year from the date of layoff. Preference means that the person is considered over an external applicant with equal qualifications for a position vacancy which becomes available. The City reserves the right to deny reemployment preference where (1) The laid off employee has a City employment history that includes less than satisfactory performance reviews or a disciplinary action, or (2) The laid off employee's post lay off (non-City) employment record or other conduct would normally disqualify him from initial City employment. Eligibility for preference is to the same position or a similar position for which the former employee qualifies. However, preference does not apply to positions which are a higher classification than the position from which the employee was laid off, nor shall greater preference be afforded from existing employees who may apply for the same position.

If more than one employee in the same classification has been laid off, the City will determine which employee has a higher preference based on the length of City service and City employment history, including any disciplinary action.

B. At the time of layoff, it is the employee's responsibility to provide his current address and telephone number and to advise the Human Resources Department of his desire to be considered for his former position or similar position (not a promotional position) for which he is qualified.

C. Notice to a laid off employee regarding a vacancy in his former position or a similar position for which he may qualify shall be by certified mail to the last address provided. If an employee so notified does not give written notice to the Human Resources Department of his intention to resume employment within ten work days of receipt of the City's notice, it shall be assumed that the individual does not want to be considered and the employee's name shall be removed from consideration. The only exception will be if the Post Office returns the Certified Mail Voucher to the Human Resources Department after fifteen days from time received with no signed acknowledgment that the employee received the notice. If a laid-off employee refuses in writing to accept the job offered because it is a lower paying position than previously held, he shall not lose preference status within the one-year period.

D. Before returning to work, the formerly laid off employee must pass an employment physical examination, if required by the position, and a drug/alcohol screen. For pension purposes, the employee is credited with seniority through the date of layoff, but does not receive service credit for the period of time **not** employed. The continuous service date will be adjusted to reflect the period of time on layoff. The City reserves the right to determine seniority status, vacation accrual rates and salary and wages of the formerly laid off employees when returning to employment with the City. Provisions for reinstatement of seniority for pension vesting purposes are subject to the provisions of the ordinance governing the pension plan of which the employee is a member.

E. Laid off employees who are re-hired into any City position within 90 days of the layoff, shall be reinstated with the same vacation accrual rate as when they were separated from the City.

F. Laid off employees who are reinstated into the same City position within 90 days of the layoff, shall not be required to serve a probationary period.

Rules governing probationary period and rate of pay upon reemployment from layoff are outlined in Chapter IV., Compensation Plan and Chapter VIII., Probationary Period.