

**RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD
FOR THE POLICE DEPARTMENT
CITY OF BAKERSFIELD**

4/05/06

Table of Contents

Rule 1	Authority and Purpose.	1
Rule 2	Definitions	2
Rule 3	Announcement and Advertisement of All Examinations	7
Rule 4	Applications for Employment (Police Officer and Non-Sworn)	9
Rule 4A	Police Officer - Lateral Transfer	13
Rule 4B	Police Officer - Continual Testing	15
Rule 5	Application for Promotional Examination.	18
Rule 6	Examinations.	20
Rule 7	Weights and Final Grade.	23
Rule 8	Inspection of Tests and Appeals	25
Rule 9	Review of Civil Service Ratings and Examination Procedures	27
Rule 10	Eligible Lists.	30
Rule 11	Appointment From Eligible Lists	33
Rule 12	Reinstatement.	34
Rule 13	Probation.	35
Rule 14	Miscellaneous	36
Rule 15	Disciplinary Action	38
Rule 16	Civil Service Board as Trial Board - Conduct of Hearing	45
Rule 17	Organization and Administration	50
Rule 18	Rules and Regulations	54

RULE 1

AUTHORITY AND PURPOSE

1.01 Rules Prescribed. Under the authority of Section (223)3 of the Charter of the City of Bakersfield, the Civil Service Board for the Police Department does hereby make and prescribe these Rules and Regulations governing the examination, selection, appointment, promotion, discharge and removal of members of the Police Department and governing procedure for hearings before said Board. Whenever in these Rules and Regulations the masculine gender is used, it shall be deemed to include the feminine gender.

1.02 Purpose. These Rules and Regulations are adopted for the purpose of assuring the continuance of the Civil Service system for the Police Department, of promoting efficiency in the dispatch of public business, and of assuring all applicants and employees of the Police Department fair and impartial treatment.

Approved by the Police Civil Service Commission: 2-11-76

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 2
DEFINITIONS

2.01 The following words and phrases, as used in these Rules and Regulations, unless a different meaning is required by content, shall have the following meanings:

1. **APPLICANT** shall mean a person who has made application to take a Civil Service examination.
2. **APPOINTING OFFICER** or **APPOINTING POWER** shall mean the Chief of Police or City Manager, as appropriate.
3. **APPOINTMENT** shall mean the acceptance by a person of a position in the Department.
4. **BOARD** shall mean the Board of Civil Service Commissioners for the Police Department of the City of Bakersfield.
5. **BUSINESS DAYS** shall mean calendar days exclusive of Saturdays, Sundays, and legal City holidays.
6. **CERTIFICATION** shall mean that the Board attests to the fact that those persons whose names appear on an eligible list have met all legal requirements for the position indicated on the eligible list, and are approved for appointment at the discretion of the appointing officer under the rule-of-three.
7. **CITY** shall mean City of Bakersfield.
8. **CITY PHYSICIAN** shall mean a medical doctor chosen by the Board.
9. **CLASS** shall mean a group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications, and salary range, and the application of common standards of selection, transfer and

promotion.

10. **CLASS SPECIFICATION** shall mean a written description of a class or position which includes title, class number, a general statement of nature of work, duties, responsibilities, and minimum or desirable qualifications.

11. **CLASSIFIED SERVICE** shall mean all officers and positions in the Civil Service as set forth in the Charter of the City of Bakersfield.

12. **CONTINUOUS SERVICE** shall mean employment by permanent employees without interruption except for approved leaves of absence. Reinstatement or re-employment does not make service continuous.

13. **DEMOTION** shall mean the movement of an employee from one class or position to another class or position having a lower maximum rate of pay.

14. **DEPARTMENT** shall mean the Police Department of the City of Bakersfield.

15. **DISCHARGE** shall mean termination from City service for cause; the terms discharge, dismissal and removal shall be synonymous.

16. **DIVISION** shall mean a separate unit in the Department such as Investigations, Administration, and Operations, etc.

17. **ELIGIBLE** shall mean an applicant who receives a final passing rating, who meets all qualifications, and whose name appears on an eligible list.

18. **ELIGIBLE LIST** shall mean a list of persons who have been examined and certified by the Civil Service Board as eligible for appointment or promotion.

19. **EXAMINATION** shall mean the complete process involved in evaluating, investigating, and testing the fitness and qualifications of applicants.

19A. **LATERAL TRANSFER** shall mean a transfer to the Bakersfield Police Department of an active duty peace officer employed by a P.O.S.T. approved California municipal police agency, California county sheriff's office, or California Highway Patrol, or of a person who had been so employed as stated above within the past 12 months.

20. **LAYOFF** shall mean separation from a seasonal, part-time, or permanent position because of work load, economy, lack of funds, or because the position has been abolished.

21. **LIGHT DUTY ASSIGNMENT** shall mean the temporary placement or assignment of a permanent or probationary employee who is recovering from an ailment or injury to a job function less strenuous than his or her normal duties.

22. **NON-SWORN POSITIONS** shall mean positions that do not require the incumbent's oath as a police officer.

23. **OPEN EXAMINATION** shall mean an examination open to the public and not limited to applicants in City service.

24. **PERMANENT EMPLOYEE** shall mean an employee who has successfully completed his probationary period and has been appointed to permanent Civil Service Status.

25. **PERSONNEL DIRECTOR** shall mean the City Manager or his authorized representative.

26. **POSITION** shall mean a specific office or type of employment as set forth in the personnel and compensation ordinance, whether occupied or vacant, permanent or seasonal.

27. **P.O.S.T.** means the regulations of the Commission on Peace Officer Standards and Training, adopted in compliance with Section 13506 or 13510 of the Penal

Code of California, as codified in Title II, Chapter 2, of the Administration Code of California.

28. **PROBATIONARY PERIOD** shall mean a working test period of one year for sworn and non-sworn member employees, during which an employee is required to demonstrate his fitness for the position to which he is appointed, by the actual performance of the duties of the position. This period is considered to be part of the examination process and as such may be extended for the amount of time not worked due to illness, injury, suspension, leaves without pay, or time worked in a light duty status.

29. **PROBATIONER** shall mean an employee who is serving his probationary period.

30. **PROMOTION** shall mean the assignment or reclassification of a Department employee from one class or position to another having a higher salary range.

31. **PROMOTION EXAMINATION** means an examination to identify those persons within the Department best qualified and suited for promotion.

32. **RANK** shall mean the sequential position attained on an eligible list by an applicant as determined by the final grade attained by said applicant in a Civil Service examination.

33. **REINSTATEMENT** means reappointment of a person, without benefit of examination, to any class formerly held within the Police Department.

34. **RULE-OF-THREE** means that the appointing authority must make each appointment from within the top three positions appearing or remaining on an eligible list, except that ties in rank appearing within a set of three shall be judged equally.

35. **SEPARATION** shall mean leaving a position or the Department for any reason; and where it refers to separation from a particular position to accept another City

position, it also includes transfer, reassignment, promotion and reduction.

36. **SERVICE** shall mean employment with the City.

37. **SPECIAL EXAMINER** shall mean a person designated by the Board to carry out examinations approved by the Board.

38. **SUSPENSION** shall mean the temporary removal of an employee from duty without pay for disciplinary reasons.

39. **SWORN POSITION** shall mean a police officer of the City of Bakersfield, as defined by Section 830.1 of the California Penal Code.

40. **TERMINATION** shall mean the separation of an employee from City Service. Termination may be by death, discharge, layoff, resignation, retirement, work completion or by release of a probationary employee during the probationary period.

41. **TIME IN SERVICE** shall mean the length of time a permanent employee has served in continuous City police service, beginning with his probationary appointment.

42. **TRANSFER** shall mean the change of an employee from one division of the Department to another.

43. **UNCLASSIFIED SERVICE** shall mean all elected officers, all members of boards, commissions, and all temporary or seasonal employees.

Approved by the Police Civil Service Commission: 2-11-76

Revised & Approved by the Police Civil Service Commission: 11-6-91

RULE 3

ANNOUNCEMENT AND ADVERTISEMENT OF ALL EXAMINATIONS

3.01 Announcement of Examinations. Upon request by the Chief of Police, the Chairman of the Civil Service Board may announce examinations to establish eligible lists for promotion and for employment in the Police Department.

1. In the event that a previously certified eligible list has less than two names remaining on it, the Personnel Department may, without further delay, issue a notice of examination consistent with the notice issued from the said previously certified eligible list.

2. A series of open (non-promotional) examinations for the same class of positions may be announced by a single notice. Such examinations may be administered from time to time as applicants are available or as the need arises. Number of applications accepted may be limited not to exceed twenty (20) for testing at one time. The names of all applicants who qualify in any examination of the series shall be placed on one eligible list in the order of their final grades. Names shall be removed from such eligible list one year after the date they were placed thereon.

3.02 Notice of Examination. The Examination announcement shall be printed and shall contain:

1. The title, nature of work, and maximum and minimum rate of pay for the position to be filled.
2. The locations where the applications may be obtained and returned.
3. The period during which applications for examinations will be received.
4. The types of examination and their respective weights, if assigned.

5. Any special physical or medical requirements and examinations, and such special minimum qualifications as to education, training or experience required of applicants.
6. Notice that the City of Bakersfield is an equal opportunity employer.
7. Notice of the time, place, and general scope of every examination shall be given by the Commissioners, or by the Personnel Department in the event of an occurrence as described in Section 3.01(1), by publishing such notice two weeks preceding such examination in the official newspaper and posting a copy thereof in a conspicuous place in the quarters occupied by the Police Department in the City of Bakersfield, for two weeks before such examination.

Approved by the Police Civil Service Commission: 2-11-76

Revised & Approved by the Police Civil Service Commission: 9-3-80

Revised & Approved by the Police Civil Service Commission: 3-3-82

Revised & Approved by the Police Civil Service Commission: 6-4-86

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 4

APPLICATIONS FOR EMPLOYMENT

4.01 Who May File. Any qualified applicant shall be admitted to examination who has personally filed an application as prescribed in the public notices thereof, and upon the form specified by the Board. The applicant may be required to make application in written form and subscribe to same under oath.

4.02 Qualifications.

1. Applicants for Police Officer must meet the minimum standards for employment established by P.O.S.T. and such additional standards as established by the Board. Applicants for non-sworn positions must meet the requirements set by the Board.
2. Age requirements for original entrance examinations for Police Officers shall be as follows: Applicant must be at least twenty (20) years and six (6) months of age on the date of examination. Applicants for non-sworn positions must be at least eighteen (18) years of age.
3. For each examination process, all applicants for Police Officer, Telecommunicator, and Police Service Technician must submit to a physical examination by a licensed physician selected by the Board, must submit to a drug/narcotic testing, and all applicants for Police Officer must submit to a psychological evaluation administered by the City of Bakersfield Police Civil Service Psychologist. Applicants failing the psychological evaluation must wait at least one year before they may be reevaluated. Applicants for other positions shall submit to a physical examination by a licensed physician selected by the Board. All tests and examinations prescribed herein shall be at City expense.
4. The Board may establish or cause to be established a physical agility

examination in order to determine an applicant's physical suitability for the position for which he has applied. When the position for which the applicant is being tested requires an agility examination, the applicant will be required to complete the examination at or above the passing level established by the Board. The physical agility examination shall be so designed to measure an applicant's capability to perform duties necessary to satisfactorily perform the job. The Board shall establish the criteria for the physical agility examination and may cause changes whenever necessary to ensure that all facets of the physical agility examination are job-related.

4.03 Cause For Rejection. All applicants may be disqualified or removed from any eligible list who:

1. Fail to establish that they meet the minimum qualifications as stated in the announcement and in these rules.
2. Fail to meet the medical, physical, or mental standards prescribed by P.O.S.T., the City, or the City's examiners.
3. Have ever illegally used 'narcotics', or 'restricted dangerous drugs' as defined in the Health and Safety Code of the State of California as amended from time to time.
4. Have within one year illegally used 'marijuana' as defined in the Health and Safety Code of the State of California as amended from time to time.
5. Are addicted to, are habitual users of, or are excessive users of alcohol or any other drug.
6. Have been convicted of a felony or of any crime involving moral turpitude.
7. Have been dismissed from any position, have resigned in lieu of discharge from or have unsatisfactory records of employment in any position, public or private, for any

cause which would be a cause for discharge from the Police Department.

8. Have made a false statement of any material fact or have practiced or attempted to practice any deception or fraud in their application or examination or in securing eligibility for appointment.

9. Have willfully violated or failed to comply with any of the examination requirements of the Board, as determined by the Board.

10. Are applicants for positions involving the driving of any vehicle and do not have a valid driver's license and at least two years driving experience.

11. Have two or more convictions totaling three violation points of the California Vehicle Code during the prior three years.

12. Failure to meet current recommended, or as amended from time to time, California Commission on Peace Officer Standards and Training Job Dimensions and/or Pre-employment Standards established by the Bakersfield Police Department Civil Service Commission.

Any applicant disqualified or removed from an eligibility list pursuant to this section may seek a review before the Board by using the procedure set forth in Rule 9 of these rules. At such review, the Board may waive any of the causes for rejection set forth in this section, but only if the applicant established that there is good cause therefore and that the applicant is of good moral character and has not secured a place upon the eligible list by fraud, concealment of facts, or by violation of these rules. For the purpose of this section, 'good moral character' shall mean that the applicant possesses honesty, integrity and loyalty, and other ethical qualities and standards essential for effective police work.

4.04 Notice of Rejection - Defective Applications. Whenever an application is rejected,

notice of such rejection shall be mailed to the applicant. Defective applications may be returned to the applicant with notice to amend same, provided the time limit for receiving applications has not expired, but defective applications will not be returned a second time. Failure on the part of the applicant to make prompt return in such cases will be deemed sufficient cause for rejection.

4.05 Date of Receipt - Failure to Appear. The date of receipt of applications shall be endorsed thereon. Applications of persons who fail to appear for examination shall not be used for any later examination.

4.06 Correct Address. All applicants for examination and all persons whose name appears on the eligible list must file with the Board written notice of current change of address. Failure to report correct address may be grounds for disqualification. The Board shall not be bound to certify a person who has not reported a current change of address.

Approved by the Police Civil Service Commission: 2-11-76
Revised & Approved by the Police Civil Service Commission: 7-13-77
Revised & Approved by the Police Civil Service Commission: 10-7-81
Revised & Approved by the Police Civil Service Commission: 6-4-86
Revised & Approved by the Police Civil Service Commission: 7-2-86
Revised & Approved by the Police Civil Service Commission: 12-4-91
Revised & Approved by the Police Civil Service Commission: 2-7-92
Revised & Approved by the Police Civil Service Commission: 2-6-98

RULE 4A

POLICE OFFICER - LATERAL TRANSFER

4.01A Application. An applicant may qualify for a lateral transfer at the entry level for the position of Police Officer. The applicant must file an application as prescribed in the public notices thereof, and upon the form specified by the Board. The application shall be in written form and subscribed under oath. Announcement and advertisement of lateral transfer will be as specified in Rule 3.

4.02A Qualifications. In addition to the qualifications for entry level police officers found in Rule 4.02, applicants for Police Officer/Lateral Transfer must possess the following qualifications:

1. Must have attended a full-time P.O.S.T. approved police academy and possess a Basic P.O.S.T. Certificate.
2. Must have a minimum of one-year service as a full-time paid peace officer in a P.O.S.T. approved, California municipal police agency, California County Sheriff's agency or California Highway Patrol.

4.03A Examinations. Applicants for police officer through lateral transfer shall not be required to take a written examination, but may be required to take a psychological written examination. Applicants shall be required to take an oral examination and such other medical and/or psychological examinations as the Board may require, and, at the discretion of the City physician, may be required to take a physical agility examination consistent with the entry level position of a police officer. The oral examination will be weighted at 100 percent and all other examinations will be rated as pass/fail only. (amended November 5, 1980)

4.04A Placement on Eligible List. A minimum grade on the oral examination of 70 percent is required for placement on the eligible list. Successful applicants for Police Officer through lateral transfer shall be placed on the current eligible list for the position of Police Officer, entry level, in the order of their final earned grade, provided they have passed all the requirements of the department for the entry level position as provided in the Rules and Regulations of the Civil Service Board for the Police Department, City of Bakersfield, except as modified by Rule 4A.

Approved by the Police Civil Service Commission: 2-8-78

Revised & Approved by the Police Civil Service Commission: 11-5-80

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 4B

POLICE OFFICER - CONTINUAL TESTING

4.01B Continual Testing. The Police Civil Service Commission, through the City Personnel Office, may conduct continual testing for entry level Police Officers. Such examinations may be conducted monthly as the need arises.

4.02B Notice of Examination. The Chief of Police will notify the Civil Service Commission at its regularly scheduled monthly meeting of the need for an examination for the following month. The Board may authorize such examination at its discretion. If approval is given, the Notice of Examination will be published and posted, as required by the City Charter, two weeks prior to said examination.

4.03B Applications for Employment. Applicants for Police Officer examinations shall make application as outlined in Rule 4.

4.04B Examination Procedure. The City Personnel Office Shall receive applications at City Hall, 1501 Truxtun Avenue, Bakersfield, California by mail or in person. Up to and including the first twenty (20) eligible applicants may be tested on the first Thursday of each month at the City Personnel Office.

1. Written Examination: A written examination consisting of items relating to reading comprehension, analogies, and writing ability. QUALIFYING ONLY.
2. Physical Agility Examination: Those candidates successfully passing the written examination will be scheduled for a physical agility examination. QUALIFYING ONLY.
3. Psychological Evaluation: Those candidates successfully passing both the written and agility examinations will undergo a psychological evaluation.

4. Background Investigation: Prior to the Oral Examination, candidates will be required to complete a Personal History Statement, and undergo a thorough background investigation. Completed Personal History Statements must be returned to the Police Department within a seven (7) day time span from date received by applicant. If not returned within the seven day period, applicant will not be considered any further for employment.

5. Oral Examination: An oral appraisal interview to evaluate education, training, experience, and personal fitness for the position. MINIMUM QUALIFYING SCORE 70% - WEIGHT 100%.

6. Physical Examination: Candidate must be physically capable of performing all tasks required of a Bakersfield Police Officer as determined by the examining City physician.

7. Eligible List: Candidates successfully passing all phases of testing will be ranked on the eligible list, and certified by the Police Department Civil Service Commission, according to final grade as follows:

Rank
Name
Address & Zip Code
Telephone Number
Date of Certification
Final Grade

Names of candidates not hired by the City of Bakersfield Police Department will be removed one year from date of certification.

4.05B Failure to Qualify. If an applicant has failed any portion of the examination process for the classification of Police Officer with the City of Bakersfield, he or she will not be allowed to take another examination for said position within a six month period.

Approved by the Police Civil Service Commission: 10-7-81

Revised & Approved by the Police Civil Service Commission: 3-3-82

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 5

APPLICATION FOR PROMOTIONAL EXAMINATION

5.01 Any qualified applicant who has personally filed a written request to take a promotional examination, as prescribed in the public notice thereof, shall be permitted to do so.

5.02 General Qualifications:

1. All applicants must be permanent employees of the Bakersfield Police Department.
2. All applicants must have completed the probationary period of their current classification prior to the date of the examination, except detectives applying for the position of sergeant and senior police officers applying for the position of detective need not have completed their probationary period.
3. Any person who has been demoted to a lower classification, as a disciplinary measure, is not qualified to take any promotional examination for a period of one year from the date of demotion.
4. Police officers seeking any higher sworn classification must have had three years of experience as a regular paid police officer, one year of which must have been served in the Bakersfield Police Department immediately preceding the date of the examination.
5. Recent physical examinations may be required of all applicants either prior to the examination or prior to promotion, at the discretion of the Board. If required prior to the promotional examination, only those persons found to be physically and mentally fit by the examining physician are qualified to take the promotional examination. If required prior to promotion, only those persons found to be physically and mentally fit by the examining

physician may be certified for promotion. At the discretion of the Chief of Police, the applicant may be required to take a psychological examination prior to promotion.

5.03 Persons desiring to take any promotional examination must meet such additional qualifications as may be established by the Board. Any such additional qualifications shall be clearly set forth in the official announcement of the examination.

5.04 Persons who do not meet the minimum qualifications for promotional examinations may submit an application to participate in the examination process and request a waiver to such minimum qualifications prior to the testing procedure. The waiver request must be written and delivered to the secretary of the Civil Service Commission at least five working days prior to the next scheduled Civil Service Meeting and prior to the start of the testing process. The person requesting the minimum qualifications waiver should be present at the Civil Service meeting for a hearing on such waiver. The decision of the Civil Service Board on waiver requests is final.

Approved by the Police Civil Service Commission: 2-11-76
Revised & Approved by the Police Civil Service Commission: 2-8-78
Revised & Approved by the Police Civil Service Commission: 1-4-90
Revised & Approved by the Police Civil Service Commission: 3-7-90
Revised & Approved by the Police Civil Service Commission: 4-4-90
Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 6
EXAMINATIONS

6.01 The Board shall establish the scope for all examinations, which may include a written test, oral examination, background investigation, physical agility test, practical application test, and other appropriate means for determining the relative fitness of applicants for employment or promotion.

6.02 The Board is responsible for all segments as well as for the whole examination; however, the Board may appoint qualified examiners to assist or administer any segment or segments and may delegate the appropriate authority to them.

1. The Board shall prepare or have prepared under its direction all written examinations.

a. All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled.

b. Each candidate in a competitive written examination shall be presented with a numbered identification card on which he shall write his name and any other information requested, after which he shall place it in an envelope, seal and return the envelope to the examiner, and thereafter he shall make his papers with his identification number only. No identification envelope shall be opened until after the examination papers of all the candidates are marked and graded. Any competitor in a written examination who places any identification marks other than his identification number upon any of his examination answer sheets may be deemed to have failed the examination. Any answer sheet bearing any kind of identification mark other than the examination number need not be marked or graded.

c. In conducting written examinations, all necessary explanations shall be made to the whole class and none to any individual separately.

d. Conversation or communication between competitors during written examinations is prohibited.

e. During written examinations, no competitor shall be allowed to leave the examining room, except in case of necessity, and after notice to the examiner, and then only in company with someone selected by the examiner.

f. No help of any kind shall be allowed during examination. Any written or printed matter that might be of aid in the examination must be handed in to the examiner before the examination is commenced. Any attempt to cheat or to copy from a competitor shall render the offender ineligible for further consideration.

g. Any applicant who withdraws from a written examination after filling out his identification card and receiving copies of the questions shall be considered as having failed the examination.

h. The limit of time prescribed for each examination shall be announced at the beginning of each examination and shall begin when all announcements shall have been made and examinations shall have been distributed.

2. The Board hereby appoints the Chief of Police as a special examiner to conduct Board-approved examination processes to identify those officers best qualified for promotion to the classification of Senior Police Officer and Detective.

a. Upon completion of such examination processes, the Chief of Police will report to the Board the results of each segment and his overall findings as to the

relative qualifications of the applicants for the position of Senior Police Officer, Female Investigator II, Female Investigator III, or Detective.

b. After completion of the examination, the Chief of Police shall submit the eligible list to the Board for certification.

c. The Board shall then certify the eligible list unless the Board finds that the examination process approved by the Board was not followed, in which event a new examination will be conducted by the Chief of Police or by the Board.

Approved by the Police Civil Service Commission: 2-11-76

Revised & Approved by the Police Civil Service Commission: 2-8-78

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 7

WEIGHTS AND FINAL GRADE

7.01 Written and Oral Examinations. An examination may consist of several segments. The Board may set a minimum score or grade to be required in any segment of the entire examination. Any applicant who fails to attain such minimum score shall be considered as having failed in the entire examination and shall not be entitled to take any remaining part.

7.02 Weights and Grading. The Board shall have the authority to weigh each segment and category of the examination. Each segment and category of every examination shall be graded independently, and the grade obtained shall be multiplied by the weight so assigned. The sum of the resulting products shall be divided by the total weights of all segments and categories of the examination other than pass-fail segments, and the resulting quotient shall be the grade which shall be used in determining whether the name of the applicant shall appear on the eligible list. The grade shall be rounded off to the nearest hundredth of a point. Unless otherwise provided in the notice published prior to holding the examination, or unless otherwise announced, a minimum curved or adjusted grade of seventy percent (70%) is required for placement on the eligible list.

7.03 Veteran's Preference. In order to qualify for Veteran's Preference, an applicant must meet the requirements of Government Code §18973, which defines a veteran as anyone who has served full time for 30 days or more in the armed forces in war or in peace in a campaign in which a medal has been authorized by the United States government, or has served 101 consecutive days since January 31, 1955, and who has been released under conditions other than dishonorable but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him

or her from the operation of the Selective Training Service Act of 1940.

1. Veterans who have obtained a passing grade of at least 70% in all segments of an examination for entrance employment shall be allowed an additional credit of five (5) points. Current City employees will not receive Veteran's Preference.

2. In order to receive the Veteran's Preference credit, an applicant shall have applied to the Human Resources Division for such credit and have presented evidence of his or her "veteran" status acceptable to the Human Resources Manager, not later than the filing deadline for employment application.

3. Applicants who fail to apply for Veteran's Preference credit, or do not present the required credentials within the prescribe time allowed, shall be deemed to have waived such credit.

7.04 Employment Preference. Persons applying for employment in a permanent position, other than promotional, within the Police Department who have had employment, previous or current, with the City of Bakersfield, will be granted one additional point for each year of satisfactory service, up to five points, provided the applicant has obtained a passing grade in all segments of the examination for employment. To obtain employment credits, the applicant must present proof of such employment no later than the time of the first segment of the examination.

1. Employment is defined, for the purpose of this section, as either temporary employment or permanent employment.

7.05 Maximum Preference Points. In no event shall a person receive more than a total of five (5) preference points, including veteran's and employment preference.

Approved by the Police Civil Service Commission: 2-11-76
Revised & Approved by the Police Civil Service Commission: 4-4-83
Revised & Approved by the Police Civil Service Commission: 11-6-91
Revised & Approved by the Police Civil Service Commission: 9-4-02

RULE 8

INSPECTION OF TEST;

APPEAL NOTICE OF EXAMINATION RESULTS

8.01 Inspection and Appeal.

1. Except in examinations where form tests are used by contract with an examining agency, a candidate competing in a Civil Service examination may, within three (3) working days from the date of the written test, inspect a keyed copy of the questions and answers used in the examination. This inspection will be held in the office of the City Personnel Division and under the supervision of the City Manager's authorized representative.

2. Within five (5) working days after a Civil Service examination has been held, a candidate may appeal to the Board in writing any questions on the examination which he feels are unfair or unreasonable. The candidate shall state the item, page number, and reasons or authority in support of his contention. Thereafter, no further appeals will be accepted which are concerned with the examination content or answers indicated as correct for items in said written test. An appeal which fails to set forth the reason or authority for a contention will not be considered. The Board shall make a ruling which shall be final. Thereafter, the examination papers will be graded according to its decision.

8.02 Notice of Examination Results. After the inspection period and after decision on any appeal taken under Section 8.01, each candidate shall be given written notice by mail of his final written examination score, which notice shall be mailed not later than thirty (30) days after the written examination has been held and completed. Such notice shall state on its face the date of mailing and it shall also contain the time and place of any further required examinations, including oral examination of the candidate.

8.03 Notice of Final Examination Rating. Within ten (10) days after completion of the oral examination, each candidate shall be notified of his final score or rating and of his relative standing on the eligible list, or of his failure to obtain a place on such list.

Approved by the Police Civil Service Commission: 2-11-76

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 9

REVIEW OF CIVIL SERVICE RATINGS AND EXAMINATION PROCEDURES

9.01 Review. Any candidate who claims that his final rating in the examination is erroneous because of clerical error, or error in the interpretation of any rule, or error in interpretation of his medical examination, or that there was irregularity, discrimination, or fraud in the conduct of the examination, may file a written request for review by the Civil Service Board with the Secretary of the Board postmarked not later than the tenth working day after the date of mailing of notice of his final rating. The Board shall take into consideration all such objections therein made before passing finally upon the examinations, and shall rule on such objections within twenty (20) days after the date of receiving the written request for review.

9.02 Power of Board. If the consideration by the Board discloses facts which justify it, the Board may:

1. Affirm the final rating of the candidate as determined after the review.
2. Affirm the results of the examination as not involving any irregularity, discrimination, or fraud as alleged.
3. Modify the final rating of the candidate by correcting any clerical or other error.
4. If the Board finds that in the conduct there was irregularity, discrimination, or fraud which resulted in substantial prejudice to any candidate, it may declare the entire examination, or any part of such examination, a nullity and cancel the eligible list created there from.
5. In the event that the Board restores a name to the eligible list, the Board shall determine the proper placement or position of the eligible on the list.

9.03 Appeal of Completed Psychological Examination Results. Any candidate who feels that there is an error in the interpretation of his/her completed psychological examination may file a written request for review by the Civil Service Board with the secretary of the Civil Service Board postmarked not later than the tenth working day after the date of mailing of notice of his/her examinations results. The Board shall, at the following regular Civil Service Board Meeting, direct a letter to be sent to the applicant advising him/her of the appeal process. "Completed psychological examination" shall mean completion of both the written examination and the interview session administered by the appointed psychologist or psychiatrist.

9.04 Psychological Examination Appeal Process. Any candidate who has filed a written letter requesting review of his/her completed psychological examination results shall be notified in writing of the appeal process which is as follows:

1. The candidate will be given the name(s) of one or more psychologists or psychiatrists authorized by the Civil Service Board to conduct such examinations. The choice of which psychologist or psychiatrist conducts the examination shall be made by the candidate.
2. The candidate will be advised that he/she will be responsible for the expense of such examination initially, however, the City may reimburse the candidate for expense if the appeal is upheld.
3. The candidate must complete the appeal process within 30 days of notification of the process.
4. After examination, the examining psychologist or psychiatrist shall file a written report to the City appointed psychologist or psychiatrist. The City appointed psychologist or psychiatrist shall then consult the examining psychologist or psychiatrist

regarding his/her findings and submit a written report and recommendations to the Civil Service Board.

5. It is incumbent upon the candidate to ensure the examining psychologist or psychiatrist is available to attend any meeting or hearing on the appeal. The candidate shall be responsible for any payment made to that examining psychologist or psychiatrist to secure such attendance.

Approved by the Police Civil Service Commission: 2-11-76

Revised & Approved by the Police Civil Service Commission: 10-6-82

Revised & Approved by the Police Civil Service Commission: 1-4-89

Retyped & Approved by the Police Civil Service Commission: 11-6-91

Revised & Approved by the Police Civil Service Commission: 4-5-06

RULE 10

ELIGIBLE LISTS

10.01 Placement. Candidates obtaining the required grade in an examination shall have their names placed on an eligible list, providing they meet all requirements for the class for which they were examined. The placement shall be in the order of their final earned grade (including veteran or employee preference). Candidates of equal standing at the completion of all testing shall be certified as a tie score and all such candidates shall have their names placed on the eligible list as a tie.

10.02 Effective Period - Extension. An eligible list resulting from either an entrance examination or a promotional examination shall be effective for one year from the date of certification; provided, however, that the Board may, before the expiration period, extend such eligible list.

10.03 Termination of Eligible Lists. An eligible list may be terminated by the Board whenever fewer than three names remain on the list or where a certification of at least two names is impossible because eligibles on the list have either refused appointment, have requested that their names be withheld, or have failed within a reasonable time to reply to written inquiry regarding availability for the position.

1. Persons whose names were on a terminated eligible list shall be treated as if their names were never on such list. They must compete in a new examination process to gain a place on a new eligible list.

10.04 Waiver of Appointment. An eligible on any list who has been certified for appointment may apply in writing to the Board for approval to waive the appointment, stating the reasons for the requested waiver. If the application is denied, the eligible's name shall be

removed from the list; if approved, the Board shall determine the future placement of the eligible's name on the list.

10.05 Withholding and Removing Names From Certification. The name of an eligible may be withheld or removed from certification when:

1. He expresses unwillingness or inability to accept appointment.
2. He fails to respond within seven business days next succeeding the mailing of written inquiry regarding availability for permanent employment or request to appear for interview regarding such employment.
3. He fails to present himself for duty at the time agreed upon after having accepted an appointment.
4. Or for any reason enumerated in Section 4.03 or 5.02.

10.06 Restoration to Certification. When the name of a person has been withheld from an eligible list or from certification or has been removed from the list, it may be placed on such list;

1. When restored thereto by the Board on appeal under Rule 9; or
2. Where the withholding or removal was because of the unwillingness or inability of the eligible to accept an appointment, or failure to respond to an inquiry as to his availability, to appear for interview, or to present himself for duty, and the applicant presents a good and valid reason for such unwillingness, inability, or failure and certifies to the Secretary that he is now willing and able to accept appointment.

10.07 Effect of Removal, Withholding or Restoration. Whenever an eligible is removed from the eligible list by the Board, notice of such removal shall be mailed to the applicant. The removal or withholding of a name shall automatically advance all of the names below it on the eligible list. Restoration of the name of an eligible shall not affect an appointment from any certification or eligible list made before such name was restored or added.

Approved by the Police Civil Service Commission: 2-11-76
Retyped & Approved by the Police Civil Service Commission: 11-6-91
Revised & Approved by the Police Civil Service Commission: 6-16-93

RULE 11

APPOINTMENT FROM ELIGIBLE LISTS

11.01 Certification is subject to appeal. The Board shall certify the eligible lists to the appointing officer. The lists shall contain the names of all persons, in the order of their rank, who have successfully completed the testing process for a particular classification. The lists may be submitted to the appointing officer immediately after certification; however, no appointment or promotion shall be made from the lists until after the periods of appeal under Rules 8 and 9 have expired, or until the Board has resolved any such appeal, whichever is later.

11.02 Rule-of-Three. Although the eligible list contains the names of all persons qualified for the classification identified on the list, the appointing officer shall make appointments or promotions by the rule-of-three, as if he had received no more than the names of the three candidates standing highest upon the eligible list, with the exception of ties on the first appointment or promotion from the list.

11.03 When there are only two names standing or remaining on an eligible list, the appointing officer may, at his option, make one or two appointments or promotions or defer such appointments or promotions pending the creation of a new eligible list.

11.04 When an eligible list contains only one name, no appointment or promotion shall be made unless there are no reasonable means of obtaining additional qualified candidates and there is a pressing need to fill the position promptly. Such appointment or promotion must have prior and specific approval of the Board.

Approved by the Police Civil Service Commission: 2-11-76
Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 12

REINSTATEMENT

12.01 Lay-Off. Any person having permanent status in the Police Department who is laid off because of temporary or permanent abolishment of his position, provided his overall performance evaluation reports have been satisfactory, shall have priority over candidates on any other list for reinstatement to the position from which he has been laid off. The names of persons laid off shall be placed on an appropriate reinstatement list in order of seniority as determined by length of prior service.

12.02 Resignation. Any employee having had previous employment with the Police Department and who resigned, may make application for reinstatement. Such application will be made to the Chief of Police.

1. If the Chief of Police believes the reinstatement would be of substantial benefit to the City, and if the members of the Board concur, the former employee may be reinstated to fill an existing vacancy.

2. If the Chief of Police does not believe reinstatement would be of substantial benefit to the City, or if no vacancy exists, the former employee must go through the examination process in seeking a place on an eligible list.

3. An existing vacancy is defined, for the purpose of this rule, as an unfilled position for which no one has been informed in writing that he is to fill, or one that he has been informed of but declined.

Approved by the Police Civil Service Commission: 2-11-76

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 13

PROBATION

13.01 Part of Examination Process. The probationary period shall be an essential part of the examination process and shall be used for the effective adjustment of the employee and for the elimination of any probationary employee whose performance fails to meet the required standards of work or conduct.

13.02 Duration of Probation. All appointments from eligible lists shall be subject to a probationary period of one year.

13.03 Conditions to Permanent Appointment. The permanent appointment of a probationary employee shall begin on the day following the end of the probationary period provided he has not been discharged at or before the expiration of the period of probation.

13.04 Termination of Probationer During Probationary Period. A probationary employee may be discharged at any time during the probationary period by the authority of the appointing officer without right of appeal or hearing. Promotional appointees may be reduced to the last previously held rank during the probationary period by the authority of the appointing officer without right of appeal or hearing.

13.05 Testing and Evaluation. Prior to the end of such probationary period, employees may be tested in accordance with the rules of the Police Department for the purpose of evaluating such employee's qualifications, performance, merit, efficiency, fitness, and responsibility. No formal test is required, unless so required by the Department regulations. During the probationary period, the employee shall be required to demonstrate his fitness for the position to which he is appointed by actual performance of the duties of the position.

Approved by the Police Civil Service Commission: 2-11-76

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 14

MISCELLANEOUS

14.01 Temporary Appointments. After the Board approves that such action is necessary, the Chief of Police may, at his own discretion, make temporary appointments to positions within the Department in order to prevent a stoppage of public service or to meet emergencies. Such appointments will remain in force no longer than sixty (60) days, or until an eligible list is established, whichever occurs sooner.

14.02 Physical Examination at Request of Appointing Officer. Whenever the appointing officer, from his personal observations, or from information received from any source whatsoever, believes that an employee has contracted an ailment or suffered any disability which may in any substantial degree interfere with the performance of his duties as an employee of the City of Bakersfield, or endanger the safety and life of fellow employees, said appointing power may require that such employee pass a physical examination given by the City physician as provided in Section III, A,B,C, City of Bakersfield Medical Examination Instruction and Standards, and based upon the duties of his position.

1. Notice to Employee - Physical Examination: Whenever the appointing power determines that an employee is to be given a physical examination, he shall give written notice to the Board; said notice to contain the name of the employee, the position held by him, and the department in which he is working.

2. Charges May Be Based on Medical Report: The report of the City physician shall be filed with the appointing power. If the employee fails to pass said examination or if the appointing power determines from the medical report that the employee suffers from some ailment or disability which may in any substantial degree interfere with the

performance of his duties, or endanger the safety and life of fellow employees, the appointing power may suspend or dismiss the employee and file charges with the Board. The charges shall contain a copy of the report of the City physician. The employee so suspended or dismissed shall have the right of appeal, as provided in the City Charter and these Rules.

14.03 Duty Assignment. The assignment of a person to a position or duty from one division to another within the classification he currently holds is the prerogative of the Chief of Police. Further, a person may voluntarily be assigned to a position in a higher classification for training, with a change in classification or a raise in pay.

14.04 Light Duty. All light duty assignments will be made at the direction and within the discretion of the Chief of Police. No light duty assignments will be considered without a release from the City physician.

14.05 Transfers from Sworn to Non-Sworn Status. In the event that a sworn officer becomes disabled due to an off-duty injury which renders him incapable of meeting the requirements of a sworn officer but otherwise able to perform the duties of a non-sworn position within the department and upon written request of the employee, the Chief of Police may, with the prior approval of the Civil Service Commission, change the disabled officer's civil service status from sworn to non-sworn and assign the officer to the non-sworn position providing the appointment would not exceed the complement authorized in that position.

Approved by the Police Civil Service Commission: 2-11-76

Revised & Approved by the Police Civil Service Commission: 12-2-87

Retyped & Approved by Police Civil Service Commission: 11-6-91

RULE 15

DISCIPLINARY ACTION

15.01 Authority to Discipline. The Chief of Police has the authority to take disciplinary action.

15.02 Types of Disciplinary Action. The disciplinary actions, subject to appeal to the Commission, are discharge, demotion or suspension for a period greater than thirty (30) days. Any appropriate combination of the preceding may be used. Any other disciplinary action may be taken by the Chief of Police without the right of appeal to the Civil Service Board.

Disciplinary actions shall be effective immediately upon personal notice to such employee. If such employee cannot with reasonable diligence be found in the City of Bakersfield, or when the employee is absent from duty without leave, service of a written statement upon such employee mailed to his last known address is effective in lieu of personal notice.

15.03 Suspension for Definite Time. As disciplinary measure, the Chief of Police or his authorized representative may suspend any employee for a period not exceeding thirty (30) days. Such action shall effect the temporary separation from the municipal service of an employee without compensation or accrual of employee benefits for the period of time designated. Such action by the Chief of Police cannot be appealed to the Civil Service Commission.

15.04 Suspension Pending Investigation. The Chief of Police or his authorized representative may suspend without compensation any employee who may be subject to disciplinary action pending further investigation. An employee suspended pending such investigation may be subject to such suspension for a period not to exceed ten (10) days unless during that period he is discharged or suspended and served with a written statement of

such disciplinary action. In the event the investigation develops in employee's favor, and no such disciplinary action is taken, the employee shall be reinstated to duty with accrued salary and other accrued benefits.

15.05 Written Charges. For discharge, demotion or suspension for a period greater than thirty (30) days, the Chief of Police shall prepare or cause to be prepared written charges which are set forth clearly and with such particularity as shall enable the employee to understand the charges made against him and to answer the charges. The written charges shall be prepared with ten (10) days after the employee has been notified of the disciplinary action initiated by the Chief of Police. The written charges shall be filed with the Civil Service Board. Any employee against who written charges are filed shall be informed that he has the right to answer such charges and demand a hearing before the Civil Service Board, and that he is entitled to be represented at such hearing by an attorney at his own expense.

15.06 Service of Written Charges. The disciplined employee shall be served personally with a copy of the written charges; provided that if he cannot with reasonable diligence be found in the City of Bakersfield, or when he is charged with absence from duty without leave, then a copy thereof may be mailed to his last known address.

15.07 Right to Answer and Demand Hearing. Any employee served with written charges may file with the Civil Service Board, within ten (10) days of the service upon him of the written charges, a written Answer to such charges and a Demand For Hearing. Failure to answer said charges and to demand a hearing within then (10) days from the date of service of the written charges shall be an admission of the charges and a waiver of hearing, whereupon the Board shall find the accused employee guilty as charged, and the disciplinary action shall be upheld and confirmed. Where the employee has been suspended pending investigation,

the disciplinary

action shall be effective as of the date of his suspension.

15.08 Suspension Pending Hearing. In the event that written charges for discharge are to be filed against an employee, the Chief of Police or other authorized representative may suspend the person accused pending the filing of the charges. Within a reasonable time after such suspension, and in any event within ten (10) days after such suspension, written charges shall be filed and served as stated in Sections 15.05 and 15.06. In the event that the employee files an Answer and Demand For Hearing as stated in Section 15.07, such employee shall continue to be under suspension without compensation until the Civil Service Board reaches its decision.

15.09 Causes For Disciplinary Action. Each of the following shall constitute grounds for disciplinary action:

1. Fraud in securing appointment or promotion.
2. Incompetency. Among other things, incompetency shall be deemed to include, but not limited to: any permanent or chronic physical or mental ailment, affliction, or defect which incapacitates any employee for the proper, safe and efficient performance of the duties of his position. Incompetence shall also be deemed to include the use or possession of any substance, the use or possession of which is a crime under the Health and Safety Code.

Due to public safety considerations, and due to the fact that all personnel in sworn positions are subject to reporting for duty at any time when a public emergency arises, it shall be deemed neither a defense nor a mitigating factor that the use or possession of the

controlled substance for which the individual is charged under this section occurred during a non-duty period.

3. Inefficiency.
4. Inexcusable neglect of or inattention to duty.
5. Insubordination.
6. Dishonesty.
7. Consumption of alcoholic beverages, except if directed for the

performance of his duties, or intoxication on duty.

8. Habitual intemperance.
9. Inexcusable absence without leave.
10. Conviction of a felony or conviction of any crime 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.

11. Immorality or immoral conduct.
12. Discourteous treatment of the public or other employees.
13. Conduct unbecoming an officer or employee of the City.
14. Improper political activity. See General Orders #47.
15. Willful disobedience.
16. Misuse of City property.
17. Failure to maintain valid driver's license where required.
18. Violation of any provision of the Charter or of any ordinance of the City or

of any resolution adopted by the City Council relating to conduct in office of persons employed

by the Police Department, or violation of the Peace Officers' Code of Ethics, or failure to perform the duties of his position or to observe the Rules and Regulations, General Orders, or standard operating procedures of the Police Department in relation thereto.

It shall be the duty of every employee of the Police Department to maintain his physical condition so as to conform to the physical standards established for his position, and failure by any such employee to so maintain his physical condition shall be deemed a failure to observe the established Rules and Regulations in relation to his position within the meaning of this rule.

19. Any conduct or behavior of an officer either during or outside of duty hours which, if known, would undermine the confidence of the community in the Police Department.

15.10 Designation of Parties. The person filing the charges shall be designated as the complainant, and the employee against whom the charges are filed shall be designated as the accused or as the defendant.

15.11 Setting Date for Hearing. Within ten (10) days after the written Answer to the charges and Demand For Hearing have been filed with the Civil Service Board, such Board shall set a time, date and place for a hearing of such charges. Not less than five (5) days notice of such hearing shall be given to the complainant and to the accused or to his attorney at the last known address of each of such persons, and upon the date so fixed, they shall attend the hearing and may be heard and produce witnesses on their behalf.

15.12 Exchange of Names of Witnesses. At least five (5) days before the time set by the Board for hearing such charges, the complainant shall furnish to the defendant, the names and addresses of all witnesses who are to be called to testify against the defendant at such hearing; and the defendant shall furnish to the complainant, or to the Board for the use of the complainant, the names and addresses of all witnesses who are to be called to testify in behalf

of the defendant at such hearing. No witnesses except those whose names are furnished shall be permitted to testify at such hearing, except that upon a proper showing made, the Board may permit the testimony of additional witnesses.

15.13 Discovery. After the accused files an Answer and Demand For Hearing, either party, upon written request to the other party made at least ten (10) days before the hearing, is entitled to obtain the names and addresses of witnesses five (5) days before the hearing, or as soon as known thereafter if not known five (5) days before the hearing, such names and addresses including, but not limited to, those intended to be called to testify at the hearing; and to inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

1. Any written statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the disciplinary action.

2. Any written statement, reports or test results which the party then proposes to offer in evidence.

The Trial Board may, in its discretion and upon showing of good cause, allow either party to offer matters into evidence when compliance with the above discovery has not been made or completed.

Interrogatories shall not be permitted.

Depositions will only be permitted upon order of the Trial Board, and only where the witness lives outside of the county where the hearing is being held, or is in some manner incapacitated from attending the hearing. Any party requesting such an order must file a verified petition setting forth the name and address of the witness whose testimony is desired;

a showing of the materiality of his testimony; and a showing that the witness lives outside of the county or is incapacitated to such a degree that he cannot attend the trial. The cost of the deposition shall be borne by the party taking the deposition.

15.14 Failure to Appear at Hearing. If the accused shall fail to appear, either personally or by his attorney, at the time and place described in the notice for the hearing, or any time after the commencement of the hearing, and if it shall appear that the notice was duly served, the Board may dismiss the appeal, and the discharge, suspension, reduction or demotion of the accused shall thereupon be deemed final.

Approved by the Police Civil Service Commission: 4-14-76

Revised & Approved by the Police Civil Service Commission: 5-11-88

Revised & Approved by the Police Civil Service Commission: 11-6-91

RULE 16

CIVIL SERVICE BOARD AS TRIAL BOARD - CONDUCT OF HEARING

16.01 Trial Board. For the purpose of hearing and determining the validity of the charges made against an officer or member of the Police Department, the Trial Board shall be the Civil Service Board. Such Board shall have the authority to make orders of continuance and consolidation or severance of hearing.

16.02 Hearing. Unless a public hearing is requested by the accused employee, it shall be discretionary with the Trial Board whether to hold a public hearing or a closed hearing.

16.03 Hearing Officer Optional. A Hearing Officer may be appointed by the Trial Board to preside over the proceedings and to rule on matters of procedure, including the admissibility of evidence. The Hearing Officer shall exercise such control over the proceedings as is reasonable and necessary. The Hearing Officer will not participate in deliberations on the charges. The Hearing Officer shall be a member of the State Bar of California.

16.04 Right of Accused. When the Civil Service Board is sitting as the Trial Board, the defendant shall attend, either personally or by his attorney, all sessions of the hearing unless excused by the Trial Board, and shall be entitled to:

1. Be represented by counsel at all stages of the hearing at his own expense.
2. Subpoena witnesses in his behalf and examine such witnesses.
3. Cross-examine all witnesses adverse to him.
4. Present such affidavits, documents, exhibits and other such evidence as the Trial Board or the Hearing Officer deem pertinent to the charges.
5. Argue his case, either personally or by his counsel.

6. If the defendant does not testify on his own behalf, he may be called and examined as if under cross-examination. Refusal of the defendant to submit to examination for the purpose of answering relevant questions shall be grounds for dismissing the appeal and finding the accused employee guilty as charged.

16.05 Subpoenas. Before the hearing has commenced, the City Clerk shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing. Subpoenas duces tecum shall be in compliance with the provisions of Section 1985 of the Code of Civil Procedure. After the hearing has commenced, the presiding officer of the Trial Board or the Hearing Officer, if one has been appointed, may issue subpoenas and subpoenas duces tecum.

16.06 Evidence at the Hearing. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a court. Oral testimony shall be given only under oath or affirmation. Copies of reports or records of any governmental agency, division or bureau shall be accepted as evidence in lieu of the original thereof.

16.07 Exclusion of Witnesses. The Civil Service Board, sitting as a Trial Board, may, in its discretion, exclude witnesses not under examination. Persons not to be excluded are: the defendant, his counsel, the complainant or his representative, and the City Attorney or his representative. When hearing testimony of scandalous, immoral or indecent conduct, the Trial Board may exclude all persons not having a direct interest in the hearing.

16.08 Burden of Proof. The burden of proof shall be on the complainant in all

disciplinary hearings.

16.09 Cross-Examination of Defendant. The defendant may be required to testify and answer any relevant questions, and may be cross-examined as to any matter relevant to the charge or charges if he takes the stand voluntarily.

16.10 Conduct of Hearing. The Trial Board or Hearing Officer shall regulate the conduct of hearings so that the same will not be unnecessarily prolonged, and may confine witnesses in their testimony to the material matters under consideration, may refuse to hear cumulative testimony, and will administer the oath or affirmation to witnesses.

16.11 Power of Contempt. If any person in proceedings before the Trial Board disobeys or resists any lawful order, or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceedings, the Board shall certify the facts to the Superior Court in and for the county where the proceedings are being held upon an order to show cause why he should not be punished for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter, the court shall have jurisdiction of the contempt matter.

16.12 Reinstatement if Charges Not Sustained. If upon hearing of the charges it is the judgment of the Trial Board that the charges are not supported by the weight of evidence and by substantial evidence presented before such Board, the Board shall disapprove and reject the disciplinary action taken. In this event, the employee shall be reinstated and restored, and shall be entitled to receive compensation during the period of his suspension pending such hearing and reinstatement.

16.13 Authority of Trial Board if Charges Sustained. If upon such hearing it is the

judgment of the Trial Board that the charges are supported by the weight of evidence and by substantial evidence presented before such Board, the Board shall approve and sustain the disciplinary action or inflict such other disciplinary action upon such employee as in the judgment of the Board shall be suitable.

16.14 Findings and Decision.

1. Written findings supporting the decision of the Trial Board are required.

The Board may direct the City Attorney to prepare findings, which shall be signed by the Board. Findings may be waived by consent in writing filed with the Board, or by oral consent in open hearing, entered in the minutes, and shall be deemed waived by an accused employee by failure of the accused employee or his counsel to appear at the hearing. Where findings are required, they shall fairly disclose the Trial Board's determination of all issues of fact in the case.

2. The decision of the Board shall be rendered within fifteen (15) working days from the date of closing of the hearing. The decision shall be mailed promptly to the accused, or delivered to him personally, and shall be delivered to the complainant without delay. The decision of the Trial Board shall be final, and shall forthwith be enforced by the appropriate City authorities.

16.15 Appeal and Transcript. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Any such petition shall be filed within thirty (30) days after the preparation of the transcript and record. The petitioner must request preparation of the transcript and record, and must deposit the estimated fee with

the City for such preparation within thirty (30) days after notice of the decision by the Trial Board. The petitioner shall pay the costs of the preparation of the transcript and record.

Approved by the Police Civil Service Commission: 4-14-76

Retyped & Approved by the Police Civil Service Commission: 11-6-91

RULE 17

ORGANIZATION AND ADMINISTRATION

17.01 The Board. The Civil Service Board for the Police Department consists of three Civil Service Commissioners as prescribed in Section (221)1 of the City Charter. The Board shall have authority and responsibility to:

1. Interpret and enforce these rules and regulations.
2. Have charge of all matters pertaining to the preparation and conduct of examinations, and with respect to such matters shall:
 - a. Determine the examination to be conducted.
 - b. Prepare and post bulletins announcing examinations.
 - c. Make arrangements for supervision of the examinations, appointing such experts, special examiners and other persons as it may deem necessary.
3. Make rules to carry out the provisions of the City Charter, and make rules for examinations, appointments, promotions and discharge, and amend such rules from time to time.
4. Keep minutes of the proceedings, records of its examinations and such other records as desirable and necessary to administer the Civil Service System.

The Personnel Director shall assist the Board in performing the above provisions.

17.02 Election of Officers. At the first meeting of each calendar year, the Board shall elect one of its members as Chairman and another as Secretary, who shall hold office until a successor shall be elected. The Board may also appoint an Assistant Secretary at any time from among the secretarial staff of the City of Bakersfield to record the minutes and transcribe them for the Board.

1. The Chairman shall preside at all meetings of the Board and act as its spokesman.
2. The Secretary shall keep the minutes, records and perform other duties as assigned by the Board. In the absence of the Chairman, the Secretary shall preside at Board meetings. In the absence of the Secretary, the Commission may appoint a Secretary Pro Tem to act as Secretary until the return of the Secretary.

17.03 Board Meetings.

1. Regular Meetings. Regular meetings of the Board shall be held on the first Wednesday of each month at 8:00 a.m., however, if the first Wednesday falls on a holiday, the meeting will be held at 8:00 a.m. on the second Wednesday of that month, in the Police Department building or at such other location as may be designated by the Chairman.
2. Adjourned Meetings. The Board may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting.
3. Special Meetings. A special meeting may be called at any time by the Chairman of the Civil Service Board, or by a majority of the members of such Board, by delivering personally or by mail written notice to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at

such meetings by the Board.

4. Executive Session. The Board may hold executive session to consider individual personnel matters in accordance with the Brown Act and the City Charter.
5. Public Meetings. All meetings of the Board shall be open and public, except as otherwise provided in these Rules.
6. Rules of Order. Except as otherwise provided herein, Robert's Rules of Order shall guide the Board in its proceedings.
7. Quorum. Two members of the Board shall constitute a quorum for the transaction of business, including hearings before the Board.

17.04 Communications. All communications and requests to the Board shall be in writing, insofar as practicable, and shall be addressed to: Chairman of the Police Civil Service Board, 1601 Truxtun Avenue, Bakersfield, California 93301.

17.05 Minutes. The Board shall keep minutes of all Board meetings, records of its examinations, and such other records as desirable and necessary to administer the Civil Service System. The Secretary shall record in the minutes the time and place of each meeting, the names of the Board members present, all official acts of the Board, and the votes of the Board members except when the action is unanimous. When requested by him, a Board member's dissent or approval with his reason shall be recorded. The minutes shall be written and presented for approval at the next regular meeting. The minutes or a true copy thereof, certified by the Secretary, shall be open to public inspection, and copies will be made available to the public and such organizations as shall request the same.

17.06 Public Records. Minutes of the Board meetings and findings of the Trial Board

shall be considered public records. Other records of the Board shall be confidential by reason of public policy except as otherwise provided in these Rules and Regulations. All records of the Board shall be in the custody of the Secretary, and disclosure to the public shall be at the discretion of the Board.

17.07 Annual Reports. The Board shall make an annual report to the City Council.

Approved by the Police Civil Service Commission: 4-14-76
Revised & Approved by the Police Civil Service Commission: 5-12-76
Revised & Approved by the Police Civil Service Commission: 2-8-88
Revised & Approved by the Police Civil Service Commission: 11-6-89
Revised & Approved by the Police Civil Service Commission: 11-6-91
Revised & Approved by the Police Civil Service Commission: 12-4-91
Revised & Approved by the Police Civil Service Commission: 3-2-92
Revised & Approved by the Police Civil Service Commission: 6-3-92
Revised & Approved by the Police Civil Service Commission: 4-6-94
Revised & Approved by the Police Civil Service Commission: 10-5-94
Revised & Approved by the Police Civil Service Commission: 2-6-95

RULE 18

RULES AND REGULATIONS

18.01 Amendment of Rules. Amendment of these Rules or any other rules and regulations adopted by the Civil Service Commission or additions thereto may be proposed at any meeting of the Commission, and shall become effective upon approval of the Commission by recorded vote. Any proposed amendment shall be submitted to the Chairman in writing at least one week prior to such regular meeting.

18.02 General Orders. The Commission may from time to time adopt and ratify General Orders governing conduct of officers and employees of the Department, and required procedures and reports. Upon adoption by recorded vote, such General Orders become a part of the Rules of the Civil Service Commission for the Police Department of the City of Bakersfield.

Approved by the Police Civil Service Commission; 4-14-76
Retyped & Approved by the Police Civil Service Commission: 11-6-91