

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTION 3-252 OF CHAPTER
3, ARTICLE 2 OF THE FRESNO MUNICIPAL CODE,
RELATING TO CERTIFICATION AND APPOINTMENT OF
ELIGIBLES

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-252 of the Fresno Municipal Code is amended to read:

SECTION 3-252. – CERTIFICATION AND APPOINTMENT OF
ELIGIBLES.

(a) Upon receipt of a requisition for certification to fill a permanent position, the Director shall certify eligibles in the following manner and order:

(1) The name of the person standing highest on the reinstatement list for the class shall be certified first. If the requisition requests certification for more than one vacancy in the same class, the Director shall certify from those highest on the reinstatement list for the class up to as many names as there are vacancies.

(2) For all classes [identified in Section 3-268 (b)] where the minimum qualifications mandate current City service, ~~the~~ [T]he names of the ~~ten persons standing highest~~ (five persons standing highest for those classes

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:  _____

Ordinance No.

~~mentioned in section 3-268 (b).~~ on the promotional eligible list shall be certified, if there is no reinstatement list. The first vacancy shall be filled by the appointment of one of the respective highest eligibles certified. The second and each succeeding vacancy shall be filled by appointment from the respective highest then-remaining names. ~~Five names (three~~ [T]hree names for classes mentioned in Section 3-268 (b) shall be considered the minimum necessary to comprise a basic certification.

(3) For all units, groups, or classes not specifically ~~listed in (2) above~~[identified in Section 3-268 (b), and which are in the classified service: A]n eligible list shall be established. The [A]appointing [A]authority, at the time of requisition, shall identify the composition of the certification using the following options:

(i) A [D]department [C]ertification [that] shall be composed of the ten highest-ranking [permanent] employees working with the requested department. [If there are fewer than ten eligibles meeting the criteria for a Department Certification if it is selected as an option, it shall be completed with a General Certification followed by an Open

Certification until the appropriate number of eligibles have been certified.]

(ii) A [G]general [C]certification [that] shall be composed of the ten highest-ranking permanent City employees. [If there are fewer than ten eligibles meeting the criteria for a General Certification, it shall be completed with an Open Certification until the appropriate number of eligibles have been certified.]

(iii) An [O]open [C]certification [that] shall be composed of the ten highest-ranking persons on the eligible list, without regard to City employment.

~~If there are fewer than ten eligibles meeting the criteria for a department certification, it shall be completed with a general certification followed by an open certification until the appropriate number of eligibles have been certified or a general certification shall be completed with an open certification.~~

[The first vacancy shall be filled by the appointment of one of the respective highest eligible certified.] The second and each succeeding vacancy on the same [subsequent] requisition[s] shall be filled by appointment from the ten highest then-remaining names [unless there are not a sufficient number of

eligibles on the list to comprise a basic certification.]

Five names shall be considered the minimum necessary to comprise a basic certification.

(4) When there are fewer than the required number of names on an eligible or a promotional eligible list and certification is requested pursuant to either (2) or (3) above, the Director shall certify the number thereon, and the Appointing Authority may, at his/her [the Appointing Authority's] option, accept such certification and appoint therefrom, or decline such certification and defer permanent appointment pending the creation of a new list.

(5) When there is neither a reinstatement nor an eligible list for the class, certification from the list authorized pursuant to Section 3-254 of this Code shall [may] be made in the order and manner as if such list were for the class.

(b) The names of eligibles who are certified but not appointed shall remain in their relative ~~positions~~ [placement] on the list from which they were certified provided such list or the eligible's right to remain thereon has not expired pursuant to other provisions of this article.

(c) When a new eligible or a new promotional eligible list is created, the names of all persons on any existing list which such new list supersedes shall be certified for appointment, pursuant to

subsection (a) hereof, before any certifications are made from the new list provided that when the older list contains the names of fewer than the maximum number of names that can be certified, the name or names remaining on such older list shall be placed at the [top] head of the new list and shall be included in all certifications of persons from the new list until appointed, removed from such list pursuant to this article, or their eligibility for consideration has expired.

(d) When the requisition requests certification to fill a limited position pursuant to Section 3-256 of this Code, certification shall be made in the same order and manner as provided in this section for permanent positions.

(e) The [A]appointing [A]authority[, or the Appointing Authority's designee.] shall be permitted to examine the application, ~~examination~~ and personnel records of each eligible certified for appointment.

(f) ~~A permanent intermittent employee may be appointed without further examination to a vacant permanent position in the same class.~~

~~(g)~~[(f)] Persons eligible for referral pursuant to Section 3-255 ~~RE-EMPLOYMENT~~ [of this code] shall be referred in addition to the number of names eligible for referral under this section.

(h)(g) Certification and appointment to positions in the ~~Waste Collector Leadworker and Bus Driver~~ [and Emergency Services Dispatcher I/II] classes shall be made from an eligible list established for the class of ~~Waste Collector Leadworker and Bus Driver~~ respectively.~~[and]~~ [w]Whenever a vacancy exists in one or more positions in the ~~Waste Collector Leadworker and Bus Driver~~ [said] classes [classifications], the [A]appointing [A]authority may select and request certification for appointment of the names of one or more eligibles on such list, without regard to their relative standing on the list. As the initial list is exhausted, additional names will be certified in the same manner as described in this subsection. [A requisition shall be submitted for each vacancy being filled.] This subsection shall not be deemed to preclude the filling of a ~~Waste Collector Leadworker and Bus Driver~~ [and Emergency Services Dispatcher I/II] vacancy by transfer thereto of an employee who has qualified for such transfer under section 3-261.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Tina R. Griffin Date
Assistant City Attorney