

CLOVIS CITY COUNCIL MEETING

February 11, 2025

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Mouanoutoua **at 6:00**

Flag Salute led by Councilmember Bessinger

Roll Call:	Present:	Councilmembers Ashbeck, Bessinger, Pearce, Mayor Mouanoutoua
	Absent	Councilmember Basgall

PUBLIC HEARING – Item to be heard at 6:03 p.m.

6:04 ITEM 1 - RECEIVE AND FILE - INFORMATION FROM FOURTH PUBLIC HEARING IN CITY'S TRANSITION TO DISTRICT-BASED ELECTIONS.

Steven Trevino, resident, expressed concern about district map boundaries, specifically opposing the inclusion of Old Town Clovis, citing inadequate city representation for his neighborhood.

Dr. Jeni-Ann Kren, resident, raised concerns about the availability of statistical breakdowns for district maps, noting that only one map (505) included such data in the packet.

The Council discussed whether Old Town Clovis should be represented by one or two council members and reviewed the structure of the proposed district maps favoring proposed district map 502.

Mayor Mouanoutoua noted for the record that there was a public comment submitted to the Council by Heather Malotke in strong support for Map 502.

PUBLIC COMMENTS – 6:01

Arman, resident, emphasized the role of local government in focusing on essential services such as law enforcement, fire safety, trash collection, and infrastructure, while avoiding national political issues.

Kendra Meyers, resident, spoke about her family's deep roots in Clovis, the city's diversity, and urged the council to remember that Clovis is a place of inclusivity and faith.

Joshua Engel, resident, expressed concerns about the city's focus on the sanctuary city debate, suggesting it distracts from pressing financial issues like rising water bills and taxes.

Steven Trevino, resident, shared his family's history of immigration, discrimination, and struggles, expressing concerns over the language used in discussions about immigrants.

Molly Allen, resident, spoke in support of the City of Clovis becoming an anti-sanctuary city, emphasizing the importance of legal immigration and concerns over the financial strain on the state.

Sarah Mollans, resident, spoke in opposition of the City of Clovis becoming a non-sanctuary city. She expressed concerns about how this could impact her daughter, who is half-Hispanic, particularly at school.

Dr. Jeni-Ann Kren, resident, spoke in opposition of the non-sanctuary city effort, emphasizing that immigration enforcement is a federal responsibility, not a state or city matter.

Anglica Rios, resident, highlighted the impact on students, particularly Hispanic children, who could feel targeted or unsafe.

Al Guterriez, resident, expressed concerns about the human impact of a non-sanctuary city designation, particularly the fear it could create among families, children, and immigrant communities.

Mayor Mouanoutoua noted for the record that two public comments were submitted to the Council by Amalia Bernardo and Rachel Youdelman, addressing the non-sanctuary city issue.

CONSENT CALENDAR – 6:49

Upon call, there was no public comment.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, that the items on the Consent Calendar be approved, except item 9. Motion carried by 4-0-1 with Councilmember Basgall absent.

2. Administration - Approval - Minutes from the February 4, 2025, Council Meeting.
3. Administration – Receive and File – Economic Development Corporation Serving Fresno County Quarterly Report, Q2 October - December 2024.
4. Finance – Receive and File – Investment Report for the Month of July 2024.
5. Finance – Receive and File – Treasurer's Report for the Month of July 2024.
6. Finance – Receive and File – Investment Report for the Month of August 2024.
7. Finance – Receive and File – Treasurer's Report for the Month of August 2024.
8. General Services - Approval to Waive the City's Usual Purchasing Requirements; and Authorize the City Manager to Approve the Purchase of Three (3) Ram Promaster and Four (4) Class C - Ford E450 for \$1,207,372.80, Utilizing the California Association for Cooperative Transportation (CalACT) Competitive Bid Award.
10. General Services – Approval – **Res. 25-13**, Amending the City's FY 2024-2025 Position Allocation Plan by deleting one (1) Principal Office Assistant position and adding one (1) Administrative Assistant position within the General Services Department.
11. General Services – Approval – **Res. 25-14**, Authorizing Revisions to the City of Clovis Personnel Rules.

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

- 6:50 ITEM 9. General Services - Approval to Waive the City's Usual Purchasing Requirements; and Authorize the City Manager to Approve the Purchase of Bus Shelters totaling \$571,004.96 Utilizing the California Association for Cooperative Transportation (CalACT) Competitive Bid Award.

Mayor Mouanoutoua pulled the item for discussion to address the new transit routes and color system, and highlighted the upcoming addition of benches, and praised the transit team.

Steven Trevino, resident, addressed a positive interaction with a transit bus driver who went above and beyond to assist an elderly woman in a wheelchair.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger to approve Resolution 25-12, Budget Amendment for the General Services Department Budget, to waive the City's usual purchasing requirements, and authorize the City Manager to approve the purchase of Bus Shelters. Motion carried by 4-0-1 vote, with Councilmember Basgall absent.

ADMINISTRATIVE ITEMS – 7:15

- 7:15 ITEM 12 - WORKSHOP – RECEIVE AND FILE – LANDSCAPE MAINTENANCE DISTRICT (LMD).

Upon call, there was no public comment.

The Council discussed that some residents use park facilities without being assessed, while others in different zones pay for services like streets or parks. Questions were raised about whether residents in multiple zones would pay two fees and if funds could be used across zones. The Council discussed the idea of an educational campaign to inform residents about the option to opt into paying for services they benefit from, helping to increase the fund balance and promote equity.

- 8:09 ITEM 13 - CONSIDER APPROVAL – AUTHORIZATION OF CITY STAFF TO PROCEED WITH AN ASSESSMENT INCREASE ELECTION FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1, BENEFIT ZONES 4 AND 5; AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FRANCISCO AND ASSOCIATES, INC., TO ADMINISTER THE LANDSCAPE MAINTENANCE DISTRICT ASSESSMENT INCREASE ELECTION.

Upon call, there was no public comment.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger to approve an assessment increase election for Landscape Maintenance District No. 1, Benefit Zones 4 and 5, and direct staff to look into an educational campaign to inform residents about LMD assessments and the process for opting into paying for services they benefit from. Motion carried by 4-0-1 vote, with Councilmember Basgall absent.

- 7:08 ITEM 14 - CONSIDER APPROVAL – AWARD RECYCLING AND ORGANIC MATERIAL COLLECTION, PROCESSING, AND MARKETING SERVICES AGREEMENT TO MID VALLEY DISPOSAL; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY. (CONTINUED FROM THE FEBRUARY 4, 2025, MEETING)

Upon call, there was no public comment.

Councilmember Ashbeck requested the following three metrics to assist in comparing the proposals: the number of trucks required to service Clovis, whether community investment was a category in the RFP and how it was scored, and the cost per totter, specifically for Republic Services.

Motion by Councilmember Bessinger, seconded by Councilmember Ashbeck to continue the matter to the next meeting on February 18, 2025, to allow for a full council. Motion carried by 4-0-1 vote, with Councilmember Basgall absent.

COUNCIL ITEMS – 6:57

- 6:57 ITEM 15 - CONSIDER APPROVAL –COUNCIL APPOINTMENT TO THE MEASURE C SALES TAX RENEWAL COMMITTEE.

Upon call, there was no public comment

It was a consensus of the Council to allow Fresno Council of Governments to manage the selection process rather than involving the council directly. Additionally, it was suggested to update the website to clarify that applications are still being accepted, as the original closing date had passed. No further action was required at that time.

CITY MANAGER COMMENTS – 8:29

City Manager Haussler highlighted upcoming events, including "Meet the Mayor" sessions at Tarpey Elementary on February 13, 2025, and Reagan Elementary on February 20, 2025, both at 6 PM. The Embracing Wellness event at the Senior Center will be held on Saturday, with Councilmember Ashbeck speaking. The Clovis Hall of Fame dinner is on February 26, 2025, at Clovis Veterans Memorial District. Budget discussions with Police and Fire will begin next week, and a special meeting is planned for February 24, 2025, for other departmental presentations, and congratulated McKencie Perez on her promotion to Deputy City Planner.

COUNCIL COMMENTS – 8:31

There was no formal Council direction to staff. Council comments were made regarding the sanctuary city issue.

CLOSED SESSION – 8:59

8:59 ITEM 16 - GOVERNMENT CODE SECTION 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS PROPERTIES: 5095 E. SHEPHERD AVE.; 5157 E. SHEPHERD AVE.; 5221 E. SHEPHERD AVE.; 5388 E. SHEPHERD AVE.; 9029 N. FOWLER AVE. AGENCY NEGOTIATORS: CITY MANAGER, CITY ATTORNEY, RYAN BURNETT NEGOTIATING PARTIES: HAROLD AND KERRI BRICKS; CHRIS AND ANNALIZA GAGNEBIN; ALBERT AND YVETTE SANCHEZ; GURINDERJIT AND SUKHCHAM DHILLON; YU GYUNG LEE NELSON UNDER NEGOTIATION: PRICE AND TERMS

The address 5221 E. Shepherd Avenue was corrected to 5211 E. Shepherd Avenue.

Albert Sanchez, resident, representing the property at 5211 East Shepard Avenue, expressed disagreement with the city's offer of \$7 per square foot for their land, arguing that it did not reflect the true value of the property.

Annaliza Gagnebin, resident, shared concerns about the traffic hazards on their property, recounting two accidents that had occurred and how it affected their ability to secure home insurance. She also disagreed with the compensation offered by the city, emphasizing safety and the lack of proper lighting and traffic controls in the area.

8:59 ITEM 17 - GOVERNMENT CODE SECTION 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS PROPERTIES: 3778 E. BEHYMER AVE. AGENCY NEGOTIATORS: CITY MANAGER, CITY ATTORNEY, RYAN BURNETT NEGOTIATING PARTIES: BEHYMER/MINNEWAWA LLC UNDER NEGOTIATION: PRICE AND TERMS

RECONVENE INTO OPEN SESSION AND REPORT FROM CLOSED SESSION

No action taken.

ADJOURNMENT

Mayor Mouanoutoua adjourned the meeting of the Council to February 18, 2025.

Meeting adjourned: 9:52 p.m.


Mayor


City Clerk



Briana Parra

From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Friday, February 7, 2025 8:46 PM
To: Andrew Haussler; Rebecca Simonian; Briana Parra
Subject: [External] Public Comment for City Council

Follow Up Flag: Follow up
Flag Status: Flagged

Council Meeting Date: 2025-02-11

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Amalia Bernardo

Email: bernardoamalia@gmail.com

Comment: I am writing to strongly oppose the proposal put forward by Mayor Pro Tem Diane Pearce of Clovis to make the city a non-sanctuary city. Such a move would directly violate SB 54, signed into law in 2017, which protects immigrants from unnecessary enforcement of federal immigration laws. Our immigrant community plays a vital role in contributing to the local economy and workforce, and we should not turn our backs on them. It is crucial that Clovis remains a welcoming and inclusive city that values the diverse contributions of all its residents.

Supporting Files (2 Max.):

Date: February 7, 2025

Time: 8:45 pm

Remote IP: 73.48.131.126

**PUBLIC COMMENT
FOR FEBRUARY 11, 2025**

Briana Parra

From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Tuesday, February 11, 2025 11:13 AM
To: Andrew Haussler; Rebecca Simonian; Briana Parra
Subject: [External] Public Comment for City Council

Council Meeting Date: 2025-02-11

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Heather Malotke

Email: khnmalotke@yahoo.com

Comment: I am voicing my family's strong support for map #502 in the new districting. The other two maps will reinforce the "south of Shaw" bias, and all but guarantee that these neighborhoods will continue to be seen and treated as "blighted"--when, in fact, there are many long-term, middle class residents who have been contributing to the area and Clovis for decades. We appreciate the opportunity to provide our input.

Supporting Files (2 Max.):

Date: February 11, 2025

Time: 11:13 am

Remote IP: 76.20.89.110

Briana Parra

From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Tuesday, February 11, 2025 2:44 PM
To: Andrew Haussler; Rebecca Simonian; Briana Parra
Subject: [External] Public Comment for City Council

Council Meeting Date: 2025-02-11

Item Number (put "0" if your comment is regarding an item not on the agenda): 0

Full Name: Rachel Youdelman

Email: rachel27@berkeley.edu

Comment: After the Feb. 4 council meeting, Mayor Pro Tem Diane Pearce posted the false claim on social media that "discussion was not allowed" about her "non-sanctuary city" proposal. In fact, the topic was addressed for about 40 minutes during public comment, followed by 20 more minutes of discussion, including a statement from Pearce. Her remarks appear to be an effort at provoking division and stirring up unwarranted anger, which aside from undermining community-building, is disturbing, embarrassing, and discrediting to the city.

Supporting Files (2 Max.): https://link.edgepilot.com/s/4949f061/zyh3QCU-q0_U8O6ufzRvcQ?u=https://cityofclovis.com/wp-content/uploads/elementor/forms/67abd2be2b248.jpg

Date: February 11, 2025

Time: 2:44 pm

Remote IP: 67.181.166.166

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: General Services
DATE: February 11, 2025
SUBJECT: Consent Item #9 Bus Shelters

ATTACHMENTS:

1. Bus Shelter Locations
2. Bus Shelter Design
3. Bus Stop Sign Design

BUS SHELTERS LOCATIONS

Transit plans to install shelters at every new bus stop location as part of the route redesign. These stops are distributed throughout the City and can be seen on the attached map. In total, there will be 184 stops, including existing stops and those shared with FAX. For your convenience and review, a map of the Bus Shelter Locations is provided as ATTACHMENT 1.

BUS SHELTER DESIGN

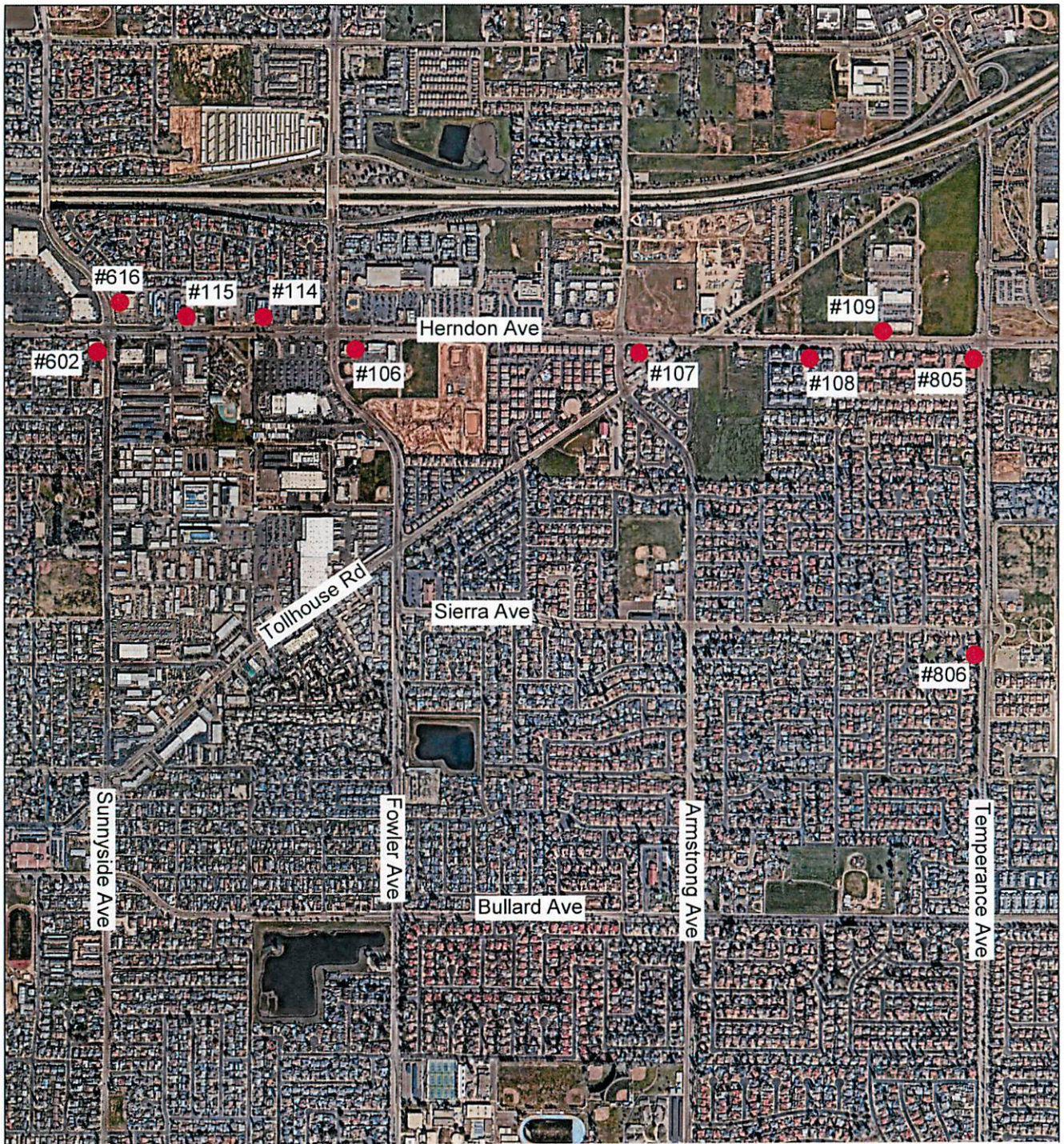
The design is ADA accessible and matches the existing shelters used at our bus stops. While it does not feature logo branding on the shelter itself, it includes space to display the map and route guide, allowing passengers to plan their trips. For your convenience and review, a picture of the bus shelter design is provided as ATTACHMENT 2.

BUS STOP SIGNAGE & COLOR CODING

Bus routes are color-coded to enhance passenger convenience and make navigation easier. The bus stop signs are designed to match the corresponding route colors, and the headway signs on the buses will display the same colors to prevent confusion. For your convenience and review, a picture of the bus stop sign design is provided as ATTACHMENT 3.

Prepared by: Bethany R. Berube, Deputy General Services Director

ATTACHMENT 1



* For more accurate locations, see Construction Master List and Site Summary below

PLAN VIEW
GRAPHIC SCALE
(IN ENGLISH UNIT)
1" = 1333'



CITY OF CLOVIS

PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

PROJECT TITLE:

New Bus Stops

PROJECT NO.

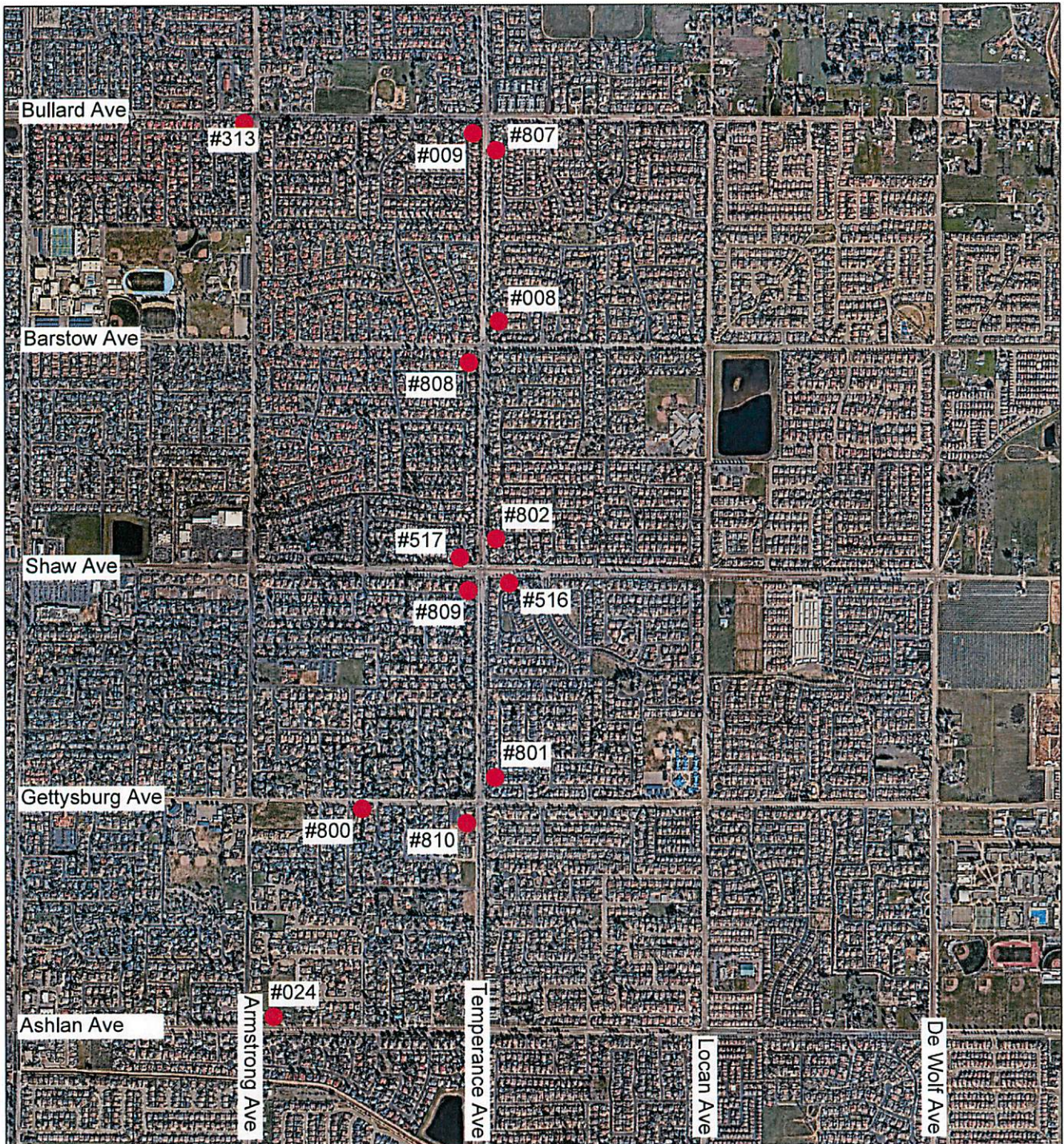
24-13

SHEET DESCRIPTION

24-13 North

SHEET NO.

1 OF 2



* For more accurate locations, see Construction Master List and Site Summary below

PLAN VIEW
GRAPHIC SCALE
(IN ENGLISH UNIT)
1" = 1710'



CITY OF CLOVIS

PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

PROJECT TITLE:
New Bus Stops

PROJECT NO.
24-13

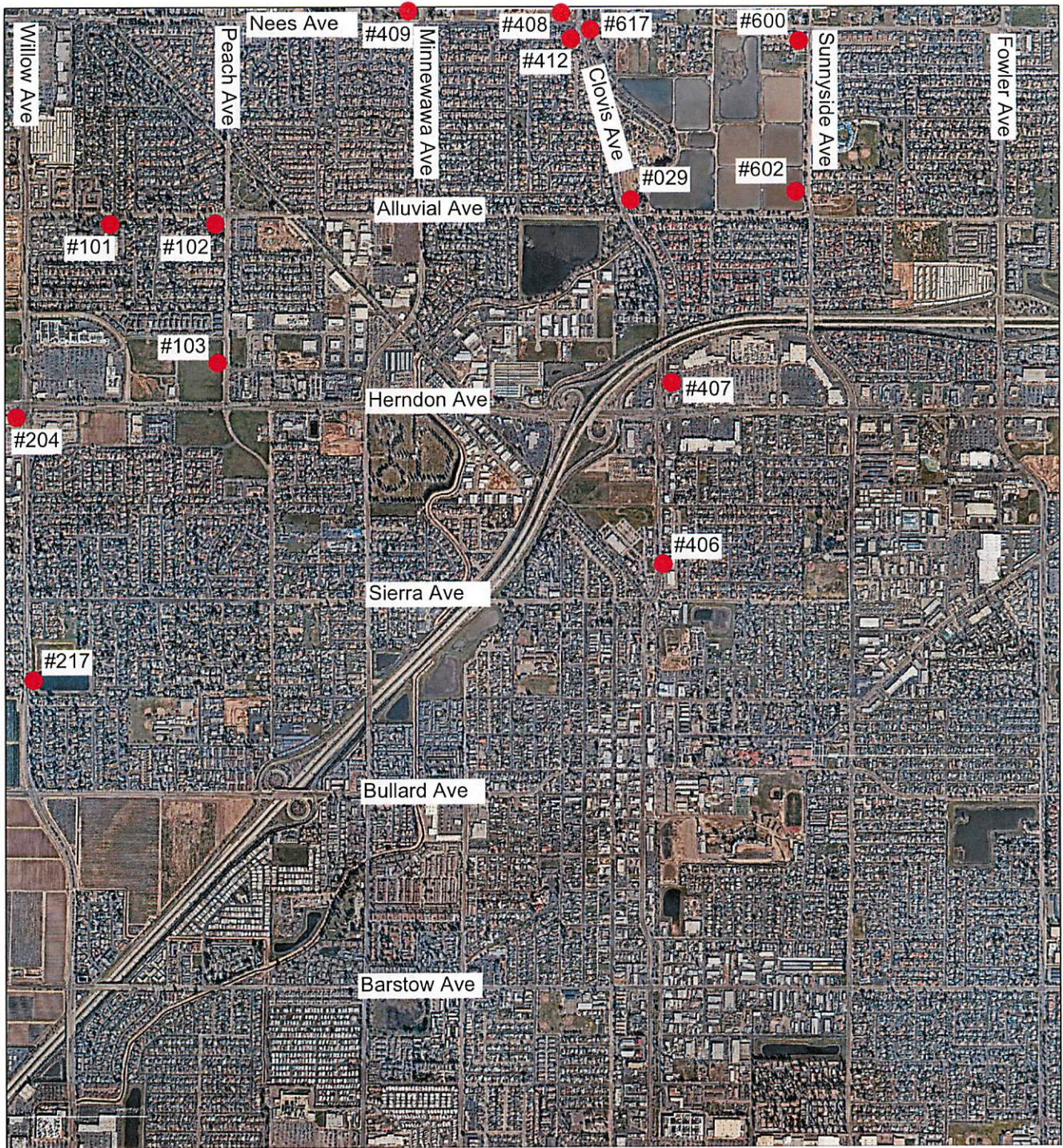
SHEET DESCRIPTION
24-13 South

SHEET NO.
2 OF 2

Construction Master List and Site Summary

Bus Stop Code	Intersection	Descriptive Location	Sidewalk (SF)	4" conc. Pad (SF)	6" conc. Pad (SF)	6" ret. Curb (FT)
008	NE Barstow & Temperance	Temperance 192 ft. ± from back of limit line N of intersection	160		200	52
009	SE Bullard & Temperance	Temperance 309 ft. ± from back of limit line S of intersection	40		270	
024	NE Ashlan & Armstrong	Ashlan 307 ft. ± from back of limit line E of intersection	164		150	
106	SE Herndon & Fowler	Herndon North of Chase	24		190	
107	SE Herndon & Armstrong	Herndon North of China Town restaurant	45		150	
108	SW Herndon & McKelvy	Herndon North of Dolce Vita Luxury apartments	113		150	
109	NW Herndon & Magnolia	Herndon Southwest of Powell Pediatric Dentistry		25		24
114	NW Herndon & Fowler	Herndon South of Aldi	19		150	
115	NE Herndon & Sunnyside	Herndon South of Family Pet Hospital	50		200	
313	SW Bullard & Armstrong	Armstrong 74 ft. ± from back of limit line S of intersection	95		190	
516	SE Shaw & Temperance	Shaw at existing service lane	85		150	
517	NW Shaw & Temperance	Shaw 86 ft. ± from back of limit line W of intersection	108		190	
602	SW Herndon & Sunnyside	Sunnyside East of AutoZone				
616	NE Herndon & Sunnyside	Sunnyside West of CVS parking lot				
800	SE Gettysburg & Joshua	Gettysburg 103 ft. ± East of Center of SE curb return	40		190	
801	NE Gettysburg & Temperance	Temperance 101 ft. ± from back of limit line N of intersection	410		150	50
802	NE Shaw & Temperance	Temperance 246 ft. ± from back of limit line N of intersection	250		280	70
805	SW Herndon & Temperance	Temperance at existing service lane	50		150	
806	SW Sierra & Temperance	Temperance 135 ft. ± South of Center of SW curb return		50		26
807	SW Bullard & Temperance	Temperance 196 ft. ± from back of limit line S of intersection	160		230	60
808	SW Barstow & Temperance	Temperance 297 ft. ± from back of limit line S of intersection	40		255	
809	SW Shaw & Temperance	Temperance 145 ft. ± back of limit line S of intersection	300		150	55
810	SW Gettysburg & Temperance	Temperance at existing bus stop East of St Peter Lutheran	48		150	
Total:			2201	75	3545	337

** Per Bid Items 99-5 - CONCRETE SIDEWALK and 99-6 - ADA ACCESSIBLE BUS STOP PAD, construction of concrete curbs are included under ADA concrete pads and Concrete Sidewalk and the retaining curbs have been incorporated into the total quantities provided in the bid proposal. Linear feet of 6" retaining curb is provided here for the convenience of



* For more accurate locations, see Construction Master List and Site Summary below

PLAN VIEW
GRAPHIC SCALE
(IN ENGLISH UNIT)
1" = 2020'



CITY OF CLOVIS

PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

PROJECT TITLE:

New Bus Stops

PROJECT NO.

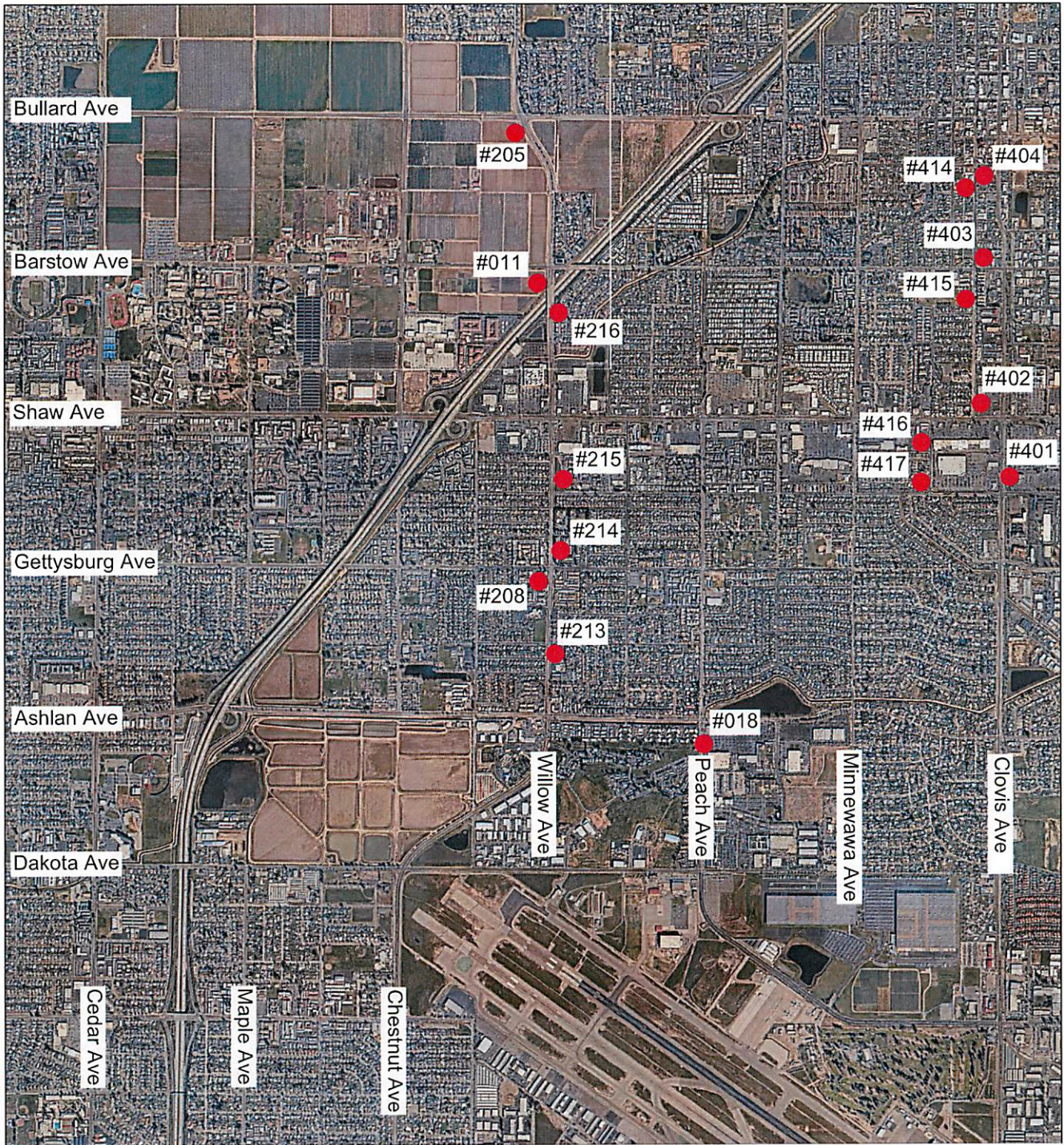
24-06

SHEET DESCRIPTION

24-06 North

SHEET NO.

1 OF 2



* For more accurate locations, see Construction Master List and Site Summary below

PLAN VIEW
GRAPHIC SCALE
(IN ENGLISH UNIT)
1" = 2590'



CITY OF CLOVIS

PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

PROJECT TITLE:

New Bus Stops

PROJECT NO.

24-06

SHEET DESCRIPTION

24-06 South

SHEET NO.

2 OF 2

Construction Master List and Site Summary

Bus Stop Code	Intersection	Descriptive Location	Sidewalk (SF)	6" conc. Pad (SF)	6" ret. Curb (FT)
011	SW Barstow & Willow	Willow at existing service lane	193	180	
018	SE Ashlan & Peach	Sidewalk West of Winco parking lot	70		28
029	NE Alluvial & Clovis	Clovis 148 ft. ± from back of limit line N of intersection			
101	SW Alluvial & Chapel Hill	Alluvial North of Willow Creek Healthcare Center	43	150	
102	SW Alluvial & Peach	Peach at existing service lane	45	150	
103	SW Spruce & Peach	Peach 60 ft ± North of 2nd lightpole North of Herndon	75	150	
204	SW Herndon & Willow	Willow at existing service lane	48	190	
205	SW Bullard & Willow	Willow at existing service lane		205	
208	SW Gettysburg & Willow	Willow East of willow ridge	55	150	
213	SE Holland & Willow	Willow West of Butterfly Gardens apartments			
214	NE Gettysburg & Willow	Willow West of Scottsmen apartments	55	150	25
215	NE Santa Ana & Willow	West of vacant lot at corner	95	190	
216	NE Barstow & Willow	Willow 660 ft. from back of limit line S of intersection	45	150	27
217	NE Escalon & Willow	Willow 258 ft. ± North of Center of NE curb return	85	170	
401	NE Santa Ana & Clovis	Clovis 151 ft. ± from back of limit line N of intersection	153	150	
402	NE Shaw & Pollasky	Pollasky 222 ft. ± North of Center of NE curb return	55	150	
403	NE Barstow & Pollasky	Pollasky South of Allstate site wall			
404	SE 8th & Pollasky	West of Bank of America			
406	NE Sierra & Clovis	Sidewalk West of California Health Sciences - Annex	105	210	
407	NE Herndon & Clovis	Clovis at existing service lane west of Maharaja	50	143	
408	NW Nees & Clovis	Nees at existing service lane	112		
409	NW Nees & Minnewawa	Nees 172 ft. ± from back of limit line W of intersection			
412	SW Nees & Clovis	Clovis 258 ft. ± from back of limit line S of intersection	50	250	
414	NW 9th & Pollasky	Pollasky in front of Peters Engineering			
415	SW Barstow & Pollasky	Pollasky 567 ft. ± from back of limit line S of intersection			
416	SW Shaw & Dewitt	Dewitt East of Sylvania Dental Clovis	61	150	
417	NW Santa Ana & Dewitt	Dewitt 183 ft. ± North of Center of SW curb return	45	150	
600	SW Nees & Sunnyside	Sunnyside in front of Fire Station 85			
602	NW Alluvial & Sunnyside	Sunnyside 202 ft ± from back of limit line N of intersection	240	300	50
617	SE Nees & Clovis	Nees 60 ft. ± from back of limit line E of intersection			
Total:			1680	3338	130

** Per Bid Items 99-5 - CONCRETE SIDEWALK and 99-6 - ADA ACCESSIBLE BUS STOP PAD, construction of concrete curbs are included under ADA concrete pads and Concrete Sidewalk and the retaining curbs have been incorporated into the total quantities provided in the bid proposal. Linear feet of 6" retaining curb is provided here for the convenience of construction.

ATTACHMENT 2



ATTACHMENT 3



PURPLE

RED

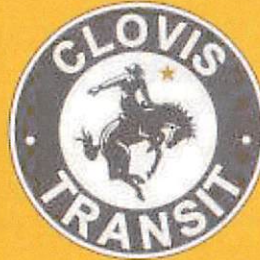
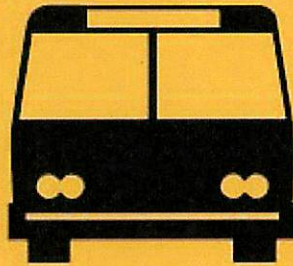
**NEXT BUS INFO
TEXT XXX TO:
559-329-8890**

VISIT US AT:



clovistransit.ca.gov

FREE • FARE



**YELLOW
NEXT BUS INFO
TEXT XXX TO:
559-329-8890**

VISIT US AT:



clovistransit.ca.gov

FREE • FARE

Agenda Item 11

for Feb 11, 2025

CITY OF CLOVIS

PERSONNEL RULES AND REGULATIONS

REVISED

~~October~~ February 11, 2025 ~~DATE 8, 2018~~ 24

CITY OF CLOVIS
PERSONNEL RULES AND REGULATIONS
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RULE I. DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be defined as follows:

1. "Advancement": A salary increase within the limits of a pay range established for a class.
2. "Allocation": The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
3. "Appointing Authority": The City Manager, pursuant to the authority delegated by the City Council, or designee.
4. "At Will Status": The status of an employee who is appointed to a position which serves at the will of the appointing authority or the City Council. At will employees may be terminated at any time, with or without cause, or with or without advance notice. Such employees do not have appeal rights upon termination and are not subject to a probationary period.
5. "Business Day": 8:00am to 4:30pm, Monday through Friday excluding weekends and City of Clovis observed holidays.
- 5.6. "Class": All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and the application of common standards of selection, transfer, promotion and salary.
- 6.7. "Class Specification": The official description of a class that includes the title, a definition, a statement of duties and responsibilities and the employment standards such as education, experience, knowledge and skills.
- 7.8. "Classification Plan": The arrangement of positions in classes, together with the title and specifications describing each class.
- 8.9. "Competitive Service": A grouping of positions that have an established set of duties and requirements as outlined in published classification specifications that are filled through competitive examination. Positions that are not considered to be part of competitive service are identified in the Clovis Municipal Code.
- 9.10. "Continuous Employment": A period of time which begins with the date of hire and ends with the effective date of termination/resignation without a break in service. A break in service shall include an extended absence from employment, except as otherwise prohibited or defined by law.
- 10.11. "Confidential Employee": Means an employee who, in the course of his or her duties, has access to confidential information relating to the City's formulation of financial, personnel, labor relations and administrative policies.

- ~~11~~.12. “Continuous Examination”: An open-competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of no more than one year.
- ~~12~~.13. “Day”: Is defined and used as calendar day throughout this document unless otherwise noted.
- ~~13~~.14. “Demotion”: The movement of an employee from one class to another class having a lower maximum rate of pay.
- ~~14~~.15. “Eligible”: A person whose name is on an employment list and who has submitted a job application, been deemed qualified and successfully completed the examination process according to the terms of the examination announcement.
- ~~15~~.16. “Employee”: A person employed by the City, excluding persons elected to office, volunteers, unpaid interns, or those appointed to serve on boards, commissions, or committees by the Mayor or Council.
- ~~16~~.17. “Employee Status”: The condition of a person’s present appointment such as probationary, regular, promotional probationary, transfer probationary, at will, or extra help. Employees may work on a full or part time-basis.
- ~~17~~.18. “Employment List”: A list of names of persons who have taken a competitive examination for a class in the competitive service and have qualified.
- ~~18~~.19. “Entry Level Position”: A full-time position that is the lowest non-management position in a class as identified in the attached management list of entry level positions.
- ~~19~~.20. “Exempt Employee”: An employee who meets one or more of the duties test exemption from overtime under the Fair Labor Standards Act (FLSA) (e.g., executive, administrative, professional) and who is paid on a salary basis.
- ~~20~~.21. “Extra Help Employee”: An employee who is hired usually for an indeterminate period of time that maybe limited in duration and is classified as an intern, provisional or temporary worker. Extra help employees possess at will employment status, have no right to appeal upon termination, and are only paid for hours worked.
- ~~21~~.22. “Extra Help Position”: Positions not specifically allocated as a position by City Council in the budget, but is budgeted and paid for through the respective Department’s Extra Help Budget. Extra Help Positions are temporary in nature and are at-will positions.
- ~~22~~.23. “Full Time Position”: A position allocated by City Council in the budget, that normally works forty hours per work week, certain exceptions may apply in the police and fire departments, or as otherwise allowed by law.
- ~~23~~.24. “Interim Appointment”: An appointment of a person who possesses the minimum

qualifications established for a particular class and who has been appointed to a vacant position in that class ~~in the absence of available eligibles~~.

~~24.~~25. "Management Employee": An employee having responsibility for formulating, administering or managing the implementation of City policies and programs.

~~25.~~26. "Non-Exempt Employee": An employee who is entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis.

27. "Open-competitive Examination": An examination for a particular class which is open to all persons meeting the qualifications for the class.

~~26.~~28. "Out of Class": An employee assigned to work in a vacant position during an active recruitment for a permanent appointment. Out of Class assignments cannot exceed 960 hours in a fiscal year.

~~27.~~29. "Part-Time Position": A position that normally is scheduled for less than ~~40~~30 hours per week.

~~28.~~30. "Personnel Commission": The Personnel Commission established in the ordinance creating a personnel system for the City.

~~29.~~31. "Personnel Ordinance": Article 2 of Chapter 2.2 of Title 2 of the Clovis Municipal Code which creates a personnel system for the City.

~~30.~~32. "Personnel Officer": The Personnel Officer is the City Manager or designee.

~~31.~~33. "Position": As authorized by the City Council, usually in conjunction with the adoption of a budget or budget amendment, a combination of duties and responsibilities requiring the full, part-time or temporary services of an employee.

~~32.~~34. "Probationary Period": The final phase of the selection process that is used by the Appointing Authority for the evaluation and effective adjustment of an employee. The usual duration of a probationary period is twelve months. This period must be completed satisfactorily before an employee is granted regular status in the assigned classification. Probationary employees can be released before completing the probationary period and the Appointing Authority may grant an extension of the probationary period. Personnel Actions subject to a probationary period of one year are appointment to a regular position, competitive promotion, reemployment, transfer to a different classification, or other change of classification where the employee has not previously completed a probationary period.

~~33.~~35. "Probationary Status": The status of an employee who is appointed to a regular position and who has not completed the required probationary period. An employee on probationary status serves at the pleasure of the Appointing Authority and has no appeal rights on termination.

- ~~34.~~36. "Promotion": The movement of an employee from one class to another class having a higher maximum rate of pay.
- ~~35.~~37. "Promotional Examination": An examination for a particular class open only to current employees.
- ~~36.~~38. "Promotional Probationary Status": The status of an employee who has been appointed to a regular position who has completed an initial probationary period but is now in the process of completing a new probationary period due to a promotion within City service.
- ~~37.~~39. "Regular Position": A position authorized by the City Council in the budget or by resolution as a regular position and is paid from the regular salaries line item of the budget.
- ~~38.~~40. "Regular Status": The status of an employee appointed to a regular position who has completed the required probationary period.
- ~~39.~~41. "Reinstatement": The re-employment without examination of a former permanent or probationary employee.
- ~~40.~~42. "Resignation": The voluntary action of an employee who separates from City employment. Typically, resignations are submitted in writing. Employees who do not provide at least two weeks' notice may be ineligible for reemployment. After a resignation has been accepted it may not be withdrawn without the approval of the City Manager.
- ~~41.~~43. "Supervisory Employee": An employee who participates in recommendations regarding hiring, transfers, suspensions, layoffs, recall, promotions, discharges, assignments, rewards, or disciplining other employees, or responsibility to direct them, or to adjust their grievances, or to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- ~~42.~~44. "Suspension": The temporary separation from the service of an employee without pay, for disciplinary purposes.
- ~~43.~~45. "Temporary Assignment": The assignment of a regular employee to another position for a specified period of time which is short in duration and where the employee is expected to return to their most recently assigned role at the end of the temporary assignment.
- ~~44.~~46. "Temporary Employee": An employee appointed to a position which is not a regular position and may be either full-time or part-time.
- ~~45.~~47. "Temporary Status": The status of an employee who is hired to work temporarily in a regular, extra-help or temporary position. An employee with temporary status may be released without cause or advance notice and has no appeal rights upon termination.

Temporary employees are only paid for hours worked.

~~46.48.~~ "Termination": Any involuntary separation, other than layoff, of an employee.

~~47.49.~~ "Transfer": A change of an employee from one position to another position in the same class or in a comparable class.

~~48.50.~~ "Transfer Probationary Status": The status of an employee who has been appointed to a regular position, completed an initial probationary period and is in the process of completing another probationary period due to a transfer to another classification with the same maximum salary.

~~49.51.~~ "Vacant Position": Any position that has been authorized by the City Council and is not currently filled by an employee.

~~50.52.~~ "Volunteer": An individual who performs work for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of any compensation for work performed.

RULE II. GENERAL PROVISIONS

1. Fair Employment: The City will not discriminate in its employment practices in regard to race, color, ancestry, national origin, religious creed, sex, pregnancy or pregnancy related conditions, including but not limited to childbirth and breastfeeding, sexual orientation, gender, gender identity, gender expression, age, physical or mental disability, genetic information, military or veteran status, marital status or political opinion or affiliation.

RULE III. CLASSIFICATION

1. Preparation of Plan: The Personnel Officer, designee, or a person or agency employed for that purpose, shall ascertain and record the duties, responsibilities and requirements of all positions in the competitive service and, after consulting with appointing authorities and Department Heads affected, shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title. The classification plan shall be so developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class. The classification plan shall be adopted and may be amended from time to time by resolution of the City Council.
2. Allocation of Positions: Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.
3. New Classifications/Positions: Notice will be provided to the applicable bargaining unit when a new classification is created. The notice will advise the unit of the salary range assignment and the opportunity to meet and confer regarding the salary range assignment before adoption of the new classification. When a new classification/position is created,

before the same may be filled, the Appointing Authority shall notify the Personnel Officer, and, except as otherwise provided by Ordinance or these Rules, no person shall be appointed or employed to fill any such position until the classification plan has been amended and an appropriate classification specification has been established for such position.

4. **Reclassification:** Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created. The applicable bargaining unit will be advised of the reclassification action. Reclassification shall not be used as a mean to circumvent the procedures related to demotions and promotions as outlined in these rules.

RULE IV. COMPENSATION

1. **Compensation Policy:** The City Council shall, by resolution or Memoranda of Understanding, establish wage rates or salary schedules for each classification. The City Manager is responsible for recommending such rates or schedules to the City Council and may use data from a variety of sources when developing such recommendations.
2. **Five Step Salary Range Plan:** Regular employees in the competitive service, except for management employees, shall be placed within a five step salary range as follows:
 - a. The first step shall be the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, appointment may be made by the Appointing Authority at the second or third step. Initial appointments above step three must be authorized by Council action.
 - b. The second step is an incentive advancement to encourage an employee. An employee may be advanced to the second step by the Appointing Authority after the completion of one year of actual, continuous employment, and satisfactory service. There is no guarantee of advancement to this step after one year of employment. Advancement to this step must be earned.
 - c. The third step represents the middle value of the salary range and is the rate at which a fully qualified, experienced and ordinarily conscientious employee may expect to be paid after a reasonable period of satisfactory service. The Appointing Authority may advance an employee to the third step after the completion of not less than one year of actual, continuous employment, and satisfactory service at the second step of the salary range. There is no guarantee of advancement to this step after one year of employment. Advancement to this step must be earned.
 - d. The fourth step is for an employee whose work is above standard for the classification/position. The Appointing Authority may advance an employee to the fourth step at the completion of not less than one year of actual and continuous employment at the third step and upon satisfactory evidence that the employee's work

is above standard.

- e. The fifth step is for an employee whose work is consistently above standard service. The Appointing Authority may advance an employee to the fifth step after completion of not less than one year of actual and continuous employment at the fourth step upon satisfactory evidence that the employee's work has been consistently above standard.
 - f. In any case where, by reason of unusual circumstances, rigid adherence to the foregoing principles relating to salary adjustments would cause a manifest injustice, the Appointing Authority may make a salary adjustment based upon the unique qualifications/experience of the employee and the circumstances.
 - g. Notwithstanding the foregoing provisions of this Section, when an employee is promoted or reclassified from one class to another having a higher overlapping salary range, or when a given classification is assigned to a new salary range, such employee shall be adjusted to the minimum of the new range if the increase is at least 5% or to the next higher rate than that attained in the former position, whichever is higher, but thereafter shall be governed by this Section; provided, however, that such adjustment made by assigning a given classification to a new salary range shall not alter the anniversary date or the eligibility of the employee for consideration for a regular increase under this Section unless the employee is required to complete a probationary period in the new classification.
 - h. Rates of compensation provided for by this Section or Memorandum of Understanding, unless otherwise shown, are fixed on the basis of dollars per month for full time service in full-time positions. If any position provided for is by appropriate language specified or indicated as being for less than full time service, the rate of compensation provided for such position shall be proportionately reduced.
 - i. A permanent employee may be assigned to fill a position in a higher classification on a temporary basis. While filling the position on a temporary basis and completing the majority of the duties in the higher classification, the employee shall be paid the minimum rate of the new pay range of the position being filled temporarily or the next higher rate above his/her regular salary, whichever is higher. Nothing in this section will give the employee a right to the higher classification position.
3. Management Employees: The first through third steps are considered entry level dependent upon experience and qualifications. The fourth step is considered the mid-range representing a highly qualified and experienced level. The remaining steps require sustained above standard or better performance for advancement to and maintenance of these levels.
4. Temporary Employees: Temporary employees shall be appointed and compensated in accordance with administrative directives issued by the City Manager for actual hours worked. An employee with temporary status may be released without cause or advance

notice and has no appeal rights upon termination. Temporary employees are only paid for hours worked.

5. **Performance Evaluations:** It is the responsibility of the immediate supervisor to observe and evaluate the job performance of assigned staff as well as to provide appropriate orientation to the job. Failure of the immediate supervisor to conduct an evaluation, could subject the supervisor to discipline. The purpose of the performance evaluation is to encourage open communication between the employee and immediate supervisor regarding expectations and performance, identify opportunities for professional development and establish goals and objectives for future progress and development.
 - a. All newly hired and promoted full-time employees will be evaluated after 6 months of employment. After successful completion of a probationary period, the performance evaluation is conducted on an annual basis, or more frequently, if appropriate. The performance evaluation should be conducted prior to the employee's anniversary date. The anniversary date is the date of a personnel action, such as promotion, demotion, transfer to a different class, or reclassification.

RULE V. APPLICATIONS AND APPLICANTS

1. **Job Announcements:** All notices for vacant positions in the competitive service shall be publicized by posting announcements on the City Web page and by such other methods as the Personnel Officer deems advisable. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the manner of making application; and other pertinent information.
2. **Filing of Application:** Application for employment shall be submitted as prescribed on the job announcement in a form or format acceptable to the Personnel/Risk Management Division. Unless otherwise specified on recruitment announcements, resumes will not be accepted in lieu of the required application. Applications will be accepted only during the posted recruitment filing period for that position.
 - a. Applications must be completed in full. It is the responsibility of applicants to demonstrate that they meet the minimum requirements for the position. The applicants shall certify to the correctness of all statements made on the application. Knowingly providing false or incorrect information on an application is grounds for disqualification from the recruitment process and/or immediate discipline, up to and including termination of employment attained at any time after the application has been filed.
 - b. A separate and complete application is required for each recruitment unless otherwise specified in the job announcement. Applications, whether accepted or rejected, are the property of the City of Clovis and will not be returned.

- c. Applications must be received by the Personnel/Risk Management Division no later than the closing time of the filing period posted in the job announcement.
- d. The application deadline may be extended by the Personnel/Risk Management Division as circumstances warrant.

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3. Disqualification: The Personnel Officer may reject an application which indicates that the applicant does not possess sufficient qualifications required for the position. If an application is rejected for failure to meet the minimum qualifications, the applicant can appeal by contacting the Personnel/Risk Management Division within ~~35 business-working~~ days of the date of notice of rejection. The Personnel Officer, or designee, shall make the final decision regarding any appeal received. An application may be rejected or the applicant may be disqualified from the examination if the application is not complete; if the application indicates facts showing that the applicant is unable to perform the job applied for; if the applicant ~~fails to comply with California law with respect to drug and alcohol use; uses illegal drugs, or currently uses drugs or alcohol habitually and excessively;~~ if the applicant has been convicted of a crime that is related to the job applied for and future job performance; if the applicant has made any false statement of a material fact or practiced any deception or fraud in an application. Whenever an application is rejected, the Personnel Officer shall mail or electronically serve notice of the rejection to the applicant. If Applicant is a qualified individual with a disability and identifies the need to be accommodated for such disability during the application process or thereafter, the City will engage in the interactive process and provide reasonable accommodations. However, the Applicant must engage in the interactive process in good faith with the City or such application may be rejected.
4. Nepotism: In order to ensure that relatives of employees or elected official are not given preferential employment treatment, minimize the potential for adverse impact on supervision, safety, security or morale, the following shall apply:
 - a. No person shall be assigned, appointed, promoted or demoted to a position in any department in which such person's relative already holds a position when such employment would result in any of the following: (1) a regular and reoccurring supervisor-subordinate relationship; or (2) both employees having the same immediate supervisor. For the purpose of this Section, a supervisor-subordinate relationship shall be defined as one in which one person exercises the right to control, direct, reward or discipline another person by virtue of the duties and responsibilities assigned to his or her position. For purposes of this section a distinction is made regarding the length of the supervisor-subordinate relationship to note that an exception is made for short term acting assignments of a few shifts.
 - b. For purposes of this Section, "relative" means spouse, registered domestic partner, child/step, parent/step, grandparent, grandchild, brother/step, sister/step, aunt, uncle, niece, nephew, parent-in-law, brother-in-law or sister-in-law and legal dependents of the employee.
 - c. If a City employee marries another person employed by the City within the same department, both employees shall be allowed to retain their respective positions provided that a supervisory relationship does not exist at the time of marriage between these two positions. During the period of employment, no supervisor subordinate relationship shall exist between the two employees.

RULE VI. EXAMINATIONS

1. Nature and Types of Examination: The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as but not necessarily limited to achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, or any combination of these or other tests.
2. Promotional Recruitment: Promotional recruitments are limited recruitments. Applicants must be currently employed with the City in a regular, probationary or contract status. Temporary, Contract, and Part-Time employees or those working for the City through an authorized temporary agency who have been employed on a continuous basis for a minimum of six (6) consecutive months preceding the final filing date are eligible to apply. Individuals who have been laid off and whose name is on an active re-employment list are also eligible to apply.
3. Continuous Examination: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VII.
4. Conduct of Examination: The Personnel Officer shall administer, delegate or contract with any competent agency or individual for the preparation and/or administration of examinations.
5. Scoring Examinations and Qualifying Scores: A candidate's performance in a given examination shall be scored on each competitive part of the examination, weighted as shown in the examination announcement. Failure in one part of the examination may be grounds for declaring such applicants as failing in the entire examination or as disqualified for subsequent parts of an examination. The Personnel Officer, may, include as a part of the examination tests which are qualifying only.
6. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given written notice by email communication of the results thereof, and if successful, of his final earned score on the employment list. Any candidate shall have the right to inspect their own examination papers within ten (10) workingbusiness days after the notice of examination results were emailed, unless the test is copyrighted, in which instance the employee will have the right to review the score if feasible. Any error in computation, if called to the attention of the Personnel Officer shall be corrected. Such correction shall not, however, invalidate any previously made appointments.
7. Time Off to Take Examinations: When employees of the City are candidates for examinations administered by the City, the employees shall be granted necessary time off

from their normal duties to take such examinations. Time off granted for examination purposes shall be with pay for probationary or regular status employees. Employees participating in examinations while off duty are not paid for attendance.

8. Examination Security: Any candidate who receives or gives unauthorized assistance designed to aid a candidate in the examination process will be disqualified from the examination and may be barred from future examinations. Examination material shall not be removed by applicants from the examination area. Photo identification with a signature may be used as a positive means of identifying applicants.

9. Veterans Preference Points: In any open competitive examination, except for management positions and promotional processes, a veteran shall be allowed an additional credit on the eligibility list after having attained the passing mark(s) established for the examination. Veterans Preference Points will not be applied to positions recruited through promotional processes or management recruitments.~~In any open competitive examination a veteran shall be allowed an additional credit on the eligibility list after having attained the passing mark(s) established for the examination. Veterans Preference Points will not be given for positions recruited through a promotional process.~~

a. For the purposes of this section, "veteran" refers to an individual who meets the eligibility requirements as provided within California Government Code section 18540.4, includingshall also include those who have served in the United States Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or Space Force) for more than 180 days of continuous active duty. Such individuals may claim veteran preference points if they have successfully passed a City examination.~~shall mean an individual who meets the eligibility requirements in section 2108 of title 5, United States Code.~~

- b. ~~Five points will be added to the passing examination score or rating of a veteran who served in the United States Armed Forces, provided they submit proof of eligibility by the application deadline. Proof of eligibility must include a Federal DD-214 from showing honorable discharge,; during a war; during the period April 28, 1952 through July 1, 1955; for more than 180 consecutive days, other than for training, any part of which occurred after January 31, 1955, and before October 15, 1976; during the Gulf War from August 2, 1990, through January 2, 1992; for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom; In a campaign or expedition for which a campaign medal has been authorized. Any Armed Forces Expeditionary medal or campaign badge, including El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti, qualifies for preference. A campaign medal holder or Gulf War veteran who originally enlisted after September 7, 1980, (or began active duty on or after October 14, 1982, and has not previously completed 24 months of continuous active duty) must have served continuously for 24 months or the full period called or ordered to active duty. The 24 month service requirement does not apply to 10 point preference eligibles~~

~~separated for disability incurred or aggravated in the line of duty, or to veterans separated for hardship or other reasons under 10 U.S.C. 1171 or 1173.~~

a.

- e.b. Ten points will be added to the passing examination score of a veteran who served any time and who (1) has a present service-connected disability or (2) is receiving compensation, disability retirement benefits, or pension from the military or the Department of Veterans Affairs. Individuals who received a Purple Heart qualify as disabled veterans, an unmarried spouse of certain deceased veterans, a spouse of a veteran unable to work because of a service-connected disability, and a parent of a veteran who died in service or who is permanently and totally disabled. Proof of eligibility will require appropriate documentation from the United States Department of Veterans Affairs.

RULE VII. EMPLOYMENT LISTS

1. Employment Lists: As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of the candidates who qualified in the examination, arranged in order of final scores, from the highest to the lowest qualifying score. After interviewing candidates in score order, the hiring authority may select anyone from the eligibility list who has been interviewed regardless of final scores.
2. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect for one (1) year, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Personnel Officer, but in no event shall an employment list remain in effect for more than two (2) years. Employment lists created as the result of continuous examinations shall remain in effect for not more than one (1) year after the last administration of the examination, unless sooner exhausted. Names placed on such lists shall be merged with any others already on the list in order of final scores and shall remain on the list for not more than one year.
3. Re-employment Lists: The names of probationary and regular employees who have been laid off shall be placed on appropriate re-employment lists in the order of total continuous cumulative time served in probationary and permanent status. Such names shall remain thereon for a period of one (1) year unless such persons are sooner re-employed. When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled, and the appointing authority shall appoint such qualified persons to fill the vacancies.
4. Removal of Names From List: The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible requests in writing that their name be removed, if the person fails to respond to a notice of certifications mailed to the last known address, or for any of the reasons specified in the

Disqualification section of Rule V, of these Rules. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE VIII. METHOD OF FILLING VACANCIES

1. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement or from eligibles certified by the Personnel Officer from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, interim appointments may be made in accordance with the Personnel Ordinance and these Rules.
2. Certification of Eligibles: If the Appointing Authority does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, the Appointing Authority has the ability to fill the position from an appropriate employment list, provided eligibles are available. When the Appointing Authority requests a vacancy filled by appointment from a promotional employment list or from an open employment list, the Personnel Officer has discretion to certify sufficient numbers of names to fill the vacancies. Whenever there are fewer than ~~six~~ ~~(6)three-(3)~~ names of individuals willing to accept appointment on a promotional employment list or an open employment list, the Appointing Authority may make an appointment from among such eligibles or may request the Personnel Officer to establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.
 - a. If a promotional or open eligible list is to be used, the Personnel/Risk Management Division shall determine which score levels from an eligible list are to be referred to the Appointing Authority. The Personnel/Risk Manager should consider, in making such determination, the number of vacancies available, the availability of eligible at various score levels, and other factors specific to the appointment. Whenever possible, at least the top three (3) available candidates should be certified and referred to the Appointing Authority for consideration in filling of the vacancy. The specific number of candidates to be certified shall be determined by the Personnel/Risk Management Division.
 - b. In addition to, or in lieu of, a certification of names from an open or promotional eligible list, the Appointing Authority may request certification of any or all eligible candidates on rehire, reinstatement, and/or transfer lists.
3. Appointment: After interview and investigation, the Appointing Authority shall make appointments from among those certified. The person accepting appointment shall appear before the Personnel Officer, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, the applicant shall be deemed appointed; otherwise, the applicant shall be deemed to have declined the appointment.

4. Oath: No appointment shall be completed until the applicant has subscribed to an oath of allegiance or affirmation as required by the State Constitution and the Government Code and such oath or affirmation has been subscribed to in written document constituting the applicant's agreement.

RULE IX. PROBATIONARY PERIOD

1. Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than one (1) year's actual paid service. The Appointing Authority may extend the probationary period for not more than an additional six (6) months. If an employee is on a leave of absence or light duty in another position, due to medical, personal, or other applicable leave as allowed by law, for 30 calendar days or more, the employee's probation will automatically be extended for an equal amount of time as the leave of absence, in order to allow the fair evaluation of the employee for regular status. Department heads shall seek approval from the Appointing Authority and notify the probationer concerned prior to the release from probation or extension of a probationary period.
2. Objective of Probationary Period: The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his/her position.
3. Rejection of Probationer: During the probationary period, an employee may be released from employment at any time by the Appointing Authority with or without cause. An employee on probation does not have a right to appeal the decision to release them from employment. Notification of release from probation shall be reduced to writing and served on the probationer and a copy filed with the Personnel Officer.
4. Rejection Following Promotional Probation: An employee rejected during the probationary period following a promotional appointment shall be reinstated to the position, or a like position, from which they were promoted, unless otherwise discharged in the manner provided for by these Rules or the employee's former or like position has been permanently filled.

RULE X. ATTENDANCE AND LEAVES

1. Annual Vacation Leave: Annual vacation leave shall be provided in accordance with the respective Memoranda of Understanding and in accordance with administrative policies.
2. Sick Leave: Sick leave shall be granted in accordance with the respective Memoranda of Understanding and in accordance with state law and administrative policies. A department head may require, ~~at any time, an employee who reports sick to submit a written statement by a physician certifying the length of the employee's absence and specific limitations or restrictions, if any, for the employee. The department head also may require~~ a written physician's statement to verify that an employee is able to resume normal duties or may

require an employee to participate in a fitness for duty examination/evaluation as allowed by law or the Memoranda of Understanding.

3. Family and Medical Leave: Family and medical leave will be administered and granted in accordance with federal and state law and/or in accordance with administrative policies. It is the stated practice of the City that employees using family and medical leave and which have available sick leave, will be required to use such sick leave during the leave period, as allowed by law.
4. Military Leave: Military leave shall be granted in accordance with the provisions of state and federal law. All employees entitled to military leave shall give the Appointing Authority an opportunity within the limits of military regulations to determine when such leave shall be taken.
5. Leave of Absence Without Pay: The City Manager may grant a regular or probationary employee leave of absence without pay or accrual of seniority, based on the totality of the circumstances. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval shall be in writing. The employee shall have exhausted all applicable leave balances prior to requesting a leave of absence without pay. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be cause for discharge. Any leave of absence without pay shall be limited to three months, but may be renewed for additional similar time periods by the City Manager.
6. Jury Leave: ~~Every employee~~ Full-time employees of the City who ~~is~~ are called or required to serve as a trial juror shall be entitled to be absent from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, eligible employees shall be paid the difference between their full salary and any payment received by them, except travel pay, for such duty.
7. Bereavement Leave: Bereavement leave shall be granted in accordance with respective Memoranda of Understanding, state law, and in accordance with administrative policies.
8. Attendance: Employees shall be in attendance at their job in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees, which shall be reported to Payroll on the form and on the dates specified by the Finance Director.
9. Holidays: The holidays to be observed are set forth in the respective Memoranda of Understanding and in the administrative policies.

**RULE XI. TRANSFER, PROMOTION,
LAY-OFF, RESIGNATION, REINSTATEMENT**

AND SEPARATION

1. Transfer: No person shall be transferred to a position for which they do not possess the minimum qualifications. The Director or Chief of a Department may request a transfer of a part-time or temporary employee who has been continuously working for the City for not less than 1 year, to a full-time entry level position in the same Department, provided the full-time vacancy is in the same class and has similar job duties. Upon notice to the affected employee, the Appointing Authority may transfer an employee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications. Additional transfer procedures may be found in a Memorandum of Understanding with a recognized bargaining unit.
2. Promotion: Insofar as consistent with the best interests of the service, vacancies in the competitive service may be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list established. If, in the discretion of the Personnel Officer, a vacancy in the position could be filled better by an open-competitive examination instead of promotional examination, then such an examination shall be arranged.
3. Demotion: An employee may seek a voluntary demotion for non-disciplinary reasons. Such demotions shall only be effective upon approval of the Personnel Officer.
- 3.4. Lay-Off: The Appointing Authority may lay-off an employee in the competitive service because of material change in duties or organization or shortage of work or funds. At least ten (10) workingbusiness days before the effective date of lay-off, the Appointing Authority shall notify the Personnel Officer of the intended action with reasons therefore, and a statement certifying whether or not the services of the employee have been satisfactory. A copy of such notice shall be given the employee affected. Additional layoff procedures may be found in a Memorandum of Understanding with a recognized bargaining unit.
- 4.5. Resignation: An employee wishing to leave the competitive service in good standing shall file with the Appointing Authority, a written resignation stating the effective date and reasons for leaving at least two (2) weeks before leaving the service, unless such time limit is waived by such official. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Officer. Failure to give notice as required by this Rule may be cause for denying future employment by the City. After a resignation has been accepted, it cannot be withdrawn without the approval of the Personnel Officer and the City Manager.
- 5.6. Reinstatement: With the approval of the Appointing Authority and the Personnel Officer, a full-time permanent or probationary employee who has resigned with a good record may be considered for reinstatement within one (1) year two (2) years from the effective date of resignation to a vacancy in the same position provided the employee meets all eligibility requirements the same as any newly hired employee would be required to meet. Upon

reinstatement, the employee, for all purposes, shall be in the status as a new employee without credit for any purpose for time previously served in the employment of the City.

- ~~6-7.~~ Separation: Separation shall include actions which severs the employment relationship as outlined in these rules, including but not limited to Rule XI and Rule XII.

RULE XII. DISCIPLINARY ACTION

1. Authority to Impose Discipline: A department head may take disciplinary action against an employee under his/her authority for one or more of the causes for discipline specified below. A department head may delegate to a supervisory employee the authority to impose disciplinary action up to suspension without pay for up to five (5) days. Disciplinary action may include, but does not have to include any or all of the following, counseling, verbal warning, written reprimand, suspension without pay, reduction in pay, demotion, discharge, or other action as determined by the department head or designee. The City is not required to follow any progressive discipline process.
2. Causes for Disciplinary Action: Causes for disciplinary action include but are not limited to the following:
 - a. Fraud in securing appointment, including falsifying or omitting information on the employment application.
 - b. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of *nolo contendere* to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this Section.
 - c. ~~Consumption of intoxicating beverages or, use of controlled substances while on duty, or being intoxicated while on duty or while off duty when if such consumption or use affects the City or an individual's ability to safely perform their work duties while on duty provide service if called.~~
 - e.d. Consumption of intoxicating beverages, use of controlled substances, or being intoxicated while off duty if such consumption or use affects an individual's ability to provide services while in a paid, designated on-call status.
 - d.e. ~~Insubordination, willful disobedience, dishonest, or failure to comply with a City policy, rule or regulation.~~
 - e.f. ~~Discourteous or offensive conduct or language toward the public or another employee.~~
 - f.g. ~~Other failure of good behavior, either during or outside of duty hours, that bears a rational relationship to the employee's employment, which is of such a nature that it:~~

- (1) causes discredit to the City;
- (2) causes discredit to the employee's employment;
- (3) impairs or disrupts the employee's public service;
- (4) impairs the employee's fitness to perform the employee's duties required by the position; or
- (5) impairs the employee's fitness for efficient service.

The failure of good behavior need not be publicly known.

~~g~~.h. Inefficiency or incompetence.

~~h~~.i. Inattention to or willful neglect of duty, excessive or repeated tardiness, indolence, carelessness, misuse of or damage to, or negligence in the care and handling of City property.

~~i~~.j. Inability to perform assigned duties due to failure to meet or retain job qualifications (including, but not limited to failure to possess required licenses or failure to pass required tests).

~~j~~.k. Unauthorized absence from duty or duty station.

~~k~~.l. Improper or unauthorized use of City vehicles or equipment.

~~l~~.m. Abandonment of position or excessive absenteeism.

~~m~~.n. Claim of sick leave under false pretenses, malingering or other misuse of sick leave.

~~n~~.o. Engaging in outside employment not specifically authorized by the Department Head and City Manager, or engaging in other employment that is incompatible with City employment or detrimental to the efficiency of his/her regular work with the City.

~~o~~.p. Absence from duty without leave, or failure to return to work after leave of absence has expired or has been disapproved, revoked or canceled.

~~p~~.q. Willful violation of any of the provisions of federal law, state law, City ordinances, these Rules, or any rules or regulations which may be prescribed by the City Manager or a department head.

~~q~~.r. Acceptance of a personal gift or other form of remuneration in addition to regular compensation, by an employee for the performance of his/her City duties in violation of City policy. Solicitation in an official capacity or as an employee of the City of the public for money, goods, or services not specifically authorized by the City Manager.

~~r.s.~~ Violation of the Safety Policy.

~~s.t.~~ Unsatisfactory work performance.

~~t.u.~~ Behavior which constitutes unlawful discrimination or harassment.

3. Applicability: The procedures and appeal rights set forth in this Rule do not apply to the discipline of verbal or written warnings or reprimand or of discipline which results in a loss of salary of five (5) days or less except where the Memorandum of Understanding, Firefighters Procedural Bill of Rights or Police Officers Bill of Rights specify otherwise. This Rule applies only to an employee in a regular competitive service position.
4. Suspension or Relief of Duty: A department head may suspend or relieve from duty an employee for disciplinary reasons in accordance with this policy, the Memorandum of Understanding or other state and federal laws. Notice of such action must be provided to the Personnel Officer prior to the action being taken.
5. Notice of Proposed Discipline: The department head shall give written notice of the proposed disciplinary action to the employee. The notice shall include the action being considered; the reasons for the proposed action and the nature of the charges; copies of or reference to the materials upon which the action is based; notice of the opportunity to respond in writing or orally at a particular time and place; the right of the employee to be represented by an attorney or other representative at any disciplinary proceeding; and the fact that the failure of the employee to respond is conclusively presumed to be a waiver of his or her objection to the discipline and the procedure.
6. Employee Response: An employee notified of proposed disciplinary action may respond by submitting a written response and/or appearing at the appointed place and time. The meeting shall be held at least five (5) days after the notification of the proposed disciplinary action. The purpose of the meeting is to hear the response of the employee to the charges. This meeting is not an evidentiary hearing and the employee is not entitled to present witnesses. During this meeting, the employee may be represented by a person of their choosing that is not a witness in the disciplinary matter.
7. Imposing Discipline: As soon as practicable after the employee has had an opportunity to respond, the department head shall notify the employee and the Personnel Officer in writing of the nature and extent of the discipline, if any, and the effective date. The notification will also advise the employee of the right of appeal as per these rules.
8. Procedures for Appeal of Disciplinary Action: The following procedures shall apply unless the applicable Memorandum of Understanding, Firefighters Procedural Bill of Rights or the Peace Officer Bill of Rights specify different processes.
 - a. Method of Appeal. An appeal of imposed discipline shall be in writing, signed by the appellant, and filed with the Personnel Officer within five (5) calendar days of

the effective date of the disciplinary action. The appeal shall set forth the matter appealed from, the detailed basis of appeal, and a statement of the action desired by the appellant with supporting reasons. The formality of a legal pleading is not required. The failure to file an appeal within the five (5) day period is deemed a waiver of the right to appeal.

- b. Notice. Upon the filing of an appeal, the Personnel Officer shall set a date for a hearing on the appeal no more than ninety (90) days from the date of filing, unless otherwise mutually agreed upon by both parties in writing. The Personnel Officer shall notify the appellant in writing of the date, time and place of the hearing.
- c. Hearings. The appellant shall appear personally before the Personnel Commission or an Administrative Law Judge as agreed to by the appellant and the City, at the time and place of the hearing. The appellant may be represented by a person of his or her choosing and may produce relevant oral or documentary evidence at the hearing. The City's case shall be presented first. Cross-examination of witnesses shall be permitted. Rebuttal matter not repetitive may be allowed in the discretion of the Personnel Commission. The conduct and decorum of the hearing shall be under the control of the Personnel Commission Chairman. The Commission in its discretion may continue the hearing from time to time. Hearings need not be conducted according to technical rules of evidence. Hearings shall be closed unless the appellant, in writing, requests an open hearing.
- d. Findings and Recommendations. The Personnel Commission shall, within thirty (30) days after the conclusion of the hearing, certify its findings and decision in writing to the appellant and to the City Manager. The Personnel Commission may recommend affirming, revoking, or modifying the discipline. Any member of the Personnel Commission may submit a minority or supplemental finding and recommendation. The City Manager shall review the findings and recommendations of the Personnel Commission and may then affirm, revoke or modify the action. The City Manager's decision shall be issued within sixty calendar days after receipt of the Commission's findings and recommendations. The City Manager's decision shall be final and binding.
- e. Any time limit or stage of procedure in this chapter may be waived for good cause and with the consent of both parties.

9. Effect of Disciplinary Actions:

- a. Suspension. An employee suspended from the City service forfeits all rights, privileges and compensation during the period of suspension.
- b. Discharge. An employee who has been discharged shall be paid salary accumulated to the effective date of termination; any compensatory time accumulated, and accrued vacation time.

- c. Reduction in Pay. Reduction in pay becomes effective at the beginning of the next payroll period following the effective date of the disciplinary action.
 - d. Written Reprimand. An official reprimand is in the form of a written notice to the employee and is placed in the employee's personnel file. No employee shall have a written reprimand entered in his or her personnel file without the employee having first read and signed the document, indicating he or she is aware of the reprimand; except that the reprimand may be placed in the file if after reading the document, the employee refuses to sign it. In that case, the refusal shall be noted and signed by the supervisor.
10. Management and Exempt Employees: Any employee in a management position, or any other position that is exempt from the overtime pay and/or minimum wage provisions of the Fair Labor Standards Act of 1938, may not be suspended without pay for less than one (1) full day.

RULE XIII. GRIEVANCE PROCEDURES

1. Purpose of Rule: The purpose of the grievance procedures is to promote improved employer-employee relations by establishing grievance procedures and to afford employees individually or through qualified employee organizations, collectively herein after referred to throughout this rule as "employee", a systematic means of obtaining further considerations of problems after every reasonable effort has failed to resolve them through discussions. Additionally, the procedure provides a mechanism that allows grievances to be settled as near as possible to the point of origin and to provide that appeals shall be conducted as informally as possible.
2. Matters Subject to Grievance Procedure: Any employee in the competitive service shall have the right to grieve, under this rule, a decision affecting their employment over which the Appointing Authority has partial or complete jurisdiction and for which appeal is not provided by other regulations or is not prohibited. The grievance procedures in this chapter do not apply to disciplinary actions, the determination of the contents of a job classification or a decision to reclassify a position, the determination of procedures and standards of selection for employment and promotion, the evaluation process, the contents of an evaluation, items which require capital expenditures, items subject to the meet-and-confer process as defined in the California Government Code, and all City rights reserved in the City's employer-employee relations resolution.
3. Form of Grievance: An employee (the grievant) shall present his/her grievance in writing to his/her supervisor or department head. The supervisor, department head or Personnel Officer shall respond in writing.
4. Grievance Procedure - Department Level: A grievance should be considered within the department whenever possible. An employee should bring the grievance to the attention of the

immediate supervisor as soon as possible. If the employee does not bring the grievance to the attention of the supervisor within fifteen (15) calendar days of the date of the action or incident causing the grievance, it is considered a waiver of the employee's right to submit the grievance (unless the action or incident is part of an on-going pattern of behavior). The supervisor shall consider the grievance and notify the grievant of the supervisor's action or decision in writing within fifteen (15) calendar days from the date the grievance was submitted. If the matter cannot be adjusted or settled by the immediate supervisor within fifteen (15) calendar days from the date of submission, or if the grievant is still dissatisfied after the supervisor's decision, the employee may submit the grievance in writing to the department head.

5. Department Head Review: The grievance shall be submitted to the department head within ten (10) calendar days from the date of the supervisor's decision if the employee is dissatisfied with the supervisor's decision. The department head shall confer with the grievant, the supervisor and such other persons as may be necessary to gather all the facts and to find a solution. The department head must take action and so notify the grievant in writing within fifteen (15) calendar days.
6. City Manager Review: If the grievant is not satisfied after informal discussion(s) and the department head's decision, he/she may, within ten (10) calendar days of the date of the department head's decision, submit a written grievance to the City Manager. If the grievant does not submit a written grievance within the ten (10) calendar days, the grievance procedure ends. Upon receiving a written grievance, the City Manager or designee, shall within fifteen (15) calendar days discuss the grievance with the grievant, their representative, if any, and any other persons involved. The City Manager/designee may make any inquiry, investigation or compilation of facts deemed necessary in reaching a decision. The City Manager/designee shall render a decision in writing to the grievant, with a copy to the department head, within thirty (30) calendar days from the date the City Manager/designee met with the grievant to discuss the matter. The decision of the City Manager/designee is final.
7. Extension of Time Limit: Any time limit or stage of procedure in this Rule may be waived for good cause and with the consent of both parties.

RULE XIV. MEMORANDA OF UNDERSTANDING AND SAFETY OFFICERS' BILL OF RIGHTS

1. Memoranda of Understanding: In the event the terms of an applicable memorandum of understanding, entered into pursuant to the Meyers-Milias-Brown Act, conflict with the terms of these rules, the terms of the memorandum of understanding shall prevail.
2. Peace Officers' Bill of Rights: In the event the requirements of the Public Safety Officers' Procedural Bill of Rights Act (California Gov. Code, §§ 3300, et seq.) conflict with the terms of these rules, the requirements of the Public Safety Officers' Procedural Bill of Rights Act shall prevail.
3. Firefighters Procedural Bill of Rights: In the event the requirements of the Firefighters

Procedural Bill of Rights (California Gov. Code, §§ 3250, et seq.) conflict with the terms of these rules, the requirements of the Firefighters Procedural Bill of Rights shall prevail.

RULE XV. DISASTER SERVICE WORKER

1. The protection of the health and safety, and the preservation of lives and property of the citizens of the City of Clovis from the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and resources is of paramount importance to the City, requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of power of the City in protection of its citizens and resources, ALL City employees are hereby declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their supervisors or by law.

It is the duty of each City employee to fulfill the responsibilities of a disaster service worker if deemed necessary by the City Manager. In the event of a declared emergency (i.e., riot, war, fire, flood, earthquake, etc.) employees may be directed to report to the City's designated Emergency Operations Center (EOC). Employees may be contacted and given further instructions as to when and where to report to the EOC in the event of a declared emergency.

In the event of a disaster, the City Manager, serving as Director of Emergency Services, or designee, is authorized to take such actions as may be necessary to facilitate recovery operations, including, but not limited to, deploying staff for damage assessment and emergency repair purposes, and procuring materials, labor, and services required for damage control and emergency repair.

**Agenda item 14
Public Comment for
February 11, 2025**

Briana Parra

From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Monday, February 10, 2025 1:03 PM
To: Andrew Haussler; Rebecca Simonian; Briana Parra
Subject: [External] Public Comment for City Council

Council Meeting Date: 2025-02-11

Item Number (put "0" if your comment is regarding an item not on the agenda): 14

Full Name: David Weber

Email: get.dweb@gmail.com

Comment: Appreciate council's amount of time and questions pertaining to choosing a recycling contractor during the February 11, 2025, session. One set of data not discussed is the three vendors recycling capture ratios? Not sure if capture ratio is the correct term for referencing the amount of recyclables collected in either gross weight or cubic yards compared the net amount of actual recycled and usable material.

Supporting Files (2 Max.):

Date: February 10, 2025

Time: 1:02 pm

Remote IP: 67.181.167.129

**Agenda item 14
Public Comment for
February 11, 2025**

Briana Parra

From: City of Clovis Website <wp-donotreply@ci.clovis.ca.us>
Sent: Tuesday, February 11, 2025 10:59 AM
To: Andrew Haussler; Rebecca Simonian; Briana Parra
Subject: [External] Public Comment for City Council

Council Meeting Date: 2025-02-11

Item Number (put "0" if your comment is regarding an item not on the agenda): 14

Full Name: Moises

Email: moises431.mp@gmail.com

Comment: I would recommend Clovis Stay with Republic. During the pandemic they would come to work despite everything else being closed. I vote for Republic Services to continue . Thank you

Supporting Files (2 Max.):

Date: February 11, 2025

Time: 10:59 am

Remote IP: 174.208.99.136