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. Notwithstanding any further appellate proceedings, a conviction shall be deemed complete upon the date the court imposed judgement and sentence.

(16) Other failure of good behavior either during or outside of duty hours, which is of such a nature that it causes discredit to the appointing authority or the person’s employment.  

(17) Unlawful retaliation against any other City employee or member of the public, who in good faith reports, discloses, divulges, or otherwise brings to the attention of any prosecuting agency, or any other appropriate authority, any facts or information relative to actual or suspected violation of any law of this City, County, State or the United States, occurring on the job, or directly related thereto.

(18) Failure to maintain necessary licenses or certification required to meet the minimum qualifications for the position.

DISMISSED EMPLOYEE NOT ELIGIBLE FOR REEMPLOYMENT

Sec. 85. Any employee who has been dismissed from City service for disciplinary reasons shall have his/her name removed from all eligible and priority lists by the Executive Director, and shall neither be eligible to participate in any Civil Service examination, nor be reappointed to any classified position unless, after review, the Commission authorizes his/her eligibility.

DURATION OF EMPLOYEE SUSPENSION OR DEMOTION

Sec. 96. The duration of an employee’s suspension or demotion shall be designated by his/her department head and stated in the written charges presented to the employee with the exception of summary suspensions under Section 87. However, an employee’s suspension shall not exceed six calendar months without the approval of both the appointing authority and the Commission.

SUMMARY SUSPENSION

Sec. 87. Pending an investigation by the appointing authority of accusations against an employee involving misappropriation of City property and/or City funds, drug addiction, brutality or cruelty to a person in custody, acts which would constitute a felony, or a misdemeanor involving moral turpitude, or substantiated, job-related, extraordinary conduct requiring immediate removal of the employee from the workplace; the appointing authority may impose a summary suspension for a period not to exceed 30 days. Any summary suspension may be terminated by the appointing authority by giving 48 hours notice in writing to the employee. The summary suspension period shall be used by the
appointing authority to expeditiously complete an administrative investigation of the incident and/or circumstances which caused the disciplinary action to be taken. If the appointing authority does not file charges against the employee on or before the expiration date of the summary suspension then the summary suspension shall be with pay. However, if charges are filed against the employee on or before the summary suspension is terminated, the effective date of the discipline may be made retroactive to any date on or after the date the employee was summarily suspended. Time served or salary lost under a summary suspension may be considered in any final penalty assessed against the employee.

DEMOTION AFTER ACQUIRING STATUS IN A CLASSIFICATION

Sec. 88. If a permanent employee is promoted to a new classification, acquires permanent status in that classification, and is subsequently demoted to his/her former classification and grade because of incapability or for disciplinary reasons, he/she shall not be recertified for promotion to the classification from which he/she was demoted during the life of the eligible list from which the appointment was made. Pursuant to Section 1103 of the City Charter and these Rules and Regulations, any employee may, as a disciplinary measure, be demoted to any classification in job families recognized by the Commission. Such reassignments may occur even though the employee never held status in the classification specialty.

PERMANENT EMPLOYEE REDUCTION OR DISCHARGE DURING PROBATION

Sec. 89. If a permanent employee is successful in either a promotional or open-competitive examination and is subsequently appointed to another classification and during the probationary period is found to be incapable or inefficient, the appointing authority/designee may terminate the appointment. Should such a termination occur, the employee shall be reinstated to the classification in which he/she held status prior to being promoted. If, in the opinion of the department head and the Commission, the employee is still regarded as competent for some other position in the same promotional or open classification, his/her name may be returned to the eligible list established for the open or promotional classification, should such a request be made by the terminated employee. Should any employee be displaced by the above reference reinstatement, his/her name shall be placed on a priority list for the subject classification.

NEW EMPLOYEE DISCHARGE DURING PROBATIONARY TERM

Sec. 90. If, during the probationary period in a classified position, an employee is found to be inefficient or incapable, the appointing authority/designee may terminate the appointment. If, in the opinion of the department head and the Commission, the person is still regarded as capable of performing in some other position in the same classification, his/her name may be returned to the eligible list established for the classification.