



Civil Service Commission

REGULAR MEETING NOTICE/AGENDA THE CIVIL SERVICE COMMISSION 9:30 A.M. – March 19, 2024

NOTICE IS HEREBY GIVEN by the City of Spokane Civil Service Commission, that a regularly scheduled meeting of the Civil Service Commission will be held on March 19, 2024, commencing at 9:30 A.M. in the City Council Chambers – Lower Level of City Hall (808 W. Spokane Falls Blvd., Spokane WA, 99201). The purpose of the meeting is to conduct the monthly commission meeting and to discuss other matters as reflected on the attached agenda.

The meeting will be conducted in-person and open to the public with commission members, staff and presenters attending in-person. All meetings will be streamed live on Channel 5.

Oral public comment will be accepted at the meeting for agenda items to be decided by the Commission, excluding hearing items. Individuals who want to provide oral comment at this time but are unable to physically attend the meeting shall contact the Commission at civilservice@spokanecity.org to request by 5:00 P.M. the day before the meeting, (Monday, March 18, 2024) so the Commission can make arrangements for you to participate telephonically at the meeting.

DATED THIS 6th day of March 2024.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or m_lowmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



Civil Service Commission

AGENDA

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 A.M March 19, 2024

CITY HALL – CITY COUNCIL CHAMBERS

LOWER LEVEL CITY HALL

808 W. SPOKANE FALLS BLVD., SPOKANE, WA 99201

1. CALL TO ORDER/ROLL CALL

2. APPROVAL OF MINUTES

- a. January 16, 2024 Minutes (pg. 3)
- b. February 20, 2024 Minutes (pg. 4)

3. CHIEF EXAMINER UPDATE

4. NEW BUSINESS

- a. Resolution 2024-02: Classification Actions (pg. 5)
- b. Resolution 2024-03: Chair and Vice Chair Appointments (pg. 19)
- c. Resolution 2024-04: Merit System Rules Adoption (pg. 20)

5. OTHER BUSINESS

6. ADJOURN

Note: The meeting is open to the public, with the possibility of the Commission adjourning into executive session.



Civil Service Commission

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

Minutes – January 16, 2024

1. CALL TO ORDER/ROLL CALL

Meeting called to order at 9:30am

All commissioners were present except Vice Chair Gilmore who had an excused absence.

2. APPROVAL OF MINUTES

- a. November 21, 2023 Minutes

MOTION: Move approval.

Hult/Palmerton: Motion passed unanimously

3. CHIEF EXAMINER UPDATE

Chief Examiner Pearson gave updates on Civil Service.

- a. Commission will vote next month on Chair and Vice Chair roles.
- b. Terms are ending at the end of this year for Commissioner Palmerton and Vice Chair Gilmore. Let Chief Examiner know of intentions to continue or discontinue terms.

4. NEW BUSINESS

- a. Resolution 2024-01: Classification Actions

MOTION: I'll make a motion that we accept that.

Stephens/Palmerton: Motion passed unanimously

- b. 2024 Rule Review Presentation

Chair Lindsey suggested a sign-in sheet for departmental training on the new Civil Service rules.

5. OTHER BUSINESS

- a. Comments were made commending Civil Service and the rule review process by city employees, Michael Sloon and Richard Czernik.
- b. Introduction of the new Civil Service Commission attorney, Margaret Harrington.

6. ADJOURN

Meeting adjourned at 9:51am.

MOTION: If there's no other business Mr. Chair, I would motion adjournment.

Hult/Palmerton: Motion passed unanimously

Note: The meeting is open to the public, with the possibility of the Commission adjourning into executive session.



Civil Service Commission



REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

Minutes – February 20, 2024

1. CALL TO ORDER/ROLL CALL

Meeting called to order at 9:30am.

All commissioners had an excused absence and were not present. There was no quorum and no business.

2. APPROVAL OF MINUTES

3. CHIEF EXAMINER UPDATE

4. NEW BUSINESS

5. OTHER BUSINESS

6. ADJOURN

Meeting adjourned at 9:31am.

DRAFT

Note: The meeting is open to the public, with the possibility of the Commission adjourning into executive session.

BACKGROUND

This month we present three current job classifications for retitling, at the request of Spencer Gardner, director of Planning Services, and Tami Palmquist, director of the Development Services Center.

Planning Services personnel found their titles caused confusion, primarily when working with the public. To mitigate this, the department began using “working titles” in place of their classification titles. Following success with that practice, Mr. Gardner requested the classification titles be changed to match the working titles. The classifications for retitling are:

<u>SPN</u>	<u>Current Title</u>	<u>Proposed Title</u>
256	Assistant Planner I	Planner I
257	Assistant Planner II	Planner II
258	Associate Planner	Senior Planner

The affected departments and M&P Association concur with the retitling and revisions of classification specifications as presented here.

We present an additional current job classification for retitling which is the result of a comprehensive job classification review conducted with input from current job incumbents and directors. The goal is to update the description with additional detail and enhance future recruitment for the role.

<u>SPN</u>	<u>Current Title</u>	<u>Proposed Title</u>
025	Administrative Specialist	Executive Assistant

Management and the M&P Association concur with the retitling and revision presented here.

We also present a new classification for adoption this month which has been created to meet staffing needs for the Water Department at the Upriver Dam hydroelectric facility. This adds a semi-skilled technician level worker below the existing skilled maintenance mechanic role.

<u>SPN</u>	<u>Title</u>
520	Water Hydroelectric Maintenance Technician

The Water department management and Local 270 bargaining unit concur with the new classification as presented.

RECOMMENDATION

Staff recommends adoption of classification resolution **2024-02**

Attachments:

- 1) SPN 256 – Planner I
- 2) SPN 257 – Planner II
- 3) SPN 258 – Senior Planner
- 4) SPN 025 – Executive Assistant
- 5) SPN 520 – Water Hydroelectric Maintenance Technician



NATURE OF WORK:

Performs professional work in the areas of urban planning, zoning administration, subdivision administration, and community development. Duties require collecting and analyzing information to determine an appropriate course of action within the limits of standard procedures and precedents. Most work is verified by others in subsequent operations; however, undetected errors might cause a significant loss of time or money. Employee maintains routine contact with the public and other agency personnel, both inside and outside the office, to obtain or supply factual information. Duties are sedentary in nature, performed under normal working conditions, and require sustained periods of concentrated attention.

SUPERVISION:

Employee performs duties under general supervision, referring questionable issues to the supervisor. May be responsible for directing and checking the work of paraprofessional or technical personnel engaged in specific, short-term projects assigned by the supervisor.

ESSENTIAL JOB FUNCTIONS:

Assists in the preparation of comprehensive plan elements, neighborhood specific plans, topical plans and studies, and special planning projects, such as housing needs assessments or transportation studies.

Assists in research and surveys regarding demographics, economic conditions, land use trends, property values and ownership, housing conditions, infrastructure condition and capacity, and other subjects related to city planning. Will utilize department computer assets, including Geographic Information System technology, to do research and analysis.

Assists in organizing and facilitating public meetings and workshops for the general public, special interest groups, and City boards, committees, and commissions as a part of the planning process.

Prepares staff reports for, and participates in, public hearings regarding community development issues. Assists in drafting developmental policies and ordinances in furtherance of adopted plans.

Reviews and analyzes development proposals, including environmental reviews and applications for land use actions and development permits. Comprehensive plan revisions, zoning code amendments, rezones, subdivisions, site-plan reviews, shoreline permits, and similar project activity may be assigned to the employee.

Supervises and participates in the preparation and maintenance of planning base maps and zoning maps. Designs, organizes, and illustrates the text of planning reports. Prepares graphic interpretations of planning principles and objectives.

Prepares and presents staff reports and recommendations on land use actions and development applications. Records appropriate entries in the computerized property management system. Performs related work as required.

REQUIREMENTS OF WORK:

Knowledge of the principles and practices of urban planning and community development. Knowledge of state planning laws and requirements.

Knowledge of the environment, economics, sociology, and municipal finance as applied to urban planning and community development.

Knowledge of the methods and procedures of statistical surveys and research. Ability to conduct surveys, compile statistical data, and prepare reports and the ability to make accurate mathematical computations.

Advanced knowledge of the structure and content of the English language.

Excellent communication skills.

Skill and comfort with public speaking.

Critical thinking skills, including analysis and judgment.

Ability to write clearly and concisely, and to express technical data and conclusions in a form understandable to laymen. Ability to use a personal computer and applicable software, and general office equipment.

Ability to set up and utilize a variety of audio/visual equipment and presentation equipment.

Ability to apply oneself with initiative and resourcefulness.

Ability to adhere to ethical principles through honesty and integrity.

Ability to be reliable, responsible, and dependable, and to fulfill job obligations.

Ability to collaborate with others – to build, foster, and retain relationships, to work cooperatively, and to display a cooperative and helpful attitude.

Ability to organize and work on multiple varied projects concurrently.

Ability to use good judgment in evaluation of alternatives.

PHYSICAL REQUIREMENTS:

Ability to see, with or without corrective lenses, well enough to read fine print and discern shades of color. Ability to hear, with or without a hearing aid, and speak well enough to converse on the telephone. Enough manual dexterity to write clearly, use a computer keyboard, and do occasional drafting. Enough physical stamina to sit through long meetings or a full work day at a desk or table.

MINIMUM EDUCATION AND EXPERIENCE:

Open Entry Requirements: Bachelor's degree from a four-year college or university with a major in city, urban, regional, or environmental planning from a degree program which is accredited by the Planning Accreditation Board (PAB). Applicants enrolled in the final (senior) year of a qualifying program may apply, but candidates must obtain their **Bachelor'sbachelor's** degree prior to hire. One year of professional planning experience along with possession of a closely related **Bachelor'sbachelor's** degree may also be qualifying. Applicants must possess a valid driver's license or evidence of equivalent mobility.

Deleted: 7/12

Reactivated/Title Change: 1/18, **1/24**

Revised: 5/71, 1/74, 7/79, 4/81, 4/87, 3/88, 6/88, 2/93, 9/93, 8/95, 12/99, 2/04, 3/09, 1/18, 4/23, **1/24**

Reviewed: 11/77, 4/83, 4/85, 8/90, 12/97, 12/01, 3/06, 8/11

Union: M&P

Range: 35

EEO: 2

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

NATURE OF WORK:

Performs professional planning work to effectively define and achieve goals for the present and future of the Spokane community. Duties require analyzing facts to determine the proper course of action. No specific checks or controls exist in the developmental phase of a plan; and, if not detected, errors would cause a serious interruption to routine or possible embarrassment to the City. Employee has regular outside contacts of a policy nature or to obtain or supply factual information. Duties are sedentary in nature, performed under normal working conditions, and require sustained periods of concentrated attention.

DISTINGUISHING CHARACTERISTICS:

This is the full skill level class in the Planning line of progression. Incumbents work independently on assignments, which include the full range of duties pertaining to an assigned functional area.

SUPERVISION:

Works under limited supervision. Plans and arranges their own work, referring only unusual cases to the supervisor. May be responsible for the work of other professional and sub-professional employees.

EXAMPLES OF DUTIES: *This list is ILLUSTRATIVE only and is not a comprehensive listing of all functions and duties performed by the incumbent of this class. Duties may include, but are not limited to the following:*

Develops new plans and programs, and administers changes to existing plans, programs, and development code. Prepares specific portions of the Comprehensive Plan, detailed neighborhood plans, annexation plans, and specific sub-area plans.

Researches and develops incentive package details for developers/investors, as well as new incentives for future use.

Participates in the technical compilation and analysis of planning data related to the development of a general plan for the City or the annexation of land. Coordinates elements of the City's annexation program.

Leads, reviews, and approves construction projects as they relate to land use and environmental standards. Evaluates information, using individual judgment to determine whether circumstances comply with laws, regulations, or standards.

Facilitates coordination of development projects, including public education and outreach. Organizes and facilitates neighborhood meetings, working group meetings, and meetings with consultants. Collects information from people through observation, interviews, or surveys.

Serves as the main City contact and representative to the public, government agencies, etc., for current development plans, policies, programs, and proposals. Provides technical information and assistance to the public, including area groups focusing on sub-area plans, business improvement and development/redevelopment.

Prepares briefing papers, environmental documents, white papers, staff reports, summary documents, and other reporting formats for use by elected officials, other staff, and citizens. Prepares reports for and participates in public hearings. Provides recommendations for action to the supervisor, recommending body/individual, or decision making body/individual.

Meets with representatives of public and private agencies to extend the objectives of city planning and community development. Represents the City to customers, the public, government, and other external sources.

Creates and composes materials to distribute to various stakeholders, including summary documents, web content, and other content used for marketing online and through social media outlets.

Operates office equipment such as a calculator, desktop or laptop computer, tablet, and/or computer terminal, printer, and audio-visual equipment, as well as an automobile.

Performs related work as required.

KNOWLEDGE, SKILLS, AND ABILITIES:

Considerable knowledge of the principles and practices of urban planning, development, development coding, project implementation, programming, and community development.

Considerable knowledge of economics, finance, and sociology as applied to city planning, program planning/development, and community development, and of statistical survey practices and procedures.

Considerable knowledge of the Spokane Municipal Code dealing with zoning and other land use matters.

Knowledge of current literature and recent developments in the field of urban planning, program planning/development, and community development.

Some knowledge of the principles and practices of architecture, landscape architecture, urban design, and civil engineering.

Advanced knowledge of the structure and content of the English language.

Excellent communication skills.

Skill and comfort with public speaking.

Critical thinking skills, including analysis and judgment.

Ability to think creatively and be innovative in problem solving.

Ability to write clearly and concisely, and to express technical data and conclusions in oral and written form for public consumption.

Ability to establish and maintain effective public and working relationships and produce a consensus within a small group regarding solutions to problems.

Ability to use a computer, including word processing, data base, and spreadsheet programs.

Ability to use general office and display equipment.

Ability to apply oneself with initiative and resourcefulness.

Ability to adhere to ethical principles through honesty and integrity.

Ability to be reliable, responsible, and dependable, and to fulfill job obligations.

Ability to collaborate with others – to build, foster, and retain relationships, to work cooperatively, and to display a cooperative and helpful attitude.

Ability to organize and work on multiple varied projects concurrently.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

Ability to use good judgment in evaluating alternatives.

PHYSICAL REQUIREMENTS AND WORKING CONDITIONS:

While performing the essential functions of the job, the incumbent is regularly required to:

Read, comprehend, and compose information and ideas presented in writing.

Read standard text and fine print; view computer monitors, plans, and maps.

Perceive details and detect shades of color; exchange information through talking and listening.

Speak clearly so that others can understand; write legibly.

Use a computer keyboard.

Sit and/or stand for long periods of time while performing work or attending meetings.

Move about office and meeting areas.

Visit development sites.

Conduct physical outreach including door to door surveys.

Move between various work areas.

Duties occasionally require travel to various work locations, and some evening or weekend work.

MINIMUM EDUCATION AND EXPERIENCE:

Open Entry Requirements: Bachelor's degree from a four-year college or university with a major in city, urban, regional, or environmental planning from a degree program which is accredited by the Planning Accreditation Board AND three years of employment in either a public or private workplace with the duties of a planner. A valid driver's license or evidence of equivalent mobility is required.

Substitutions:

- A ~~Master's Degree in Urban~~ master's degree in urban and ~~r~~Regional ~~P~~lanning and two years of planning work experience is also qualifying.
- Four years of planning experience, along with a closely related ~~Bachelor's~~ bachelor's degree may also be qualifying.

Promotional Requirements: Completion of two years of experience in the classification of ~~Assistant~~ Planner I (SPN 256). A valid driver's license or evidence of equivalent mobility is required.

~~License: A valid driver's license or evidence of equivalent mobility is required.~~

PROCEDURAL REQUIREMENTS:

Examination announcements and requisitions will specify field of activity in which vacancy exists and only those on the eligible list examined for that field will be certified.

Title Change: 7/12, 1/18, 1/24

Revised: 5/71, 1/74, 9/78, 7/80, 11/80, 11/84, 11/86, 7/95, 12/99, 6/08, 10/08, 7/12, 8/15, 2/18, 10/18, 1/24

Reviewed: 11/88, 12/90, 4/93, 10/97, 12/01, 2/04, 3/06, 4/11

Union: M&P

Range: 40

EEO-code: 2

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

NATURE OF WORK:

Performs responsible supervisory and professional work in a specialized unit in the area of city planning and development implementation, zoning, environmental study, economic development, neighborhood revitalization, or community development. Duties require independent action in planning or zoning activities within the limits of departmental policy or City ordinance. Carelessness or lack of judgment in the performance of duty may cause serious financial loss or embarrassment to the City. Employee meets and coordinates with individuals, departments, agencies and citizens in the performance of duties. Any commitments are subject to review and approval by the supervisor. Work is sedentary in nature; but does require a high degree of concentration, logical reasoning, or creative thought and ability to work with people and undertake normal zoning or planning work at a senior level. Will undertake some field work.

SUPERVISION:

Works independently with a minimum of supervision and assumes full responsibility for actions. Responsible for the training and direction of a professional group and serves as leader of that specialized unit.

ESSENTIAL JOB FUNCTIONS:

Supervises and participates in the preparation of reports and plans for the proper use, zoning, annexation, planning, development of land and projects; detailed City or neighborhood plans; the layout of subdivisions and arterial street system; the location of special uses; and the preparation of a City Comprehensive Plan. Reports on zone, development or permit applications and environmental reviews.

Directs and participates in the compilation and analysis of planning data and research.

Develops budgets and negotiates contracts for Planning, Economic Development and Community Development projects; works with accountants in the administration of grant funds, project and program budgets.

Conducts studies on economic positioning, development master planning, rezoning, platting, environmental impact and annexation proposals; prepares reports and recommendations.

Reviews existing regulations and makes recommendations for the revision of ordinances.

Supervises and participates in processing annexations, Comprehensive Plan amendment petitions, development permits and land subdivisions; participates in public hearings in the course of administering these regulations.

Meets with and addresses various groups to explain the objectives, plans and studies of the City and its Plan Commission, and solicit public input.

Prepares the selection processes for hiring consultants, and administers consultant contracts.

Performs related work as required.

REQUIREMENTS OF WORK:

Thorough knowledge of the principles and practices of city planning, redevelopment, development coding, project implementation, zoning, subdivision, economic development, and community development.

Considerable knowledge of land use laws, current literature and recent developments.

Thorough knowledge of economics, finance and sociology as applied to city planning, redevelopment, development coding, project implementation, zoning, and community development.

Thorough knowledge and experience in community outreach and public engagement, tools, techniques, and strategies.

Knowledge of personal computers and applicable software.

Knowledge of the principles and practices of related fields such as landscape architecture, design, architecture, development financing, civil engineering, etc.

Knowledge of the principles and practices of urban design and placemaking.

Ability to direct difficult planning studies, analyze data and formulate recommendations; conduct SEPA environmental reviews.

Ability to assign and supervise the work of subordinates.

Ability to establish and maintain effective public and working relationships.

Ability to express technical information orally and in writing for public consumption; ability to write clear and concise reports and correspondence.

PHYSICAL REQUIREMENTS:

Ability to see, with or without corrective lenses, well enough to read fine print and detect shades of color.

Ability to hear, with or without a hearing aid, and speak well enough to converse on the telephone and address large groups.

Enough manual dexterity to write and draft clearly.

Enough stamina to sit for several hours at a time, and participate in field trips and hearings.

MINIMUM EDUCATION AND EXPERIENCE:

Open Entry Requirements: Graduation from an accredited four-year college or university with a degree in planning; or a degree in a major field of study which is related to city planning, zoning, environmental studies, economic development, or community development functions, and completion of at least four years' experience commensurate with the degree, including one year in a responsible supervisory capacity. Completion of course work toward an advanced degree in city planning may be substituted on a year-for-year basis for non-supervisory experience. Applicants must possess a valid driver's license or evidence of equivalent mobility.

Promotional Requirements: Completion of two years of experience as an **Assistant Planner II** (SPN 257) or three years as an Urban Designer (SPN 259). Applicants must possess a valid driver's license or evidence of equivalent mobility.

New: 5/71

Title change: 7/12, 1/24

Revised: 1/74, 9/78, 7/80, 7/82, 7/84, 8/86, 7/88, 8/90, 2/95, 12/99, 3/04, 3/09, 3/10, 7/12, 10/12, 12/15, 12/16, 1/24

Reviewed: 2/93, 5/97, 12/01, 3/06, 12/09, 8/11

Union: M&P

Range: 46

EEO: 2

**CITY OF SPOKANE
CLASS SPECIFICATION**

CLASS TITLE:	<u>ADMINISTRATIVE SPECIALIST</u><u>EXECUTIVE ASSISTANT</u>	CLASS CODE:	025
SALARY PLAN:	A02	GRADE:	34
DEPARTMENT:	VARIES	FLSA STATUS:	N
REPORTS TO:	VARIES	EEO-4 CODE:	06
BARGAINING UNIT:	M&P-B	DATE:	<u>TBD</u>

JOB SUMMARY:

Performs highly responsible specialized professional administrative services work under direction of a department or division head, ~~responsible office support work, and a variety of analytical tasks associated with various department programs, policies, and procedures.~~ Work requires ~~the application of~~ independent judgment and discretion based on considerable knowledge of the functions and pertinent regulations of the assigned areas ~~department to which assigned.~~ Most work is not subject to checks and controls; errors, if not detected, could result in a significant loss of time or money or serious embarrassment to the City. Employee has regular contact with both inside and outside sources to supply or obtain factual information. Duties ~~are sedentary in nature, performed under better than average working conditions, and~~ require concentrated attention to prevent errors.

DISTINGUISHING CHARACTERISTICS:

~~Administrative Specialists~~ Executive Assistants are particularly distinguished ~~from Office Manager and Office Administrator positions~~ by the ~~non-supervisory,~~ unique nature of work performed in support of executive functions and by assigned work in critical programs and services at the department level, and as well as the effect-impact of that work on the department or City as a whole. ~~Administrative Specialists~~ Executive Assistants are distinguished from clerical/~~secretarial~~ staff by their high level of responsibility, and by the professional and critical nature of analysis performed requiring-in consideration of unique problems resulting in the requiring thorough and consistent application of professional knowledge or expertise for proper solution or determination. The work of ~~Administrative Specialists-Executive Assistants~~ may result in changes to processes, procedures, or findings, which are not routinely subject to oversight and review.

SUPERVISION EXERCISED:

Reports ~~directly~~ to a ~~department~~ director or official commission. Assumes responsibility for their own work without direct supervision, follows established procedures and best practices, and ~~refers unusual cases to~~ consults the director in exceptional cases. Incumbents ~~in this class~~ do not directly ~~lead or~~ supervise other employees, but may instruct or direct the work of new and existing employees in their own or related work.

EXAMPLES OF DUTIES: *This list is ILLUSTRATIVE only and is not a comprehensive listing of all functions and duties performed by the incumbent of this class. Duties may include, but are not limited to the following:*

- Serves as liaison between the assigned office and the general public, City staff, and outside groups and agencies; provides general and specialized information and assistance that may require the use of judgment, tact, and sensitivity, and the interpretation of policies, rules, and procedures.
- Receives and assists visitors and telephone callers; answers inquiries requiring knowledge of City policies, procedures, and activities, or directs them to the proper person or department. Engages in both proactive and responsive problem-solving.
- Assumes responsibility for various administrative details; establishes, coordinates, and maintains effective office procedures and efficient work-flows; ~~designs forms; implements established policies and procedures.~~ Establishes and maintains harmonious working relationships with supervisors, coworkers, and the public.
- ~~Establishes and maintains harmonious working relationships with supervisors, coworkers, and the public.~~
- ~~Serves as City representative in many contacts with both the public and other employees; d~~ Disseminates to staff new policies and procedures established by management. Develops, refines, implements, and communicates strategies used to achieve effective implementation of policies and to comply with recommendations of internal departments and external agencies. Advises and trains staff.
- ~~Develops, implements, and communicates strategies to achieve compliance with policies and recommendations of internal departments and external agencies.~~
- ~~Independently meets the public; answers inquiries requiring knowledge of City policies, procedures, and activities, or directs them to proper departments. Receives and assists visitors and telephone callers and refers them to appropriate person as circumstances warrant.~~
- ~~May serve as recorder of minutes with responsibility for transcription and distribution to participants. Transcribes from machine dictation. Types and edits material from longhand or rough copy.~~

- Schedules appointments and maintains calendars. ~~Makes arrangements for~~ Arranges and coordinates ~~conferences and meetings and events; sets up and runs presentations.~~ Arranges ~~Produces~~ business itineraries and coordinates travel requirements.
- May serve as recorder of minutes with responsibility for distribution to participants. Transcribes or prepares documents from recordings.
- Takes action authorized during a department director's absence, and uses initiative and judgment to see that matters requiring attention are referred to delegated authority or handled in a manner so as to minimize the effects of the absence.
- Maintains filing and records management systems, processes a variety of contracts, vouchers, travel forms, invoices, and other office flow procedures.
- Sorts, reads, and annotates incoming email, mail, and documents and attaches appropriate files to facilitate necessary action; determines any routing, ~~or~~ signatures required, and maintains follow-up. Composes correspondence and reports for department director's utilization or signature when required.
- Selects and/or makes recommendations for purchase of supplies and equipment; assists budget preparation and maintains budget and expense account records, financial records, and payroll records.
- Performs ~~other related duties as assigned~~ related work as required.

MATERIAL AND EQUIPMENT USED:

- ~~Computer~~
- ~~General Office Equipment~~

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

- ~~Modern office administration, including~~ technology and equipment.
- Regulatory and policy compliance specific to municipal government and the department and services provided, government purchasing, etc.
- English composition including proper usage, Grammar, spelling, capitalization, punctuation, etc and arithmetic.
- Business mathematics and basic bookkeeping.
- ~~Modern office administration, management, procedures, and communication skills.~~
- Computer applications relating to modern office operations, such as: word processing, presentation, database, email, and spreadsheet software.

Ability to:

- Learn rapidly about the city government operations and other activities, policies, and procedures to which assigned.
- Communicate clearly and concisely and convey information appropriately for the intended audience.
- ~~Type accurately at the rate of 250 keystrokes (50 words) per minute.~~
- ~~Learn rapidly city government operations and other activities, policies, and procedures to which assigned.~~
- ~~Keep complex records, compose correspondence, and perform office management details without referral to the department director.~~
- Establish and maintain effective public and employee relations in a service-oriented environment.
- Maintain calm and respectful communication with others in difficult situations, including with the general public.
- Write correspondence and provide accurate and timely information.
- Maintain the confidentiality of oral and written communication.
- Organize, coordinate, adjust priorities, and problem solve.
- Meet deadlines and manage time effectively.
- Exercise initiative and judgment and make decisions within scope of assigned authority.
- Assume responsibility and complete assignments without direct supervision.
- Independently keep complex records, compose correspondence, and perform office management details without referral to the department director produce reports.
- Type accurately at the rate of 250 keystrokes (50 words) per minute.

TYPICAL EQUIPMENT USED

Personal computer and associated software, telephone, calculator, and other general office equipment.

Physical Demands:

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between and around work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull to move and lift supplies or equipment. Employees must possess the ability to transport a computer laptop and/or supplies and materials from one work location to another.

- ~~Ability to see, with or without corrective lenses, well enough to read fine print.~~
- ~~Ability to communicate to the extent that information can be clearly received and conveyed.~~
- ~~Enough body mobility to move about the office.~~
- ~~Enough manual dexterity to write and use a keyboard and various office machines.~~
- ~~Enough strength to lift and carry 10 lb. boxes of paper.~~

Working Conditions:

Employees work primarily in a standard office environment with moderate noise levels and controlled temperature conditions. Employees have frequent interaction with staff and public and private representatives in responding to inquiries and interpreting and enforcing departmental policies and procedures. Duties may require some work during nonstandard hours such as evenings, weekends and/or holidays, and work at various locations.

- ~~Work is performed in a normal office environment with little exposure to outdoor temperatures, dirt and dust.~~
- ~~The incumbent's typical working conditions are moderately quiet, but may include frequent exposure to computer noise.~~
- ~~Duties may require some work in the evening, weekends and/or holidays.~~

MINIMUM QUALIFICATIONS

Combinations of education and experience equivalent to the following minimum qualifications are acceptable.

Open-Entry Requirements:

~~Applicants must meet all requirements of one of the following paths:~~

Education Path

- Education: Bachelor's degree from an accredited college or university.
- Experience: One year of experience in executive-level administrative support, e.g., working for a CEO, department or division director, or other high-level executive within an organization.
- Substitution: Additional executive-level administrative support experience may substitute for the education requirement on a year-for-year basis.

Education and Experience Path

- ~~Education: Completion of two years of college (90 quarter or 60 semester credit hours) to include at least 6 semester or 9 quarter credit hours in both English and math; and~~
- ~~Experience: Two years of increasingly responsible clerical experience.~~

Specialized Experience Path

- ~~Experience: Four years of administrative or secretarial work experience, to include two years of experience arranging appointments and assisting in the preparation of meetings; responding to public inquiries; editing and independently composing letters and other correspondence using computer software; researching, compiling, and organizing data for reports; and maintaining office record systems.~~

INTERNAL PROCEDURAL INFORMATION:

Selection of a Senior Administrative Assistant, Rule V, Section 5, Rules of the Civil Service Commission, applies.



Job Classification Specification

CITY OF SPOKANE CIVIL SERVICE COMMISSION

• ESTABLISHED 1910

WATER HYDROELECTRIC MAINTENANCE TECHNICIAN

SPN: 520

Bargaining Unit: Local 270

Pay Range: TBD

Effective Date: TBD

CLASS SUMMARY

Performs specialized facilities maintenance and caretaking work and assists in equipment maintenance related to the City water supply and power generation facilities; work takes place at pumping stations, water tanks, and the Upriver Hydroelectric Project. Duties are varied and require analyzing facts and situations to determine the proper course of action within the limits of standard procedure. Work is subject to standard checks and controls, but undetected errors could cause a safety concern or significant loss of City resources. Duties are active to strenuous in nature, are occasionally performed under disagreeable or hazardous conditions, and require periods of concentrated attention. Employee may be required to respond to emergency calls for immediate maintenance needs or breakdown of plant equipment.

CLASS CHARACTERISTICS

This is a semi-skilled classification in the maintenance/mechanical series for the Water Department hydroelectric plant. Employees at this level are experienced in routine maintenance and laboring work and serve as aides to skilled mechanics or other trade workers. Routine work is performed independently once training is completed. This classification is distinguished from the Water Hydroelectric Plant Mechanic, which is the skilled journey-level mechanic classification.

SUPERVISION RECEIVED AND EXERCISED

Employee works under general supervision. Plans and arranges their own daily work, referring only unusual cases to the supervisor. Follows established procedures but must exercise independent judgment as to specific work methods including analyzing and solving operations and maintenance problems in the field.

EXAMPLES OF JOB FUNCTIONS

This description was prepared to indicate the kinds of activities and levels of work difficulty required of positions in this class. It is not intended as a complete list of specific duties and responsibilities.

- Monitors the daily condition of facilities and stations, and reports to supervisor. Cleans and provides janitorial services to facilities and pump stations as needed. Removes litter and refuse.
- Inspects and performs routine maintenance on equipment and machinery such as power-driven gas mowers, gas powered trimmers, chainsaws, etc.
- Utilizes mechanical aptitude and knowledge in the cleaning, operation, and maintenance of equipment, facilities, pump stations, and the hydroelectric project.
- Operates hydroelectric project equipment on and around the river, such as trash rakes and boom, grates, sump pumps, gates, etc., to maintain operations.
- Performs the duties of helper to skilled trade workers in the operation, maintenance, or repair of pump stations, facilities, or hydroelectric equipment.
- Operates power and hand tools such as air monitors, impact wrenches, grinders, drills, hoists, and related equipment, using appropriate safety equipment and personal protective equipment (PPE).

- Operates light trucks, boat, small equipment such as mowers and front-end loader, and power and hand tools such as trimmers and chainsaws.
- Mounts and removes required vehicle attachments and implements.
- Maintains facility grounds, including monitoring sprinklers, mowing and edging turf, trimming shrubbery, and weed control. Rakes and picks up leaves, branches, weeds, and pine needles. Cleans grounds maintenance tools, equipment, and machinery.
- Maintains parking lots, walkways, and steps. Clears parking lots, roadways and walkways of snow and ice using shovels, brooms, or motor equipment such as pickup or loader. Applies deicer or sand to walkways and parking lots.
- Performs related work as required.

COMPETENCIES

Knowledge of:

- **Safety:** common hazards and safety precautions associated with maintenance and mechanic activities. Includes knowledge of proper lockout/tagout (LOTO) procedures.
- **Mechanics:** basic methods, techniques, tools, and materials common to industrial repair and maintenance of pump stations and the hydroelectric project.
- **Applied technology:** to select and understand procedures, machines, or tools that will produce the desired results.
- **Facilities:** methods, techniques, tools, and materials used in groundskeeping and maintenance of turf management equipment; operational characteristics of facilities including lighting, custodial maintenance, and upkeep.
- **Industrial equipment operation:** principles and methods for operating industrial equipment.
- **Organizational awareness/City geography:** for identification of sites and navigation to work areas including names and locations of major streets and arterials.

Skill in:

- **Technical competence:** effective care and use of hand and power tools, equipment, and vehicles used in the maintenance of grounds, pump stations, and facilities.
- **Problem solving:** identify or solve problems in machines, or other technologies as they are related to performing tasks; analyze and communicate information appropriately.
- **Vehicle operation and maintenance:** safely operate and maintain motor vehicles, including cars, trucks, or watercraft.
- **Self-management:** work independently with minimal supervision; set well-defined and realistic personal goals; display a high level of initiative, effort, and commitment towards completing assignments in a timely manner and maintaining work output.
- **Prioritization:** plan and organize assigned work; adjust and respond to changing priorities.
- **Communication:** read, write, and maintain records; understand and follow oral and written instructions, including working from sketches or verbal descriptions.

PHYSICAL DEMANDS

While performing the essential functions of the job, the incumbent is regularly required to walk, stand, sit, kneel, squat, and bend; use hands to grasp, handle, or feel objects; reach with hands and arms, above the shoulders and below the waist; receive and transmit information with a telephone, radio, or in person; read fine print, such as blueprints or technical drawings; perceive and identify mechanical problems such as that occurring in equipment or machinery; perceive chlorine gas odors or other hazard-related smells; operate hand and power tools, power equipment, vehicles, and machinery in a safe manner; handle and use precision mechanic hand tools; move around and over equipment and machinery; lift and carry objects weighing up to 75 pounds; and work for up to four hours at a time with only one fifteen-minute break.

WORK ENVIRONMENT

Work is performed in and around industrial facilities and equipment. Some work is performed in an outdoor environment on uneven terrain and exposed to all kinds of weather. Employee occasionally works under various hazardous conditions such as elevated areas while wearing fall restraints, within confined or underground spaces, wearing a full face respirator, in proximity to physical, electrical, heat, and chemical hazards such as chlorine, gasoline, grease, oil, battery acid, etc. Employee drives vehicles on City property and on public roads to access various locations. May be required to respond to emergency calls for immediate maintenance needs or breakdown of plant equipment.

MINIMUM QUALIFICATIONS**Open-Entry Requirements:**

- Education: High school diploma or equivalent.
- Experience: Two years of building and/or grounds maintenance work experience including at least six months with assigned duties in mechanical equipment operation and maintenance for an industrial facility.

Substitution:

- Formal college education or an apprenticeship related to machinery or equipment repair may be substituted for up to one year of general experience prorated for credit hours as necessary.

Licenses and Certifications:

- A valid driver's license is required, to be maintained throughout employment.
- Must possess a Class A Commercial Driver's License (CDL-A) or obtain one during the probationary period.

Promotional Requirements:

- Experience: Current non-probationary City of Spokane Water Department employees who meet the Open-Entry Requirements may apply on a Promotional basis.

ITEM 4B RESOLUTION 2024-03: CHAIR AND VICE CHAIR APPOINTMENTS

BACKGROUND

The Commission will vote on Chair and Vice Chair appointments to serve the next two years.

Commission action is required.



Civil Service Commission



ITEM 4C – MERIT SYSTEM RULES ADOPTION

BACKGROUND

The Chief Examiner will present the final proposed draft of the City of Spokane Merit System Rules for review and adoption.

RECOMMENDATION

Staff recommends adoption of Resolution **2024-04**



Civil Service Commission



PROPOSED

**MERIT SYSTEM RULES
OF THE
CITY OF SPOKANE
CIVIL SERVICE COMMISSION**

State of Washington

March 2024

RULE I: GENERAL

Reference: Charter, Sec. 52 (b), (c), (f), Sec. 53 (j), (k), (l), Sec. 55, and Sec. 56.

Section 1. PURPOSE:

The general purpose of these rules is to establish uniform methods of practice and procedure for the administration of the Civil Service program as provided in the Charter of the City of Spokane. The intent of the Charter is interpreted to require that the City of Spokane and its employees will have reasonable assurance that employment matters will be dealt with on a uniform, equitable basis so that the citizens of Spokane may derive the benefits and advantages that can be expected to result from a competent staff of employees. Merit principles of competition and fitness will govern in the procedures for selection, employment, promotion, and retention.

Section 2. APPLICATION:

The Merit System Rules apply to all positions and offices in the City service except:

- (1) Offices to which election is made by the people,
- (2) Appointive members of boards and commissions,
- (3) Appointive officers as specified by the Charter,
- (4) Temporary/seasonal and project positions, and
- (5) Such other positions as may hereafter be excluded by law or the Commission.

Section 3. MEETINGS:

- (a) All meetings and hearings of the Commission will be conducted in accordance with the Washington State Open Public Meetings Act, Chapter 42.30 RCW. Notice and agenda will be published at least ten (10) days prior to such meeting or hearing. One regular meeting will be held on the third Tuesday of each month at 9:30 a.m. in the City Council Chambers or other location as published in the notice and agenda. A staff briefing may be conducted beginning no earlier than 9:00 a.m. immediately preceding the regular meeting.
- (b) The Commission chair or a majority of the commissioners may call a special meeting at any time.
- (c) Three commissioners will constitute a quorum. A simple majority of the quorum is necessary to take action other than action by the Commission under Rule XII: Investigations and Hearings, which requires at least three affirmative votes.
- (d) A commissioner should notify the Chief Examiner prior to a scheduled meeting if that member will not be able to attend the meeting. Such notice will serve to establish such

absence as excused. All attendance at meetings will be recorded in the minutes of the meeting, and unexcused absences of appointed members will be reported to the Mayor.

Section 4. ORDER OF BUSINESS:

“Robert’s Rules of Order,” except as otherwise provided, will guide the Commission in its proceedings.

Section 5. STAFF:

The staff of the Commission consists of a Chief Examiner and such assistants and employees as may be required. The Chief Examiner performs such duties and maintains such records as required by the Commission and the City Charter, acts as secretary for the Commission, and keeps minutes of its proceedings. The Chief Examiner directs and empowers staff to act for and in the name of the Commission in the conduct of routine business.

Section 6. EQUAL EMPLOYMENT OPPORTUNITY:

The City of Spokane is an equal opportunity employer. All people who meet the established qualification standards will be considered equally for employment or promotion. No person may be discriminated for or against in employment, promotion, retention, or any other personnel action on the basis of any protected class recognized by state or federal law or City policy, except where a bona fide occupational qualification exists. Every employee in the classified service of the City has the right to present a complaint against such discriminatory acts in accordance with provisions of the City Charter and the Merit System Rules. The Civil Service Commission must notify the Human Resources Department of any such complaints upon receiving them.

Section 7. RULES:

- (a) The Commission may amend the Merit System Rules only at a regular meeting. Proposed rule amendments must be in writing and filed with the Chief Examiner at least ten (10) days prior to action. Adopted amendments will become effective ten (10) days after publication in the Official Gazette of the City of Spokane.
- (b) A committee composed of an equal number of employee group representatives and management representatives appointed by the Chief Examiner must review all the rules on a periodic basis not to exceed five years. The Rule Review Committee will be representative of the work force. The Chief Examiner must forward rule changes proposed by a majority of the Committee to the Civil Service Commission for consideration.
- (c) At the request of either labor or management, three employee representatives and three management representatives from the Rule Review Committee must meet and review administrative decisions made by the Chief Examiner. This review will be to determine the impact of the decisions on the rules. [Also see Rule XII, Section 3: Internal Review.]

Section 8. PAYROLL CERTIFICATION:

The City may not approve or pay any salary, wage, or compensation for services of any employee in the classified service of the City unless said payroll bears the certificate of the Commission or of its Chief Examiner or other authorized agent that the employee has been employed in compliance with the terms of the Charter and the Merit System Rules. The refusal to certify an individual employee will not affect the remainder of the payroll.

Section 9. COLLECTIVE BARGAINING:

The Merit System Rules will defer to appropriately negotiated agreements under Chapter 41.56 RCW: Public Employees' Collective Bargaining.

Section 10. SEVERABILITY:

If any section or part of any section of these rules is held by any court to be invalid or unconstitutional, the same will not invalidate or impair the validity, force, and effect of any other section or part.

RULE II: DEFINITIONS

Section 1. GENERAL:

The following words and phrases will have the meanings described unless otherwise clearly indicated in the text:

- (1) Applicant. An individual who has submitted an application for appointment to a particular job classification or position during the filing period.
- (2) Appointing officer. A person authorized by the Mayor to appoint subordinates in a department or office.
- (3) Appointive officer. A person exempt from classified service by the provisions of the City Charter.
- (4) Appointment. The placement of a person in a classified position under the Merit System Rules.
- (5) Candidate. An applicant who has been determined to meet the minimum requirements for appointment.
- (6) Certification. Official notification to an appointing officer by the Commission as to which persons are eligible to be considered for appointment to a vacant position. Distinguished from payroll certification.
- (7) Certification, payroll. Verification by the Commission that a classified employee is employed in compliance with the Merit System Rules, without which the employee may not be compensated for services.
- (8) Charter. The Charter for the City of Spokane.
- (9) Civil Service. Collectively, the Commission and its staff.
- (10) Classification. A group of positions similar in duties and responsibilities so that the same class title may be used, the same entrance requirements may be required, and the same pay schedule may be applied.
- (11) Classification plan. The established classifications, the specifications for each classification, and the procedures for maintaining the plan.
- (12) Classification specification. A description of the general characteristics of a classification including duties and minimum requirements from which is determined the minimum competence necessary to perform the job satisfactorily.

- (13) Classified employee. A person filling a classified position whose appointment has been approved by the Commission and who receives paid compensation by the City.
- (14) Classified position. A job within the classified service of the City.
- (15) Classified service. The regular positions, not specifically exempted by the Charter, that fall under the Merit System Rules.
- (16) Commission. The Civil Service Commission for the City of Spokane. As used in these rules, the term Commission includes its staff for all routine administrative matters.
- (17) Days. Calendar days unless indicated. A time period expressed in a number of days is computed by excluding the first day and including the last day.
- (18) Days, working. Standard business days, Monday through Friday excepting federal, state, and City holidays.
- (19) Demotion. The reduction of an employee from a higher classification to a lower classification for purposes of discipline or probationary failure. Note: Prior voluntary demotions were nondisciplinary in nature and are now included as transfers.
- (20) Department. A major and separate administrative segment of City organization, the head of which gains operational authority from the Charter or ordinance and is responsible directly to the Mayor or their designee.
- (21) Discharge. Involuntary termination from City employment.
- (22) Eligible. As a noun, a person whose name appears on a list for employment.
- (23) Eligible list. A list consisting of the names of those who have passed an examination for a classification and who may be considered for appointment to a vacant position.
- (24) Incumbent. Current holder of a position.
- (25) Job description. A detailed listing of the duties, tasks, operations, and responsibilities undertaken and performed by an individual in the execution of a job. Also position description.
- (26) Laid-off list. A list consisting of the names of those who have been involuntarily removed from their positions because of lack of work or funds, deletion of the position, failure to meet the minimum qualifications of the job, or for other good cause unrelated to disciplinary action.

- (27) Leave of absence. Time away from work granted to an employee from other than regularly accrued leave banks.
- (28) Line of progression. A group of classes within the same career field that constitute a primary promotional pattern for an identifiable group of employees. Also classification series.
- (29) Mayor. The elected chief executive officer of the City of Spokane.
- (30) Merit System Rules. The personnel rules codified in this document for the City of Spokane as authorized by the Charter and administered by the Civil Service Commission.
- (31) Minimum requirements. The minimum amounts and types of education, experience, licenses, certifications, or competencies gained from experience necessary to perform the essential tasks and functions of a classification. Also minimum qualifications.
- (32) Open-entry. Relating to examinations open to all those, whether employed by the City or not, who meet the minimum requirements for the job classification.
- (33) Pass over. As a verb, select for appointment a person at a lower rank on the eligible list.
- (34) Pass over, mutual. Selection of someone lower on a promotional eligible list with consent of both the appointing officer and the passed-over eligible.
- (35) Position. A group of duties and responsibilities to be performed by one employee.
- (36) Probationary period. A trial period for an employee in the classified service, during which they may be removed from the position without appeal rights to the Commission.
- (37) Project position. A non-recurring, temporary position created to complete a unique product, service, or result.
- (38) Promotion. Selection of a person to fill a classified position from a promotional eligible list.
- (39) Promotional eligible list. A list of classified employees who have qualified for promotion by examination under the Merit System Rules.

- (40) Reasonable accommodation. Modification or adjustment to a job, a work environment, or a hiring process to enable an individual with a disability to have equal opportunity for appointment to and successful performance of a job.
- (41) Regular time. Time during which an employee is in paid status and performs the typical functions of the job classification.
- (42) Seniority, City. The length of time an employee has worked for the City in classified positions.
- (43) Seniority, classification. The length of time an employee was regularly appointed to and performed the duties of a given classification.
- (44) Seniority, departmental. The length of time an employee has worked for a department in classified positions.
- (45) Temporary/seasonal position. A position outside the classified service that does not normally exceed 960 hours in a 12-month period.
- (46) Transfer. A position change when an examination is not required to move to a different classification, regardless of department, or to a different department, regardless of classification.
- (47) Uniformed position. A position in the lines of progression that start with the Police Officer or Firefighter job classifications.
- (48) Writing and written. Non-oral documentation in physical or electronic format that is capable of being reproduced.

RULE III: CLASSIFICATION

Reference: Charter, Sec. 52 (e) and Sec. 53 (a), (c).

Section 1. GENERAL:

The Commission must develop and administer a classification plan for all classified positions as provided by the Charter, utilizing approved job descriptions in the development of classification specifications. Each position will be assigned to a classification, and no appointment to any such classification may be made except as provided by the Merit System Rules.

Section 2. CLASSIFICATION PLAN:

- (a) The classification plan groups all positions in the classified service into classifications based on their duties, responsibilities, and levels of work. The classification plan will establish broad career fields and lines of progression from lower to higher classifications in all cases where the duties and responsibilities of the lower classes tend to qualify for service in the higher.
- (b) Classification titles will be descriptive of the duties and responsibilities of the assigned positions, consistent with other titles in the plan, and the same for all departments requiring the same service. Classification titles will be used in all official communications, payrolls, and records of the City. The use of unofficial job titles is allowed and will have no bearing on the official classification of any position or employee.
- (c) Generally, each classification will be reviewed by Civil Service every two years. At minimum during a classification review, management and labor will have the opportunity to review the minimum qualifications and suggest changes to Civil Service. Proposed changes will be submitted by Civil Service to the other party for review. Should labor and management agree with the proposed changes, Civil Service must make such changes and report them to the Commission. If labor and management cannot come to an agreement, the recommendations of each party will be submitted to the Commission for its review, and the decision of the Commission will be adopted.
- (d) When the qualifications of a classification are adjusted upward, all incumbents of that classification will be deemed to possess such qualifications for the purpose of retaining their positions, and such adjustment may not affect their present status; however, the incumbents may not be admitted to examination to any higher classified position for which they do not qualify.

Section 3. NEW POSITIONS:

- (a) Whenever a new position is to be created in the classified service, the department head must supply the Commission with a statement of the general duties, responsibilities, and

other matters affecting the character of such position. The Commission must investigate the proposed position and advise as to its correct classification title. Should the new position require the creation of a new classification specification, Civil Service staff will develop the class specification and seek concurrence from management and the appropriate bargaining unit that the specification accurately describes the new position. The new specification will be presented to the Commission for adoption, providing that if labor and management cannot come to an agreement, the recommendations of each party will be submitted to the Commission for its review, and the decision of the Commission will be adopted.

- (b) Any established agency, program, or individual position that subsequently comes under control and direction of the City government and is funded through the regular City budget process will be absorbed into the classified service in the following manner: The parent department, or the Mayor if there is no existing department, must provide to the Commission a statement outlining how the agency, program, or position became part of City government. The statement must identify all existing or proposed positions. Upon approval by the Commission, Civil Service staff must identify and classify those positions. Incumbent employees who are not otherwise covered by a superseding law, agreement, or regulation will be given a qualifying exam to determine their fitness for their positions. Unsuccessful examinees must be terminated as soon as a regular eligible list is certified.
- (c) Temporary/seasonal and non-recurring project positions as identified by the hiring official and approved by the Commission will be exempted from the classified service.
 - (1) Project positions must have a duration of six to twenty-four (24) months and be approved by the Commission before they are filled.
 - (2) Seasonal positions that last beyond one year's duration and project positions that last beyond two years' duration will be recognized as indefinite and subject to the Merit System hiring procedures.
- (d) Grant and special revenue programs will be administered in conformance with their conditions. Positions under those programs may be identified by the recipient department, with approval by the Commission, as seasonal, project, or indefinite. Positions in these programs should be filled through Merit System processes, using existing eligible lists for comparable job classifications.

Section 4. RECLASSIFICATION:

- (a) When the duties and responsibilities of an existing position change permanently and substantially so that the preponderance of duties is no longer representative of the current classification, the department head must submit a reclassification request to the Chief Examiner. Civil Service staff must investigate the proposed reclassification and advise as to the correct classification, following the process in Section 3 (a) to develop a new classification if necessary. In all cases, the appointing officer has the option of changing,

refining, or limiting the duties performed by the position in question to coincide with those of the current classification.

- (b) An appointing officer or incumbent employee who disagrees with an assigned classification may file an administrative complaint in accordance with Rule XII: Investigations and Hearings. The complaining party has the burden of showing that the Civil Service determination is incorrect.
- (c) When a reclassification results in an upgrade of the position, an incumbent who meets the new minimum requirements will be allowed to take the current examination for the new classification prior to certification or appointment. If the incumbent passes the exam, the incumbent may be placed into the reclassified position subject to the following conditions:
 - (1) If the incumbent has been doing the work of the higher classification for at least one year, and it can be shown to the satisfaction of the Commission that the higher-level work was not intentionally assigned to the incumbent, the incumbent's name must be certified for the position. Out-of-grade assignments or other additional compensation to the incumbent will be taken as evidence that the work was intentionally assigned.
 - (2) If the incumbent has not been doing the work of the higher classification for at least one year, or if the higher-level work was assigned to the incumbent, the incumbent must compete for the position on the same basis as other applicants.
- (d) When a reclassification results in a downgrade of the position, the affected employee will be notified of the reclassification action. The employee may accept a transfer to the reclassified position or have thirty (30) days to request a transfer in their present classification. Upon requesting transfer in their present class, the affected employee must accept transfer to the first offered position, at which time the reclassification of their former position will be implemented. In the event of failure to request transfer, failure to accept transfer to the first offered position, or no position becoming available within one (1) year of notification, the reclassification will be implemented, and the incumbent must be transferred to the downgraded position. Transfers to a different classification as specified in this subsection will entitle the employee to be placed on the laid-off list for the formerly held classification.
- (e) The probation period of an employee subject to a reclassification will be determined by the type of list from which they were certified and appointed.
- (f) No employee may receive more than one upgrade within a department through the reclassification process without approval of the Civil Service Commission.

Section 5. JOB SURVEYS:

When the proper classification of a specific position is unclear or in dispute, a department head, employee, or authorized employee representative may request that a job survey be conducted, or

the Commission on its own may direct that a survey be conducted. Prior to initiation of the survey, the Commission must notify the appointing officer, department head, Human Resources Director, incumbent employee, and the appropriate bargaining unit. If the survey shows that the duties or responsibilities of a position have substantially changed to the extent that the preponderance of the work is no longer representative of the assigned classification, the position will be reclassified by order of the Commission in accordance with Section 4, subject to budget approval by the City Council.

Section 6. CHANGE OF STATUS:

Any change in employment that affects the status of an employee must be reported to the Commission by the appointing officer through the Human Resources Director. The change of status report must be forwarded to the Commission as soon as circumstances will allow and prior to the effective date of such change.

RULE IV: EXAMINATIONS AND ELIGIBLE LISTS

Reference: Charter, Sec. 53 (b), (c), (d), (e), (g), and Sec. 54.

Section 1. GENERAL:

The Commission must provide for free and competitive examinations open to all those who meet the eligibility requirements for all positions within the classified service. The Commission must provide notice of such examination, general qualifications for applicants, practical tests, and creation of eligible lists. Examinations must be held as required and at such time and place as designated by the Commission.

Section 2. NOTICE:

Notice of examinations must be published in at least one issue of the Official Gazette, posted in the office of the Commission and City departments, and given such other publicity as deemed necessary. Examination notices must contain any minimum requirements established for the positions by the Commission and the dates and character of the examinations. Notices must fix the periods in which applications will be received.

Section 3. FILING:

- (a) An applicant must file an application under oath upon a form provided by the Commission. The application must be filed before expiration of the filing period and show that the applicant meets the minimum requirements as stated in the examination notice.
- (b) Applications requiring clarification will be returned to the applicant to provide necessary supplemental information before a deadline set by the Chief Examiner.
- (c) Civil Service staff must notify a qualified applicant of the date, time, and place of their examination. Applicants must verify their identities in a satisfactory manner at the time of examination.

Section 4. QUALIFICATIONS AND ELIGIBILITY:

- (a) Every applicant must affirm, in a manner satisfactory to the Commission, that they are able to perform the essential functions of the position to which appointment is sought, with or without reasonable accommodation.
- (b) The Commission may refuse to examine an applicant or to certify an eligible after examination, and the Commission may remove the applicant's name from an eligible list for any of the following reasons:
 - (1) Prior dismissal from City employment for cause as set forth in Rule IX Section 3.
 - (2) Inability to perform the essential functions of the job, with or without reasonable accommodation.

- (3) Intentional false statement in any material fact, or deception or fraud in securing examination, certification, or appointment.
 - (4) Failure to meet the minimum requirements as contained in the examination notice.
 - (5) Any cheating on examinations or other willful violation of the provisions of this rule.
 - (6) Debarment due to a police agency disqualifier within the last twelve (12) months.
- (c) An applicant who fails to attain a passing score in two consecutive examinations for the same classification may not be accepted for examination in that classification for six months after the last examination.

Section 5. CHARACTER OF EXAMINATIONS:

- (a) Examinations must be practical and relate only to those matters that fairly test the relative capacity of the persons examined to perform the duties of the classification to which they seek to be appointed. No portion of an examination pertaining to an individual's inclusion in any protected class recognized by state or federal law or City policy may be allowed unless a bona fide occupational qualification has been identified.
- (b) Each examination will consist of one or more parts to which the Chief Examiner must assign weights prior to the examination representing the relative value of each part to the whole. The parts of the examination and the relative weight assigned to each part must be included in the examination notice. In determining the types of examinations to be used, due regard will be taken of the number of candidates and of the number of vacancies that are expected to occur during the life of the eligible list.
 - (1) The Chief Examiner may change the parts or weights of the announced examination at any time before the first part of an examination is held, provided that such changes must have the concurrence of management and the appropriate bargaining unit. Civil Service must notify the candidates of such changes prior to administration of the examination.
- (c) Appropriate scientific techniques and procedures will be used to rate the results of examinations and determine the final scores of the candidates. All applicants for the same examination will be accorded uniform and equal treatment in all phases of the examination and rating procedure unless reasonable accommodations have been requested and granted.
- (d) Examination content will be related to the specific classification and based on the approved classification specification. A subject matter committee must review the examination for its applicability to the classification before administration of the exam. The committee will comprise at least one Civil Service employee, one subject matter expert selected by the appropriate bargaining unit, and one subject matter expert selected by management. Labor and management may agree to use the same subject matter expert. Either the labor or

management representative may strike content from the exam, and the exam will be revised accordingly.

Section 6. CONDUCT OF EXAMINATIONS:

- (a) No limitations may be made as to the number of applicants to be received for examination.
- (b) The Commission may limit the number of applicants to be examined at any one time or during any one session; when practicable, however, all examinees will be examined at the same time.
- (c) An examinee who attempts to cheat or copy from a competitor will be ineligible for that examination and considered as having failed.
- (d) Any necessary explanations will be made to all examinees equally. Examiners, proctors, and others who assist in test administration are forbidden to explain the meaning of any written question furnished to the examinees or to make remarks or suggestions that may assist in its solution.
- (e) An examinee who withdraws from an examination after receiving either a copy of the questions or an explanation of the test to be conducted will be considered as having failed.
- (f) Civil Service must maintain records of the results of any test administered.

Section 7. TYPES OF TESTS:

Examinations may consist of one or more of the following types of tests, but examinations are not limited solely to those listed. Any appropriate method of testing may be used that conforms to the general merit principles governing other tests.

- (1) WRITTEN: A written test is any test that evaluates knowledge, skills, abilities, and other characteristics required for job performance using written questions, including multiple-choice, short answer, or essay items.
 - (A) Any conversation or communication between or among examinees during the test is strictly prohibited. No material of any kind which might be of assistance in the test, except that specifically authorized, will be allowed, and any such material must be surrendered to the examiner before the test commences.
 - (B) No examinee may be permitted to leave the room during the examination except in the case of urgent necessity and notice to an examiner, and then only when accompanied by an examiner, or during a general break as scheduled by the examiner. The prohibition against conversation or communication will remain in force during such breaks.

- (C) Multiple-choice questions that call for a factual answer will be constructed so there is only one correct response. Any such question that is found to have more than one correct response will be eliminated from the exam.
- (2) TRAINING AND EXPERIENCE EVALUATION: This type of test poses questions to applicants and requires a narrative reply and other information to indicate specific accomplishments in work experience, education, and training relevant to the job classification.
- (3) PERFORMANCE: A performance test requires applicants to demonstrate their capabilities through the performance of job-related tasks under standardized conditions.
 - (A) The test may be explained to the examinees as a group, or each examinee may be given a written description or diagram of the task to be performed prior to commencement.
 - (B) No assistance of any kind, other than necessary tools or material, will be allowed in the performance of the test. Unless instructed to interact during an exercise, any conversation or communication between or among examinees concerning the tasks to be performed is strictly prohibited.
- (4) ORAL BOARD: This type of test consists of a set of standard questions presented to the examinees in writing or verbally. The examinees are required to respond orally. An oral test is normally used to evaluate knowledge and abilities not easily tested by other means. One basic set of questions will be asked of all examinees. Additional questions may be asked by board members to explore subject areas more thoroughly, providing each examinee is asked the same basic questions.

Section 8. EVALUATORS:

- (a) Evaluator panels for performance tests and oral boards must consist of at least two people who are knowledgeable in the fields or subjects being tested. Labor and management will be given an opportunity to recommend prospective evaluators, but the Chief Examiner's decision on the evaluators will be final.
- (b) The names of candidates may be used in examinations unless a candidate objects in advance of the examination.
- (c) Civil Service must prepare the exam evaluation form that includes the items to be rated. Each member of the evaluator panel must enter on a copy of the form, separately and independently of each other, their evaluation of the examinee. The separate evaluations will then be totaled and averaged to obtain the final score.

- (d) Whenever practicable, the same evaluator should not be used for successive examinations of the same classification.

Section 9. VETERANS SCORING CRITERIA:

Veterans will be given additional credit in accordance with state law. Applicants seeking veterans scoring criteria status must provide proof of veteran status on or before the test date. Credit will be given only after the applicant has attained a passing rating in the examination procedure.

Section 10. SCORING:

Civil Service must mark and score examination materials without unnecessary delay. As soon as the scoring is completed, candidates will be notified whether they passed or failed and of their positions on the eligible list.

Section 11. REVIEW OF EXAMINATION MATERIALS:

All examination materials remain the property of the Commission and will be retained in its files. The answer key or other documents may not be made available for review except as provided in Rule VI: Promotions, Section 6.

Section 12. POSTPONEMENT OF EXAMINATION:

The Commission may postpone examinations whenever it may appear by reason of the small number of applicants that an examination has not been given sufficient publicity, or for other good and sufficient cause. All applicants who have been accepted for the examination will be immediately notified of the postponement and of the new date and time at which they are to appear for the examination.

Section 13. CONTINUOUS EXAMINATIONS:

- (a) Examinations for classifications in which there is a shortage of qualified applicants, or for which management, labor, and the Chief Examiner agree that continuous examinations are in the best interest of the City, may be administered as applications are received.
- (b) On such examinations, a candidate who achieves a passing score on one part of an examination need not repeat that part if re-tested within a six-month period. The final score of a candidate who repeats any part of an examination will be based on the latest test results.
- (c) An examination that is issued to supplement an active eligible list that is at least six months old and fifty percent exhausted will be treated as a continuous examination under this section.
- (d) Open-entry examinations tested in accordance with this section will have results merged into one eligible list according to the final ratings if all parts are identical between the prior and current examinations. Candidates merged into a new eligible list will have eligibility expiring in accordance with their original dates of eligibility.

Section 14. ELIGIBLE LISTS:

- (a) Candidates whose performance on the examination meets or exceeds the established minimum passing criteria will be enrolled upon the eligible list in order of their general average standing.
 - (1) On open-entry eligible lists, candidates earning the same score will have the same rank.
 - (2) On nonuniformed promotional eligible lists, two or more candidates with the same score will have their ranks on the eligible list determined first by their classification seniority, then by their departmental seniority and their City seniority in that order.
 - (3) On uniformed promotional eligible lists, two or more candidates with the same score will have their ranks on the eligible list determined first by their departmental seniority, then by their City seniority and their classification seniority in that order.
- (b) There is no limit to the number of eligible lists on which an individual's name may appear at any one time.
- (c) Open-entry eligible lists will be effective from the date of their approval by the Commission for one year. Promotional eligible lists will be effective from the date of their approval for two years.
- (d) When a new eligible list has been established, any names remaining on unexpired or exhausted lists for that classification will be placed at the top of the new list, with eligibility of these names expiring in accordance with their original dates of eligibility.
- (e) The Commission may on its own initiative declare a promotional eligible list void at any time after it has been in effect for one year.
- (f) Labor and management may jointly submit a request to void an eligible list before it has been in effect for one year. The Commission may declare the list void after a hearing on the request.
- (g) The Commission may extend the life of an eligible list for up to ninety (90) days beyond its original expiration date.

Section 15. TRAINEE/APPRENTICE POSITIONS:

- (a) The City may, upon approval of the Commission, establish in-service training or apprentice positions. Merit principles will be followed in determining appointees who will then be given the status of provisional appointments.
- (b) Training positions normally are of short duration and used to train persons to perform entry-level jobs.

- (c) Apprentice positions are for the purpose of assisting persons to obtain full-skill level in a craft or trade. Apprentice programs must be similar in scope to state-approved apprentice programs.
- (d) Prior to or upon completion of the appropriate program, the enrolled person must take the open-entry examination for the position concerned. If the trainee or apprentice passes the examination and successfully completes the program, the eligible's name will be carried at the top of the appropriate open eligible list until regular appointment is made or the eligible is removed as provided in Section 16.

Section 16. REMOVAL FROM ELIGIBLE LIST:

Civil Service must remove the name of an eligible from the list and provide appropriate notice to the eligible whenever possible if the eligible has:

- (1) Been appointed to a position in the classification for that list.
- (2) Been certified and passed over a total of three times, for a classification confined to one department.
- (3) Been certified and passed over a total of three times by at least two different departments, for a classification used in multiple departments.
 - (A) Civil Service must certify an additional name in place of an eligible who has been passed over three times by only the requesting department.
- (4) Failed to respond to a notice of interview or appointment.
 - (A) The Commission may reinstate the candidate upon the eligible list if the candidate presents satisfactory reasons for such failure to respond within thirty (30) days.
- (5) Failed to notify the Civil Service Commission of a change in name, address, or telephone number.
- (6) Failed to accept appointment or promotion without notification to the Civil Service Commission of good cause for such failure or refusal.
- (7) Requested removal from an eligible list to the Civil Service Commission.
- (8) Declined an interview.
- (9) Been debarred from employment in the Police Department due to an agency disqualifier as previously approved by the Commission or other good cause shown by the appointing authority. Removals for such disqualifiers are confined to classifications limited to the Police Department.

RULE V: CERTIFICATION AND SELECTION

Reference: Charter, Sec. 53 (d), (f), (h), (i).

Section 1. GENERAL:

Vacancies in the classified service will be filled by the requisition, certification, and selection processes as provided in these rules.

Section 2. REQUISITION:

The appointing officer must transmit a requisition to the Commission in a format approved by the Commission whenever a classified position is to be filled. A separate personnel requisition will be required for each classified position to be filled.

Section 3. CERTIFICATION:

Upon receipt of a requisition, the Commission must ascertain the availability of eligibles on the appropriate classification lists. The Commission must certify the names and contact information of eligibles to the appointing officer:

FIRST: From the laid-off list, the highest eligible laid off from that department. [See Rule X, Section 5.]

SECOND: From the laid-off list, the highest eligible laid off from any other department.

THIRD: From the promotional list,

- (1) The highest eligible for a uniformed position, or
- (2) The three highest eligibles overall and the three highest eligibles from that department for a non-uniformed position.
- (3) Certifications from promotional lists will include eligibles who are on an approved leave of absence. [See Section 7.]

FOURTH: From the open-entry list,

- (1) the fifteen (15) highest eligibles, or
- (2) when multiple requisitions are received concurrently for the Firefighter classification, the fifteen (15) highest eligibles plus the four next highest eligibles for each requisition beyond the first.
- (3) If fewer than ten names remain on an open-entry eligible list, only the remaining names will be certified. The appointing officer may reject such certification, in which case the Commission must declare the list exhausted. Another examination must then be held. [See Rule IV, Section 14 (d).]

FIFTH: From the transfer list, the names of those interested in transferring to the hiring department will be certified in addition to those certified in SECOND through FOURTH above.

Section 4: SELECTIVE CERTIFICATION.

An appointing officer may inform the Chief Examiner in writing that a vacant open-entry position requires, in addition to the classification minimum qualifications, special job-related knowledge, skills, abilities, licenses, or certifications unique to performing the essential functions of the vacant position. If the Chief Examiner considers the written justification to be satisfactory, and the bargaining unit agrees, the Chief Examiner may limit examination to, and must certify only the names of those on the eligible list who possess the particular qualities.

Section 5. ACTION BY APPOINTING OFFICER:

- (a) The appointing officer must interview and consider all certified eligibles ranked equal to or higher than the person to be appointed. The appointing officer may within twenty (20) working days select one of the eligibles and notify the Commission on the provided form.
- (b) If the appointing officer does not select an eligible within twenty (20) working days of receipt of the certification, the Commission may withdraw certification, in which case the position will remain vacant until the appointing officer again requests certification.
- (c) An appointing officer may submit a written statement to the Chief Examiner requesting removal of one or more eligible candidates from a certification. The Chief Examiner must consider reasons presented and may authorize the certification of additional names. Any cause contained in Rule IV: Examinations and Eligible Lists, Section 4 or Section 16, may be deemed sufficient reason for removal. The Chief Examiner may also remove candidates for other reasons that could constitute cause for disciplining an employee as provided in Rule IX: Disciplinary Actions, Section 3. An eligible candidate and appropriate bargaining unit must be notified when the candidate has been removed from a certification under this subsection, and they may request restoration to the eligible list if Rule IV, Section 16 (4)(A), applies.

Section 6. PROMOTIONAL PASS OVER:

- (a) The appointing officer must have reasonable cause to pass over a promotional eligible. Reasonable cause for passing over a promotional eligible must be nondiscriminatory, may not be motivated by non-work-related preference for or against any person, and may include the following:
 - (1) An eligible's documented substandard work performance, or
 - (2) An eligible's documented prior disciplinary problems, or
 - (3) Mutual pass over.

- (b) Documentation must be contained in an employee's Civil Service file to be considered as reasonable cause. Properly and timely executed performance evaluations may be used to document reasonable cause.
- (c) The appointing officer may use Civil Service employee files to review employee performance. No letter of suspension older than three (3) years or letter of reprimand older than two (2) years may be considered as a basis for a promotional pass over. Counseling forms may not be considered.
- (d) Except as specified in disciplinary paperwork, no employee may be passed over for promotion more than once for the same action under (a) (2) above.
- (e) The appointing officer may select from the overall promotional certification or the departmental certification without passing over anyone on the other certification. The appointing officer may select the top name from either certification without passing over anyone on the same promotional list.
- (f) A passed over promotional eligible has the right to present a claim before the Commission. The Chief Examiner must without delay notify a passed over eligible and bargaining unit in writing. The passed over eligible must file their claim with the Chief Examiner within five (5) working days from the date of the notification. The claim will be handled as described in Rule XII: Investigations and Hearings, Section 2 (b) and elsewhere.

SECTION 7. SELECTION DURING LEAVES OF ABSENCE:

- (a) The appointing officer may select a current City employee from a certification who is on an approved leave of absence. An employee so selected must, upon return to active duty, be appointed to the selected position after showing that the established minimum qualifications are still met.
- (b) The appointing officer may request a new certification to fill the position on a temporary basis under Section 15 while the leave of absence is in effect.
 - (1) If an employee is holding a temporary appointment when the Commission receives the next requisition for the same classification and in the same department, then that employee will be awarded a regular appointment, and time served in the temporary appointment will be credited towards the probation period.
 - (2) A temporary appointee must be returned to the permanent classification held and rank on the eligible list once the absent selectee returns to duty and receives their appointment. Such time served may not confer Civil Service status or seniority in the temporary position.

- (c) The standing on an eligible list of an employee on an approved leave of absence may not be jeopardized, and the employee will retain their proper position during the life of the list, regardless of the number of certifications made.

Section 8. SELECTION OF SENIOR ADMINISTRATIVE ASSISTANTS:

- (a) The Commission must approve and maintain a list of classifications to be designated as senior administrative assistants that are identified by title and duties as being:
 - (1) the principal assistant or deputy, or confidential assistant, to an appointive office, or
 - (2) the principal administrative officer of a major function within a department, reporting and responsible directly to an appointive office; and, as a matter of practice and policy, directly involved in establishing basic policy and controlling the administrative affairs of a major unit.
- (b) The certification and selection procedures outlined in this section supersede contradictory procedures provided elsewhere in the Merit System Rules.
- (c) The appointment preference of Rule X: Layoff Actions, Section 5, does not apply to eligibles certified under Section 3, SECOND.
- (d) Instead of the certification rules in Section 3, THIRD and FOURTH, all candidates who pass the examination will be certified for the vacancy together in the order of their final scores and without regard to promotion preference. The names of employees on the transfer list may be considered in addition to those on the ranked list.
- (e) The appointing officer must consider each eligible ranked equal to or higher than the person to be appointed and may select the one thought best qualified for the position.
- (f) Eligibles who are not selected may not be considered as passed over during the life of the list.

Section 9. LAID-OFF LIST FROM HIRING DEPARTMENT:

When an eligible is certified from Section 3, FIRST, the appointing officer may not have choice in the selection. The person so certified must be appointed within twenty (20) working days. If for good and sufficient reason, the appointment is not made within twenty (20) working days, the appointing officer must notify the Commission in writing and provide the reasons. The Commission must withdraw the certification, and the position will remain vacant and may not be filled until the appointing officer again requests certification.

Section 10. NOTICE OF APPOINTMENT:

Upon receipt of the notice of selection, Civil Service staff must verify that the Merit System Rules were followed in the selection, notify those passed over or removed from eligible lists, notify those

not selected for senior administrative assistant positions, provide any other required notifications, and forward the notice to the Human Resources Department for processing.

Section 11. WAIVER OF CERTIFICATION:

An eligible candidate may request waiver of certification from the Chief Examiner for reasons that would physically prevent them from reporting, such as illness of self or family, or absence from the city. A request must state the length of time the waiver is to be effective. The Chief Examiner's decision as to whether the certification can be waived will be final in all cases.

Section 12. FAILURE TO RESPOND:

- (a) Any eligible who fails to respond within four (4) working days of the date of appointment will forfeit all rights to the position for which the eligible was to report, and the eligible's name will be removed from the eligible list.
- (b) The eligible may be reinstated in proper order upon the eligible list if, within thirty (30) days from the date of the removal notice sent, the eligible presents satisfactory reasons to the Commission for failure to report. If the position for which the eligible was to report for duty has been filled because of failure to respond, the reinstated eligible will be returned to the eligible list in the proper order according to the final rating as it is then constituted.

Section 13. EXCEPTED SCHEDULES:

- (a) The Commission may authorize departments to make appointments to positions that are not of a confidential or policy-determining character, for which it is not practicable to limit the determination of eligibility to competitive examination. Such positions are excepted from the competitive examination requirements provided elsewhere in the Merit System Rules.
- (b) Supported Employment Exception: The Chief Examiner is authorized, subject to the approval of the Commission, to designate certain existing classifications as eligible for noncompetitive appointments for persons with disabilities.
 - (1) Civil Service must maintain eligible lists for the designated classifications.
 - (2) To qualify for the supported employment exception, the disability must be a physical or intellectual impairment that substantially limits one or more major life activities and would make participation in a competitive examination process impracticable. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy, medication, or surgical means.
 - (3) Candidates must submit proof of disability and certification of job readiness to aid in the determination of their likelihood to succeed in the position. Documentation must be issued from a licensed medical professional, a licensed vocational rehabilitation specialist, or any agency that issues or provides disability benefits.

- (4) Applicants must submit their documentation and meet the minimum requirements for the classification to be certified as eligible for appointment.
- (5) The supported employment eligible list is equivalent to the transfer list for certification purposes.
- (6) The Human Resources Director may recommend certified eligibles with a disability for consideration by the appointing authority. Such recommendations must be based on an evaluation of the applicant's education, technical skills, aptitude, background, personality traits, necessary job accommodations, and such other factors as the Human Resources Director deems appropriate.
- (7) Appointment under the supported employment exception is considered open-entry.

Section 14. PROVISIONAL APPOINTMENT:

- (a) Upon receipt of a requisition to fill a vacancy for which no eligible list exists, the Commission may authorize the appointing officer to make a provisional appointment pending examination.
- (b) Provisional appointments will be made first from incumbents in the normal line of progression who meet the requirements of the vacant position. If no incumbents are available in those classifications, then any classified employee who meets the requirements of the vacant position may be appointed.
- (c) Provisional appointees may compete in examination on the same basis as any other applicants and enjoy the same status as regular employees except for right of seniority and probation.
- (d) A provisional appointment may be terminated by the appointing official at any time with notification to the Commission.
- (e) Provisional appointments are limited to six months unless otherwise ordered by the Commission, and the position will be filled by regular appointment as soon as an eligible list is established for the classification.
- (f) If a provisional appointee does not receive a regular appointment to the position, then the appointee will be returned to their former position. Time served as a provisional appointee will be credited towards seniority in the classification to which returned.

Section 15. TEMPORARY APPOINTMENT:

- (a) An appointing officer may use an eligible list to fill a position for temporary or emergency services, or during an approved leave of absence of an employee who will return to the service of the City.

- (b) The appointing officer must inform the Commission of the duration of temporary appointment, the rate of compensation, the authority for employing such temporary service, and other conditions of employment.
- (c) The appointing officer may select one of the first fifteen persons on the appropriate eligible list who, after due notice of conditions, is willing to accept appointment.
- (d) The appointed eligible will remain on the eligible list and retain all rights to certification for a permanent position as though no temporary appointment had been given.
- (e) If the appointed eligible was the highest on the list who was willing to accept the temporary appointment, then they may be regularly appointed to the position if it becomes permanent during the period of their appointment. Such appointment may be made without further consideration of the higher eligibles who were willing to accept permanent appointment. The Commission must give approval before the temporary appointment becomes permanent, and the appointing officer must show to the satisfaction of the Commission that the appointing officer or department did not know the position would become permanent at the time the temporary appointment was made, and that the eligible list from which the temporary appointment was made is the most appropriate eligible list for the permanent position.
- (f) A temporary appointment may not exceed thirty (30) days except as otherwise approved in writing by the Commission. Such approval must be given prior to the end of the current appointment period, and each extension may not exceed thirty (30) days. Multiple extensions may be granted.

Section 16. STATUS OF EMPLOYEES:

- (a) The appointing officer must indicate the type of selection on the requisition form, inform the eligible, and send the requisition to Civil Service. Civil Service staff must review all appointments for conformance to the Merit System Rules prior to the effective date of appointment, except that temporary appointments under emergency conditions do not require prior approval.
- (b) Civil Service staff must provide current employees who are selected with follow-up notification of the type of selection action.
- (c) Provisional or temporary appointments may not confer Civil Service status upon the appointee, or any privilege of promotion or transfer to any other position in the classified service.

RULE VI: PROMOTION

Reference: Charter, Sec. 53 (d), (f).

Section 1. GENERAL:

- (a) The rules governing promotions are the same as for open-entry examinations and appointments, except as provided in this rule.
- (b) Unless vacancies are filled from the laid-off list or by transfer, they must be filled by the promotion of classified employees if a promotional eligible list is in effect.
- (c) Promotion must be accomplished by means of a competitive examination. Promotions are open to employees from any department, except into classifications with essential knowledge, skills, or abilities that can only be gained from lower job classes within a specific department.

Section 2. RECRUITMENT:

The notice of examination must include the promotional requirements when any classified employees might meet the minimum requirements for promotion. The Commission may conduct simultaneous open and promotional examinations, certifying the lists in the order provided by Rule V: Certification and Selection.

Section 3. ELIGIBILITY:

- (a) Classified employees may qualify for promotion to job classes at any rate of pay.
- (b) An employee must meet the minimum requirements as stated in the examination announcement by the date of the examination to enter an exam for or receive promotion.
- (c) Within the line of progression, if an employee who has passed their original entrance probation meets either the open or promotional requirements, that employee, on passing the exam, will be placed on the promotional list.
- (d) Only current classified employees and former classified employees who are on laid-off lists or have been approved for reinstatement under Rule XI: Resignation, Retirement, Leave of Absence may be eligible for promotion. An employee who otherwise leaves the classified service will immediately be removed from all promotional eligible lists.

Section 4. EXAMINATIONS:

- (a) Promotional applicants who are on an approved extended leave due to military service, or who are sick or injured, may be administered the examination separately from other candidates if the security and integrity of the examination process can be assured. The applicant must request such consideration at the time of application or hospitalization. The

Chief Examiner's decision as to whether a separate examination can be conducted will be final in all cases.

- (b) The content of a promotional examination will be reviewed periodically to ensure that it is not substantially the same as the exam used in the most recent recruitment and examination period for that classification, except that an exam may be reissued if no eligible candidates from the most recent exam are accepted to take the new exam.

Section 5. PROTESTS:

- (a) Promotional examinations will be immediately followed, prior to the candidate leaving the exam room, by a period during which candidates may write protests on examination content perceived to be defective.
- (b) The subject matter committee that conducted the pre-test review must review all protests as well as all multiple-choice test items missed by 80 percent or more of the candidates; however, questions missed by 80 percent of the candidates will not be automatically reviewed unless there are ten or more candidates taking the examination.
- (c) Neither the committee nor the Commission may consider any protests against the format or subject matter of an examination, or against the judgment or expertise of the evaluators.
- (d) Examination content found by the committee to be incorrect, unfair, misleading, or in the nature of a trick question will be rekeyed or eliminated as appropriate, subject to approval by the Chief Examiner. The final scores will be determined from the remainder of the examination.

Section 6. REVIEW OF ANSWER SHEETS:

For three (3) working days following scoring and notification, the examinees may compare their multiple-choice exam answers with the correctly keyed answers to determine clerical errors. Summary score sheets from other examination types may be provided to examinees for verification of scoring calculations. Civil Service may not release or discuss the detailed scoring criteria with candidates or examinees.

Section 7. ELIGIBLE LISTS:

A promotional eligible list containing at least one name constitutes a valid list and may be certified.

RULE VII: PROBATION

Reference: Charter Section 53 (f).

Section 1. GENERAL:

The Commission must establish probationary periods as the final step in the selection process for all open-entry and promotional appointments in the classified service. The purpose of the probationary period is to provide supervisors the opportunity to train and assess the performance of the employees before the employees acquire permanent status in their positions.

Section 2. PROBATIONARY PERIODS:

- (a) The probationary period may not exceed one year of regular time worked from the date of appointment for open-entry appointments unless required by superseding law or agreement.
- (b) The probationary period may not exceed six months from the date of appointment unless required by superseding law or agreement for promotional appointments, employees hired from the laid-off list more than three years from the effective date of layoff, and employees hired from the laid-off list in a department other than that from which they were laid off.
- (c) Probationary periods from different actions may be served concurrently, except that time served during a failed promotional probation will not count toward an employee's original open-entry probation.
- (d) An employee who is on probation at the time of transfer must serve the remainder of their probationary period.

Section 3. PROBATION EXTENSIONS:

A probationary period may be extended when injury or other reasonable cause prevents the full and fair evaluation of an employee. Extensions may not exceed the length of time the probationary employee was unable to perform the regular duties of the position. The department head must request an extension in writing to the Chief Examiner no later than ten (10) working days after the scheduled end of the probationary period. The request must identify the periods of absence and the reasons for the request. The Chief Examiner may approve or deny the request. If approved, the bargaining unit will be notified, and all applicable personnel records will be annotated and adjusted accordingly.

Section 4. PROBATION FAILURE:

- (a) The appointing officer may remove a probationary employee at any time during the probationary period.

- (b) An employee who fails open-entry probation will be terminated from the classified service, except that when the employee vacated a classified position to accept the open-entry appointment:
 - (1) the employee may opt to return to the former position under Rule VIII: Transfers, Section 3 (b), within thirty (30) days of the new appointment, or
 - (2) If (1) does not apply, the employee will be laid off from the previously held classification.
- (c) An employee who fails promotional probation will be returned to the former position held, provided that the return may not displace any employee with greater classification seniority. If no such position exists, the employee will be laid off from the previously held classification.
- (d) The appointing officer or Human Resources must notify the Commission, the employee, and the bargaining unit in writing of any probationary failures. Failure to notify the Commission before the end of the probationary period, or failure to request extension within the time limit, will make the appointment permanent.

Section 5. PROBATION APPEALS NOT ALLOWED:

An employee who fails probation is not entitled to appeal rights before the Commission.

RULE VIII: TRANSFERS

Reference: Charter, Sec. 53 (a), (c), (e), (f), (i).

Section 1. GENERAL:

A classified employee, upon their own initiative, may request transfers to classified positions of an equal or lower maximum salary rate. Transfers are subject to approval by the Commission and must have the consent of the employee. The permissibility of such requests and the procedures to be followed are established in this rule.

Section 2. TRANSFER REQUESTS:

Employees must submit their transfer requests in writing, and the Commission must maintain a list of approved transfer requests. An employee will be placed on the transfer list upon request if the following conditions are met:

- (1) The maximum salary rate for the requested position is equal to or less than that of the current position.
- (2) The employee meets the minimum requirements for the position, except when the employee is requesting transfer in lieu of layoff as outlined in Rule X: Layoff Actions, Section 3 (c).
- (3) The employee is not requesting a transfer to the same job class within their current department only. Intradepartmental position movement within the same classification is not guided by these rules.

Section 3. ACTIONS:

- (a) The Commission must certify the transfer list to fill vacancies according to Rule V: Certification and Selection, Section 3.
- (b) An employee who accepts a transfer to a new position will have a trial period of thirty (30) days. During that period, both the employee and the appointing officer may return the employee without cause to the formerly held position. After the trial period, the employee will be permanently separated from the formerly held position without prejudice to the employee's future status.
- (c) A transfer may not displace a classified employee except at the time of layoff as outlined in Rule X, Section 3.

Section 4. SENIORITY:

- (a) Employees who transfer to a position at the same maximum salary rate will be given classification seniority credit only for previous service in the new classification.

- (b) Employees who transfer to a position at a lower maximum salary rate will be given classification seniority credit for previous service in both the previous and new classifications.
- (c) Departmental seniority after transfer will be credited only for previous service in the new department.
- (d) Classification and departmental seniority for promotional purposes will not be affected and will be retained in the Civil Service employee records.

RULE IX: DISCIPLINARY ACTIONS

Reference: Charter, Sec. 53 (i) and Sec. 55.

Section 1. GENERAL:

An employee in the classified service may be suspended, demoted, or discharged for disciplinary purposes by the Mayor. The Human Resources Director must immediately file notice of such disciplinary action, including a full statement of the reasons, with the Commission and serve a copy upon the employee to include notice of appeal rights. No employee may be disciplined twice for the same act.

Section 2. CONDITIONS:

Employees may be suspended, demoted, or discharged for cause as provided in Section 3 and under the following conditions:

- (1) An employee may be suspended with loss of salary for no more than sixty (60) days.
- (2) An employee may be demoted with loss of all prior rights to the higher classification.
 - (A) The Human Resources Director must file with the Commission a notice of such demotion together with a statement detailing the causes and stating time, place, and circumstances. The Director must also serve a copy of the notice upon the employee.
 - (B) The demotion may not displace any other classified employee unless the demoted employee has more classification seniority in the class to which demoted, and the displaced employee can be retained in the next lower classification or the class from which most recently appointed without any further displacement.
 - (C) The results of the action must be confined to the department of the demoted employee.
 - (D) If the conditions in (B) and (C) above cannot be satisfied, the demoted employee will be placed on the laid-off list for the classification to which demoted.
- (3) An employee may be permanently discharged from the classified service.

Section 3. CAUSE:

- (a) Merit principles of employment will be the primary consideration in any disciplinary action. Employees may be disciplined only for actions that affect their ability or fitness to satisfactorily perform their assigned duties. Non-merit factors such as race, creed, color,

affiliation, national origin, sex, sexual orientation, age, marital status, or the presence of any physical or mental disability may not be considered.

- (b) The following actions are inconsistent with the principles of merit and may be considered as cause for suspension, demotion, discharge, or other discipline when an employee:
- (1) Has been absent from duty without approved leave contrary to the Merit System Rules or the City's personnel regulations, or has failed to report after any such leave has been officially disapproved or revoked;
 - (2) Has willfully or corruptly defeated, deceived, or obstructed any person in respect to their right of examination;
 - (3) Has willfully or corruptly furnished any special or confidential information for the purpose of either improving or injuring the prospects or chances of any person examined, to be examined, or being examined by the Commission, or employed or promoted by the City;
 - (4) Is incompetent or inefficient in the performance of the duties and responsibilities of their position;
 - (5) Is willfully careless or negligent of the property of the City;
 - (6) Willfully violates the Charter, the Merit System Rules, any written personnel policies, written departmental rules or procedures, or any reasonable and proper order or direction given by a supervisor, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline; or resulted or might reasonably be expected to result in loss or injury to the City, the public, or the prisoners or wards of the City;
 - (7) Has been guilty of conduct unbecoming an officer or employee of the City;
 - (8) Has aided in any manner in soliciting or collecting money from an officer or employee of the City for any purpose prohibited by the Mayor while on duty; provided, contributions solicited for approved purposes must be voluntary, and no discrimination may be permitted against an employee engaged in such acts;
 - (9) Has engaged, while in uniform or on duty, in the solicitation of funds or sale of tickets for any purpose except as provided in (8) above;
 - (10) Has used, threatened to use, or attempted to use political influence in securing promotion, leave of absence, transfer, or change of grade, pay, or character of work;
 - (11) Has engaged in prohibited political activity as follows:

- (A) While fulfilling the duties of City employment, to actively engage in a political campaign for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
- (B) While fulfilling the duties of City employment, to actively secure or contribute monies toward the election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
- (C) Use of City position, office, facility, or public resource to attempt to persuade any other employee or other person to participate in or contribute to any political campaign for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.

Nothing contained in (11) may prohibit an employee from exercising voting rights and expressing opinions on all political subjects, nor prohibit the officers of employee associations from soliciting dues or contributions from members of their associations.

- (12) Has been convicted of a felony or a gross misdemeanor;
- (13) Has demonstrated excessive absenteeism or a habitual pattern of failure to report for duty on time without good and sufficient reason;
- (14) Has committed, has induced, or has attempted to induce an officer or employee of the City to commit an unlawful act or to act in violation of any reasonable and lawful departmental or official regulation or order;
- (15) Has taken any fee, gift, or other valuable thing in the course of work or in connection with work for personal use from any citizen, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens;
- (16) Has beneficial interest, directly or indirectly, in any contract, sale, lease, or purchase with or for use of the City; or accepts, directly or indirectly, any compensation, gratuity, or reward from any person beneficially interested therein.

Section 4. APPEALS:

Any employee disciplined under this rule will have the right of appeal as provided in Rule XII: Investigations and Hearings. The Commission may sustain the disciplinary order or order the employee reinstated.

RULE X: LAYOFF ACTIONS

Reference: Charter, Sec. 53 (i)

Section 1. GENERAL:

Whenever it becomes necessary in any department through lack of work or funds, abolishment of the job, or other good cause to reduce the work force in that department, classified employees must be laid off or transferred according to the procedures established in this rule.

Section 2. LAYOFF CONDITIONS:

- (a) Reductions in force will be confined to the department affected, except that employees who promoted or transferred to their present classification directly from another department may be returned to the previously held classification in the other department.
- (b) Classification seniority will be the primary factor in determining which classified employees are affected by a reduction in force. If the classification seniority between two or more employees are the same, then the departmental seniority and the City seniority will be considered in order.
- (c) No classified employee may be laid off or transferred under these conditions while there are employees not within the classified service who are serving in the same department in the same relative job or classification.
- (d) The Commission may grant permission for lay off out of the regular order upon showing by the department head in writing of a necessity in the interest of efficient operation of the department, after giving the affected employee an opportunity for a hearing with representation by their bargaining unit.

Section 3. IN LIEU OF LAYOFF:

- (a) At the time of lay off, classified employees will be transferred at their option:
 - (1) Within the department, transfer to a position in the most recently held classification, or in the next lower classification in the series if it was created concurrently with or after the employee was appointed to their current classification, provided:
 - (A) The laid-off employee must meet either the open or promotional requirements for the classification, and
 - (B) The laid-off employee may not displace an employee with greater seniority.
 - (2) If the action in (1) above cannot be taken, transfer within a department to prior classifications held, from most to least recent. The laid-off employee may not displace an employee with greater seniority.

- (b) Transfers may be requested to classifications in which a vacancy exists and in which the employee either previously held status or for which the character and standards are similar to those required in the employee's present classification.
- (c) Seniority in these instances will be determined by combining time served in the present classification, the classification to which transfer is contemplated, and intermediate classifications within the progression line.

Section 4. LAYOFF PROCEDURE:

- (a) The person with the least classification seniority in a department will be the first laid off or transferred.
- (b) The appointing officer must notify the affected employee in writing a minimum of ten (10) working days prior to the effective date. The appointing officer must prepare the order of change with copies to the Commission and the Human Resources Director on a form provided and must obtain the approval of the Chief Examiner on behalf of the Commission prior to sending the notification out to the employee, and prior to the effective date of such order.
- (c) Any employee who has been formally charged with a felony will have the charge reviewed by a Human Resources committee in accordance with City policy. The written recommendation of the committee will be provided to the Mayor, and the Mayor may lay off the employee pending court trial determination. In this instance, normal layoff and reinstatement procedures will not apply; however, the appointing officer must notify the employee and process the necessary records and forms. If the employee is found not guilty of the charge, the employee will be immediately restored to duty and will be entitled to all back salary and benefits due. In other instances, the Mayor must immediately make a determination as to restoration to duty and of pay.

Section 5. REINSTATEMENT:

- (a) The Commission must place the names of persons laid off or transferred in accordance with Section 3 on a laid-off list for that classification in order of classification seniority from highest to lowest.
- (b) Persons on the laid-off list will be given preference in certification and appointment as set out in Rule V: Certification and Selection, Section 3. The names of such persons will also be placed at the top of the promotional or open-entry eligible list for the classification in which they were employed at the time of layoff. If no eligible list exists, the names of such employees will constitute the eligible list.
- (c) To facilitate reinstatement, the names of such persons may also be placed on transfer lists to other classifications in accordance with Section 3 (b) of this Rule.

- (d) For employees who have been transferred to a different classification and are employed by the City, there is no limit to the duration of a laid-off list, but those hired from the laid-off list more than three years from the effective date of layoff will be required to serve a six-month probationary period.
- (e) A person will be removed from the laid-off list when they have:
 - (1) Been separated from City service for three years;
 - (2) Been appointed to a position in either the classification from which they were laid off or higher classification; or
 - (3) Declined appointment to a position in the classification and department from which they were laid off.
- (f) All employees hired in a department other than that from which they were laid off will be required to serve a six-month probationary period.

Section 6. REINSTATEMENT PROCEDURE:

Upon receipt of a requisition from a department, Civil Service must certify names from the laid-off list in accordance with Rule V: Certification and Selection, Section 3.

Section 7. TEMPORARY INTERRUPTION:

Any employment interruption of not more than fifteen (15) days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons during which employees receive no pay, wages, or salary will not be considered a layoff.

**RULE XI:
RESIGNATION, RETIREMENT, LEAVE OF ABSENCE**

Reference: Charter, Sec. 53(1), Applicable State Statutes and City Ord.

Section 1. GENERAL:

Employees may be separated from employment in the classified service for causes other than discharge or layoff. Resignations, retirements, and leaves of absence, as well as reemployment in connection with such actions, will be conducted as provided by this rule.

Section 2. RESIGNATION:

- (a) An employee in the classified service who wishes to leave City employment in good standing must provide a resignation with the effective date to the appointing officer at least two weeks before leaving. Failure to comply with this procedure may be cause for denial of future employment with the City.
- (b) If the employee does not provide their resignation in writing, the supervisor must prepare written documentation of the resignation for the resigning employee to confirm.
- (c) The supervisor must forward a copy of the resignation notice to the Commission and Human Resources as soon as the resignation is confirmed.
- (d) A person who has resigned in good standing may, within one year of their resignation, submit a written request to the Commission for reemployment in the last permanent classification held and may be reinstated at the bottom of the open or promotional eligible list for consideration during the remaining life of said list. Reemployment in this instance will be considered as open-entry.

Section 3. RETIREMENT:

Members of the Police and Fire Departments will be retired in accordance with their pension fund act as provided by state law. Retirement of other employees shall be as provided by state law, ordinance, the City personnel program, and the rules of the Spokane Employees' Retirement System Board of Administration.

Section 4. DISABILITY RETIREMENT:

- (a) A former employee retired for disability will be restored to duty in the same or similar classification held at the time of disability retirement providing certification in writing is made to the Commission by the board of the appropriate pension or retirement system, and in accordance with the applicable law or ordinance, that the employee is able to perform the duties of that classification. Reemployment must be in the same department from which retired. If no vacancy exists, the person with the least seniority in that classification in the same department will be laid off as provided in Rule X: Layoff Actions.

- (b) If the pension or retirement board certifies the employee as able to perform the duties of a lower classification, the employee must be appointed to the first available vacancy in said lower classification.
- (c) For three years following a disability retirement, the retiree may test for promotional classes if they meet the requirements.
- (d) The Commission must notify the appropriate pension board when a disability retiree has applied for promotion. Prior to certification, the Civil Service staff must obtain a determination from the pension board that the retiree's disability will not hinder the individual from performing the duties of the new position, with or without reasonable accommodations.

Section 5. LEAVE OF ABSENCE:

- (a) The Human Resources Director must advise the Commission on all leave matters that may affect the status of any classified employee.
- (b) Ordinary vacation and sick leave will be accrued and granted in accordance with the provisions of the applicable ordinances, collective bargaining agreements, and the City personnel program and regulations. The granting of such leave may not affect an employee's Civil Service rights, and the employee will continue to accrue pay, leave, and seniority.
- (c) A special leave of absence may be granted in accordance with applicable ordinances, collective bargaining agreements, and the City personnel program in case of on-the-job injury or urgent necessity. Substantiating proof must accompany any such request for leave.
- (d) A leave of absence may not be recognized by the Commission as becoming effective until approved by the employee's appointing officer and the Human Resources Director. Any employee who departs on a leave of absence prior to receiving approval by the appointing officer and the Human Resources Director may be considered to be absent without leave and subject to immediate discharge.
- (e) A leave of absence in excess of 120 consecutive days, except as otherwise provided by law, will be without accrual of seniority.
- (f) A classified employee who takes a leave of absence greater than 120 consecutive days may be laid off. At the end of the 120-day period, the appointing officer must determine whether the employee will be placed on layoff status and notify the Commission. In the event of layoff, the provisions of Rule X: Layoff Actions pertaining to procedure and reinstatement will apply except for Section 4 (a). The provisions in this subsection will not apply to those who are on:
 - (1) active military service,

- (2) educational leave,
 - (3) leave from the classified service to accept an appointive position in the City, or
 - (4) leave as otherwise approved by the Commission.
- (g) A leave of absence may be granted only for the time that is necessary to accomplish the purpose of the request. The employee must report for duty immediately upon expiration of such leave, provided that an employee on active military service must apply for reemployment rights in accordance with the law. Failure to report for duty at the expiration of leave or if a leave has been disapproved or revoked may be considered cause for separation from the service. Upon expiration of the leave of absence, the employee must, if still qualified, resume the previous position held or, if promoted, the position to which promoted under the conditions in Rule V: Certification and Selection, Section 7.
- (h) A classified employee who accepts an appointive position with the City will be granted an indefinite leave of absence. The employee may not be deprived of any standing under the Merit System Rules the employee had before accepting the appointive position. The employee will retain the seniority they had when they left the classified service, but they may not accrue any classified seniority during their leave of absence. A person who returns to the classified service may be disciplined for cause based on their actions in an appointive position in accordance with Rule IX: Disciplinary Actions.

RULE XII: INVESTIGATIONS AND HEARINGS

Reference: Charter, Sec. 53 (j), (k), Sec. 55, City Personnel Ord.

Section 1. GENERAL:

The Commission may review and investigate all matters related to conditions of employment in the classified service on its own initiative or in response to complaints from applicants, employees, their authorized representatives, or City officers. The Commission must render decisions regarding the claims or appeals of actions that affected applicants or candidates on an eligible list, or that denied or separated employees from a classified position.

Section 2. TYPES OF COMPLAINTS:

- (a) **Administrative Complaint.** An administrative complaint may be presented directly to the Commission by any classified employee or representative who disputes an administrative action of the Commission that affects the employee's own status, or by any appointing officer who disagrees with an assigned classification under the officer's jurisdiction. Administrative complaints must be filed with the Chief Examiner within ten (10) working days of notification of the action by the Commission, except that in the case of a classification disagreement the time limit does not apply. Failure to file within the prescribed time will be considered as acceptance of the action of the Commission, and the action will be deemed complete. An administrative complaint need not be subject to the formal hearing procedure. Should the Commission grant review of an administrative complaint, it may do so in any manner it deems most appropriate.
- (b) **Claim.** A claim may be presented to the Commission alleging that an applicant, eligible, or employee was deprived or separated from a classified position in violation of the Merit System Rules, or that other conditions of merit system employment should be investigated. Claims must be filed with the Chief Examiner, and those disputing a layoff action must file their claim within ten (10) working days following the effective date of the layoff.
- (c) **Appeal.** An appeal may be made to the Commission by any classified employee who has been suspended, demoted, or discharged as provided in Rule IX: Disciplinary Actions. All appeals must be filed with the Chief Examiner within ten (10) working days from the date of filing such order with the Commission or from the date of service of such order on the employee, whichever is later. The Chief Examiner must provide a copy to the Human Resources Director of any appeal so filed. Failure to file within the prescribed time will be considered as acceptance of the action, and the action will be deemed complete.

Section 3. INTERNAL REVIEW:

The Chief Examiner may conduct an initial review of administrative complaints and claims. This review consists of gathering and confirming facts and reconsidering administrative actions in

accordance with the rules. The complaint may be discussed with the complainant and any other parties pertinent to the matter.

Section 4. REQUESTS IN WRITING:

- (a) Complainants must provide all requests for Commission hearings in writing to the Chief Examiner for appeals or other complaints in which the complainant is not satisfied with the outcome of the internal review.
- (b) The written request for Commission hearing must be filed within ten (10) working days of the conclusion of the internal review. Failure to file within the prescribed time will be considered as acceptance of the action, and the action will be deemed complete.
- (c) The written request may be filed in person, electronically, or by postal mail. Requests delivered in person or electronically must be delivered to the Commission no later than 5:00 p.m. the day of the deadline. Requests delivered by postal mail must be postmarked no later than the day of the deadline.

Section 5. INVESTIGATION:

- (a) The Commission may order further investigation of any administrative complaint or claim. During an investigation, the Chief Examiner or other duly appointed representative of the Commission will have the authority to administer oaths and require the production of relevant books or records and the attendance of any officer, employee, or other person.
- (b) If the investigation does not resolve the matter satisfactorily, then the Chief Examiner or Commission representative must provide a written report to the Commission. The Commission, using the written report as guidance, must determine whether to hold a formal hearing. If the Commission orders such a hearing, then it must set a time and place and notify the parties involved and the Human Resources Director.

Section 6. APPEAL PROCEDURE:

Upon receipt of an appeal, the Commission must order a hearing to be held at the next regular meeting of the Commission, except in those cases of layoff involving court charges as provided in Rule X: Layoff Actions, Section 4 (c), in which event the Commission must, at the request of the Mayor, delay said hearing pending disposition of the charge or charges. No member of the Commission may permit any person to discuss the merits of an appeal with a Commission member prior to the hearing.

Section 7. HEARINGS:

- (a) Hearings by the Commission will be held in accordance with state law and with at least four commissioners present. If less than the full Commission is present, the Commission must grant one continuance at the request of either party made prior to the beginning of the hearing. Both parties to the hearing must be notified in advance of such hearing and may, at their own expense, choose representatives.

- (b) The Commission may, and must at the request of either party, issue subpoenas and orders to produce specified documents or evidence. Any fees or expense of any kind for the appearance of witnesses will be assumed by the party requesting the issuance of subpoenas. Testimony will be under oath administered by the Commission or its agent. Unless otherwise directed by the Chair of the Commission, the City must proceed first with presentation of its case.
- (c) The Commission must prepare and keep an official record of the hearing to include testimony recorded manually or electronically such as pleadings, documents, exhibits, and other related items. It will not be necessary to transcribe testimony unless requested for purposes of Commission decision or court review. A copy of the record will be furnished to any party to the hearing upon their request and payment of the reasonable costs incurred.
- (d) Hearings may be informal, and the Commission may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Commission must give effect to the rules of privilege recognized by law, and it may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.
- (e) All evidence including records and documents in the possession of the Commission of which it desires to avail itself will be offered and made a part of the record. Parties to a hearing must identify individual pieces of evidence they wish to submit to the Commission to be made part of the records. No other information or evidence may be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
- (f) Every party will have the right of cross-examination of witnesses who testify. Argument, testimony, and evidence may only be presented by parties to the appeal through the participants or their representatives.
- (g) The Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties will be notified of the material so noticed, and they must be afforded an opportunity to contest the facts so noticed.
- (h) No charges, on appeal, other than those furnished in writing as the basis for the disciplinary action may be heard against the person so charged.

Section 8. DECISIONS:

- (a) Three affirmative votes of the Commission are required to render a decision. A decision that fails to receive three affirmative votes results in the underlying cause of complaint remaining in effect. Decisions of the Commission on hearings are final and binding. Informal disposition may also be made by stipulation, agreed settlement, consent order, or default.

- (b) Decisions and orders arising from hearings will be in writing and accompanied by findings of fact and conclusions of law, which will also be in writing or stated in the record. The Commission must transmit its written decision along with the findings of fact and conclusions of law to both parties. The written transmission will be done within forty-five (45) days after rendering the decision whenever possible.
- (c) An employee reinstated after appeal of an order of suspension, demotion, or discharge will be entitled to back salary from the date of such order to the date of reinstatement and to all other employee rights and benefits that will make the employee whole.

RULE XIII: RECORDS AND REPORTS

Reference: Charter, Sec. 52 (c) and Sec. 53 (l).

Section 1. PERSONNEL RECORDS:

- (a) The Human Resources Director must set up procedures for and supervise the maintenance of employee records kept within departments. These records can include letters of counseling, counseling forms, CDL paperwork, or other information not stored in Civil Service. Records referenced or used in the application of discipline may be open to inspection by the Commission or its authorized representative with authorization from the Human Resources Director or by subpoena issued pursuant to the City Charter.
- (b) The Civil Service Commission will be the central repository for all classified personnel records. Such records must contain, in addition to necessary personal history data:
 - (1) name,
 - (2) current address,
 - (3) current telephone number,
 - (4) completed application forms,
 - (5) current department and sub-unit to which assigned,
 - (6) classifications of any current or previous positions occupied with inclusive dates,
 - (7) name of the appointing officer,
 - (8) salary received,
 - (9) length of service including department and City seniority,
 - (10) any changes in status,
 - (11) any reports or correspondence that affect employment status, and
 - (12) any other information deemed necessary to provide a complete history of the employee's service.

Section 2. REPORTS:

- (a) It is the sole responsibility of each applicant for examination and each person on an eligible list to promptly report to the Commission any change in name, address, or telephone

number. Failure to do so will constitute cause for rejection of application or removal from the eligible list, as appropriate.

- (b) The Human Resources Director and the appointing officer must report promptly to the Commission the following information regarding personnel and departmental organization:
 - (1) Every appointment, transfer, promotion, reduction, lay off, suspension, reinstatement, leave of absence, return to duty, and change of compensation.
 - (2) Every termination from the service with their reasons.
 - (3) Every refusal or neglect to accept appointment by a person whose name has been certified.
 - (4) Every vacancy and every rejection of an eligible certified from a promotional eligible list with their reasons.
 - (5) The creation or abolition of any position and the cause of such action.
 - (6) Changes in departmental organization with a detailed chart of each organizational change.
 - (7) Any other reports requiring the action or sanction of the Commission.
- (c) The appointing officer must file with the Commission a chart accurately reflecting the current organization and functions of the entire department. Minor revisions may be reported in memo form. Major revisions will be cause for preparation and filing of a new chart.