

CHAPTER 7

ISSUE 1

Date 04/13/87

SUBJECT: APPOINTMENTS

I. PURPOSE

The purpose of this procedure is to establish a standard policy and method for processing appointments to City service consistent with the City of Lompoc Personnel Ordinance Section 20-6, Personnel Rule VIII METHOD OF FILLING VACANCIES, and applicable Federal Statutes.

II. POLICY

It is the policy and intent of the City of Lompoc to only hire those individuals who are legal residents and authorized to work in the United States.

III. SCOPE

This procedure is applicable to all City departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with an approved memorandum of understanding enacted between the City and a recognized employee organization, the current memorandum of understanding shall prevail. Exceptions to this procedure shall only be allowed when approved by the City Administrator.

IV. AMENDMENTS

This procedure may be amended by the City Administrator.

V. GUIDELINES

A. Appointments

The appointing power, after interview and after appropriate investigation, shall make appointment from among those eligible candidates certified by the Human Resources Department. Persons accepting appointment shall pre-send themselves to the Human Resources Department for processing on or before the date of employment.

B. Appointment Step

New employees will normally be appointed at the first step of their classification's salary range. If a new employee possesses exceptional skills, experience, or education or if a position is exceptionally difficult to fill, the City Administrator may authorize original appointment or reinstatement above the first step.

In exceptional cases or when a diligent search reveals that it is impossible to obtain a qualified employee at the first step of the salary range the City Administrator may authorize appointment at an appropriate step within its range. A request for such appointment shall be submitted in written form to the Human Resources Director and contain the following:

- Classification
- Requested appointment step and cost for the balance of fiscal year
- Reason or need for the exceptional appointment
- Current budgeted amount in position

See Attachment I for example.

C. Types of Appointments

1. **Regular Appointment:** An appointing power may appoint a person to fill a vacant position that has been approved by the City Council and included in the adopted budget. Persons meeting the minimum qualifications of the position and otherwise eligible for hire shall be processed as a regular appointment.
2. **Intra and/or Interdepartmental Transfers:** An appointing power may, within a department, transfer an employee from one position to another position in the same or comparable job classification (a comparable job is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications). All transfers must be approved by the City Administrator prior to appointment.
3. **Provisional Appointment:** Provisional appointments may be made for the following reasons:
 - a. There is a pressing, immediate need to fill a position due to the nature of the job.
 - b. An absence of individuals willing to accept appointment on appropriate employment lists.
 - c. There is a history of difficulty in filling the position and the recruiting process is expected to take a considerable length of time.

A department must request approval for a provisional appointment in writing from the Human Resources Officer. A provisional appointment can be made for a period not to exceed six months. The City Administrator may extend the period for any provisional appointment for not more than thirty (30) days.

Any person receiving a provisional appointment must meet the minimum qualifications of the position.
4. **Part-time Appointment:** Part-time appointments apply in cases where employees fill a budgeted position and are expected to work less than 1040 hours in any one fiscal year. Employment usually occurs on a regular recurring schedule. Appointments must be made from an established eligibility list.
5. **Temporary Appointment:** Temporary appointments are normally made to positions which are intended to assist with intermittent or seasonal increases in workload. Employees are hired for a term certain which is or is expected to be less than one year in length. Employees receiving a temporary appointment must meet the minimum qualification for the position and must be certified from an appropriate eligible list.
6. **Underfill Appointment:** In some classifications it may be difficult to recruit applicants that meet

the minimum qualifications. In this case an underfill may be appropriate.

To underfill a position, the department director must submit a request in writing to the Human Resources Officer. The request shall contain the following information:

- Position number
- Classification
- Requested underfill level, i.e. underfill a Senior Account Clerk with an Account Clerk.
- The reason, need and duration of the underfill.

See Attachment II for example.

Approval for underfilling positions may be given for the following reasons:

- a. There are State required certification or licensing requirements that will be met during the underfill period.
- b. The position requires special schools or training that are offered on an infrequent basis and the employee will attend.
- c. The position requires extremely specialized skills and the applicant's possessing those skills may not be readily available.
- d. The department is considering or undergoing a reorganization which will result in changes in duties, responsibilities and/or reporting relationships.

Underfills will be approved by the Human Resources Officer for a time certain. Underfills will normally expire at the end of the fiscal year unless specifically addressed by the Human Resources Officer.

7. Re-Employment Appointment: Re-employment eligible lists will include the names of probationary and permanent employees who have been on lay off status for up to one year unless such persons are sooner re-employed.

When the Human Resources Department receives a requisition for positions where re-employment lists exist the name of the top candidate from such list shall be certified for appointment.

8. Reinstatement Appointment: With the approval of the Human Resources Officer an appointing power may, within two years of the effective date of resignation, reinstate a permanent or probationary employee to a vacant position in the same or comparable class. Employees receiving a reinstatement appointment will not be credited for prior service.

Individuals seeking reinstatement must complete a current City of Lompoc application form and have it on file with the Human Resources Department.

D. Employment of Relatives

Employment of relatives of City employees is permitted except in cases where such action:

1. Would constitute a violation of any law of this state or of the United States or any rule with

which the City of Lompoc is required to comply.

2. Would place the individual in a position exercising supervisory, appointment, evaluation and/or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises. Member of the individual's family means employees related within the second degree of kindred or affinity. Divisions of the Public Works Department shall be deemed departments under this section.

3. If any two employees marry refer to Personnel Rule V Section 4 for applicable policy.

The term employment shall include, but is not limited to, initial appointment, transfer, promotions, and continued employment.

E. Medical Examination

Prior to actual employment, each otherwise qualified candidate may be required to successfully pass a physical examination by a licensed medical doctor. The nature and extent of such physical examination will be based upon the requirements of the position to be filled and other factors which may be specifically applicable to the position. The cost of the initial medical examination will be borne by the City.

At the time an offer of employment is made the Human Resources Department will make arrangements for the medical examination and notify the applicant of the time and location of the appointment.

VI. PROCEDURES

A. Interviewing and Selection

1. The appointing power will review the names of those candidates certified by the Human Resources Department and arrange employment interviews for those deemed most qualified.

2. The appointing power may investigate any candidate as long as the candidate's present employment is not jeopardized and all candidates are treated equally.

3. The appointing power will meet with all applicants contacted for an employment interview before a final selection is made.

B. Notification

1. The appointing power shall notify the Human Resources Department of the successful candidate. The following information should be submitted on Section 3 of the Human Resources Requisition form:

- The name of the applicant
- The classification
- The date of hire and location
- Reports to
- The step and salary

2. The Human Resources Department shall notify the successful candidate of their selection and if a medical examination is required, arrange for the appointment.

3. Employees selected for appointment must be told that the employment offer is being conditioned upon satisfactory proof of the applicant's legal authority to work in the United States and passing the physical examination.

4. After the successful candidate accepts the conditional appointment, the appointing power shall notify the other applicants who were interviewed that an appointment has been made. Upon request, the Human Resources Department will assist departments in preparing the letter. (Attachment III)

VII. VERIFICATION OF RIGHT TO WORK

A. Verification Requirements

1. Effective November 6, 1986, before hiring any employee in or out of the competitive service, the Human Resources Department will request documentation which indicates that the applicant is entitled to legal residence and authorized to work in the United States. Verification of a job applicant's legal authority to work must be completed as part of the employment processing procedure.

(a) Any of the following documents will be accepted as proof of authorized status:

- United States Passport
- Certificate of United States Citizenship
- Certification of Naturalization
- Unexpired foreign passport, provided the passport has a valid Attorney General endorsement.
- Resident alien card, or other alien registration card if the individual's photograph or other personal information appears on the card and the card evidences authorization of employment in the United States. (see Attachment V)

(b) If an individual is unable to present any of the documents mentioned above, the Human Resources Department must examine the following documents which would evidence employment authorization.

- A valid social security card (except one that specifically states that employment is not authorized), or;
- A United States birth certificate or, satisfactory certificate establishing United States nationality at birth, or;
- Other documentation which the Attorney General finds by regulation to satisfy this section.

(c) In addition to (b) above, the Human Resources Department must examine the following documents which would establish an applicant's identity:

- A valid state-issued driver's license or other picture identification card.

2. After inspecting those documents listed in (a), (b), and/or (c) above the Human Resources Department must attest that it has verified that a new employee is not an unauthorized alien (see

attachment IV).

3. Each new applicant, at the time of processing, must attest that he or she is either:

- (a) A United States Citizen or national,
- (b) An alien who is legally authorized to work in the United States,
- (c) An alien lawfully admitted for permanent residence.

The applicant will make these attestations on an appropriate form (see attachment IV).

4. At the time of processing the Human Resources Department will make a copy of all documents required under VI. A. above and make them a part of the employees permanent human resource file.

B. Exceptions to Verification Requirements

To fully comply with provisions of the Immigration Reform and Control Act of 1986, the City of Lompoc will not allow any exceptions to the verification requirements. Individuals who cannot comply with verification requirements contained in this Procedure will be rejected for employment.

C. Retention of Records

The City of Lompoc, Human Resources Department, must retain the forms used to attest to the identity and work authorization of new employees for a period of either three years from the date of hire or one year after the employee's date of termination, whichever is later.

VIII. INTERPRETATION

Any questions relative to the intent and/or application of this policy should be made to the Human Resources Director who has the authority to interpret and implement this procedure.

Authorized:
City Administrator Effective Date
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ATTACHMENT I

MEMORANDUM

TO: Frank L. Priore, Human Resources Director

FROM: Bill Jones, Planning Director

SUBJECT: EXCEPTIONAL APPOINTMENT

The department is requesting authority to make an exceptional appointment.

The department is prepared to hire a new Sales Data Analyst, classification U040. The annual salary range of the position is \$20,446 to \$26,582. The position is currently budgeted for \$26,582. I wish to hire the new Sales Data Analyst at step five (5) which would compute to an annual salary of \$25,043. As you can see there are adequate funds budgeted to cover the exceptional appointment.

I wish to make this exceptional appointment for the following reasons:

1. Because of budget cuts, I have reduced the number of Sales Data Analysts from two to one. This means that the one remaining analyst can no longer specialize in different areas of sales analysis as was the case with two positions. This staff must do everything.
2. The person I wish to appoint has 10 years experience in sales analysis. She has worked with computer-assisted sales analysis which our program is built around. She is currently earning \$25,000 and will not take this position for anything less than this amount. She is by far the most qualified of all the applicants. None of the other applicants possess the variety of skills or experience.

For these reasons, I am requesting authority to appoint at step 5.

BILL JONES
Planning Director
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ATTACHMENT II

MEMORANDUM

TO: Frank L. Priore, Human Resources Director

FROM: Bill Jones, Planning Director

SUBJECT: REQUEST TO UNDERFILL A VACANT POSITION

This department is requesting authority to underfill a Construction Inspector IV vacancy, position number 7171, with a Construction Inspector III level person.

The reasons for this request are:

The department has only one Construction Inspector IV position which is vacant. Of all the applicants for the position only one met the minimum qualifications and he has declined the position because the maximum salary is less than he is currently earning. The next most qualified applicant, Cindy Forbes, is currently employed as a Construction Inspector III. She is currently enrolled in a training program which will lead to her state certification at the end of IV level. The test for certification will be in six months.

This department proposes to underfill the Construction Inspector IV vacancy with Ms. Forbes at the III level until state certification. At that time, Ms. Forbes would be promoted to the IV level. If for some reason she should fail her certification, the department would repost the position and Cindy would go back to her old position which will be left vacant.

The department needs the vacancy filled now because there is no supervisor for the Building Inspection Section, and this is the second time in four months that the department has been unable to attract a qualified candidate for this vacancy. Moreover, the construction season will begin in less than a month and a supervisor is desperately needed to coordinate inspection for our understaffed office.

BILL JONES
Planning Director
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ATTACHMENT III

SAMPLE LETTER FOLLOWING
EMPLOYMENT INTERVIEW
(NON-SELECTED)

Dear :

Thank you for meeting with me last week to discuss your qualifications for the position of with the City of Lompoc.

I am sorry to advise you that another candidate has been offered and accepted the current position. You will, however, remain on the eligibility list until its specified expiration date and may receive consideration for future openings.

Again, my appreciation for your participation in our selection process and interest in employment with the City.

Best Regards,

Jane Manager

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ATTACHMENT V

CLASSES OF ALIENS ELIGIBLE

(Restricted employment authorization)

- (i) A foreign government official (A-1), or (A-2).
- (ii) An employee of a foreign government official (A-3).
- (iii) A non-immigrant visitor for business (B-1).
- (iv) A non-immigrant crewman (D-1).
- (v) A non-immigrant treaty trader or investor (E-1), or (E-2).
- (vi) A non-immigrant (F-1) student.
- (vii) A representative of an international organization (G-1), (G-2), (G-3), or (G-4).
- (viii) A personal servant of an employee or representative of an international organization (G-5).
- (ix) A temporary worker or trainee (H-1), (H-2), or (H-3).
- (x) A temporary agricultural worker (H-2A).
- (xi) An information media representative (I).
- (xii) An exchange visitor (J-1). (xiii) An intra-company transferee (L-1).
- (xiv) Officers and human resources of the armed services of NATO forces and representatives, officials and staff employees (NATO-1,2,3,4,5 or 6).