

Personnel Rule 3.11 – Compensation for Testimony at Civil Service Commission Hearing

3.11.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Rule-Making Authority

SMC 4.20.225 and subsequent revisions thereto, Testimony at Civil Service Commission Hearing—Compensation Conditions

3.11.1 Definitions

- A. "Appellant" shall mean a City employee who files with the Civil Service Commission an appeal of an alleged violation of a Personnel Rule or written personnel policy or procedure, or of a provision of a City ordinance or the City Charter.
- B. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- C. "Civil Service Commission" shall mean the independent panel established by City Charter Article XVI, Section 5, to hear appeals involving the administration of the personnel system.
- D. "Overtime threshold" shall mean a combined total of 40 straight-time hours of work and/or paid leave, per workweek. Hours worked beyond the overtime threshold must be compensated at the appropriate overtime rate of pay.
- E. "Regularly appointed employee" shall mean an individual with an exempt, probationary or regular appointment to a position of City employment.
- F. "Workweek" shall mean a designated block of 168 hours within which an employee's work schedule is contained.

3.11.2 Application of this Rule

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes provisions that conflict with this Rule
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of

the personnel system within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

3.11.3 Compensation for Civil Service Testimony

- A. An employee who is subpoenaed by the Civil Service Commission to testify during normal work hours at a Commission hearing or a hearing delegated by the Commission to one of its designated hearing examiners shall be released from work for this purpose without loss of pay or paid leave.
- B. Release time shall include reasonable travel time from the employee's work site to the hearing location and back, as well as the time that is required to give testimony.
- C. The time that the employee must arrive at the hearing location to provide testimony shall be specified on the subpoena.
- D. Time spent during normal work hours providing testimony under subpoena at a Commission hearing shall count toward an hourly employee's overtime threshold.
- E. An employee who is subpoenaed to testify at a Commission hearing on his or her scheduled day(s) off or during non-work hours shall not be compensated for the time required for this purpose, and the time shall not count toward an hourly employee's overtime threshold.

3.11.4 Compensation for Appellant at a Civil Service Commission Hearing

- A. An employee who is an appellant in a Civil Service Commission hearing or a hearing delegated by the Commission to one of its designated hearing examiners may attend the hearing without loss of pay or paid leave provided he or she is on regular pay status and the hearing is scheduled during the employee's normal work hours.
- B. The paid release time provided in Personnel Rule 3.11.5 (A) shall not exceed 16 hours per appeal. The paid release time shall count toward an hourly employee's overtime threshold.
- C. The appellant shall not use work time or City equipment to prepare his or her appeal, including time spent at the pre-hearing conference(s).