CITY OF NEW HAVEN

CIVIL SERVICE RULES

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INTRODUCTION

These Civil Service Rules ("Rules") have been adopted by the Civil Service Board in accordance with the authority and responsibility vested in the Board by the Charter of the City of New Haven. These Rules govern appointments, promotions and other matters for the classified service of the City.

Wherever these Rules call for action by the Board, the Board may authorize the Director of Personnel, the Secretary of the Board, the Chief Examiner or other staff to act on its behalf.

DEFINITIONS

The following words and terms used in these Rules shall have the meanings indicated below unless the context clearly requires otherwise.

1. *Allocate.* Assign each position to its proper class.

2. *Applicant*. A person who has responded to a job posting or examination announcement for a position in the classified service of the City.

3. *Appoint.* Assigning to a position a person from an eligible list that has been certified.

4. *Appointing Authority.* A person or group having the authority to make appointments to positions in the classified service of the City as prescribed in the Charter, City ordinances and Connecticut State statutes.

5. *Board.* The Civil Service Board of the City appointed pursuant to the Charter.

6. *Certify.* The process of the Board approving the use of a list of eligibles.

7. *Charter*. The Charter of the City of New Haven, as it may be amended from time to time.

8. *City.* The City of New Haven.

9. *Class.* A group of positions sufficiently similar in respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that the same minimum qualifications may be required and that the same salary range may be made to apply with equity.

10. *Classified Service.* All positions in the City service not now or hereafter specifically included in the unclassified service as defined in the Charter.

11. Continuous Recruitment Examination. An examination that is held on a regular continuous basis, resulting in persons achieving a passing score to be certified by the Board onto an established eligible list.

12. *Day.* A business day on which the Department of Human Resources is open, unless a Rule specifies "working day" which shall mean the working day of the employee.

13. *Dismissal.* The complete separation of an employee from City employment.

14. *Eligible.* A person listed on an active eligible list.

15. *Eligible List (Open).* An employment list of ranked passing scores and names established by open competitive examination and certified for use by the Board.

16. Eligible List (Promotional). An employment list of ranked passing scores and names established by competitive examination, open only to employees in the classified service and certified for use by the Board.

17. Eligible List (Continuous Recruitment Examination). An employment list of ranked passing scores and names established by continuous open competitive examination where the names of the persons are continually added onto the list, ranked first by the certification date as approved by the Board, and then by the eligible's rank as determined by the passing score achieved.

18. *Employee.* A person occupying a position within the classified service of the City who is paid salary or wage for services rendered.

19. *Layoff.* The involuntary non-disciplinary separation of an employee from a position.

20. *Leave.* An approved type of absence from work.

21. *Open Competitive Examination.* An examination open to all persons, whether employed by the City or not, and given for the purpose of establishing a list for a designated class from which to select persons for hire.

22. *Permanent Employee.* An employee who has successfully completed his or her probationary period and has been permanently appointed to a position in the classified service by the appointing authority.

23. *Position.* A group of duties and responsibilities requiring the employment of one person.

24. *Probationary Employee.* An employee who has not completed his or her working test period.

25. *Probationary Period.* A working test period during which an employee's skills,

aptitudes and adjustments are appraised prior to his or her permanent appointment in that position.

26. *Promotional Examination.* A competitive examination which is open only to employees of the classified service of the City as specified in the examination announcement.

27. *Promotion.* Advancing an employee from a position in one class to a position in another class having a higher maximum salary range.

28. *Promotional List.* An eligible list established by a promotional examination.

29. *Re-employment List.* An employment list established by listing former permanent employees who have been separated from the classified service by layoff.

30. *"Rule of Three."* The provision of the Charter requiring that appointments or promotions within a class shall be made from those applicants with the three highest scores of those who have passed an examination with a score of at least 70 percent.

31. *Temporary Appointment.* The appointment of a temporary employee to a position in the classified service by the Director of Personnel.

32. *Transfer.* The assignment of an employee from one position to another position in another division or department having similar duties and carrying the same minimum and maximum salary as the position from which assignment is made.

33. *Unclassified Service*. The positions designated as "unclassified" in the Charter and not subject to these Rules.

34. *Vacancy.* A position existing or newly created which is not occupied.

RULE I - CLASSIFICATION PLAN

Section 1. The Classification Plan

The classification plan shall consist of a series of class specifications. For each class or position in the classified service, there shall be a separate specification consisting of a title, a statement of the scope of the work, an enumeration of typical tasks performed by the employees in the class, and a section containing minimum qualifications for appointment.

Section 2. Content of Specifications

The class title of each specification shall be descriptive of the work to be performed by the employees assigned to the class.

The scope of the work shall indicate the kind of work to be performed and the degree and kind of supervision involved.

The enumeration of typical tasks shall include items of work which are assigned to employees in that class. It shall not be deemed to contain all the tasks performed by any one employee, nor shall it be interpreted to limit the tasks to which the employee may be assigned. Any of the tasks enumerated are subject to expansion or complete abolition.

Qualifications shall enumerate minimum requirements of education, training, experience, special skills and competencies required for the position, and any specific physical requirements for the position.

Section 3. Preparation of Classification Plan

The classification plan for the employees in the classified service shall be prepared and maintained current by the Director of Personnel.

Section 4. Classification Plan Approval

The classification plan changes shall become effective when approved by the Board.

Section 5. Distribution of Classification Plan

Upon approval of the classification plan by the Board, the Director of Personnel shall prepare and distribute copies of said plan.

Section 6. Changes in the Plan

(a) Minor changes in class specifications may be made by the Director of Personnel without advance approval by the Board. Minor changes in class

specifications are those which do not result in the class moving to a salary grade with a higher maximum salary range. Annually, the Director of Personnel shall provide to the Board a report of those class specifications in which minor changes have been made during the preceding year.

(b) Changes in class specifications which are not minor shall be recommended by the Director of Personnel and shall become effective when approved by the Board. The Director of Personnel shall also make a recommendation to the Board and the Board shall determine whether the change in the class specification is so substantive as to require an examination for appointment to the class.

Section 7. New Classes of Positions

Whenever the Board of Aldermen creates a new position, for which there is not an existing class specification, the Director of Personnel shall prepare a new class specification. Said specification shall become effective when approved by the Board.

RULE II - APPLICANTS AND APPLICATIONS FOR EXAMINATIONS

Section 1. General Requirements

All applicants must, in order to take an examination, meet the minimum requirements as stated in the class specification or examination announcement.

Section 2. Responsibility for Original Documents

The City shall not be held responsible for the safekeeping of any original documents such as discharge papers, degrees or licenses. Certified copies shall be accepted as proof that the applicant possesses such documents.

Section 3. Causes for Disqualification from Taking an Examination. *(See Also Rule IV, Section 5, Removal of Eligibles From List)*

Entrance to an examination may be denied based upon causes other than those enumerated in this section.

(a) An applicant shall be denied entrance to an examination if the applicant:

(i) lacks any of the minimum qualifications as stated in the examination announcement or the class specification;

(ii) has had his or her name removed from an eligible list for the same class for which he or she is now applying, except that disqualification shall not occur if the prior removal was based solely on refusal of two offers of appointment or on the applicant's request;

(iii) has made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud or cheating in his or her application or any prior examination;

(iv) has used or attempted to use political pressure or bribery to secure advantage in the examination.

(b) An applicant may be denied entrance to an examination:

(i) if the Board finds that there was a material breach of test security rules by the applicant in a prior examination;

(ii) based on the applicant's removal from an eligible list for the same class due to failure to meet the terms of a conditional offer of employment.

Section 4. Acceptance and Rejection of Applications

(a) Filing of applications:

(i) All applications for entrance to an examination shall be made in the manner prescribed on the examination announcement and at such time as specified in the announcement. All applications for employment shall be on such forms as furnished by the Director of Personnel and filed in the prescribed manner. An application for employment must be completed and signed prior to appointment from an eligible list.

(ii) Defective applications may be returned to the applicants only once for correction or amendment. Failure to return the corrected or amended application to the Director of Personnel on or before the date specified will be sufficient cause for rejection.

(iii) All applications shall become the property of the City and shall not be returned.

(iv) An application for an examination postmarked or received after the date specified in the examination announcement, shall be rejected. Applications for untested positions may be rejected if postmarked or received after the date specified in the position announcement, in the discretion of the Director of Personnel. Application forms or other materials postmarked or received after the date specified in a conditional offer of employment may be rejected, in the discretion of the Director of Personnel or the appointing authority.

(v) Whenever an application for entrance to an examination is rejected, notice of such rejection and the reason for the rejection shall be given to the applicant prior to the time notices are mailed to appear for examination.

(vi) The time for filing applications may be extended or re-opened by the Director of Personnel as the needs of the City require.

(vii) No person involved in reviewing applications or in the preparation, conducting or holding of an examination shall be permitted to be a candidate in such examination.

(b) Required degrees, licenses, certificates and registrations:

For a position requiring a degree, license, certificate or registration as evidence of professional or technical proficiency, the Director of Personnel may require the submission thereof at the time of application for entrance to the examination or may

designate another time for submission such as when verification of such documents is part of the examination process. However, such submissions must take place prior to an applicant's taking of an examination.

(c) Veteran application procedures:

A veteran claiming preference points shall file upon entrance to the examination or at any other time designated by the Board but prior to completing an examination, proof of his or her service in the armed forces and honorable separation therefrom and submit for the inspection of the Board his or her honorable discharge or certified copy of his or her service record and, in case of disability claim, proof of such disability from the Veteran's Administration.

(d) Application procedures for persons domiciled in the City:

A person domiciled in the City claiming preference points shall file upon entrance to the examination or at any other time designated by the Board but prior to completing an examination, such proof of his or her domicile as the Director of Personnel shall require.

Section 5. Appeal Rejection of Application

An applicant who is denied entrance to an examination may file an appeal with the Board. The applicant shall notify the Board of writing of the appeal and the reason for contesting the denial of entrance to the examination. The appeal must be filed within seven (7) days of the notice of rejection. The Board shall hear the appeal at its next regularly scheduled meeting or special meeting called for the purpose of hearing the appeal. Following the Board's action on the appeal, the secretary of the Board shall give written notice of the Board's decision to the applicant and to the Director of Personnel.

RULE III – EXAMINATIONS

Section 1. Examination Announcement

(a) The Director of Personnel shall give public notice of all competitive examinations as provided by the Charter.

(b) The Director of Personnel shall give the examinations such other publicity as he or she may deem necessary to attract the optimum number of qualified applicants.

Section 2. Kinds of Examinations

Examinations shall be announced and administered as one or more of the following kinds:

a) promotional competitive examinations in which only qualified City employees in the classified service may participate;

b) open competitive examinations in which only qualified City employees may participate;

c) open competitive examinations in which all qualified applicants may participate;

d) Continuous recruitment examinations in which all qualified applicants may participate;

The Director of Personnel, in consultation with the appointing authority, shall determine the kind of examination to be given for a position, except that the use of a continuous recruitment examination must first be approved by the Board after review of evidence justifying the use of a continuous recruitment eligible list.

Section 3. Character of Examinations

Examinations shall be practical in nature, shall relate to matters which fairly measure the relative fitness and capacity of the applicants to discharge the duties of the position they seek, and shall take into account character, training, experience, knowledge, skill and ability and, to the extent applicable, physical and mental fitness.

No questions in any examination shall relate to political affiliation or to any class or status protected from discrimination by law.

The competitive nature of the examinations shall not be construed to require that there be more than one person eligible to take an examination.

Section 4. Development and Administration of Examinations

(a) The City may employ a Chief Examiner, whose duties include assisting the Director of Personnel in the development and administration of all examinations.

The City also may engage qualified professional testing agencies or consultants for this purpose.

(b) City employees or third parties may serve as subject matter experts to assist in the development or administration of an examination. Those who serve as subject matter experts shall maintain the confidentiality of all aspects of the examination. Any employee who serves as a subject matter expert shall be subject to discipline for breach of this duty to maintain confidentiality, in accordance with applicable personnel policies or collective bargaining agreements.

Section 5. Types of Tests

Examinations may contain one or more of the following tests, or any combination thereof. The Director of Personnel shall recommend to the Board the type(s) of tests to be included in an examination, and the Director of Personnel's decision shall become final unless the Board acts at its next regular or special meeting to modify the recommendation.

a. Written tests.

b. Oral tests. When only oral examinations are deemed advisable, then so far as is practicable, a record of such oral questions and of the test taker's answers thereto shall be kept.

c. Performance, job simulation or other practicum type tests.

d. Physical tests of strength, fitness and agility.

e. Evaluation of experience and training which may include panel interviews, by City or third party interviewers, designed to evaluate predictors of job related skills and behaviors, including interpersonal and communication skills.

f. Verification of having completed one or more methods of licensure or certification for a particular class or skill(s) required for a class, including but not necessarily limited to:

(i) examination and/or other requirements of a recognized State, Federal or professional organization;

(ii) completion of a program offered by a technical high school or institution of higher education;

(iii) completion of an apprenticeship program for a trade or occupation;

(iv) industry certification.

g. Service ratings, for promotional examinations.

h. Such other types of tests as the Board may, in its discretion, approve.

Section 6. Medical Examinations

The Board may require a medical examination of a person who is offered appointment or who is appointed in order to determine the person's fitness for duty, in accordance with applicable State and federal law.

Section 7. Service Ratings

Where service ratings are required as part of a promotional examination, the appointing authority shall furnish such ratings to the Director of Personnel on such forms as may be prescribed by him or her, within 30 days of the request.

Section 8. Postponement and Cancellation of Examinations

The Director of Personnel may postpone or cancel examinations at any time for any reasons considered good and sufficient. All qualified applicants shall be notified of the cancellation or postponement.

Section 9. Conduct of Examinations

Examinations shall be conducted under the general direction of the Board and by qualified examiners as determined by the Board.

a. Applicants shall be refused admittance to take an examination or any portion thereof once the instruction phase for the examination or portion thereof has commenced.

b. An applicant may be refused admission to take a test or asked to leave the test site if those administering the test determine that the applicant's presence would be disruptive to the testing process or a threat to others taking the test.

c. Once having left the examination room for any cause whatsoever, except as directed by the examiner or the monitor, applicants will not be permitted to return to complete the examination.

d. No communication between or among those taking an examination or test is permitted once the instruction phase has commenced.

e. The content of an examination is confidential and may not be discussed or disclosed by any person taking the examination to any other person until the examination is completed.

f. There shall be no removal of any examination papers from the testing location unless expressly authorized by those conducting the examination.

Section 10. Scoring of Examinations

The examination grades shall be based on a scale of one hundred points.

Section 11. Preference Points

(a) Any person who has served in time of war, in the army, navy, air corps, marine corps or coast guard of the United States and has been honorably discharged therefrom shall be entitled to have added to such person's rating in an open competitive examination ten points on a scale of one hundred if such person is eligible for disability compensation or pension from the United States through the veterans' administration, or five points on a scale of one hundred if such person is not so eligible, provided that such person shall be within the age limit specified for appointment to the position or class of position for which the examination is held, is capable of performing the essential functions of such position, and attains without such added points the minimum rating prescribed for passage of such examination. No preference points for veterans shall be allowed for any promotional examination.

(b) Any person domiciled in the City on the date of the announcement of an open competitive examination who attains the minimum rating prescribed for passage of such examination shall thereafter be accorded five additional points on a scale of one hundred points in determining their rank on the eligible list approved by the Board for such examination. These points shall be in addition to any preference points accorded to veterans pursuant to the Charter. No preference points for being domiciled in the City shall be allowed for any promotional examination.

Section 12. Notice of Results of Examinations

When an eligible list has been established, each competitor shall be notified by mail of the result of his or her examination and, if successful, of his or her relative position on the eligible list.

Section 13. Examination Papers and Materials; Appeals and Examination Review

(a) All examination papers and related examination materials are the property of the City.

(b) A person who takes an examination may request confirmation of the accuracy of his or her test score. This request must be in writing and submitted

to the Chief Examiner no later than ten (10) days after receiving notice of his/her score. The Chief Examiner shall respond no later than ten (10) days after the promulgation of the corresponding eligible list.

(c) No examination paper or any part thereof or any statement rated as part of the examination in connection therewith shall be subject to alteration, addition or emendation by the applicant, or to remarking, except that the Chief Examiner may correct any manifest error in scoring.

(d) Examination review may be offered for developmental purposes only, in the discretion of the Chief Examiner. The materials available for examination review, as well as the time, manner and location of such review, shall be determined by the Chief Examiner. Whenever an examination is developed by a testing agency or consultant, the examination review process shall be subject to and may be limited by the terms and conditions of any applicable agreement between the City and the testing agency or consultant.

Section 14. Re-examination

No person who has entered any examination for a position and failed therein or who has withdrawn therefrom shall be admitted within six months from the date of such examination to a new examination for the same class.

RULE IV - ELIGIBLE LISTS

Section 1. Eligible Lists

Within sixty (60) days after the completion of an examination involving less than 100 candidates and within one hundred and twenty (120) days after the completion of an examination involving 100 or more candidates, the Director of Personnel shall recommend to the Board approval of an eligible list for each class of position in the classified service for which either open or promotional examinations have been given.

In deciding whether to approve an eligible list, the Board shall consider whether the examination for the class of position was:

(a) developed and administered in compliance with the Charter and these Rules;

(b) determined by testing professionals to be a valid test(s) of fitness and ability of the applicants for the position; and

(c) in accord with the principles of civil service.

When the Director of Personnel recommends approval of an eligible list, the Director shall certify to the Board that the examination was in conformance with the above standards.

Said eligible list shall be kept on file in the office of the Secretary to the Board.

Section 2. Types of Eligible Lists

(a) Eligible Lists (Open)

(b) Eligible List (Promotional)

(c) Eligible List (Open Continuous Recruitment)

Section 3. Effective Date

An eligible list shall be in effect from the date on which on which the Board certifies the list.

Section 4. Duration of Eligible Lists

The Board shall set the duration of an eligible list at the time it is approved, and the Board may thereafter extend the duration of the list. The Board's actions shall be subject to the following:

(a) An eligible list shall initially be in effect for one year, or until 75 percent of

the list has been exhausted, whichever comes first; provided, however, that the Board shall be notified in advance of a list expiring, so that the Board has the opportunity to extend its duration.

(b) Prior to its exhaustion, the Board may extend the duration of a previously approved eligible list provided that no eligible list shall be in effect for more than two years.

(c) The duration of a Continuous Recruitment Eligible List shall be set by the Board at any time, except that the list's duration shall be based on data supporting the need to expire or continue the use of the list. The Board shall review supporting data on the annual anniversary of the list, or sooner if the Board deems it necessary.

(d) The placement of an eligible on a Continuous Recruitment Eligible List shall not surpass an eligibility period of one (1) year, except in cases where an active military status is made known during a conditional job offer process, in which case current applicable law(s) governing military accommodation shall be adhered to.

The original certification date of any list shall not be changed by subsequent corrections, amendments, or modifications to the list.

Section 5. Removal of Eligibles From List

(a) The Board may remove a person's name from an eligible list for any of the causes enumerated in Rule II, Section 3, or for any of the following reasons:

(i) The person violated the procedures for taking an examination, including but not limited to those concerning material that may be brought into the examination room, or those designed to protect the security of the examination.

(ii) The person does not satisfy the terms of a conditional offer of employment.

(iii) The person is not eligible to work in the United States.

(iv) The person fails to respond within ten (10) days to a written notice of inquiry from an appointing authority or designee concerning availability for employment, or to arrange for or report to an employment interview.

(v) The person submits a written request to the Board to be removed from such list.

(vi) The person has declined a second opportunity for appointment from such list.

(vii) The one (1) year duration period has lapsed for a person on a Continuous Examination Recruitment list, except that if upon a conditional offer of employment the person is unable to complete the hiring process due to active military duty, the person shall remain on said list until removed for causes enumerated in the Civil Service Rules, or if hired.

(viii) The person has been appointed to a position from such list.

(ix) The person is on a promotional list and resigns from the service.

(x) The person has been dismissed from any City employment for cause or resigned from City employment under charges constituting cause for dismissal.

(xi) The person has been convicted of a crime and that conviction has been considered in accordance with Section 6, Effect of Criminal Record, of this Rule.

(b) When action is taken under this section for reasons other than failure to satisfy the terms of a conditional offer of employment, the name of the person affected, if it be upon any list, shall, after due notice to such person and an opportunity to be heard if he or she so desires, be stricken from such list. The name of any person who fails to satisfy the terms of a conditional offer of employment shall be stricken from such list after due notice to such person.

Section 6. Effect of Criminal Record

Subject to the approval of the Board, an applicant for a sworn police or fire position may be removed from an eligible list because of a prior conviction of or plea to a crime, in accordance with standards applied by the appointing authority to a conditional offer of employment, provided that the records of the conviction or plea have not been erased in accordance with State law.

Subject to the approval of the Board, an applicant for any other position in the classified service shall not be removed from an eligible list solely because of a prior conviction of or plea to a crime. An applicant may be removed from an eligible list based on conviction of or plea to a crime, provided that the records of the conviction or plea have not been erased in accordance with State law, if the Director of Personnel, after consultation with the appointing authority, determines that the applicant is not suitable for the position sought after considering the following factors:

(i) the nature of the crime and its relationship to the position for which the person is applying;

(ii) the degree of rehabilitation of the person following his or her conviction;

(iii) the time elapsed since the conviction.

Section 7. Change of Address

Each person on an eligible list shall file with the Director of Personnel a written notice of any change of address, and failure to do so may cause his or her name to be removed from the list.

RULE V - METHOD OF FILLING VACANCIES

Section 1. Requests

Written requests for the names of persons eligible for appointment shall be made to the Director of Personnel by the appointing authority whenever:

(a) a vacancy occurs or is anticipated.

(b) additional employees are required.

The Director of Personnel shall advise the appointing authority as to the availability of employees for re-employment, employees eligible for transfer, promotional eligible lists, open eligible lists or continuous recruitment eligible lists for the class.

Section 2. Types of Appointments

All vacancies in the classified service shall be filled by re-employment, transfer, or from an appropriate promotional or open competitive eligible list, if available.

Section 3. Priority of Lists

Appointments shall be made from existing lists in the following order of preference:

a) Re-employment list;

b) Eligible list (promotional);

c) Eligible list (open);

d) Continuous Recruitment Examination Eligible list (open) – only if applicable

Section 4. Appointment from Re-employment List

Upon receipt of a written request for an eligible list to fill a vacancy, the Director of Personnel shall transmit from the re-employment list the names of the persons who previously worked for the City and in the particular class. If no one on the list has previously been employed by the City in said class, the Board shall follow the procedures specified hereafter.

Section 5. Appointment by Transfer

Upon receipt of a written request to fill a vacancy, the Director of Personnel shall transmit the names of the persons approved for consideration for appointment to the particular class or a class similar to that of the vacancy. The Director of Personnel shall report to the Board at each of its regular meetings all transfers effected since the date of the prior regular meeting.

Section 6. Appointment from Eligible List (Open & Promotional)

Upon receipt of a written request for a list to fill a vacancy which has not been filled by reemployment, the Board shall transmit to the Director of Personnel and to the appointing authority the list of candidates who have successfully passed the examination with their respective scores arranged in order from highest to lowest.

No appointments or promotions shall be made from an eligible list except from those with the three highest scores of those who shall have passed an examination with a score of at least seventy per centum and are on the list of those eligible under these Rules.

Section 7. Appointment from Eligible List (Continuous Recruitment)

A Continuous Recruitment Examination eligible list may be used for a class after the Board has designated the class as a "continuous recruitment class." Each time an examination for such a class is given, the names of the persons achieving a passing score in the examination shall be added to the existing eligible list, ordered first by the certification date and then by the eligible's rank determined by the passing score achieved.

Appointment from a Continuous Recruitment Examination eligible list shall follow the order of the three highest scores by earliest date of certification onto the list.

RULE VI - RE-EMPLOYMENT

Section 1. Re-employment List

An employee who without fault or delinquency on his or her part has been separated from the classified service because of lack of work or funds, shall have his or her name automatically placed on the re-employment list for his or her class of position.

a. The placing of such employee's name on said list shall be determined in the same manner as prescribed in Rule XII, Section 3, Layoff and Reduction in Personnel, for order of layoff, but in reverse order.

b. Said employee shall be certified to vacancies in his or her class in accordance with these Rules.

c. Unless the employee is re-employed sooner, his or her name shall remain on the list for the duration of the list.

Upon its establishment, the Board shall set the duration of the reemployment list. The duration shall be as determined by the Board, in its discretion, unless specified in a collective bargaining agreement.

Section 2. Reinstatement

(a) A person who has resigned from a permanent position, or who has been removed or otherwise separated therefrom for any cause other than fault or delinquency on his or her part, may be reinstated without examination, at any time within one year from the date of such separation, in a vacant position in the same class and range provided that for original entrance to such position there is not required by these Rules, in the judgment of the Board, an examination involving tests or qualifications different from or higher than those involved in the examination for appointment to the position formerly held by such person.

(b) Upon the written request of an appointing authority, stating the essential facts regarding a reinstatement proposed under the foregoing clause, the Board will, if such reinstatement be in accordance with law and these Rules, issue its certificate to that effect to such appointing authority.

RULE VII – APPOINTMENTS

Section 1. Selection of Appointees

The appointing authority shall appoint from a reemployment list, from those eligible for transfer or from an eligible list certified by the Board as provided in the Charter.

Section 2. Permanent Appointment

Appointment of a person to a position established without limitation as to duration of employment, following his or her successful completion of the appropriate probationary period hereinafter prescribed, shall be considered a permanent appointment, and said person shall be considered a permanent employee. If the appointing authority fails to act and the employee has completed the required probationary period, said employee shall be considered a permanent employee and entitled to all rights and privileges of a permanent employee duly recommended and appointed.

Section 3. Emergency Appointment

In case of extreme emergency as determined by the Mayor, when it is in the interest of public safety, health or welfare to employ persons most readily available for the performance of certain work, an appointing authority may secure the necessary help from suitable eligible lists if available.

Acceptance of an emergency appointment shall not affect the right of a fully qualified eligible to appointment to a permanent position.

The services of an emergency appointee may be terminated at any time by the appointing authority and such action shall not be subject to review or appeal.

Section 4. Temporary Appointment

When there is no eligible list in effect for a particular class in the classified service, the Director of Personnel, with the approval of the Board, may fill a vacancy in such class by temporary appointment for not more than 90 working days and within that period an examination for the class shall be given. The Director of Personnel may extend a temporary appointment for up to an additional 90 working days, but shall do so only once for a given appointee.

RULE VIII - PROBATIONARY PERIOD

Section 1. Probationary Period

All original and promotional appointments shall be tentative and subject to a probationary period of 90 working days.

Section 2. Objective of Probationary Period

The probationary period shall be regarded as a significant part of the examination process for permanent appointment. This period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her job, and for rejecting any probationary employee whose performance does not meet the required standards of work.

Section 3. Employee Performance Report

A report of performance of each probationary employee shall be made by the appointing authority or designee to the Director of Personnel at the end of the 40th and 80th working days during the probationary period. In addition, if a probationary period is extended beyond 90 working days, the appointing authority shall make a performance report to the Director of Personnel not later than the 10^{th} working day prior to the end of the extended probationary period.

Section 4. Rejection of Probationer

During the probationary period, an employee may be rejected at any time by the appointing authority if he or she does not meet employment standards, and such an employee shall be discharged without the right of appeal.

Written notification of the rejection shall be served on the probationer and a copy filed with the Board.

Section 5. Rejection Following Promotion

Any employee rejected during a probationary period following a promotional appointment or at the conclusion of such a probationary period shall be returned to the position or class from which he or she was promoted without the right of appeal.

Written notification of the rejection shall be served on the probationer and a copy filed with the Board.

Section 6. Approval of Permanent Appointment

The final performance report of a probationary employee shall indicate whether or not the employee is recommended for permanent appointment and shall be sent to the Board.

Section 7. Temporary Appointment

Time spent and work performed as a temporary appointee shall not be credited to the required probationary period.

RULE IX – TRANSFERS

Section 1. General

A person who has been permanently appointed to a position in the classified service may be transferred without examination to a similar position in the same or similar class in any other department, where there is a vacancy in the classified service.

Section 2.

A person who has been permanently appointed to a position in the classified service may be placed on a transfer list with Board approval. A person on the transfer list shall be eligible for appointment to a position in the same class or a class similar to that from which transfer is sought provided that for entrance to the position proposed to be filled by transfer, there is not required by these Rules, in the judgment of the Board, an examination involving test or qualifications essentially different from or higher than those required in an examination for original entrance to the position from which transfer is sought.

RULE X - PROMOTIONS

Section 1. Method of Examination

The method of examination, the rules governing the same, and the method of certifying, shall be the same as for applicants for open competitive examinations. Promotions shall in every case involve a definite change in duties and an increase in responsibilities.

Section 2. Application for Promotional Examination

Each eligible who wishes to compete for promotion must fill out the prescribed application for promotion and comply with all requirements established for original appointment.

Section 3. Temporary Promotions

(a) An interim or temporary appointment to a higher position made necessary by reason of sickness, disability, authorized leave of absence or military leave of absence of a regular employee may be authorized by the Director of Personnel with the approval of the Board without examination upon the written request of an appointing authority who shall set forth full information regarding such request.

All such temporary promotions shall continue only during period of sickness, disability, authorized leave of absence or military leave of absence.

(b) An interim or temporary appointment to a higher position made necessary by reason of separation, retirement, resignation or other permanent absence of a regular employee may be authorized pending Civil Service examination either by open competitive or promotional examination as provided in these Rules.

No temporary promotion shall be approved, or an employee continue to hold a temporary promotional position whenever a qualified eligible is available to assume said position permanently except as otherwise provided in these Rules.

(c) No such temporarily promoted employee shall be retained in the higher classification after the person replaced returns to duty notwithstanding the creation of another vacancy after the eligible list has expired.

RULE XI - VOLUNTARY DEMOTION

Section 1. General

A person who has been permanently appointed to a position in the classified service may be voluntarily demoted without examination to a similar position in a lesser class and lower range in any other department where there is a vacancy, provided, that for original entrance to the position proposed to be filled by demotion, there is not required by these Rules, in the judgment of the Board, an examination involving tests or qualifications essentially different from those required in an examination for original entrance to the position which is sought. Demotion shall follow the normal lines of promotion in reverse order.

Section 2. Appointing Authority

Upon written request of an appointing authority, stating the facts with reference to a proposed demotion, accompanied by the consent, also in writing of the appointing officer from whose jurisdiction the demotion is made, in addition to the consent of the employee, the Board will, if such demotion be in accordance with law and the provisions of these Rules, issue its certification to that effect.

RULE XII - RESIGNATION, REMOVAL, LAYOFF

Section 1. Resignation

An employee in the classified service who desires to resign in good standing shall submit his or her written resignation to the appointing authority two weeks prior to leaving the service unless the appointing authority consents to his or her leaving sooner.

Such resignation shall be forwarded to the Director of Personnel by the appointing authority indicating the actual disposition of the resignation.

Section 2. Removal

An officer or employee of the City in the classified service who has completed the probationary period prescribed in accordance with these Rules and the Charter may be removed from office or employment for cause, which cause shall not be political, by the appointing authority.

Section 3. Layoff and Reduction in Personnel

The appointing authority shall have the power to lay off any employee because of lack of funds, lack of work, or where there has been insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, in any office, department, agency, division or bureau.

Whenever it becomes necessary to reduce the number of employees in a given class because of lack of funds, lack of work, or where there has been insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, the appointing authority shall, prior to such impending reduction, notify the Board of the number of positions in the class to be vacated and the reason therefor.

A reduction in the number of employees in a class shall be made in the following order: temporary, probationary, permanent.

Layoff shall be determined in the order of seniority within each class within the total classified service.

RULE XIII- -LEAVES OF ABSENCE

Section 1. Special Leaves Without Pay

A permanent employee who for medical reasons is unable to perform his or her duties or who desires to engage in a course of study such as will increase his or her usefulness to the City, and who desires to secure leave from his or her regular duties accordingly may be granted special leave of absence without pay for a period not to exceed one year, depending upon the needs of the City and upon the recommendation of the appointing authority and the approval of the Board. Such leave shall not be extended nor shall it be granted for an employee to assume another position in the classified or unclassified service of the City or to assume a position in any other jurisdiction, public or private.

An employee asking for such special leave without pay shall submit his or her request in writing to the appointing authority and the Board. Upon approval in writing of the appointing authority and the Board, such leave shall be granted for the period specified. Whenever leave is required by law the appointing authority and the Board shall approve the leave.

Section 2. Leaves of Absence – Less Than Thirty Days

Subject to any fiscal requirements specified by the Board of Aldermen, an appointing authority may grant a leave of absence with or without pay when such leave does not exceed thirty calendar days.

Section 3. The provisions of this Rule shall not be in effect on or after February 1, 2008, with the following sole exception:

If a collective bargaining agreement provides for leaves of absence in accordance with or pursuant to this Rule, this Rule shall remain in effect until that collective bargaining agreement expires and shall sunset for the affected bargaining unit when its successor collective bargaining agreement is effective.

RULE XIV - UNSKILLED LABOR SERVICE

Section 1. General

Unskilled laborers in the classified service shall be placed on appropriate eligible lists after qualifying in such examination as the Board may prescribe.

Unskilled laborers in the unclassified service, pursuant to the Charter, shall be eligible for appointment without civil service examination.

All applicants for unskilled laborer positions must fulfill the applicable requirements for City employment specified in Rule II.

Section 2. Procedure for Appointment of Unskilled Laborers in the Unclassified Service

Upon request from a department head to fill a vacancy in an unskilled laborer position, the Director of Personnel shall forward to said department head the applications of those on file who are seeking such a position. In the event that there are no suitable candidates on file, the Director of Personnel shall post a notice of the vacancy and/or advertise for applicants.

RULE XV – GENERAL

Section 1. Savings Clause

If any section or part of a section of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, the force and effect of any or all other section(s) or part(s) of a section(s) of these Rules.