

Rules and Regulations of the Municipal Civil Service Commission

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RULE X

APPOINTMENTS

A. Original Appointment

A person who has been selected by an appointing authority from an open competitive eligible list [Rule VII(B)(1)], certified in accordance with the provisions of Rule IX, to fill a vacancy in the classified service or any person who was certified pursuant to the Charter in accordance with Rule IX(I) is said to have received an original appointment. Those persons receiving original appointments do not become permanent employees until they have satisfied the applicable probationary period set forth in Rule XI.

B. Noncompetitive Appointment

A person who has been selected by an appointing authority from a noncompetitive certification list [Rule VII(C)], in accordance with the provisions of Rule IX, to fill a vacancy in a noncompetitive position in the classified service is said to have received a noncompetitive appointment. Those persons receiving noncompetitive appointments do not become permanent employees until they have satisfied the applicable probationary period set forth in Rule XI.

C. Promotional Appointment

An employee who has been selected by an appointing authority from a promotional competitive eligible list [Rule VII(B)(2)] certified in accordance with the provisions of Rule IX to fill a vacancy in the classified service is said to have received a promotional appointment. Employees who receive promotional appointments have permanent status without serving a probationary period.

D. Provisional Appointment

Pursuant to City Charter Section 149(g), a person who meets the minimum qualifications and who in the absence of a competitive eligible list has been selected by an appointing authority in accordance with Rule VI to fill an existing vacancy, pending the establishment of a competitive eligible list for that class, is said to have received a provisional appointment.

1. When a competitive eligible list is established, an appointment from the competitive eligible list must be made to replace the provisional appointee in accordance with Rule IX(B) and the provisional, if not so appointed, must be terminated.

2. Persons who receive provisional appointments retain provisional status after completion of the probationary period; however, time served as a provisional shall count toward

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completion of the probationary period if the individual is subsequently appointed from a competitive eligible list for the same class.

E. Temporary Appointment

Pursuant to City Charter Section 149(h), a person who has been selected by an appointing authority to fill a vacancy on a temporary basis not to exceed 60 workdays within any twelve month period is said to have received a temporary appointment.

1. Whenever conditions arise such that an individual needs to be hired to perform work for a period not to exceed 60 workdays (480 work hours) within any consecutive twelve-month period, an appointing authority may appoint a qualified individual for said period as provided herein. For purposes of this section, eight work hours shall equal one workday.

2. The Commission reserves the right to inquire into the qualifications of a temporary employee, and to disapprove payment of compensation to such employee if the employee is found not qualified for the position.

3. In accordance with City Charter Section 153, the Commission shall not certify the pay of any individual duly given a temporary appointment for any time worked in excess of 480 hours within any consecutive twelve-month period.

F. Conditions of Employment

1. Limited employment. When it is necessary to fill a vacancy created as a result of granting a leave of absence to a regular employee, to fill a vacancy for a position pursuant to Charter Section 101-1, or to fill a vacancy for a limited position created in accordance with Rule IV(D)(3), the appointing authority may make an appointment in accordance with these Rules with the condition that the employment will not exceed the duration of such leave, work, project, or period set forth in Charter Section 101-1.

- a. Alternate incumbents. Upon the return of the regular incumbent to the original position at any time, the services of the limited employee shall be automatically terminated without regard to the procedures contained herein for layoffs (Rule XII) or disciplinary removals (Rule XIII). In the event the regular employee acquires permanent status in a different position, fails to return to the original position upon expiration of the leave, or terminates, the alternate position shall automatically terminate and the incumbent shall assume the original position with no limited condition and with no change in status provided the incumbent has, as part of his or her continuous City service, held one or more positions in the class for a period or periods of time totaling at least one year. Otherwise, the original position must be filled as a vacancy in accordance with these Rules.

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- b. Limited incumbents of new positions. Upon the termination of the work or project for which the limited condition was made at any time, the services of the limited employee shall be automatically terminated without regard to the procedures contained herein for layoffs (Rule XII) or disciplinary removals (Rule XIII).

In the event through a change in circumstances a limited allocation of a new position in a competitive class is changed to a permanent one, the limited appointee must be terminated and the vacancy created shall be filled in the manner prescribed for a regular appointment by these Rules unless the limited employee holds permanent status in the class and has been on active status in the limited position for two years consecutively, in which case the appointing authority may appoint the limited employee to the regular position using the original appointment certification number.

In the event through a change in circumstances a limited allocation of a new position in a noncompetitive class is changed to a permanent one, the appointing authority may appoint the limited employee to the permanent position using the original appointment certification number.

- c. Limited incumbents of positions of Police Chief or Fire Chief. Unless a person resigns, is terminated during the probationary period, is discharged pursuant to Charter Section 107, or is reappointed in accordance with Charter Section 101-1, a person's services in the position of Police Chief or Fire Chief shall automatically be terminated five years from the date of appointment. A Police Chief or Fire Chief, who has been appointed once pursuant to Charter Section 101-1, may be reappointed as Chief by the Public Safety Director using the original certification and without the need for completing an additional application, requesting reinstatement to the eligible list, or other pre-appointment procedures. There shall be no additional probationary period served as a result of a second appointment pursuant to Charter Section 101-1.

2. Part-time employment. When it is necessary to fill a vacancy for less than forty hours of work per seven consecutive calendar days per fifty-two consecutive weeks per annum, an appointing authority may make an appointment in accordance with these Rules with the condition that it is on a part-time basis.

- a. The appointing authority shall determine the number of hours a part-time employee shall work. Whenever it is necessary to reduce the number of part-time employees because of a shortage of work or funds, a part-time employee may be terminated, without regard to the procedures contained

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herein for layoffs (Rule XII) and disciplinary removals (Rule XIII), by reducing the number of scheduled hours to zero.

- b. An appointing authority may appoint a part-time employee in a noncompetitive class to a full-time position in the same class by using the original appointment certification number.

- c. An appointing authority may appoint a part-time employee in a competitive class to a full-time position in the same class by using the original appointment certification number providing that: (1) the employee had received the part-time appointment at least one year prior to the effective date of the full-time appointment and (2) the employee had accumulated at least 1,040 hours in the class while in part-time status. Otherwise, the appointing authority must fill the vacancy in the manner prescribed by these rules.

3. Seasonal employment. Whenever it is necessary to fill a vacancy in a position which has been established as seasonal employment, the appointing authority may make an appointment on the condition that it not exceed the season approved by the Commission.

- a. At the end of the designated season, the seasonal employee shall be terminated and placed on inactive status. At the beginning of the next season, the inactive seasonal employee shall be returned to active duty if such employee was permanent and the appointing authority has seasonal work for the seasonal employee to perform. If the inactive seasonal employee was appointed from a competitive eligible list or a noncompetitive certification list but was probationary, the employee may be returned to duty at the discretion of the appointing authority.

- b. If there is no competitive eligible list at the beginning of the next season, an inactive provisional seasonal employee may be returned to duty at the discretion of the appointing authority.

4. Effect on certification. Unless appointed pursuant to Rule X(F)(1)(c), when an appointment with a condition of employment is made, the acceptance or declination of such an appointment, whether limited, part-time or seasonal, shall not affect the right of the eligible to be certified for a regular position. The name of an individual selected for a position with a condition of employment shall not be removed from the applicable eligible list, if any, as a result of such appointment.

G. Effect of Reallocation

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1. When because of a change in duties or responsibilities, a position is reallocated to a different classification, the employee currently serving in the affected position may receive an original or noncompetitive appointment to the new classification if the employee has completed the probationary period in his current classification, he meets the minimum qualifications of the new classification, and one of the following applies:

- a. the reallocation is a result of a Commission audit and the duties and responsibilities of the new classification have been determined to be related to the former and the reallocation does not result in an increase in the employee's current pay range or is otherwise deemed lateral by Commission action; or
- b. the reallocation is a result of a Commission audit and the employee has passed the test for the new class and has been included on the preferred eligible list pursuant to Rule VIII(A)(1)(b), or
- c. the reallocation is a result of an impending reorganization and the employee has passed the test for the new class and has been included on the preferred eligible list pursuant to Rule VIII(A)(1)(b).

Employees appointed in accordance with section (a), (b), or (c) above will obtain permanent status in the new classification upon completion of the applicable probationary period associated with the new classification.

In the event the incumbent does not pass the exam as required in sections (b) and (c) above, the reallocation may be delayed until such time as the incumbent is eligible and has had opportunity for retesting. If the incumbent chooses not to retest or does not pass the second administration of the exam, the new position must be filled as a vacancy in accordance with these Rules.

2. Merger of Classes. In the event the Civil Service Commission combines two existing classes, and a position is reallocated as a result, a corresponding change in class of a permanent employee in the position may be approved by the Commission without process of examination.

3. In all other cases, employees who change classes as a result of a position reallocation may acquire permanent status in the new class only in the manner provided in Section A or B above.

H. Tenure

Except as otherwise provided by these Rules, or the Charter, the tenure of every employee shall be during good behavior and efficient service. No employee shall be discharged, reduced in pay or position, laid off, transferred, reprimanded or discriminated against due to such employee's

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race, color, religion, national origin, political opinions, age, physical disability or sex unless such age, physical ability or sex is a bona fide occupational qualification.

I. Reemployment of Former Employees

Any employee who separated City employment in good standing and without fault (i.e. resignation, retirement, layoff, or termination as a result of a condition of employment) may be reemployed in the same classification from which the employee separated, or any lower classification in the same series, or any other classification in which the employee was previously employed, so long as the reemployment occurs no later than three years from the date of separation from the City.

Amended as of: September 27, 2010
