

Rule 115

Rules Related to the Employment of Persons With Disabilities

Article I: Exempt Employment of Individuals Who are Severely Disabled

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

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Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

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Article III: Resolution of Disputes

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 115.17 Resolution of Disputes

Rule 115

Rules Related to the Employment of Persons with Disabilities

Article I: Exempt Employment of Individuals Who are Severely Disabled

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 115.1 **Rule Prescribed - Authority - Purpose**

115.1.1 In accordance with Charter Section 10.104-19, the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.

115.1.2 This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 115.2 **Designated Positions**

115.2.1 An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.

115.2.2 Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."

115.2.3 With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 115.3 **Definition and Certification of Individuals Who are Severely Disabled**

- 115.3.1** Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.
- 115.3.2** Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County service are subject to the acceptance and approval of the Human Resources Director.
- 115.3.3** A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 115.4 **Appraisal of Qualifications**

- 115.4.1** All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.
- 115.4.2** The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.
- 115.4.3** For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.
- 115.4.4** The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 115.5 Referral of the Individual Who is Severely Disabled to the Department

- 115.5.1** When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.
- 115.5.2** The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 115.6 Appointment and Evaluation Period

- 115.6.1** A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.
- 115.6.2** The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.
- 115.6.3** The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 115.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1)** at the end of the first three (3) months;
- 2)** at the end of the sixth (6th) month covering the fourth (4th) through the sixth (6th) month; and
- 3)** at the end of the eleventh (11th) month covering the seventh (7th) through the eleventh (11th) month.

Sec. 115.8 Termination During Evaluation Period

115.8.1 Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.

115.8.2 At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefore. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 115.9 Advancement to Permanent Civil Service Status

115.9.1 The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.

115.9.2 Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 115.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1)** Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2)** During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3)** Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4)** Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

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Rules Related to the Employment of Persons with Disabilities

Article II: Rules Related to the Americans With Disabilities Act

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 115.11 **Rule Prescribed - Authority - Purpose**

115.11.1 Notwithstanding any other provisions of these Rules, the Civil Service Commission does prescribe and adopt Article II of Rule 115 to enable implementation of certain employment provisions of the Americans With Disabilities Act (ADA).

115.11.2 In accordance with the Americans With Disabilities Act, qualified individuals with disabilities shall have equal opportunity in all aspects of employment. A current employee who is a qualified individual with a disability and who cannot be reasonably accommodated in the employee's current class and department may be appointed to a position in another class or another department.

Sec. 115.12 **Procedures**

115.12.1 The Human Resources Director shall establish procedures consistent with the ADA for the appointment of a current employee who is a qualified individual with a disability and cannot be reasonably accommodated in the employee's current class and department. Such procedures shall be in writing and shall be available for inspection in the Civil Service Commission office and at the Department of Human Resources.

115.12.2 Reasonable attempt shall be made by the employee's current department to accommodate the employee. If an accommodation cannot be made, the department shall refer the employee to the Department of Human Resources to search for another position for the employee. The search shall be conducted for no more than sixty (60) days from the date that the forms prescribed by the Human Resources Director are completed and received in the Department of Human Resources from the employee's department.

Sec. 115.13 **Placement**

- 115.13.1** The Human Resources Director shall determine the priority for processing requests made under this Rule.
- 115.13.2** Placement shall be made only to an unfilled vacant position. Placements shall have priority over eligibles on existing eligible lists.
- 115.13.3** Placement shall be made only to a position for which the applicant meets the qualifications of the position and can perform the essential functions of the position, with or without reasonable accommodation.
- 115.13.4** Placement shall be made only to a position for which the nearest salary step does not exceed five percent (5%) in excess of the employee's current actual salary.

Sec. 115.14 **Certification and Appointment**

- 115.14.1** Certification and permanent appointment under this Rule shall be made under the Rule of One. Provisional appointments shall be directed by the Human Resources Director under the authority of the ADA and Civil Service Commission Rule 114.
- 115.14.2** Permanent civil service status shall be granted in the new class or department (if the position of the new class can be filled on a permanent basis and) when the employee has permanent civil service status and completes a new probationary period in the new class or department.
- 115.14.3** Persons serving under temporary or provisional appointment shall acquire no right to permanent civil service status through this Rule.

Sec. 115.15 **Probationary Period**

- 115.15.1** Permanent employees appointed under this article shall serve a probationary period.
- 115.15.2** The length of the probationary period shall be as provided in the pertinent collective bargaining agreement or ordinance.

Sec. 115.16 **Separation of Persons Appointed Under this Rule**

The separation of persons appointed under this Rule shall be governed by the legally applicable provisions found elsewhere either in these Rules or in a collective bargaining agreement or ordinance.

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Article III: Resolution of Disputes

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 115.17 **Resolution of Disputes**

A dispute concerning the application, implementation, or interpretation of this Rule shall be decided by the Human Resources Director, subject to reconsideration by the Commission as provided elsewhere in these Rules.