

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Human Resources

AGENDA DATE: 08/14/07

CONTACT PERSON/PHONE: Human Resources, Linda Ball Thomas, (915) 541-4509

DISTRICT(S) AFFECTED: City Wide

SUBJECT: Introduction of Amendments to Ordinance 8065, (Civil Service Rules and Regulations)

APPROVE:

BACKGROUND / DISCUSSION:

Upon approval, these amendments to Ordinance 8065, (Civil Service Rules and Regulations) will update Rules 6, 7,8,9,10,11,12, 13, 14 and 26

PRIOR COUNCIL ACTION:

Ordinance 8065 was last amended by City Council on July 11, 2006 (Ordinance 016402 and Ordinance 016403

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

As per Civil Service Commission recommendation on July 26, 2007

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*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) JRB

FINANCE: (if required)

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 6, CERTIFICATION; RULE 7, PROVISIONAL AND TEMPORARY APPOINTMENTS; RULE 8, APPLICATIONS; RULE 9, EXAMINATIONS, MARKING AND RATING; RULE 10, ORIGINAL ENTRANCE EXAMINATION; RULE 11, PROMOTIONAL PROCESS; RULE 12, ELIGIBLE LISTS; RULE 13, LEAVE OF ABSENCE, RESIGNATION, SICK LEAVE AND VACATIONS; RULE, 14 EFFICIENCY RATINGS; RULE 26, PERMANENT PART-TIME EMPLOYEES

WHEREAS, the Civil Service Commission is given the authority under Section 6.1-6(A) of the City Charter to recommend amendments to the City's Civil Service Rules; and

WHEREAS, the City Council is the approving authority for amendments to the Civil Service Rules; therefore, the Civil Service Commission presented their recommended changes to City Council; and

WHEREAS, these recommendations contain revisions to the amendments proposed by the Human Resources Director; and

WHEREAS, both the Civil Service Commission and the City Council have determined that portions of Civil Service Rules 6, 7, 8, 9, 10, 11, 12, 13, 14 and 26 should be amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Ordinance 8065, Civil Service Rules and Regulations, is amended as follows:

RULE 6

Certification

Section 1. Requisition.

To initiate the employment of any classified employee of the City, the Department Head will submit a requisition to the Human Resources Director for eligible applicants to fill all vacancies. Requisitions will be submitted as prescribed by the Human Resources Director and will specify the title and number of vacancies, the class, grade, salary, whether regular or temporary and any other information which will assist the Human Resources Director in making a proper certification.

Section 2. Certification.

The order of certification will be:

Applicants will be certified by the candidate's standing on the eligible list. Upon request of Department Head, a person on the reinstatement or transfer list may be certified ahead of or in conjunction with the names on the eligible list.

Section 3. Certification to Multiple Vacancies.

If more than one vacancy exists for a given position, the order of certification shall conform to a first choice from the first five certified, a second from the next five eligible for appointment (i.e., the second, third, fourth, fifth and sixth names on the appropriate eligible list), and so on until the complete number of appointments has been made.

Section 4. Failure to Respond to Offer of Appointment.

The failure of an eligible person to report to the Department Head within five working days from the date notified of appointment, or within three working days of the date of sending the notice by special messenger to the last home address shown on the records of the Human Resources Director, will be considered sufficient cause for removal of the name of the person from an eligible list. If the person declines or does not respond to telephonic or email messages, certification of the next person eligible in order on the list will be made.

Section 5. Waiver.

The Human Resources Director will permit persons on eligible lists to waive certification, provided their name has been placed on hold prior to being contacted to fill a vacancy. Applicants are only allowed to waive certification or appointment a combination of two times, after which the person's name may be removed from such list.

Requests for waivers for appointment must be filed with the Human Resources Director by the next working day after having been notified of selection by the Human Resources Department.

Section 6. Objection by Department Head.

The Department Head will make a selection from the eligible list solely on the basis of merit and fitness.

Section 7. Notice of Appointment and Separation.

Each Department Head will immediately notify the Human Resources Director of all appointments in a manner prescribed by the Director, in each case giving the name of the appointee, his or her address, the title of his position, the compensation grade, date of commencement of service, and salary or compensation. He will also notify the Human Resources Director immediately of any separation of a person from the service or any other change therein, and such additional information as the Human Resources Director may, from time to time require, in order to maintain the list of employees of the Civil Service.

Section 8. Cancellation of Certifications

At any time after an eligible has been certified and the Department Head makes a decision not to make an appointment, the certification will be cancelled and the eligibles so notified and an entry made on the record by the Human Resources Director.

Section 9. Notice of Certification.

The Human Resources Director will send a notice of certification of a person's name for reinstatement or appointment to him or her at his or her last address that is on file with the Human Resources Department. It is the applicant's responsibility to inform the Human Resources Director of any changes in contact information.

Section 10. Nepotism.

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It is the duty of every Department Head to inquire of all prospective appointees whether a relationship as defined in Article VI, Section 6.9-3 of the Charter exists and to report to the Human Resources Director the existence of such a relationship. The Human Resources Director shall refuse to certify the salary of any person appointed without compliance with these provisions.

RULE 7

Provisional and Temporary Appointments

Section 1. Provisional Appointments.

Provisional appointments may be made in accordance with Article VI, Section 6.6-2 of the Charter. The provisional appointment will terminate at the expiration of the period provided in Article VI, Section 6-6.2 of the Charter.

Section 2. Temporary Appointments.

Temporary appointments may be made in accordance with Article VI, Section 6.6-3 of the Charter, provided that any non-eligible person so appointed must possess the minimum qualifications required for the position as described and set forth in the classification plan.

Section 3. Privileges.

A provisional or temporary appointment will not confer upon the appointee any privileges of promotion, transfer or reinstatement to any other position in the service.

Section 4. Temporary Appointment Made Regular.

Any person who has been appointed temporarily from the appropriate eligible list, and who at the time of the appointment was one of the top five eligible applicants willing to accept the appointment under the conditions stated, may, in case the position is made regular, be regularly appointed in the position. This appointment is authorized regardless of the number of higher eligible applicants willing to accept regular appointment.

Section 5. Reappointment to Temporary Employment.

Any person who has been appointed to a temporary position from an eligible list, being one of the five persons highest on the list willing to accept appointment at this time, may be reappointed to another temporary position, provided such reappointment is requested by the Department Head and approved by the City Manager.

RULE 8

Applications

Section 1. Filing of Applications.

Except as otherwise provided for herein, applicants for all positions, must file an application with the Human Resource Department not later than the day specified in the job posting for the examination and in the manner prescribed in the job posting. Application forms for any examination will not be accepted after the close of the filing period, except for good cause as determined by the Human Resources Director, subject to review by the Commission.

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a. The Human Resources Director will establish the filing period limits to accept applications but such period will normally be no less than 5 calendar days. When the need exists for a limited number of applicants, the recruitment period will only remain open until a sufficient number of applications have been filed. Whenever it is required to fill positions and classes for which a constant need of qualified applicants exists, the Human Resources Director may establish an open filing period for those classes and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for continuous accepting and processing of applications no longer exists. In such cases, notification of the end of the filing period will be made in the same manner as the initial job posting.

b. As needed, the Director may create an eligible list based on applications on file as of that date. Any false statement knowingly made by any applicant in his applications for admission to any examination or made at his request or with his knowledge in any certificate which may accompany his application or any other fraudulent conduct will cause the Commission to:

- (1) Exclude him from such examination or;
- (2) Remove his name from any register or eligible list or;
- (3) Remove him permanently from his position if he has secured appointment from such examination.

Any applicant who knowingly falsifies his application will be ineligible to reapply for any City position for a period of two (2) years from the date the falsified application was submitted. Additionally, that person's name will be removed from any eligible list(s) on which it currently appears.

c. In case of applicants for positions the duties of which require special qualifications, the Human Resources Director will require evidence of a sufficient degree of education, training, or experience. He may also demand such certificates of competency or licenses as the law may require for the practice of the profession, art or trade involved.

d. The Human Resources Director, subject to appeal to the Commission, will refuse to examine an applicant, or after examination to certify him as eligible and will remove his name from the eligible list for any of the following reasons, in each case to be fully documented:

- (1) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies; or
- 2) He has been convicted of a felony, or a misdemeanor, which is determined to be job related to the position sought; or
- 3) He has been dismissed from public service, other than City employment, for delinquency or misconduct, which is determined to be job related to the position sought; or
- (4) He is found by the Commission to have committed any act, either while in the service of the City or otherwise, or to have any deficiency or disqualification which, in the judgment of the Commission, would be sufficient to constitute a just cause for discharge from the Civil Service as defined in Article VI, Section 6.13-3 of the Charter; or
- (5) He has submitted an incomplete application, thereby preventing full review of the applicant's qualifications for the position held.

e. If the Commission determines that the applicant is eligible for a position in the same series they will be approved for other jobs in the same job series.

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f. Any individual who has been dismissed from City employment for delinquency or misconduct, which is determined to be job related to the position sought will not be qualified and/or his name will be removed from the eligible list.

When determining whether an applicant meets the minimum qualifications of a job class, the Human Resources Director will permit education to substitute for experience in accordance with Civil Service Commission policy regarding equivalencies.

g. For purposes of determining if an applicant has met the minimum experience requirements established in the classification for the position and grade for which he has applied, experience will be counted from the first day of entry into a qualifying job, to the day of the first component of the examination for which they have applied.

Section 2. Applications On File.

Applications filed with the City will become the property of the City. An applicant may supplement his application to update contact information, such as address or phone number, or to expand on job entries already listed.

Applications for one examination will not be used for any other or later examinations. An applicant who has been given notice that he fails to meet the minimum experience requirement in Section 1 will be given the opportunity within seven working days of the date of the disqualification notice to supplement his application and provide any relevant information not previously stated in his application.

Section 3. Appeals from Disqualification from Examination.

a. Applicants who are disqualified from taking an examination may appeal to the Civil Service Commission provided they appeal within seven calendar days and the individuals who appeal must file a written rebuttal in a format prescribed by the Human Resources Director by mail, electronic transmission (e-mail), FAX or in person within seven calendar days of the date the disqualification is e-mailed, mailed, phoned, delivered in person or delivered by special messenger to the address shown on the application. If the applicant fails to update their contact information or respond within the timelines set, no further action will be taken.

b. Untimely appeals will not be accepted.

c. If the examination is held before the appeal is heard and determined by the Commission, the Human Resources Director may allow the applicant to take the examination conditionally pending the Commission's determination. If a conditional applicant fails to achieve a passing grade on an examination, the appeal shall be administratively dismissed. The appeal will not be forwarded to the Commission and no further action will be taken.

Section 4 . Age.

a. Appointment to any position in the classified service shall be made without discrimination based on age, except where age constitutes a "bona fide occupational qualification"; or where state or federal law requires; or where the conditions of a grant program prescribe age qualifications. Age limits for classes of positions will be established by ordinance in the class specification.

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b. When age limits for positions are set by ordinance, an applicant will be considered to be within the age limit if his birthday falls any time within the month in which the examination is held. If the examination has more than one component, the applicant must meet the age requirement in the month in which the first component of the examination is administered.

RULE 9

Examination, Marking and Rating

Section 1. Minimum Rating Required.

a. The method of determining minimum passing scores in each part of an examination will be determined by the Human Resources Director. The method of scoring and grading tests will be objective and applied uniformly to all candidates. Where an examination consists of two or more parts, the Human Resources Director may set minimum scores to be required in any part of the examination. An applicant who fails to attain this minimum score will be considered to have failed the entire examination and will not be entitled to take the balance of the examination.

b. The Human Resources Department shall establish a passing score on an examination for executive, professional and general service positions. Minimum passing scores may be established for each component where an examination consists of more than one component and such scores shall be published in the notice concerning the examination.

c. Any applicant who has failed an examination will be allowed to retake an examination for the same class as often as it is offered.. Practical tests of agility, speed, or strength are considered readiness tests, and may be taken as often as the test is offered.

Section 2. Special Credit

a. Ratings for Veterans

A veteran, who has obtained a passing score, shall have his rating on an original entrance examination advanced five points. A veteran is defined as any person who has served on active duty in the Armed Forces of the United States, or any division thereof, including the Coast Guard, for a period of 180 days and has been separated with honorable conditions from said service

1. To qualify for an additional five-point increment based on disability, such disability must be at least 30 percent, certified by the most recent letter from the Veteran's Administration.
2. Nothing in this provision will be construed to authorize or direct the placing of the name of any person on any eligible list who does not meet the physical standards set by the Human Resources Director for the position for which the eligible list has been created.

b. Ratings for Seniority

One point will be added to the score of an applicant for each of the first four complete and continuous years served in a regular Civil Service position to a maximum of four points, and provided that the minimum passing grade is achieved on the examination or evaluation. Seniority will be computed from the date of the person's last promotion and to the date of the examination. If the employee has never received a promotion, seniority will be computed from the date of appointment to the position from which promotion is sought.

c. Ratings of Efficiency

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1. No person may be eligible to take a promotion examination who has not received an overall rating of at least "Meets Minimum Requirements" for the most recent regularly scheduled rating period in the position from which promotion is sought. If an efficiency rating has not been filed for the person for the position from which promotion is sought, the most recent regularly scheduled evaluations in a prior position shall be used. Efficiency ratings must be on file for examination eligibility purposes no later than the last day of the pay period in which the employee's competency anniversary date falls.

2. Points, to a maximum of three (3), will be added to or subtracted from, the examination score of applicants passing promotional examinations based on the employee's most recent regularly scheduled evaluations. The overall or summary rating for the three (3) most recent regularly scheduled evaluations will be used, if available. The following formula will be used in computing the number of points to be added or subtracted:

$$\frac{3 \times \text{Number of Exceptional} + 1.5 \times \text{Number Exceeds Standards} - 1.5 \times \text{Number Marginal} - 3 \times \text{Number Unsatisfactory Ratings}}{\text{Total Number Ratings}}$$

Provided, however, that not more than seven points can be added to an applicant's score for a combination of seniority and efficiency.

Section 3. Penalty for Deceit in Examination.

Where deceit in an examination is alleged, and the applicant denies the fact of deceit, or if the examiner in charge of the examination believes extenuating circumstances to exist, the applicant will be permitted to finish the examination, and a full report shall be submitted immediately to the Human Resources Director, who will conduct an appropriate investigation. Should the Director find that the applicant engaged in deceitful conduct in connection with the examination, he may either cancel the examination papers of the applicant or may penalize him a certain number of points in the examination score.

Section 4. Tie Ratings.

In case two or more persons receive the same rating after the addition of seniority and efficiency credits, the resulting tie will be resolved by application, in succession, of the following procedure:

- a. If the persons tied are already in the classified service, the one having the greatest seniority in the City service will have precedence on the list.
- b. If two or more tied persons have the same seniority, the one among this group with the highest overall efficiency rating in the last two efficiency reports for each will have precedence.
- c. If the persons tied are not in the classified service or if a tie still exists after using paragraphs a and b above, the tie shall be broken by using a system of drawing by lot.

Section 5. Notice to Candidate of Result of Examination.

a. Each candidate will be notified of the rating he has received, and, if such rating is above the required minimum, he shall be given his or her comparative standing.

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b. Applicants who pass the examination will be ranked by their examination score, efficiency, seniority, or veteran points as applicable.

Section 6. Preservation of Examination Papers.

Examination papers of each examination shall be preserved for at least the length of the life of the resulting eligible lists. The examination papers written by an applicant certified for appointment will be open to the inspection of the Department Head during such time as the papers are on file with the Human Resources Director.

Section 7. Review of Examination and Appeals.

a. An examinee will be allowed to file a written protest from any portion of a written examination. Such protest should contain specific points or objection to specific questions, actions, or procedures. The Human Resources Director will schedule one one-hour period, for such protests to be filed, at the convenience of the Human Resources Department on the date of the examination.

b. During the one-hour period, the following materials will be available to examinees: unmarked test booklet, correct answers to questions, and protest forms. Examinees may bring their own reference materials. At the end of one hour, all protests must be turned in to the Human Resources Department staff. No protests regarding the examination will be accepted after this time. Any individual attending such session may write down the number of the test questions protested, and remove such written notations from the testing room. No other notes or papers shall be carried out by any individual attending such a session.

c. For all other types of examinations as specified in CSC Rule 10, Section 2(b-f), applicants may file a written protest immediately following the administration of the examination. No protests will be accepted after the date on which the administration of the examination is completed. Such protests must contain specific points or objections to specific questions, actions or procedures. Applicants filing protests will be notified of the disposition of their protests and if dissatisfied, can appeal to the Civil Service Commission within five days of notice in a manner consistent with the Rules and Regulations.

RULE 10
Examination Standards

Section 1. Character.

All examinations will be job-related and consist only of subjects which will fairly test the relative capacity of the person examined to discharge the particular duties of the class to which appointment is sought.

Section 2. Content.

Examinations held to establish a list of eligibles for any class will consist of one or more of the following components as determined by the Human Resources Director

a. Written Test. The written part, when required, will include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their ability in the use of English (where job related), the range of their

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general information, or their general educational attainments. An essay upon one or more subjects may be required if advisable.

b. Oral Interview/Assessment. The oral interview, when required, will include personal interviews with the competitors for classes of positions where ability to deal with others, to meet the public, or other special personal qualifications or verification of special technical or professional knowledge are involved. Normally, such interviews will be given only to the upper group of candidates as ranked by the previous examination component.

c. Performance Test. The performance test, when required, will include tests to measure the skill or ability of competitors to perform the work involved.

d. Physical Test. The physical test, when required, will consist of tests of bodily condition, muscular strength, agility and the general physical fitness of competitors. The results either may be given a weight in the total examinations, or may be used to exclude from further examination applicants who do not achieve the minimum required physical standards.

e. Psychological Tests. The psychological test, when required, will include tests to determine mental alertness, the general capacity of applicants to adjust their thinking to new problems and conditions, or to ascertain their special character traits and aptitudes related to the job to be performed.

f. Training and Experience. An evaluation of training and experience, when required, will be based on the statements of education and experience contained in the application form or such supplementary data as may be required by the Human Resources Director. The Human Resources Director may investigate the truth of any statements by the applicant as to training and experience. If any such statement is incorrect, the Human Resources Director shall recommend to the Commission appropriate action as governed by these Rules.

Section 3. Subjects and Weights.

The Human Resources Director will determine subjects to be included in the examination and the weights to be ascribed each. The weights will represent reasonably the value of the associated subject in ascertaining the fitness of the applicants being examined.

Section 4. Special Examiners.

The Human Resources Director may use other persons qualified in a particular field to prepare, conduct or mark an examination.

Section 5. Medical Examinations.

All eligibles for employment in the Civil Service may be required to pass a medical examination before physicians designated for such purpose by the Director to determine their physical fitness for the position for which they are applying.

Section 6. Notice of New Examinations.

A circular of information stating the date, time and place of examination, age, residence, experience, and other qualifications or limitations, definition of duties, salary schedules, and such

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other data as may be desirable will be prepared by the Human Resources Director and will be available for review to every person who applies for the position. He will also publish this information in a newspaper of general daily circulation at least once and will post the information on the official public bulletin board in City Hall and on the City web site.

Section 7. Current City Employees.

Current City employees may take original entrance examinations if an examination is given on an original entry basis for a position, except as provided for hereunder. An employee will not be allowed to take an original entrance examination if the examination is actually promotional for the employee, and the employee would otherwise be ineligible to take the promotional examination for any of the reasons relating to such an eligibility contained either in the Charter or Rules. An employee will not be allowed to take any examinations as an original entrant if the person would otherwise be ineligible to take the examination for any of the reasons relating to such eligibility contained either in the Charter or the Rules. Employees wishing to take original entrance examinations because of probationary status must further demonstrate that the completion of their probationary status is not necessary for the employee to meet the minimum experience requirements of the position. Employees who are allowed to take original entrance examinations, and are placed on an eligible list as a result thereof, if selected for positions based on such standing on the eligible list, must resign their current City position prior to starting employment in the new position.

Current employees hired in this manner will be considered for all purposes as an original entrant. All other provisions of the Charter and these Rules relating to the resignation of City employees shall apply.

RULE 11
Promotional Process

Section 1. Governing Provisions.

The provisions governing the character and content of examinations set forth in Rules 9 and 10 above will also apply to promotional examinations.

Section 2. Frequency and Examination.

Examinations will be given whenever needed to fill a vacancy for which an adequate list does not exist.

Section 3. Eligibility.

a. A person is eligible to take promotional examinations after actual service in a regular position for six months and when he fully meets the qualifications for the class as specified in the job description. The six months of actual service will be deemed to have been met if the employee completes the six months of service by the date the first component of the examination is administered, and the employee is recommended for regular status.

b. If otherwise qualified, persons on leave of absence, or on reinstatement lists as a result of involuntary separation, through no fault or delinquency on their part, are eligible to take promotional examinations.

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c. No person may take a promotional examination if he cannot physically perform the duties of the position to which he seeks promotion.

d. No employee who is demoted for disciplinary reasons and who does not file an appeal with the Commission, or whose appeal is not upheld by the Commission, is eligible for any promotional examination within two years of the effective date of his demotion.

e. Any employee who resigns during the first 30 working days of his probationary period is eligible to take any Civil Service examination for which qualified. Employees who resign from the position within the first 30 working days will be placed in their former position if it is vacant. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded position for which qualified. The refusal of an employee to accept an offer to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.

f. Any employee who is removed or who resigns during his probationary period after 30 working days is ineligible to take any Civil Service examination for a period of six months from the date of removal or resignation. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded position for which qualified. The refusal of an employee to accept an offer to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.

Section 4. Promotion within City or Department.

a. Examinations for promotional positions will be open to all persons properly qualified, without regard to the department in which they are serving. However, upon request of a Department Head, city wide examinations may be limited to current city employees so long as it is anticipated there is a minimum of five qualified candidates.

b. Upon request of a Department Head, promotional examinations for promotional positions may be limited to employees presently working within the requested department so long as it is anticipated there is a minimum of five qualified applicants.

Section 5. Promotion after Reclassification.

Where a position has been formally reclassified because of additional duties and responsibilities or to correct an error in classification, the incumbent of the former position may be promoted or appointed without examination, upon request of the proper Department Head.

Section 6. Temporary Appointments

a. An interim or temporary appointment to a higher position may be authorized by the Human Resources Director without examination upon written request of the Department Head when any of the following conditions exists:

1. when a position is vacant due to the sickness, disability or other absence of a regular employee
2. when it is necessary to fill positions of a seasonal nature
3. when a vacancy cannot be filled with an existing eligible list

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- b. All such temporary appointments will continue only during the period of sickness or disability, seasonal circumstances, or other absence, or until certification from an eligible list can be made. In no event will such temporary appointment be effective for longer than six months without a new request being made by the Department Head and approved by the Human Resources Director.
- c. An individual appointed in this manner must meet the minimum qualifications for the position. Such appointments are limited to individuals within the same department in which the vacancy exists.

RULE 12
Eligible Lists

Section 1. Duration of Eligible Lists.

Eligible lists other than reinstatement and transfer lists, will expire automatically 6 months from the date they are certified unless extended by the Human Resources Director prior to the expiration date. Persons on a reinstatement or transfer list will be eligible for certification for a period of 24 months.

Section 2. Change of Address.

Each person on an eligible list will file with the Human Resources Director written notice of any change of address, and failure to do so may cause his or her name to be removed from the list after notification has been attempted and subject to appeal to the Commission.

Section 3. Impact of Changes.

Changes of rank, or addition or subtraction of names, made on lists of eligibles because of clerical errors or re-ratings, will not change the date of the adoption of such lists nor give any persons the right to claim any beginning date of eligibility other than the date of the adoption of the original eligible list that created their eligibility.

Section 4. Revocation of List.

An eligible list, other than a reinstatement list, may be revoked and another examination ordered only when in the judgment of the Human Resources Director, and subject to Commission approval, such action is deemed advisable because of errors, fraud or inappropriate standards prescribed in connection with an examination. All competitors in the first examination will be given an opportunity to compete; and a new eligible list will be established except in the case of inappropriate minimum qualifications, in which event only competitors in the first examination who meet the new qualifications may be tested. No eligible list will be altered or revoked except upon written notice to all persons whose standing may be affected.

Section 5. Removal from Eligible List Through Loss of Qualifications.

The name of any eligible that no longer fulfills any preliminary requirement demanded at the time of examination (such as residence or the possession of a license) will be removed from eligible lists by the Human Resources Director. The name of an eligible that has not been certified from a reinstatement or transfer list within 24 months will be removed.

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Section 6. Removal from the Promotional List of Persons Permanently Separated from Service.
The names of persons permanently separated from the service on account of resignation, discharge or other cause, will be removed from all promotional applicant lists by the Human Resources Director.

Section 7. Removal from Lower List if Appointed from Higher List.
Regular employees whose names are on promotional eligible lists of different grades or lists with different salary schedules will be removed from the lower grade promotional eligible lists or promotional lists with a lower salary schedule upon promotion to a higher grade position or one with a higher salary schedule.

Section 8. Certification of Eligible Lists.
Eligibles may be referred for appointment from the list immediately upon certification.

Section 9. Removal from Eligible Lists for Failure to Pass Probationary Period.
The name of any person who does not pass a probationary period will be removed from any eligible list on which it appears, unless in the judgment of the Commission, the cause of the removal will not affect the employee's usefulness in the class or classes of positions on which eligible list(s) his name appears.

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RULE 13
Leave of Absence, Resignation, Sick Leave and Vacations

Section 1. Leave of Absence.

a. Procedures and Limitations

A request for leave of absence, not to exceed twelve consecutive months, together with the reasons therefore and the period of leave desired, and a full statement as to the desire or intention of the employee to return to the Civil Service, will be made in writing on the forms prescribed, with the Department Head's recommendation to grant or deny the request. When a leave of absence is necessary because of sudden serious health condition or injury, the request may be made by the Department Head without securing the signature of the employee and forwarded to the City Manager. A leave of absence will not be finally effective until approved by the City Manager. In the case of a leave requested as an exception to length-in-service requirement policy, the application must be accompanied by such proof as the City Manager may require. A leave of absence may not be granted or extended on or after February 7, 2006, for a combined period in excess of 24 months within the most recent 7 years of an employee's tenure with the city. This subsection does not include authorized leave taken in accordance with the Family & Medical Leave Act, and shall not apply to a leave of absence granted for military service or upon the acceptance of a position in the exempt class of the City's service for such time as the service continues.

b. Family and Medical Leave Act of 1993

All employees may take leave in accordance with the Family and Medical Leave Act (FMLA) of 1993, as may be amended and no provision of this Rule shall be construed to conflict with such Act. Employees qualifying for FMLA leave must utilize all available FMLA leave before being eligible to receive an additional leave of absence under section 1.a. All FMLA leave will run

during a “rolling” 12-month period calculated forward. Such FMLA leave shall be included within the twelve consecutive months of leave that an employee may be granted under section 1.a.

c. Requesting Leave

Except as otherwise provided by law, no employee will be granted a leave of absence until the employee has been in the Civil Service for at least one year immediately preceding the date of leave except in case of military service, urgent necessity, or in accordance with federal or state law, as determined and approved by the City Manager or designee. In these cases, an application for a leave will be accompanied by such proof as the City Manager may require, along with a recommendation from the Department Head.

To obtain a leave of absence based on an employee's own serious health condition, the employee must provide the Department Head such forms as may be required by the Human Resources Director, completed by the employee's health care provider no later than the fifteenth calendar day of absence. The health care provider should indicate the date on which the serious health condition commenced, the probable duration of the condition, appropriate medical facts within the knowledge of the employee's health care provider regarding the condition, and that the employee is unable to perform the functions of his or her position because of the condition. The employee will be required to provide periodic updates from the employee's health care provider on the serious health condition, as well as a fitness-for-duty certification when the employee seeks to be reinstated. If, for medical reasons, the employee is unable to deliver any documentation required under this paragraph, the employee may have a friend, family member or health care provider deliver them.

To obtain a leave of absence so that an employee may care for a spouse, designated household member, child or parent of either with a serious health condition, the employee must provide his or her Department Head with the required forms completed by that individual's health care provider no later than the fifteenth calendar day of absence. The health care provider should indicate that the employee is needed to care for the individual and estimate the amount of time involved. The employee may be required to provide periodic updates on the relevant individual's condition and on the employee's continued need to care for that person.

To obtain leave based on the birth or the placement of a child for adoption or foster care with the employee or for planned medical treatment and such leave is foreseeable, an employee must notify the Department Head not less than 30 days before the employee plans to commence leave. If it is not possible to give 30 days' notice, the employee must give as much advance notice as is practicable.

d. Benefits During Leave

The City requires any employee taking leave to first utilize accrued but unused sick and vacation leave during the leave of absence provided that it is not used to receive more compensation than the employee would receive were the employee working.

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Employees on unpaid leave of absence are not entitled to holiday pay for those holidays falling during the leave. Additionally, benefits such as vacation time and sick leave do not accrue during an unpaid leave of absence. A break in seniority will occur when an employee is on an unpaid leave of absence for thirty or more consecutive days.

During the portion of any paid leave of absence in which the employee is using accrued vacation or sick leave, the City will maintain its share of an employee's coverage under any group health or insurance plan on the same conditions as if the employee was not on leave. During any unpaid leave of absence, an employee must pay the cost of any insurance coverage that the employee has elected to make under the City's benefit program. The employee must make arrangements with the Office of Management & Budget, Insurance & Benefits to make any such payments.

e. When Leave of Absence Shall not be Granted

No leave of absence, with or without pay, will be approved or granted when it appears to the City Manager that it is requested for the purpose of enabling the employment of a temporary employee to the same position; or because of political influence, or for cause contrary to the good of the Service.

f. Notices regarding Designated Household Members

Any employee may designate one person who resides in the employee's household, for whom the provisions in this Rule relating to a designated household member shall apply. The employee shall submit the name of such household member to the Human Resources Department. In the event that the household member moves from the employee's household or the employee desires to change the designation of his or her household member, the employee shall immediately file a notice of termination of designation of household member with the Human Resources Department. The Human Resources Director shall develop appropriate forms for use by employees under this section.

g. Return after Leave

An employee must present an acceptable fitness-for-duty certification upon return from leave which was the result of the employee's own serious health condition. Any employee returning to work after a leave of absence for serious health condition or disability of 12 weeks or more may be required to take and pass a physical examination performed by a physician acceptable to the Director of Human Resources or designee.

If the employee has not returned to work at the expiration of the leave of absence, the employee will be considered to have voluntarily resigned his or her employment not in good standing.

Section 2. Sick Leave

a. Accrual

All regular and probationary employees who are regularly scheduled to work, on an average, a minimum of twenty (20) hours per week are entitled to an annual sick leave, with full pay, to be taken when necessary, and in addition to the time provided for vacations, as follows:

40 hour per week employees - 120.0 hours per year or 4.62 hours per pay period

Each employee may accrue unlimited sick leave days.

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Part-time employees shall accrue sick leave at a pro-rated amount of full-time entitlement based on the number of hours that they are scheduled to work. Employees covered by collective bargaining agreements shall accrue sick leave as provided in the applicable agreement.

b. Sick Leave Verification

No sick leave of three (3) or more consecutive work days will be granted to any person without a certificate verifying that the leave is necessary for medical reasons. Additionally, no sick leave the day before, the day of, or the day after a City designated holiday will be granted to any person without a certificate. Such certificate must be from a health care provider, and verify that the leave is necessary for medical reasons.

c. Emergency Leave

Emergency Leave may be granted under the sick leave clause for the following reasons:

- (1) A quarantine established by the El Paso City-County Health & Environmental District.
- (2) Death of mother, father, child, grandchild, brother or sister, or spouse or designated household member, or their grandchild, or parent. This leave may not extend beyond the date of burial, plus legitimate travel time. A maximum of five (5) days of sick leave may be granted for this purpose per event. Employees may be asked to provide written documentation of the funeral or death.
- (3) Death of other relatives or other person with whom the employee has a significant familial relationship. Leave with pay in such cases may be for not more than one (1) day to permit attendance at the funeral.
- (4) Illness of the employee's immediate family. "Immediate family" is defined as the spouse, designated household member, children, the grandparents, or parents of the employee or of the employee's spouse or designated household member. No more than two days per pay period may be authorized to permit necessary arrangements for care unless the employee takes leave under the Family and Medical Leave Act.

d. Application for Sick Leave or Emergency Leave

Application for Sick Leave or Emergency Leave will be made to the employee's Department Head. When an application for such leave is denied by the Department Head, the applicant may appeal to the City Manager who will investigate and uphold or reverse the denial, consistent with provisions of this Rule.

e. Duties of Department Heads; Authority to Investigate Sick Leave Use

The Department Head granting sick or Emergency Leave will immediately report the leave and subsequently, the individual's return, to the Human Resources Director. The Department Head or the Human Resources Director may at any time inquire or investigate into the use of sick leave or Emergency Leave and require medical certification for all subsequent absences, or take other appropriate action consistent with the Charter or these Rules. Reasons to inquire or investigate shall include, but are not limited to, the following:

- (1) Habitual use of sick leave in single or partial day increments, without current medical documentation.

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(2) A pattern of using sick leave on a payday, the first work day the employee is scheduled to work after a payday, the day before or after a scheduled day off or using sick leave as soon as it has been accrued.

f. Use of Sick Leave for Personal Business

A regular employee in the City Service is entitled to use part of his or her sick leave for personal business as follows:

40 hour per week employees - 32.0 hours per year

56 hour per week employees - 24.0 hours per year

Regular part-time employees - 16.0 hours per year

Such personal leave may be taken either on an hourly, half day, or full day basis. All personal leave must be taken by the end of the last pay period beginning within the fiscal year and may not be accrued into subsequent fiscal years.

g. When Paid Leave is Exhausted

A regular employee who has served the required probationary period and suffers a life-threatening medical condition, and who has exhausted all available paid leave, may make a written application to become a shared leave recipient, in the manner prescribed by the shared leave policy and procedures.

Section 3. Vacation Leave

a. Eligibility

All regular employees who are regularly scheduled to work on an average, a minimum of twenty (20) hours per week, who have held a position in the City Service for a period of six months from date of employment, shall be eligible for vacation allowance as hereinafter set forth. Part-time employees shall accrue vacation leave at a pro-rated amount of full-time entitlement based on the number of hours that they are scheduled to work. Employees covered by collective bargaining agreements shall accrue vacation as provided in the applicable agreement.

b. Accrual

All regular employees in the City Service as defined in (a.) above, shall accrue vacation credit at the following rates per pay period for each pay period completed by the officer or employee in the City Service, calculated from the date of employment of each employee:

For 0 - 5 years of service (12 days):

40 hour per week employees - 3.70 hours per biweekly pay period

For >5 to 15 years of service (17 days):

40 hour per week employees - 5.24 hours per biweekly pay period

For >15 or more years of service (20 days):

40 hour per week employees - 6.16 hours per biweekly pay period

The maximum accrual for vacation leave is fifty (50) days.

c. Such leave may be taken only in increments of half of a work day or more.

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Section 4. Vacation Schedules.

a. Scheduling of Vacations

Vacation schedules will be arranged by Department Heads with particular regard to seniority of employees and the needs of the Service, and insofar as reasonable, with regard to the wishes of the employee. The Human Resources Director will be notified of all vacations granted and will have the right to deny such vacation when the employee is not entitled thereto.

b. Forfeiture of Leave Balance Overage

Any vacation leave credit in excess of the maximum accrual authorized in Section 3 of this Rule shall be permanently withdrawn from the employee's vacation balance in the pay period in which the employee's anniversary date of employment falls. An employee who has applied for, but was not granted, vacation leave during the pay period in which the employee's anniversary date fell, shall not forfeit any vacation leave overage provided that the employee is granted leave within 60 days of the employee's anniversary date, subject always to the operational needs of the department.

Section 5. Resignations.

a. Effect of Resignation

Whenever an employee of the Civil Service resigns, he severs his or her connection with the City and loses such seniority, including seniority rights following reinstatement from resignation, as he had at the time of his or her resignation.

b. Form of Resignation

The notice of resignation must be in writing on an appropriate form as prescribed by the Human Resources Director and acknowledged and filed, by the Department Head or their designee and tendered by the employee not less than ten days prior to its effective date.

c. Filing of Notice of Resignation

The responsibility for filing the notice of resignation with the Human Resources Department will be with the Department Head.

d. Withdrawal of Notice of Resignation

The resigning employee will be permitted to withdraw the notice of resignation within ten (10) working days after its filing or up to the last actual day of work, whichever is sooner.

e. Computation of Time

The ten (10) days referred to in this Rule, is construed to mean ten working days excluding holidays. It is the intent of this provision to require at least two calendar weeks notice of separation.

Section 6. Reinstatement from Military Leave.

Any employee granted leave of absence for the purpose of entering the armed forces of the United States, including the Coast Guard, or the state service as a member of the Texas National Guard or Texas State Guard or as a member of any reserve components of the armed forces of the United States shall be reinstated to his or her position, if the position has not been abolished

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and if the employee has all the qualifications requisite to an original appointment to the position, as determined by the Commission, and in accordance with Chapter 613, Texas Government Code.

Section 7. Reinstatement Following Resignation.

a. Requisites for Reinstatement for Public Safety Employees

Those former uniformed employees requesting reinstatement to the Fire and Police, Departments must take and pass the medical examination and a physical agility test prior to the reinstatement to actual duty. One additional attempt at the physical agility test will be permitted after a one-month waiting period for persons failing the agility test on the first attempt. Persons requesting reinstatement to the Police Department will also be required and allowed one opportunity to take a psychological examination and polygraph examination, if required by the Chief of Police, prior to reinstatement to actual duty.

b. Reinstatement to Full or Part Time Positions for Former Full Time Employees

Full time employees may be reinstated to full or part time positions at their request depending upon position availability.

c. Approval for Placement on Reinstatement List After 18 Months

The City Manager or designee, may approve a request for reinstatement after more than 18 months in cases where professional training or specialized skill is required where the person desiring reinstatement has been engaged either in study to benefit himself or herself for his or her duties or was in an occupation or position tending to increase his or her value in the position or where the person demonstrates that he was unable to apply for reinstatement within the 18 month period due to an extraordinary or unusual hardship and reinstatement will not have a detrimental effect on the City.

Section 8. False or Fraudulent Application for Leave

Any employee who falsely or fraudulently requests leave to which he is not entitled or provides false or fraudulent documents suggesting eligibility for any leave provided for in this Rule is subject to appropriate disciplinary action including termination.

RULE 14

Appeal of Efficiency Ratings

Appeal Process:

Subject to the provisions of this section, the employee has the right to appeal any regularly scheduled rating he considers unfair, discriminatory, or otherwise objectionable, except for any probationary rating not recommending that the employee be made permanent in a probationary position. In the case of such probationary ratings, the employee has the right to place a written statement in his personnel file stating any objections to the rating. Any appeal must be made to the Commission within ten working days after the employee has had final review on the rating with his Department Head, or person designated. For purposes of any appeal under this section, it shall be presumed by the Commission that the Efficiency Rating accurately reflects the performance of the employee. This presumption may be rebutted by the employee by a preponderance of the evidence. On appeal the Commission will consider only the rater's

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possible prejudice, or the rater's failure to take into consideration facts or factors which should or should not affect the rating.

Step 1. One or more members of the Commission shall meet and review the appeal. The employee and the Department Head or representative thereof shall present evidence in support of their respective positions. The hearing may be recessed to allow either side an opportunity to gather additional evidence in the event of a claim of surprise. After the hearing is concluded, no further evidence may be received from either party. In cases where less than the Commission as a whole has conducted the hearing, a report shall be submitted to the Commission setting forth all findings adduced at the hearing.

Step 2. Upon consideration of the matters adduced at the hearing, the Commission will render an order denying the appeal, sustaining the appeal and ordering a re-rating of specific factors, the summary evaluation, or the entire evaluation. It shall also set forth in its order the reasons in support thereof.

Step 3. If a re-rating is ordered by the Commission under Step 2, it must be submitted to the Human Resources Director by the Department Head within 60 days, accompanied by a memorandum signed by the Department Head summarizing the changes made to the original evaluation. The memorandum will explain any failure to re-rate according to the Commission's order. In cases where the Commission's order was not followed, in whole or in part, the Human Resources Director shall place an item on the next Commission agenda, and the Department Head shall appear before the Commission to respond to questions from the Commission. After hearing the Department Head, and any response on the part of the Employee, the Commission may take such appropriate action as it deems necessary to determine the appeal. No new evidence may be received by the Commission under this Step.

Resignation Before Hearing:

If an employee resigns employment with the City of El Paso during the pendency of any appeal under this section, the appeal shall be deemed withdrawn, and no further action shall be taken.

RULE 26

Regular Part-Time Employees

Section 1. Definition.

A regular part-time employee is an employee who is regularly scheduled to work for no more than 29 hours per week, or for no more than 40 hours per week in a department with a 24-hour schedule.

a. Regular part-time employees may be regularly scheduled for hours which are predetermined and set by the department in advance, or

b. Regular part-time employees may be on-call employees who are called to work when the department has special events, extra work or non-regularly scheduled recurring work which is not being performed by regular full-time employees.

Seasonal employees who work only part of the year are considered temporary employees and are not eligible for regular part-time status.

Section 2. Promotional Exams.

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Part-time employees are eligible to take promotional examinations for full or part-time positions after successful completion of six months of actual service in a regular part-time position. Seniority credits will be prorated based on full-time service and in the same manner as prescribed in Rule 9, Section 2b, for promotional examinations. Efficiency credits shall be awarded in the same manner as prescribed in Rule 9, Section 2c.

Section 3. Transfers.

Regular part-time employees may request transfer to another regular part-time position of the same class and grade in a different department in accordance with Rule 5, Section 3, and within the order of certification. Regular part-time employees may not receive a transfer to regular full-time positions.

Section 4. Part-time to Full-time Status.

Part-time employees who wish to be placed on a transfer list within the Certification Process for full-time employment in the same classification, as provided in Section 6.5-1 of the Charter shall submit a written request to the Human Resources Director. Names will be placed on such list in the order in which received.

Section 5. Full-time to Part-time Status.

a. An employee may request a regular reduction in status from full to part-time. Such request must be in writing and will state the reasons for which the employee is requesting reduction to part-time status. Requests will be granted in cases where necessary to comply with Federal or State law or where the best interest of the City would be served. Such requests shall be forwarded directly to the Human Resources Director, who shall approve or deny subject to appeal to the Civil Service Commission.

b. Full-time employees who are granted part-time status may resume full-time status as described in Section 4 of this Rule.

c. A status change from full to part-time will not affect the employee's seniority for pay and benefit accrual purposes.

Section 6. Reinstatements.

Regular part-time employees who resign and request reinstatement, and who are approved for reinstatement, shall be placed on an eligible list only to regular part-time positions in the same class and grade from which they resigned.

Section 7. Layoff.

Regular part-time employees who are laid off in accordance with Article 6.10-1 shall have their names placed on a reinstatement list only to part-time positions. In all other respects the provisions of Rule 20 will apply.

Section 8. Temporary Appointments/Provisional Appointments.

Regular part-time employees may receive temporary promotions or provisional appointments to full-time positions.

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PASSED AND APPROVED this _____ day of August, 2007

THE CITY OF EL PASO

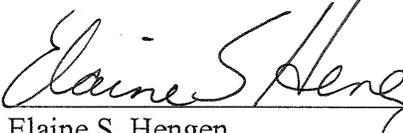
John F. Cook
Mayor

ATTEST:

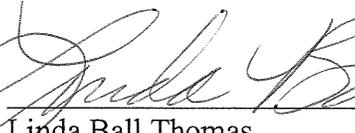
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Elaine S. Hengen
Senior Assistant City Attorney



Linda Ball Thomas
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON JULY 26, 2007

By: 

Secretary

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JOYCE WILSON
CITY MANAGER

LINDA BALL THOMAS
HUMAN RESOURCES DIRECTOR



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TO: Mayor and Representative
FROM: Linda Ball Thomas, Human Resources Director
THRU: Joyce A. Wilson, City Manager
DATE: August 10, 2007
SUBJECT: Rules 6-14 and 26 Summary and Linkage

Rules 6-14 and 26 will be introduced on the Council agenda of Tuesday August 14, 2007. The following information is provided to clarify and show linkage between the Rules and the Charter amendments. A global change is that the word permanent when referencing employees has been replaced with the word regular, as well as some capitalizations.

Rule 6 Certification

Rule 6 Section 2, Certification:

The current wording in this section was deleted and replaced with wording that defines a true merit system. This is also addressed in Section 6 as per revisions to Sections 6.5-1 and 6.6-1 of the Charter. This system improvement allows standing on the eligible list to be based solely on the score attained. Although promotional preference is not maintained, current City employees will be able to have up to 7 additional points added to their passing score, as per Rule 9, Section 2, Special Credit. The portion of the section that applies to City employees was moved from Rule 11, Section 6. Provided that they meet the criteria for the points, this provision awards 2 points more than can be obtained through Veteran's credit.

Rule 6 Section 5, Waiver

This system improvement requires that applicants for a position notify HR that they are not interested in the position prior to interviewing or be counted as one of two waivers, two being the maximum before their name is removed from the list.

Rule 6 Section 8, Cancellation of Certifications

This rewording of the former Section 7 was made to clarify the wording.

Rule 7 Provisional and Temporary appointments

Rule 7 Section 1 Provisional Appointments was changed to reflect the change in Charter Section 6.6-2.



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Rule 7 Section 4 Temporary Appointment Made Regular and 5 Reappointment to Temporary Employment a-c, were deleted per changes in Charter Section 6.6-4, formerly Section 6.6-5.

Rule 8 Applications

Rule 8 Section 1 a through b is a system improvement that sets the recruitment period, but allows for situations when a less than normal recruit period is needed. An example is when a need for a limited number of General Service Workers arises. As with the last recruitment keeping the position open for the current required recruiting period resulted in more applicants than needed apply. On the surface that may be perceived as good. However it also resulted in a list of 672 names on the eligible list of which only 47 have been referred or selected for positions. Because the recruitment could not be limited to one or two days, it also resulted in HR staff being required to work overtime to generate the eligible list, and the Civil Service Commission almost exclusively dealing with the disqualification appeals at one meeting. Although list can be extended, we have found that applicants frequently move without providing their new contact information thus making it difficult to notify them of a job opening and holding up appointment to the vacancy.

Rule 8 Section 1d (3) adds the distinction that that a dismissal from public service, other than City employment can be appealed. However Rule 8, Section 1e provides that dismissal from City employment cannot be appealed.

Rule 8 Section 2 Applications On File was modified because the first statement conflicted with the second. The intent of the rule was to allow the action in the second statement.

Rule 8 Section 3 Appeals from Disqualifications from Examination

The change from working to calendar days will allow the recruitment process to become more efficient and effective and allow for expeditious filling of vacancies.

Rule 9 Examination, Marking and Rating

Rule 9 Section 1 b the deleted portion of the rule that is not required by the Charter nor is in alignment with industry standards and conflicts with Section 1.



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Rule 9 Section 1 c is a system improvement that allows an applicant to take an examination as often as it is offered. This change aligns with our past practice with Practical examinations in the next sentence. This also linked to the reduction of time for the eligible list expiration in Rule 12, Section 1, Duration of Eligible Lists.

Rule 9 Section 2 Special Credit a through c clarifies that extra credit will be added to a passing score and adds the portion of the section that applies to City employees that was previously in Rule 11, Section 6.

Rule 9 Section 3 Penalty for Deceit in Examination is a system improvement that deletes the portion of the rule that is not in line with current industry and government standards.

Rule 9 Section 5b Notice to Candidate of Results of Examination was revised to align with Charter Section 6.8-1. All applicants receive notice of their scores, thus the original language was stricken.

Rule 9 Section 7 Identity Marks describes the standard practice for test administration. As a standard practice there is no need for this to be part of the rules.

Rule 9 Section 8 Review of Examination and Appeals the latter portion was deleted because the beginning portion provides the direction needed.

Rule 9 Section 8, subsections c through d was deleted because they were too prescriptive in nature and did not allow for alterations of the time frame and efficiencies in recruiting.

Rule 9 Section 8, current subsection c deleted the portion not required because of the deletion above.

Rule 10 Examination Standards

Rule 10 Section 2 Content is a system improvement that deletes the portion of the rule that is not in line with current industry and government standards and Section 3 Subjects and Weights.

Rule 10 Section 7, Notice to Persons on Eligible List of New Examination and Section 8 Postponement or Continuance of Examinations were deleted because with notice in the local



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newspaper, the advent of the "listserve" (on line sign up to receive notification) whereby potential applicants can sign up for notice of the new examination and the shortened eligible list duration, this section was not needed.

Rule 10 Section 9 Development and Administration of Examinations was deleted because it duplicates the authority given in Charter Section 6.7-1.

Rule 10 Section 10 Concealing Identity on written Examinations describes the standard practice for test administration. As a standard practice there is no need for this to be part of the rules. Also, with the advent of automated scanning of employee data into the SIGMA data system we no longer use this method to record applicant data.

Rule 11 Promotional Process

Rule 11 Section 2 Frequency and Examination the deletion aligns this with Charter Section 6.5-1, 6.6-1 and Rule 6, Section 2 Certification. It allows the City to be more responsive in providing lists of applicants to fill vacancies.

Rule 11 Section 3 Eligibility subsections b and d were deleted as system improvements. In the case of subsection a, it is already stated that applicants must meet the minimum qualifications in order to be qualified. Subsection b was made obsolete by the 2004 Charter election which allowed permanent employees to compete for positions at or below their current position.

Rule 11 Section 3e was added to allow for those situations when an employee accepted a promotion and within a short period of time realized that the new position was not a good fit.

Rule 11 Section 3f was added to allow for those situations when an employee accepted a promotion, failed probation or was removed after 30 working days. This provision penalizes the employee for six months rather than the 2 years in the deleted former Section 3g.

Rule 11 Section 4 Notice of Examination and Section 5 Application for Promotional Examination were deleted because this information is already covered in Rule 8 Applications.

Rule 11 Section 6 Rating of Seniority and Section 7 Rating of Efficiency were moved to Rule 9 Section 2 Special Credit.



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Rule 11 Section 4 formerly Section 8 Promotion within City or Department was modified to define promotional preference.

Rule 11 Section 5 formerly Section 9 Promotion after Reclassification is deleted because the Charter is silent on this issue.

Rule 11 Section 6 formerly 10 Temporary Appointments was modified as a system improvement.

Rule 12 Eligible Lists

Rule 12 Section 4 Revocation of List was modified to align with our City Manger form of government.

Rule 12 Section 5 Removal from Eligible List Through Lost of Qualifications is a system improvement that sets a time limit to remain on a transfer or reinstatement list.

Rule 12, Section 8 Removal on Account of Non-Appointment and Section 9 Circulation of Eligible List are deleted predicated on the change in the duration of eligible list from 18 to 6 months.

Rule 12 Section 8 formerly Section 10 was modified to align with our City Manger form of government.

Rule 13 Leave of Absence, Resignation, Sick Leave and Vacation

Rule 13 Section 1a Procedures and Limitations changes the limit of authorized leave of absence to no more than 24 months during the most recent 7 years of an employee's tenure.

Rule 13 Section 1b Family and Medical Leave Act of 1993 defines the "rolling 12-month" period as calculated forward.

Rule 13, Section 1e When Leave of Absence Shall not be Granted deletes language to align with the Charter.



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BETO O'ROURKE, DISTRICT 8

HUMAN RESOURCES DEPARTMENT

Rule 14 Appeal of Efficiency Ratings

All of Rule 14 except the portion that dealt with employee appeals was deleted.

Rule 26 Regular Part-Time Employees

Rule 26, Section 2 Promotional Exams was modified to include the correct Charter citation.

Rule 26, Section 6 Reinstatements corrects the name of the hiring list.

Rule 26, Section 7 Layoff was modified to correct the Charter citation.



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RULE 6

Certification

Section 1. Requisition.

To initiate the employment of any classified employee of the City, the ~~appointing officer~~ Department Head will submit a requisition to the Human Resources Director for eligible applicants to fill all vacancies. Requisitions will be submitted as prescribed by the Human Resources Director and will specify the title and number of vacancies, the class, grade, salary, whether ~~permanent~~ regular or temporary and any other information which will assist the Human Resources Director in making a proper certification.

Section 2. Certification.

~~The Human Resources Director will certify to the appointing officer upon receipt of a requisition, the names and addresses of eligible applicants in the order outlined below. The five highest names in the proper eligible list will be certified for the first vacancy and one additional name (with the next highest score) for each additional vacancy in all cases except those where a reinstatement under the provisions of Article VI, Section 6.10 of the Charter, is being made. (The term "reinstatement" as here used does not include certification from an examination list even though a person so certified may have been formerly employed, and in every case where certification is made from an original examination list, the ordinary rule of certification of five for one vacancy and one name for each additional vacancy, will be followed.)~~

The order of certification will be:

- ~~a. First, persons who are incapacitated from performing the duties of their position in accordance with 6.11-4 of the Charter;~~
- ~~b. Second, permanent employees who fail to successfully complete the probationary periods for positions to which they promoted, transferred or were competitively reassigned;~~
- ~~c. Third, persons separated without fault or delinquency on their part, from positions in the same department, in which a vacancy exists, excluding those who have resigned. Whenever any position or office is vacant and the name of the former incumbent of that position or office is on a reinstatement list, excluding those who have resigned, the name of the former incumbent only will be certified for the position or office. The employee or officer so appointed will not be required to pass a probationary test or period of service. He or she will receive the salary fixed for the position or office at the time of reinstatement, and will hold the same seniority status as though he or she had not been separated from the position or office; (Amended 7/14/87)~~
- ~~d. Fourth, persons separated, without fault or delinquency on their part, excluding those who have resigned, and who are being reinstated to a position of the same job description as their former position, but not in the same department;~~
- ~~e. Fifth, persons on a reinstatement list who were not formerly employed in the same department, and who are being reinstated to a position of a different but similar job description as their former position, excluding those who have resigned;~~

- f. ~~Sixth~~, persons for whom a transfer from one department to another has been approved under the rules governing transfers;
- g. ~~Seventh~~, permanent part-time employees applying for full-time vacancies within the same classification and in the same department;
- h. ~~Eighth~~, persons on a promotional list;
- i. ~~Ninth~~, persons working permanent part-time in the same classification for which no promotional lists exists;
- j. ~~Tenth~~, Permanent classified employees applying for competitive reassignment to positions at or below their current pay grades;
- k. ~~Eleventh~~, persons on a reinstatement list as the result of resignation in good standing from a permanent classified position, and who are being reinstated to a position of the same job description from which they resigned;
- i. ~~Twelfth~~, persons standing on original entrance lists. When there are no persons eligible under paragraphs "a" through "h" above, names are to be certified from the original entrance list up to the number required by the Charter. (Amended 7/14/87)

The order of certification will be:

Applicants will be certified by the candidate's standing on the eligible list. Upon request of Department Head, a person on the reinstatement or transfer list may be certified ahead of or in conjunction with the names on the eligible list.

Section 3. Certification to Multiple Vacancies.

If more than one vacancy exists for a given position, the order of certification shall conform to a first choice from the first five certified, a second from the next five eligible for appointment (i.e., the second, third, fourth, fifth and sixth names on the appropriate eligible list), and so on until the complete number of appointments has been made.

Section 4. Failure to Respond to Offer of Appointment.

The failure of an eligible person to report to the ~~appointing officer~~ Department Head within five working days from the date notified of appointment, or within three working days of the date of sending the notice by special messenger to the last home address shown on the records of the Human Resources Director, will be considered sufficient cause for removal of the name of the person from an eligible list. If the person declines or does not respond to telephonic or email messages, certification of the next person eligible in order on the list will be made.

Section 5. Waiver.

The Human Resources Director will permit persons on eligible lists to waive certification, provided their name has been placed on hold prior to being contacted to fill a vacancy. Applicants are only allowed to waive certification or appointment a combination of two times, after which the person's name may be removed from such list.

Requests for waivers for appointment must be filed with the Human Resources Director by the next working day after having been notified of ~~certification selection~~ by the Human Resources Department. ~~Eligible applicants may file waivers when they are on an approved~~

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leave of absence. ~~Waivers may not be filed after interviewing for a vacancy. A waiver may be filed for appointment to positions containing certain conditions of employment which are unacceptable to the eligible seeking employment. Waivers will be in force only for the duration of the eligible list. The Human Resources Director will permit persons on eligible lists to waive certification or reinstatement five times. The names of persons on eligible lists will be removed after five waivers. Certification for temporary appointment will not count. (Amended 1/9/90 and 12/6/90)~~

Section 6. Objection by ~~Appointing Officer~~ Department Head.

~~The appointing officer~~ **Department Head will make a selection from the eligible list solely on the basis of merit and fitness.** If he or she has information regarding any person certified tending to show that the person is unfit for the position to be filled, he or she will communicate that information, in writing, to the Commission. Such information may relate to disqualifications:

- a. ~~Because of which the Commission might have refused to examine the applicant as set forth in Rule 8, Section 1c, below, or~~
- b. ~~Which may have arisen subsequent to the filing of the application and holding of the examination.~~

~~In every such case the Commission will enter its findings in the record. The Commission will withdraw from the certification the name of any eligible whom it finds to be not qualified for the position under consideration, and will certify an additional name for each eligible so withdrawn. The Commission will also determine in each such case whether there is sufficient cause to remove the name of the person affected from the eligible list, and if so, withdraw it.~~

Section 7. Cancellation of Certifications.

~~At any time after an eligible has been certified by the Commission at the request of an appointing officer, and the appointing officer decides not to fill the vacancy, or decides to fill the vacancy by other methods which meet with the approval of the Commission and are in accordance with the provisions of the Charter, the certification will be cancelled, the eligibles so notified, and an entry made on the record by the Human Resources Director.~~

Section 87. Notice of Appointment and Separation.

Each appointing officer **Department Head will immediately notify the Human Resources Director of all appointments in a manner prescribed by the Director, in each case giving the name of the appointee, his or her address, the title of his position, the compensation grade, date of commencement of service, and salary or compensation. He or she will also notify the Human Resources Director immediately of any separation of a person from the service or any other change therein, and such additional information as the Human Resources Director may, from time to time require, in order to maintain the list of employees of the Civil Service.**

Section 8. Cancellation of Certifications

At any time after an eligible has been certified and the Department Head makes a decision

not to make an appointment, the certification will be cancelled and the eligibles so notified and an entry made on the record by the Human Resources Director.

Section 99. Notice of Certification.

The Human Resources Director will send a notice of certification of a person's name for reinstatement or appointment to him or her at his or her last address that is on file with the Human Resources Department. It is the applicant's responsibility to inform the Human Resources Director of any changes in contact information.

Section 100. Nepotism.

It is the duty of every ~~appointing officer~~ Department Head to inquire of all prospective appointees whether a relationship as defined in Article VI, Section 6.9-3 of the Charter exists and to report to the Human Resources Director the existence of such a relationship. The Human Resources Director shall refuse to certify the salary of any person appointed without compliance with these provisions.

RULE 7

Provisional and Temporary Appointments

Section 1. Provisional Appointments.

Provisional appointments may be made in accordance with Article VI, Section 6.6-2 of the Charter. ~~provided that as soon as an eligible list is secured for a position filled by provisional appointment, the Human Resources Director will certify to the appointing officer the names of the eligible applicants standing highest on the list, and the appointing officer will make a regular appointment within fourteen working days of the date of the certification. If no appointment is made, the provisional appointment will terminate at the expiration of the period(s) provided in Article VI, Section 6-6.2 of the Charter.~~ The provisional appointment will terminate at the expiration of the period(s) provided in Article VI, Section 6-6.2 of the Charter.

Section 2. Temporary Appointments.

Temporary appointments may be made in accordance with Article VI, Section 6.6-3 of the Charter, provided that any non-eligible person so appointed must possess the minimum qualifications required for the position as described and set forth in the classification plan.

Section 3. Privileges.

A provisional or temporary appointment will not confer upon the appointee any privileges of promotion, transfer or reinstatement to any other position in the service.

Section 4. Temporary Appointment Made Regular.

Any person who has been appointed temporarily from the appropriate eligible list, and who at the time of the appointment was one of the top five eligible applicants willing to accept the appointment under the conditions stated, may, in case the position is made ~~permanent~~ regular, be ~~permanently regularly~~ appointed in the position. This appointment is authorized regardless of the number of higher eligible applicants willing to accept ~~permanent regular~~ appointment. ~~a. On approval by the Council; and~~

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~~b. If it is shown to the Council's satisfaction that the fact that the position would become permanent was not known to the appointing officer at the time the temporary appointment was made; and~~

~~c. If the eligible list from which the temporary appointment was made is or was the most appropriate eligible list for such permanent appointment. (Amended 07/11/06)~~

Section 5. Independent Contractors:

~~In order for any independent contracts to be made outside the Civil Service it must be shown to the Commission that such contracts are only for the reasons of economy, efficiency, or immediate and temporary need in accordance with Article VI, Section 6.6-5 of the Charter. No such contract will be approved by the Commission if it is determined that such contract is being made for the purpose of circumventing the Civil Service provisions of the Charter and these Rules. The following definitions will apply: (Amended 07/11/06)~~

~~a. Independent Contractor shall be defined as one who, exercising an independent employment, contracts to do a piece of work according to his own methods and without being subject to the control of the employer except as to the result of his work.~~

~~b. Professional services shall be defined as those in which the labor and skill required are predominantly mental or intellectual rather than physical or manual, and are those which require years of education and service in order to obtain competence, and those professions and their standards of study are widely recognized.~~

~~c. Personal services shall be defined as those in which the contract price is largely for employee wages rather than for machinery, profit, taxes, insurance and other items~~

Section 65. Reappointment to Temporary Employment.

Any person who has been appointed to a temporary position from an eligible list, being one of the five persons highest on the list willing to accept appointment at this time, may be reappointed to another temporary position, provided such reappointment is requested by the Department Head and approved by the City Manager.

RULE 8

Applications

Section 1. Filing of Applications.

Except as otherwise provided for herein, applicants for all positions, must file an application with the Human Resource Department not later than the day specified in the job posting for the examination and in the manner prescribed in the job posting. Application forms for any examination will not be accepted after the close of the filing period, except for good cause as determined by the Human Resources Director, subject to review by the Commission.

~~a. The Human Resources Director will establish the filing period limits to accept applications but such period will in no case be less than ten calendar days. Whenever it is required to fill positions and classes for which a constant need of qualified applicants~~

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~~exists, the Human Resources Director may establish an open filing period for those classes and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for continuous accepting and processing of applications no longer exists. In such cases, notification of the end of the filing period will be made in the same manner as the initial job posting. (Amended 12/6/88 and 07/11/06)~~

~~b. a. The Human Resources Director will establish the filing period limits to accept applications, but such period will normally be no less than 5 calendar days. When the need exists for a limited number of applicants the recruitment period will only remain open until a sufficient number of applications have been filed. Whenever it is required to fill positions and classes for which a constant need of qualified applicants exists, the Human Resources Director may establish an open filing period for those classes and accept applications for employment on a continuous basis until all anticipated vacancies are filled, or the need for continuous accepting and processing of applications no longer exists. In such cases, notification of the end of the filing period will be made in the same manner as the initial job posting.~~

~~b. As needed, the Director may create an eligible list based on applications on file as of that date.~~

Any false statement knowingly made by any applicant in his applications for admission to any examination or made at his request or with his knowledge in any certificate which may accompany his application or any other fraudulent conduct will cause the Commission to:

- (1) Exclude him from such examination or;
- (2) Remove his name from any register or eligible list or;
- (3) Remove him permanently from his ~~or her~~ position if he ~~or she~~ has secured appointment from such examination.

Any applicant who knowingly falsifies his application will be ineligible to reapply for any City position for a period of two (2) years from the date the falsified application was submitted. Additionally, that person's name will be removed from any eligible list(s) on which it currently appears.

~~e. c.~~ In case of applicants for positions the duties of which require special qualifications, the Human Resources Director will require evidence of a sufficient degree of education, training, or experience. He may also demand such certificates of competency or licenses as the law may require for the practice of the profession, art or trade involved.

~~f. d.~~ The Human Resources Director, subject to appeal to the Commission, will refuse to examine an applicant, or after examination to certify him as eligible and will remove his name from the eligible list for any of the following reasons, in each case to be fully documented:

- (1) He is found to lack any of the minimum requirements established in the classification for the position and grade for which he applies; or
- (2) He has been convicted of a felony, or a misdemeanor, which is determined to be job related to the position sought; or
- (3) He has been dismissed from public service, other than City employment, for

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delinquency or misconduct, which is determined to be job related to the position sought; or

(4) He is found by the Commission to have committed any act, either while in the service of the City or otherwise, or to have any deficiency or disqualification which, in the judgment of the Commission, would be sufficient to constitute a just cause for discharge from the Civil Service as defined in Article VI, Section 6.13-3 of the Charter; or

(5) He has submitted an incomplete application, thereby preventing full review of the applicant's qualifications for the position held.

ee. If the Commission determines that the applicant is eligible for a position in the same series they will be approved for other jobs in the same job series.

f. Any individual who has been dismissed from City employment for delinquency or misconduct, which is determined to be job related to the position sought will not be qualified and/or his name will be removed from the eligible list.

When determining whether an applicant meets the minimum qualifications of a job class, the Human Resources Director will permit education to substitute for experience in accordance with Civil Service Commission policy regarding equivalencies.

f-g. For purposes of determining if an applicant has met the minimum experience requirements established in the classification for the position and grade for which he ~~or she~~ has applied, experience will be counted from the first day of entry into a qualifying job, to the day of the first component of the examination for which they have applied.

Section 2. Applications ~~Not to be Returned On File.~~

Applications filed with the City will become the property of the City, ~~and under no circumstances will they be returned to applicants or be altered or added to by or on behalf of the applicant.~~ An applicant may supplement his application to update contact information, such as address or phone number, or to expand on job entries already listed.

Section 3. Unused Applications:

Applications for one examination will not be used for any other or later examinations. An applicant who has been given notice that he fails to meet the minimum experience requirement in Section 1 will be given the opportunity within seven working days of the date of the disqualification notice to supplement his application and provide any relevant information not previously stated in his application.

Section 4-3. Appeals from Disqualification from Examination.

a. Applicants who are disqualified from taking an examination ~~for any of the above reasons~~ may appeal to the Civil Service Commission provided they appeal within seven working calendar days and the individuals who appeal must file a written rebuttal in a format prescribed by the Human Resources Director by mail, electronic transmission (e-mail), FAX or in person within seven working calendar days of the date the disqualification is e-mailed, mailed, phoned, delivered in person or delivered by special messenger to the address shown on the application. If the applicant fails to update their contact information or respond within the timelines set, no further action will be taken.

b. Untimely appeals will not be accepted.

c. If the examination is held before the appeal is heard and determined by the Commission, the Human Resources Director may allow the applicant to take the examination conditionally pending the Commission's determination. If a conditional applicant fails to achieve a passing grade on an examination, the appeal shall be administratively dismissed. The appeal will not be forwarded to the Commission and no further action will be taken.

Section 5-4 . Age.

a. Appointment to any position in the classified service shall be made without discrimination based on age, except where age constitutes a "bona fide occupational qualification"; or where state or federal law requires; or where the conditions of a grant program prescribe age qualifications. Age limits for classes of positions will be established by ordinance in the class specification.

b. When age limits for positions are set by ordinance, an applicant will be considered to be within the age limit if his birthday falls any time within the month in which the examination is held. If the examination has more than one component, the applicant must meet the age requirement in the month in which the first component of the examination is administered.

RULE 9

Examination, Marking and Rating

Section 1. Minimum Rating Required.

a. The method of determining minimum passing scores in each part of an examination will be determined by the Human Resources Director ~~and approved by the Commission.~~ The method of scoring and grading tests will be objective and applied uniformly to all candidates. Where an examination consists of two or more parts, the Human Resources Director may set minimum scores to be required in any part of the examination. An applicant who fails to attain this minimum score will be considered to have failed the entire examination and will not be entitled to take the balance of the examination.

b. The Human Resources Department shall establish a passing score on an examination for executive, professional and technical-general service positions. ~~(from a listing of same to be established by the Commission) at seventy-five (75%) percent. The Human Resources Department shall establish a passing score on an examination for department head positions at eighty (80%) percent.~~ Minimum passing scores may be established for each component where an examination consists of more than one component and such scores shall be published in the notice concerning the examination.

c. Any applicant who has failed an examination will ~~not be allowed to retake an examination for the same class within one year of the date of failure~~ as often as it is offered. ~~except that applicants who have acquired new skills or knowledge related to the class for which the examination is given may petition the Commission to waive the one year waiting period, provided that such request is made six months after the date of the failure and provided the failure is by no more than ten (10) percentage points. Practical~~

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tests of agility, speed, or strength are considered readiness tests, and may be taken as often as the test is offered. (Amended 3/12/85; 5/9/89; 6/5/90 and 7/16/96)

Section 2. ~~Special Credit for Veterans.~~ Special Credit

a. Ratings for Veterans

A veteran, as herein defined, ~~except as provided in Article VI, Section 6.3-1(c) of the Charter, who has obtained a passing score,~~ shall have his or her rating on an original entrance examination advanced five points. A veteran is defined as any person who has served on active duty in the Armed Forces of the United States, or any division thereof, including the Coast Guard, ~~in time of war or armed conflict~~ for a period of 180 days and has been separated ~~under~~ with honorable conditions from said service

b₁. To qualify for an additional five-point increment based on disability, such disability must be at least 30 percent, certified by ~~a~~ the most recent letter from the Veteran's Administration.

e₂. Nothing in this provision will be construed to authorize or direct the placing of the name of any person on any eligible list who does not meet the physical standards set by the Human Resources Director for the position for which the eligible list has been created.

b₃ Ratings for Seniority

One point will be added to the score of an applicant for each of the first four complete and continuous years served in a regular Civil Service position to a maximum of four points, and provided that the minimum passing grade is achieved on the examination or evaluation. Seniority will be computed from the date of the person's last promotion and to the date of the examination. If the employee has never received a promotion, seniority will be computed from the date of appointment to the position from which promotion is sought.

c. Ratings of Efficiency

1. No person may be eligible to take a promotion examination who has not received an overall rating of at least "Meets Minimum Requirements" for the most recent regularly scheduled rating period in the position from which promotion is sought. If an efficiency rating has not been filed for the person for the position from which promotion is sought, the most recent regularly scheduled evaluations in a prior position shall be used. Efficiency ratings must be on file for examination eligibility purposes no later than the last day of the pay period in which the employee's competency anniversary date falls.

2. Points, to a maximum of three (3), will be added to or subtracted from, the examination score of applicants passing promotional examinations based on the employee's most recent regularly scheduled evaluations. The overall or summary rating for the three (3) most recent regularly scheduled evaluations will be used, if available. The following formula will be used in computing the number of points to

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be added or subtracted:

3 x Number of Exceptional + 1.5 x Number Exceeds Standards - 1.5 x Number Marginal - 3 x Number Unsatisfactory Ratings

(divided by)

Total Number Ratings

Provided, however, that not more than seven points can be added to an applicant's score a combination of seniority and efficiency.

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Section 3. Penalty for Deceit in Examination.

Where deceit in an examination is alleged, and the applicant denies the fact of deceit, or if the examiner in charge of the examination believes extenuating circumstances to exist, the applicant will be permitted to finish the examination, and a full report shall be submitted immediately to the Human Resources Director, who will conduct an appropriate investigation. Should the Director find that the applicant engaged in deceitful conduct in connection with the examination, he may either cancel the examination papers of the applicant or may penalize him a certain number of points in the examination score. ~~who shall forward it to the Commission along with comments and recommendations. The applicant will be given an opportunity to be heard. Should the Commission find the applicant guilty of deceitful conduct in connection with the examination, it may either cancel the examination papers of the applicant or may penalize him or her a certain number of points in the examination score.~~

Section 4. Tie Ratings.

In case two or more persons receive the same rating after the addition of seniority and efficiency credits, the resulting tie will be resolved by application, in succession, of the following procedure:

- a. If the persons tied are already in the classified service, the one having the greatest seniority in the City service will have precedence on the list.
- b. If two or more tied persons have the same seniority, the one among this group with the highest overall efficiency rating in the last two efficiency reports for each will have precedence.
- c. If the persons tied are not in the classified service or if a tie still exists after using paragraphs a and b above, the tie shall be broken by using a system of drawing by lot.
(Amended 2/23/88)

Section 5. Notice to Candidate of Result of Examination.

- a. Each candidate will be notified of the rating he has received, and, if such rating is above the required minimum, he ~~or she~~ shall be given his or her comparative standing.
- b. Applicants who pass the examination will be ranked by their examination score, efficiency, seniority, or veteran points as applicable. ~~Any candidate who, though admitted~~

to the examination, has been rejected for reasons other than failure to receive a rating above the required minimum will likewise be notified of the reasons for rejection.

Section 6. Preservation of Examination Papers.

Examination papers of each examination shall be preserved for at least the length of the life of the resulting eligible lists. The examination papers written by an applicant certified for appointment will be open to the inspection of the ~~appointing officer~~ Department Head during such time as the papers are on file with the Human Resources Director.

Section 7. Identification Marks.

Any competitor in a written examination who places any form of identification mark upon his examination answer sheets will be deprived of all benefits under such examination. No written examination answer sheets having identification marks will be marked or graded. The following are examples of marks of identification within the meaning of this section:

- a. The real name or address of the applicant;
- b. Any assumed or fictitious name or address;
- c. Names of individuals or firms;
- d. Any initials, lines, signs, marks, or characters that may indicate the identity of the applicant.

Section 7. Review of Examination and Appeals.

a. An examinee will be allowed to file a written protest from any portion of a written examination. Such protest should contain specific points or objection to specific questions, actions, or procedures. The Human Resources Director will schedule one one-hour period, for such protests to be filed, at the convenience of the Human Resources Department on the date of the examination, ~~or during the five consecutive working days following the administration of the written examination. The protest schedule will depend on the size of the applicant group and the availability of space and human resources staff. Several sessions may be scheduled, if necessary, to handle large groups. However, each individual will be allowed to attend only one session. The time of such protest period will be announced prior to or at the time of the written examination.~~

b. During the one-hour period, the following materials will be available to examinees: unmarked test booklet, correct answers to questions, and protest forms. Examinees may bring their own reference materials. At the end of one hour, all protests must be turned in to the Human Resources Department staff. No protests regarding the examination will be accepted after this time. Any individual attending such session may write down the number of the test questions protested, and remove such written notations from the testing room. No other notes or papers shall be carried out by any individual attending such a session. ~~c. If the Human Resources Director finds that any of the protests or objections are justifiable due solely to clerical errors, he or she may make appropriate corrections in scores, subject to the right of appeal by the examinee to the Commission. The Human Resources Director will make a written report to the Commission on any clerical changes~~

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made as a result of such a protest.

d. If the Human Resources Director finds that any of the objections are justifiable due to other than clerical errors, he or she will follow the same procedure as outlined in Section (c) above.

e. Commencing the sixth day after the date of the written examination, the Human Resources Director will make available to the examinees scored answer sheets, a scoring key and a written disposition of protested items. Such information will be available to the examinees for five days thereafter, during regularly scheduled work hours. Anyone not satisfied with the action taken on their protest by the Human Resources Director may file a written appeal with the Commission during the five-day review period. Appeals will not be accepted after the close of the review period.

f. ~~c.~~ For all other types of examinations as specified in CSC Rule 10, Section 2(b-f), applicants may file a written protest immediately following the administration of the examination. No protests will be accepted after the date on which the administration of the examination is completed. Such protests must contain specific points or objections to specific questions, actions or procedures. The Human Resource Director will review and report any changes made as a result of such protests as outlined in section (c) and (d) above. Applicants filing protests will be notified of the disposition of their protests and if dissatisfied, can appeal to the Civil Service Commission within five days of notice in a manner consistent with the Rules and Regulations. (Amended 12/17/85)

RULE 10

Original Entrance Examinations Examination Standards

Section 1. Character.

All examinations will be job-related and consist only of subjects which will fairly test the relative capacity of the person examined to discharge the particular duties of the class to which appointment is sought.

Section 2. Content.

Examinations held to establish a list of eligibles for any class will consist of one or more of the following components as determined by the Human Resources Director ~~subject to the review of the Commission.~~

a. **Written Test.** The written part, when required, will include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their ability in the use of English (where job related), the range of their general information, or their general educational attainments. An essay upon one or more subjects may be required if advisable.

b. **Oral Interview/Assessment.** The oral interview, when required, will include personal interviews with the competitors for classes of positions where ability to deal with others, to meet the public, or other special personal qualifications or verification of special technical

cor professional knowledge are involved. Normally, such interviews will be given only to the upper group of candidates as ranked by the previous examination component.

c. Performance Test. The performance test, when required, will include tests to measure the skill or ability of competitors to perform the work involved.

d. Physical Test. The physical test, when required, will consist of tests of bodily condition, muscular strength, agility and the general physical fitness of competitors. The results either may be given a weight in the total examinations, or may be used to exclude from further examination applicants who do not achieve the minimum required physical standards.

e. Psychological Tests. The psychological test, when required, will include tests to determine mental alertness, the general capacity of applicants to adjust their thinking to new problems and conditions, or to ascertain their special character traits and aptitudes related to the job to be performed.

f. Training and Experience. An evaluation of training and experience, when required, will be based on the statements of education and experience contained in the application form or such supplementary data as may be required by the Human Resources Director. The Human Resources Director may investigate the truth of any statements by the applicant as to training and experience. If any such statement is incorrect, the Human Resources Director shall recommend to the Commission appropriate action as governed by these Rules.

Section 3. Subjects and Weights.

The Human Resources Director will determine subjects to be included in the examination and the weights to be ascribed each. The weights will represent reasonably the value of the associated subject in ascertaining the fitness of the applicants being examined.

Section 4. Special Examiners.

The Human Resources Director ~~with approval by the Commission,~~ may use other persons qualified in a particular field, to prepare, conduct or mark an examination.

Section 5. Medical Examinations.

All eligibles for employment in the Civil Service may be required to pass a medical examination before physicians designated for such purpose by the Director to determine their physical fitness for the position for which they are applying.

Section 6. Notice of New Examinations.

A circular of information stating the date, time and place of examination, age, residence, experience, and other qualifications or limitations, definition of duties, salary schedules, and such other data as may be desirable will be prepared by the Human Resources Director and will be available for review to every person who applies for the position. He ~~or she~~ will also publish this information in a newspaper of general daily circulation at least once a week ~~for two consecutive weeks~~ and will post the information on the official public bulletin board in City Hall and on the City web site.

Section 7. Notice to Persons on Eligible Lists of New Examinations.

~~When a new examination is called for a position for which there is an inadequate eligible~~

list, the persons whose names are on the existing eligible list will be notified by the Human Resources Director and given the opportunity to take the new examination for the purpose of establishing their names on the new eligible list and raising their grades. Such persons' places on the eligible list will be determined by the higher rating received in either examination. Eligibles on lists for classes open on a continuous basis may re-take an examination in an attempt to improve their score and/or standing no more often than once every six months. (Amended 12/6/88)

Section 8. Postponement or Continuance of Examinations:

Whenever it appears to the Human Resources Director, by reason of the small number of applicants for any examination, that such examination has not been given sufficient publicity, or for any other good and sufficient reason, he or she may postpone the examination to a later date, or cancel it. A postponement which does not exceed sixty days, will not necessitate re-advertisement; but all persons who have applied will be immediately notified of the postponement by the Director and will be further notified of the time at which they are to appear for such examination. All applicants will also be notified of any cancellation.

Section 9. Development and Administration of Examinations:

Every examination will be under the responsible direction of the Human Resources Director. The Human Resources Director will make periodic reports and recommendation to the Commission on testing procedures. The Commission may review at any time all examination procedures developed by the Human Resources Department.

Section 10. Concealing Identity on Written Examinations:

On the date of formal written examination the identification sheets of the candidates will be sealed and the identity of each will remain concealed until the papers have been graded. When specified ratings have been required in one or more subjects prior to the completion of the examination, the identification envelopes may be opened on the establishment of such ratings in order to notify applicants to appear for the remainder of the examination. The identity of the candidates completing the examination will be concealed again in the above manner.

Section 11.7. Current City Employees.

Current City employees may take original entrance examinations if an examination is given on an original entry basis for a position, except as provided for hereunder. An employee will not be allowed to take an original entrance examination if the examination is actually promotional for the employee, and the employee would otherwise be ineligible to take the promotional examination for any of the reasons relating to such an eligibility contained either in the Charter or Rules. An employee will not be allowed to take any examinations as an original entrant if the person would otherwise be ineligible to take the examination for any of the reasons relating to such eligibility contained either in the Charter or the rules Rules. Employees wishing to take original entrance examinations because of probationary status must further demonstrate that the completion of their probationary status is not necessary for the employee to meet the minimum experience requirements of the position. Employees who are allowed to take original entrance examinations, and are

placed on an eligible list as a result thereof, if selected for positions based on such standing on the eligible list, must resign their current City position prior to starting employment in the new position.

Current employees hired in this manner will be considered for all purposes as an original entrant. All other provisions of the Charter and these Rules relating to the resignation of City employees shall apply. (Added 12/18/84)

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RULE 11

Promotional Process

Section 1. Governing Provisions.

The provisions governing the character and content of examinations set forth in Rules 9 and 10 above will also apply to promotional examinations.

Section 2. Frequency and Examination.

~~Promotional Examinations will be given whenever needed to fill a vacancy for which an adequate promotional list does not exist, or when a request is received to fill a vacancy and a promotional examination has not been offered for the class within the past 18 months, unless in the judgment of the Commission such testing frequency is not in the best interest of the City. More frequent testing will be held by the Human Resources Department for those classes which have been shown to have a high or moderate demand, whether or not a requisition is received or a vacancy occurs. Unless the Commission finds that the needs of the City would be otherwise better met, an original and promotional examination will be given simultaneously. (Amended 12/11/84 and 1/24/89)~~

Section 3. Eligibility.

a. A person is eligible to take promotional examinations after actual service in a permanent regular position for six months and when he fully meets the qualifications for the class as specified in the job description. The six months of actual service will be deemed to have been met if the employee completes the six months of service by the date the first component of the examination is administered, and the employee is recommended for permanent regular status. (Amended 10/21/97)

~~b. Employees who are on probation in positions to which they were recently promoted will not be allowed to take promotional examinations unless completion of the probationary period is not necessary for the employee to meet the minimum experience requirements of the promotional position.~~

~~be. If otherwise qualified, persons on leave of absence, or on reinstatement lists as a result of involuntary separation, through no fault or delinquency on their part, are eligible to take promotional examinations. (Amended 1/5/88)~~

~~d. Persons holding appointment in a regular, permanent position in the Civil Service will not, while holding such appointment, be permitted to participate in any subsequent examination held for other positions within the same class. Any examination standing secured in violation of this section will be void. No person may be an appointee in a~~

~~permanent position in one class in the Civil Service and at the same time be eligible for appointment for another position in the same class. Applications submitted contrary to the provisions of this section will be rejected.~~

~~ec. No person may take a promotional examination if he or she cannot physically perform the duties of the position to which he or she seeks promotion.~~

~~fd. No employee who is demoted for disciplinary reasons and who does not file an appeal with the Commission, or whose appeal is not upheld by the Commission, is eligible for any promotional examination within two years of the effective date of his or her demotion.~~

~~e. Any employee who resigns during the first 30 working days of his probationary period is eligible to take any Civil Service examination for which qualified. Employees who resign from the position within the first 30 working days will be placed in their former position if it is vacant. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded position for which qualified. The refusal of an employee to accept an offer to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.~~

~~f. Any employee who is removed or who resigns during his probationary period after 30 working days is ineligible to take any Civil Service examination for a period of six months from the date of removal or resignation. If the former position is not vacant, the Human Resources Director will attempt to place the employee at an equal or lower graded position for which qualified. The refusal of an employee to accept an offer to fill a vacancy will result in the employee being laid off and placed on a reinstatement list.~~

~~g. Any employee who is removed or who resigns during his or her probationary period is ineligible to take any Civil Service examination for a period of two years from the date of removal or resignation. This provision may be waived by the Commission if in their judgment the cause of the removal or resignation will not affect the employee's usefulness in some other position.~~

Section 4. Notice of Examination:

~~Notice of promotional examinations will be posted by the Human Resources Director for at least ten working days prior to the examination on the official bulletin board in City Hall and in such other City buildings as are appropriate to ensure that all employees are fully informed. The notice will give the date, time and place of the examination and the minimum qualifications of the position.~~

Section 5. Application for Promotional Examination:

~~Each eligible who cares to compete for promotion must fill out the prescribed application for promotional examination, and file this application at the office of the Human Resources Director on or before the closing date specified in the announcement of the examination. The eligible must be able to read and write, and must fill in his or her own application, unless the Human Resources Director determines that such abilities are not necessary to the performance of the duties of the higher position.~~

Section 6. Rating of Seniority:

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One-half point will be added to the score of an applicant for each of the first four complete and continuous years served in a permanent Civil Service position to a maximum of two points, except as provided in Article VI, Section 6.3-1(e) and provided that the minimum passing grade is achieved on the examination or evaluation. Seniority will be computed from the date of the person's last promotion and to the date of the examination. If the employee has never received a promotion, seniority will be computed from the date of appointment to the position from which promotion is sought.

Section 7. Rating of Efficiency.

a. No person may be eligible to take a promotional examination who has not received an overall rating of at least "Meets Minimum Requirements" for the most recent regularly scheduled rating periods in the position from which promotion is sought. If an efficiency rating has not been filed for the person for the position from which promotion is sought, the most recent regularly scheduled evaluations in a prior position shall be used. Efficiency ratings must be on file for examination eligibility purposes no later than the last day of the pay period in which the employee's competency anniversary date falls. (Amended 3/19/85, 2/1/94 and 6/3/97)

b. Points, to a maximum of three (3), will be added to or subtracted from, the examination score of applicants passing promotional examinations based on the employee's most recent regularly scheduled evaluations. The overall or summary rating for the three (3) most recent regularly scheduled evaluations will be used, if available. The following formula will be used in computing the number of points to be added or subtracted:

$$3 \times \text{Nbr Exceptional} + 1.5 \times \text{Nbr Exceeds Standards} - 1.5 \times \text{Nbr Marginal} - 3 \times \text{Nbr Unsatisfactory Ratings}$$

Total Nbr Ratings

Provided, however, that not more than five points can be added to an applicant's score for a combination of seniority and efficiency. (Amended 6/28/88, 2/14/89, 6/3/97)

Section 84. Promotion within City or Department.

a. Promotional examinations for promotional positions will be open to all persons properly qualified, without regard to the department in which they are serving. However, upon request of a Department Head, city wide examinations may be limited to current city employees so long as it is anticipated there is a minimum of five qualified candidates. In making certification from promotional lists, however, the Human Resources Director may direct that those persons on the promotional lists who are serving in the department or other organization in which the vacancy to be filled exists, be certified in preference to persons on the same lists serving in other departments or organizations, if it appears that the efficiency of the service would be improved thereby, in accordance with Article VI, Section 6.5-2 of the Charter.

b. Upon request of a Department Head, promotional examinations for promotional positions may be limited to employees presently working within the requested department so long as it is anticipated there is a minimum of five qualified applicants.

In making certification from promotional lists wherein the department head wishes to appoint the top ranking eligible serving in the same department in preference to others on

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~~the promotional list, the department head will first interview the top three candidates on the promotional eligible list to ensure that the efficiency of the service would be improved by preferential certification of the person serving in the same department.~~

Section 95. Promotion after Reclassification.

~~Where a position has been formally reclassified because of additional duties and responsibilities or to correct an error in classification, the incumbent of the former position may be promoted or appointed without examination, upon request of the proper appointing officer Department Head. It must be shown to the satisfaction of the Commission that the person for whom promotion or appointment is requested has fully performed the additional duties and assumed the responsibilities on account of which reclassification was allowed, and is fully qualified to fill the higher grade position. It must further be shown to the satisfaction of the Commission that the additional duties were not assigned to the person for the purpose of evading the appointment to a position by competitive examination, and that the necessity for the creation of the higher position has been established.~~

Section 106. Temporary Promotions/Appointments

a. ~~An interim or temporary promotion appointment to a higher position may be authorized by the Commission Human Resources Director without examination upon written request of the department Department head/Head when any of the following conditions exists:~~

- ~~1. when a position is vacant due to the sickness, disability or other absence of a regular employee for at least 30 days;~~
- ~~2. when it is necessary to fill positions of a seasonal nature in accordance with conditions prescribed by the Commission;~~
- ~~3. when a vacancy cannot be filled with an existing eligible list or through a provisional or temporary appointment.~~

b. ~~All such temporary promotions appointments will continue only during the period of sickness or disability, seasonal circumstances, or other absence, or until certification from an eligible list can be made. In no event will such temporary appointment be effective for longer than six months without a new request being made by the Department H/head and approved by the Commission/ Human Resources Director. (Amended 7/20/93)~~

c. ~~An individual appointed in this manner must meet the minimum qualifications for the position, to which promotion is being made. Such promotions appointments are limited to individuals within the same department in which the vacancy exists. If a promotional list exists for the position, the department head should give first consideration to persons within the department who are on such list. (Amended 5/26/92)~~

RULE 12

Eligible Lists

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Section 1. Duration of Eligible Lists.

Eligible lists other than reinstatement and transfer lists, will expire automatically 186 months from the date they are certified unless extended by the ~~Commission~~ Human Resources Director prior to the expiration date. ~~(Amended 1/24/89)~~ Persons on a reinstatement or transfer list will be eligible for certification for a period of 24 months.

Section 2. Change of Address.

Each person on an eligible list will file with the Human Resources Director written notice of any change of address, and failure to do so may cause his or her name to be removed from the list after notification has been attempted and subject to appeal to the Commission.

Section 3. Impact of Changes.

Changes of rank, or addition or subtraction of names, made on lists of eligibles because of clerical errors or re-ratings, will not change the date of the adoption of such lists nor give any persons the right to claim any beginning date of eligibility other than the date of the adoption of the original eligible list that created their eligibility.

Section 4. Revocation of List.

An eligible list, other than a reinstatement list, may be revoked and another examination ordered only when in the judgment of the ~~Commission~~ Human Resources Director, and subject to Commission approval, such action is deemed advisable because of errors, fraud or inappropriate standards prescribed in connection with an examination. All competitors in the first examination will be given an opportunity to compete; and a new eligible list will be established except in the case of inappropriate minimum qualifications, in which event only competitors in the first examination who meet the new qualifications may be tested. No eligible list will be altered or revoked except upon written notice to all persons whose standing may be affected.

Section 5. Removal from Eligible List Through Loss of Qualifications.

The name of any eligible ~~who~~that no longer fulfills any preliminary requirement demanded at the time of examination (such as residence or the possession of a license) will be removed from eligible lists by the Human Resources Director. The name of an eligible that has not been certified from a reinstatement or transfer list within 24 months will be removed.

Section 6. Removal from the Promotional List of Persons Permanently Separated from Service.

The names of persons permanently separated from the service on account of resignation, discharge or other cause, will be removed from all promotional applicant lists by the Human Resources Director.

Section 7. Removal from Lower List if Appointed from Higher List.

~~Permanent~~ Regular employees whose names are on promotional eligible lists of different grades or lists with different salary schedules will be removed from the lower grade promotional eligible lists or promotional lists with a lower salary schedule upon promotion to a higher grade position or one with a higher salary schedule. ~~(Passed 3/28/91)~~

Section 8. Removal on Account of Non Appointment.

~~Certification for temporary appointment and certification on which waiver is requested and approved will not count as one of the certifications under Article VI, Section 6.7-9a of the Charter. The selection of the top ranking eligible in preference to other eligibles on the eligible list will not count as to the other eligibles as one of the certifications under the Article and Section of the Charter aforesaid. Only eligibles ranking higher on an eligible list than the eligible selected will be charged with not being accepted for appointment under Article VI, Section 6.7-9a. (Amended 9/7/04)~~

Section 9. Circulation of Eligible Lists.

~~The Human Resources Director may at any time in anticipation of a request for certification circulate the names of persons on any eligible list to determine if they will accept appointment or if they wish their names to remain on, or be deleted from the list. The Human Resources Director will be governed in certification and the keeping of such names on the list by the returns from such circulation. A circulation of a list need not be made within a period of six months of a previous circulation unless the position to be filled subsequent to the previous circulation is of greater salary or greater permanency. Eligibles who have declined appointment need not be certified to new vacancies within the six month period. However, any eligible who has declined but who thereafter notifies the Human Resources Director of his or her willingness to accept will not be passed over within the period. (Passed 12/7/85)~~

Section 108. Certification of Eligible Lists.

~~If no appeals are made from a test as provided for in Rule 9, Section 8, the Human Resources Director shall certify the list of those who have passed the examination by filing same in the office of the department and shall forward the list to the Civil Service Commission for inclusion in the minutes of their next meeting. **Eligibles may be referred for appointment from the list immediately upon certification.**~~

~~If appeals are filed, the Human Resources Director will certify the list after the appeal is heard and decided by the Civil Service Commission, unless otherwise directed by the Civil Service Commission. (Passed 12/17/85)~~

Section 109. Removal from Eligible Lists for Failure to Pass Probationary Period.

~~The name of any person who does not pass a probationary period will be removed from any eligible list on which it appears, unless in the judgment of the Commission, the cause of the removal will not affect the employee's usefulness in the class or classes of positions on which eligible list(s) his or her name appears. (Passed 2/14/89)~~

RULE 13

Leave of Absence, Resignation, Sick Leave and Vacations

Section 1. Leave of Absence.

a. Procedures and Limitations

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A request for leave of absence, not to exceed twelve consecutive months, together with the reasons therefore and the period of leave desired, and a full statement as to the desire or intention of the employee to return to the Civil Service, will be made in writing on the forms prescribed, with the ~~department~~ Department ~~head's~~ Head's recommendation to grant or deny the request. When a leave of absence is necessary because of sudden serious health condition or injury, the request may be made by the ~~D~~ Department ~~H~~ Head without securing the signature of the employee and forwarded to the City Manager. A leave of absence will not be finally effective until approved by the City Manager. In the case of a leave requested as an exception to length-in-service requirement policy, the application must be accompanied by such proof as the City Manager may require. A leave of absence may not be granted or extended on or after February 7, 2006, for a combined period in excess of 24 months during within the most recent 7 years the tenure of an employee's tenure with the city.— This subsection does not include authorized leave taken in accordance with the Family & Medical Leave Act, and This subsection shall not apply to a leave of absence granted for military service or upon the acceptance of a position in the exempt class of the City's service for such time as the service continues. (~~Amended 11/13/84, 07/13/85, 08/31/04 and 02/07/06~~)

b. Family and Medical Leave Act of 1993

All employees may take leave in accordance with the Family and Medical Leave Act (FMLA) of 1993, as may be amended and no provision of this Rule shall be construed to conflict with such Act. Employees qualifying for FMLA leave must utilize all available FMLA leave before being eligible to receive an additional leave of absence under section 1.a. All FMLA leave will run during a "rolling" 12-month period calculated forward. Such FMLA leave shall be included within the twelve consecutive months of leave that an employee may be granted under section 1.a. (~~Passed 02/07/06~~)

c. Requesting Leave

Except as otherwise provided by law, no employee will be granted a leave of absence until the employee has been in the Civil Service for at least one year immediately preceding the date of leave except in case of military service, urgent necessity, or in accordance with federal or state law, as determined and approved by the City Manager or designee. In these cases, an application for a leave will be accompanied by such proof as the City Manager may require, along with a recommendation from the ~~D~~ Department ~~H~~ Head. (~~Amended 08/31/04 and 02/07/06~~)

To obtain a leave of absence based on an employee's own serious health condition, the employee must provide the ~~D~~ Department ~~H~~ Head such forms as may be required by the Human Resources Director, completed by the employee's health care provider no later than the fifteenth calendar day of absence. The health care provider should indicate the date on which the serious health condition commenced, the probable duration of the condition, appropriate medical facts within the knowledge of the employee's health care provider regarding the condition, and that the employee is unable to perform the functions of his or her position because of the condition. The employee will be required to provide periodic updates from the employee's health care provider on the serious health condition, as well as a fitness-for-duty certification when the employee seeks to be reinstated. If, for medical reasons, the employee is unable to deliver any documentation required under this

paragraph, the employee may have a friend, family member or health care provider deliver them. (~~Passed 02/07/06~~)

To obtain a leave of absence so that an employee may care for a spouse, designated household member, child or parent of either with a serious health condition, the employee must provide his or her Department Head with the required forms completed by that individual's health care provider no later than the fifteenth calendar day of absence. The health care provider should indicate that the employee is needed to care for the individual and estimate the amount of time involved. The employee may be required to provide periodic updates on the relevant individual's condition and on the employee's continued need to care for that person. (~~Passed 02/07/06~~)

To obtain leave based on the birth or the placement of a child for adoption or foster care with the employee or for planned medical treatment and such leave is foreseeable, an employee must notify the ~~department~~ Department Head not less than 30 days before the employee plans to commence leave. If it is not possible to give 30 days' notice, the employee must give as much advance notice as is practicable. (~~Passed 02/07/06~~)

d. Benefits During Leave

The City requires any employee taking leave to first utilize accrued but unused sick and vacation leave during the leave of absence provided that it is not used to receive more compensation than the employee would receive were the employee working.

Employees on unpaid leave of absence are not entitled to holiday pay for those holidays falling during the leave. Additionally, benefits such as vacation time and sick leave do not accrue during an unpaid leave of absence. A break in seniority will occur when an employee is on an unpaid leave of absence for thirty or more consecutive days.

During the portion of any paid leave of absence in which the employee is using accrued vacation or sick leave, the City will maintain its share of an employee's coverage under any group health or insurance plan on the same conditions as if the employee was not on leave. During any unpaid leave of absence, an employee must pay the cost of any insurance coverage that the employee has elected to make under the City's benefit program. The employee must make arrangements with the Office of Management & Budget, Insurance & Benefits to make any such payments.

e. When Leave of Absence Shall not be Granted - ~~Investigation by Commission~~

No leave of absence, with or without pay, will be approved or granted when it appears to the City Manager that it is requested for the purpose of enabling the employment of a temporary employee to the same position; or because of political influence, or for cause contrary to the good of the Service. ~~Objections based upon the foregoing may be filed by any citizen with the Commission. The Commission will investigate such objections, and may, if they are sustained upon investigation, report such investigation to the City Manager who must order a revocation of the leave. (Amended 08/31/04 and 02/07/06)~~

f. Notices regarding Designated Household Members

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Any employee may designate one person who resides in the employee's household, for whom the provisions in this Rule relating to a designated household member shall apply. The employee shall submit the name of such household member to the Human Resources Department. In the event that the household member moves from the employee's household or the employee desires to change the designation of his or her household member, the employee shall immediately file a notice of termination of designation of household member with the Human Resources Department. The Human Resources Director shall develop appropriate forms for use by employees under this section.—(Passed 02/07/06)

g. Return after Leave

An employee must present an acceptable fitness-for-duty certification upon return from leave which was the result of the employee's own serious health condition. Any employee returning to work after a leave of absence for serious health condition or disability of 12 weeks or more may be required to take and pass a physical examination performed by a physician acceptable to the Director of Human Resources or designee.

If the employee has not returned to work at the expiration of the leave of absence, ~~the~~ employee will be considered to have voluntarily resigned his or her employment not in good standing. (Amended 02/07/06)

Section 2. Sick Leave

a. Accrual

All ~~permanent-regular~~ and probationary employees who are regularly scheduled to work, on an average, a minimum of twenty (20) hours per week are entitled to an annual sick leave, with full pay, to be taken when necessary, and in addition to the time provided for vacations, as follows: (Amended 07/09/85, 08/11/87, 06/28/88, 01/30/90, 02/07/06)

40 hour per week employees - 120.0 hours per year or 4.62 hours per pay period

Each employee may accrue unlimited sick leave days. ~~Upon the effective date of the adoption of this Rule for implementation of unlimited sick leave accruals, all previous special sick leave balances will be converted to regular sick leave accruals. No employee will lose any accrued sick leave balance as a result of this amendment (Amended 02/14/89, 02/07/06).~~

Part-time employees shall accrue sick leave at a pro-rated amount of full-time entitlement based on the number of hours that they are scheduled to work. Employees covered by collective bargaining agreements shall accrue sick leave as provided in the applicable agreement. (Amended 02/07/06)

b. Sick Leave Verification

No sick leave of three (3) or more consecutive work days will be granted to any person without a certificate verifying that the leave is necessary for medical reasons. Additionally, no sick leave the day before, the day of, or the day after a City designated holiday will be granted to any person without a certificate. Such certificate must be from a health care

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provider, and verify that the leave is necessary for medical reasons. (~~Amended 07/09/85, 02/14/89, 09/17/96 and 02/07/06~~)

c. Emergency Leave

Emergency Leave may be granted under the sick leave clause for the following reasons:

- (1) A quarantine established by the El Paso City-County Health & Environmental District.
- (2) Death of mother, father, child, grandchild, brother or sister, or spouse or designated household member, or their grandchild, or parent. This leave may not extend beyond the date of burial, plus legitimate travel time. A maximum of five (5) days of sick leave may be granted for this purpose per event. Employees may be asked to provide written documentation of the funeral or death.
- (3) Death of other relatives or other person with whom the employee has a significant familial relationship. Leave with pay in such cases may be for not more than one (1) day to permit attendance at the funeral.
- (4) Illness of the employee's immediate family. "Immediate family" is defined as the spouse, designated household member, children, the grandparents, or parents of the employee or of the employee's spouse or designated household member. No more than two days per pay period may be authorized to permit necessary arrangements for care unless the employee takes leave under the Family and Medical Leave Act. (~~Amended 03/31/87, 08/11/87, 06/28/88, 02/14/89~~) (~~Amended effective 08/05/93 for employees not covered by Collective Bargaining Agreements.~~) (~~Amended effective 02/04/94 for employees covered by Collective Bargaining Agreements~~) (~~Amended 02/07/06~~)

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d. Application for Sick Leave or Emergency Leave

Application for Sick Leave or Emergency Leave will be made to the employee's Department Head. When an application for such leave is denied by the Department Head, the applicant may appeal to the City Manager who will investigate and uphold or reverse the denial, consistent with provisions of this Rule. (~~Amended 02/07/06~~)

e. Duties of Department Heads; Authority to Investigate Sick Leave Use

The Department Head granting sick or Emergency Leave will immediately report the leave and subsequently, the individual's return, to the Human Resources Director. The Department Head or the Human Resources Director may at any time inquire or investigate into the use of sick leave or Emergency Leave and require medical certification for all subsequent absences, or take other appropriate action consistent with the Charter or these Rules. Reasons to inquire or investigate shall include, but are not limited to, the following: (~~Amended 03/31/87, 09/17/96 and 02/07/06~~)

- (1) Habitual use of sick leave in single or partial day increments, without current medical documentation.
- (2) A pattern of using sick leave on a payday, the first work day the employee is scheduled to work after a payday, the day before or after a scheduled day off or

using sick leave as soon as it has been accrued.

f. Use of Sick Leave for Personal Business

A ~~permanent~~ regular employee in the City Service is entitled to use part of his or her sick leave for personal business as follows:

40 hour per week employees - 32.0 hours per year

56 hour per week employees - 24.0 hours per year

~~Permanent~~ Regular part-time employees - 16.0 hours per year

Such personal leave may be taken either on an hourly, half day, or full day basis. All personal leave must be taken by the end of the last pay period beginning within the fiscal year and may not be accrued into subsequent fiscal years. (~~Amended 01/30/90, 08/09/94, 09/22/98 and 02/07/06~~)

g. When Paid Leave is Exhausted

A ~~permanent~~ regular employee who has served the required probationary period and suffers a life-threatening medical condition, and who has exhausted all available paid leave, may make a written application to become a shared leave recipient, in the manner prescribed by the shared leave policy and procedures. (~~Added 9/22/98~~)

Section 3. Vacation Leave

a. Eligibility

All ~~permanent~~ regular employees who are regularly scheduled to work on an average, a minimum of twenty (20) hours per week, who have held a position in the City Service for a period of six months from date of employment, shall be eligible for vacation allowance as hereinafter set forth. Part-time employees shall accrue vacation leave at a pro-rated amount of full-time entitlement based on the number of hours that they are scheduled to work. Employees covered by collective bargaining agreements shall accrue vacation as provided in the applicable agreement. (~~Amended 08/11/87, 01/30/90 and 02/07/06~~)

b. Accrual

All ~~permanent~~ regular employees in the City Service as defined in (a.) above, shall accrue vacation credit at the following rates per pay period for each pay period completed by the officer or employee in the City Service, calculated from the date of employment of each employee: (~~Amended 07/09/85, 08/11/87, 01/30/90 and 02/07/06~~)

For 0 - 5 years of service (12 days):

40 hour per week employees - 3.70 hours per biweekly pay period

(~~Amended 08/11/87, 09/20/88 and 02/07/06~~)

For >5 to 15 years of service (17 days):

40 hour per week employees - 5.24 hours per biweekly pay period

(~~Amended 09/20/88 and 02/07/06~~)

For >15 or more years of service (20 days):

40 hour per week employees - 6.16 hours per biweekly pay period

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The maximum accrual for vacation leave is fifty (50) days. (~~Amended 08/11/87, 02/14/89, 01/30/90 and 02/07/06~~)

c. Such leave may be taken only in increments of half of a work day or more. (~~Amended 07/09/85, 10/08/85, 08/11/87 and 02/07/06~~)

Section 4. Vacation Schedules.

a. Scheduling of Vacations

Vacation schedules will be arranged by Department Heads with particular regard to seniority of employees and the needs of the Service, and insofar as reasonable, with regard to the wishes of the employee. The Human Resources Director will be notified of all vacations granted and will have the right to deny such vacation when the employee is not entitled thereto.

b. Forfeiture of Leave Balance Overage

Any vacation leave credit in excess of the maximum accrual authorized in Section 3 of this Rule shall be permanently withdrawn from the employee's vacation balance in the pay period in which the employee's anniversary date of employment falls. An employee who has applied for, but was not granted, vacation leave during the pay period in which the employee's anniversary date fell, shall not forfeit any vacation leave overage provided that the employee is granted leave within 60 days of the employee's anniversary date, subject always to the operational needs of the department. (~~Amended 02/07/06~~)

Section 5. Resignations.

a. Effect of Resignation

Whenever an employee of the Civil Service resigns, he ~~or she~~ severs his or her connection with the City and loses such seniority, including seniority rights following reinstatement from resignation, as he ~~or she~~ had at the time of his or her resignation.

b. Form of Resignation

The notice of resignation must be in writing on an appropriate form as prescribed by the Human Resources Director and acknowledged and filed, by the Department Head or their designee and tendered by the employee not less than ten days prior to its effective date. (~~Amended 02/07/06~~)

c. Filing of Notice of Resignation

The responsibility for filing the notice of resignation with the Human Resources Department will be with the Department Head.

d. Withdrawal of Notice of Resignation

The resigning employee will be permitted to withdraw the notice of resignation within ten (10) working days after its filing or up to the last actual day of work, whichever is sooner. (~~Amended 11/19/91 and 02/07/06~~)

e. Computation of Time

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The ten (10) days referred to in Article VI, Section 6.10-9 of the Charter and in this Rule, is construed to mean ten working days excluding holidays. It is the intent of this provision to require at least two calendar weeks notice of separation. (Amended 11/19/91)

Section 6. Reinstatement from Military Leave.

Any employee granted leave of absence for the purpose of entering the armed forces of the United States, including the Coast Guard, or the state service as a member of the Texas National Guard or Texas State Guard or as a member of any reserve components of the armed forces of the United States shall be reinstated to his or her position, if the position has not been abolished and if the employee has all the qualifications requisite to an original appointment to the position, as determined by the Commission, and in accordance with Chapter 613, Texas Government Code. (Amended 02/07/06)

Section 7. Reinstatement Following Resignation.

a. Placement or Restoration of Name Upon Eligible List

The Commission may permit a person who moves his or her residence from the City to remain on the reinstatement list or may restore his or her name thereto upon resumption of residence within the City, for reasons satisfactory to the Commission and consistent with other provisions of the Charter and these Rules, such reasons to be stated in each case in the personnel record.

b. Provisional Probationary Period

In cases where persons are being reinstated to a position in the Civil Service, where such person is not the former incumbent of the position to which reinstatement is being made, or where persons are being reduced for physical incapacity and the person is not the former incumbent of the position to which reduction is being made, the Commission will require such persons to pass a probationary period of six months of actual service. (Added 8/21/84 and amended 8/6/91)

c. Council Approval for Placement on Reinstatement List

Upon a determination that a former employee has resigned in good standing, the Council, after receiving a recommendation from the Commission, shall approve the request for the former employee to be placed on a reinstatement list, conditional on the person's passing a medical examination and background investigation, if required by the position. Said medical examination must be performed by a physician acceptable to the Director of Human Resources or designee in accordance with the physical specifications established for the position. (Amended 02/07/06)

da. Requisites for Reinstatement for Public Safety Employees

Those former uniformed employees requesting reinstatement to the Fire and Police, Departments must take and pass the medical examination and a physical agility test prior to the reinstatement to actual duty. One additional attempt at the physical agility test will be permitted after a one-month waiting period for persons failing the agility test on the first attempt. Persons requesting reinstatement to the Police Department will also be required and allowed one opportunity to take a psychological examination and polygraph examination, if required by the Chief of Police, prior to reinstatement to actual duty.

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eb. Reinstatement to Full or Part Time Positions for Former Full Time Employees

Full time employees may be reinstated to full or part time positions at their request depending upon position availability. (~~Amended 02/07/06~~)

fc. Council Approval for Placement on Reinstatement List After ~~One Year~~ 18 Months

~~The City Council, Manager or designee upon recommendation of the Commission, may approve a request for reinstatement after more than one year 18 months in cases where professional training or specialized skill is required where the person desiring reinstatement has been engaged either in study to benefit himself or herself for his or her duties or was in an occupation or position tending to increase his or her value in the position or where the person demonstrates that he or she was unable to apply for reinstatement within the one year 18 month period due to an extraordinary or unusual hardship and reinstatement will not have a detrimental effect on the City. (Amended 08/11/87, 03/17/92, 09/21/93 and 02/07/06)~~

Section 8. False or Fraudulent Application for Leave

Any employee who falsely or fraudulently requests leave to which he or she is not entitled or provides false or fraudulent documents suggesting eligibility for any leave provided for in this Rule is subject to appropriate disciplinary action including termination. (~~Passed 02/07/06~~)

Section 9. Definitions

The following definitions apply for purposes of this section: (~~Passed 02/07/06~~)

~~2. "Periodic Updates" means, "As directed by the Human Resources Director, but in no event more than once every (fifteen) 15 calendar days."~~

~~2. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.~~

~~3. "Designated household member" means a person who currently lives in an employee's household and who has been designated by the employee in accordance with Section 1-f.~~

~~5. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves: (A) in-patient care in a hospital, hospice, or residential medical care facility, or (B) continuing treatment by a health care provider.~~

~~5. "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or a person meeting the definition of health care provide under the Family and Medical Leave Act and applicable regulations to include podiatrists, dentist, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers. All health care providers must be authorized to practice in their state of practice and be~~

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~~performing within the legally defined scope of practice, and if the health care provider practices in a country other than the United States, is licensed to practice in accordance with the laws and regulations of that country.~~

~~Child" means a biological, adopted, or foster child, a stepchild, a legal ward, including a child of a spouse or the designated household member.~~

RULE 14

Appeal of Efficiency Ratings

Appeal Process:

Subject to the provisions of this section, the employee has the right to appeal any regularly scheduled rating he considers unfair, discriminatory, or otherwise objectionable, except for any probationary rating not recommending that the employee be made permanent in a probationary position. In the case of such probationary ratings, the employee has the right to place a written statement in his personnel file stating any objections to the rating. Any appeal must be made to the Commission within ten working days after the employee has had final review on the rating with his Department Head, or person designated. For purposes of any appeal under this section, it shall be presumed by the Commission that the Efficiency Rating accurately reflects the performance of the employee. This presumption may be rebutted by the employee by a preponderance of the evidence. On appeal the Commission will consider only the rater's possible prejudice, or the rater's failure to take into consideration facts or factors which should or should not affect the rating.

Step 1. One or more members of the Commission shall meet and review the appeal. The employee and the Department Head or representative thereof shall present evidence in support of their respective positions. The hearing may be recessed to allow either side an opportunity to gather additional evidence in the event of a claim of surprise. After the hearing is concluded, no further evidence may be received from either party. In cases where less than the Commission as a whole has conducted the hearing, a report shall be submitted to the Commission setting forth all findings adduced at the hearing.

Step 2. Upon consideration of the matters adduced at the hearing, the Commission will render an order denying the appeal, sustaining the appeal and ordering a re-rating of specific factors, the summary evaluation, or the entire evaluation. It shall also set forth in its order the reasons in support thereof.

Step 3. If a re-rating is ordered by the Commission under Step 2, it must be submitted to the Human Resources Director by the Department Head within 60 days, accompanied by a memorandum signed by the Department Head summarizing the changes made to the original evaluation. The memorandum will explain any failure to re-rate according to the Commission's order. In cases where the Commission's order was not followed, in whole or in part, the Human Resources Director shall place an item on the next Commission agenda, and the Department Head shall appear before the Commission to respond to questions from the Commission. After hearing the Department Head, and any response on the part of the Employee, the Commission may take such appropriate action as it deems

necessary to determine the appeal. No new evidence may be received by the Commission under this Step.

Resignation Before Hearing: If an employee resigns employment with the City of El Paso during the pendency of any appeal under this section, the appeal shall be deemed withdrawn, and no further action shall be taken.

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Efficiency Ratings

Section 1. Frequency:

~~Each employee will be given a written efficiency rating on a form to be prescribed by the Commission in accordance with the following schedules: (Amended 2/14/89)~~

- ~~a. Provisional, temporary, and probationary employees at the end of the listed periods of employment.~~
- ~~b. Permanent employees, annually on the class entry anniversary date. (Amended 3/17/92 and 2/1/94)~~
- ~~c. Unscheduled reports may be rendered at any time the rater considers necessary.~~

Section 2. Responsibility:

~~The immediate supervisor of the employee is responsible for rating his or her efficiency. The individual so charged will be designated in writing by the department head. Each report will be reviewed by the rater's supervisor. In the case of Department Heads who report to a Deputy City Manager, the City Manager of the City will be designated reviewer for evaluations. Department heads, not reporting to a Deputy City Manager, shall be evaluated by the City Manager. (Amended 7/5/00 and 8/31/04)~~

Section 3. Performance Standards:

~~Performance ratings will be based on written performance standards to be prepared by the rater and reviewer with input from the employee. Standards must be job related and will be reviewed periodically by the Human Resources Director.~~

Section 4. Counseling:

~~An integral part of the efficiency rating system is frequent job and efficiency counseling. As a minimum, it will be done in conjunction with each written efficiency report, normally by the rater.~~

Section 5. Use:

~~Efficiency ratings are used in conjunction with career development, promotion, separation, reassignments, competency and merit increases, and similar personnel actions. (Amended 2/1/94)~~

Section 6. Performance Scale:

~~The following scale will be used in describing employee performance:~~

- ~~a. EXCEPTIONAL. Performance which is consistently and significantly beyond~~

established standards, achieves performance objectives at a fully superior level.

b. ~~EXCEEDS PERFORMANCE STANDARDS.~~ Performance which exceeds standards and is noticeably better than the level of full performance.

e. ~~COMPETENT.~~ Performance which is fully acceptable, consistently meets standards and achieves performance objectives as desired.

d. ~~MEETS MINIMUM STANDARDS.~~ Performance which is below desired level but meets minimum standards. Some improvement needed to perform at fully competent level.

e. ~~MARGINAL.~~ Performance is less than expected; meets standards in some areas, but is less than satisfactory in a significant area or areas. Considerable improvement needed to perform at minimum standards.

f. ~~UNSATISFACTORY.~~ Performance which is consistently below standards. Objectives are not met, even under close direction. Substantial improvement is required or the incumbent may be removed from the position in a relatively short time. (Amended 6/28/88)

Section 7. Appeals:

a. Subject to the provisions of this section, the employee has the right to appeal any regularly scheduled rating he or she considers unfair, discriminatory, or otherwise objectionable, except for any probationary rating not recommending that the employee be made permanent in a probationary position. In the case of such probationary ratings, the employee has the right to place a written statement in his/her personnel file stating any objections to the rating. Any appeal must be made to the Commission within ten working days after the employee has had final review on the rating with his or her department head, or person designated in Section 2. For purposes of any appeal under this section, it shall be presumed by the Commission that the Efficiency Rating accurately reflects the performance of the employee. This presumption may be rebutted by the employee by a preponderance of the evidence. On appeal the Commission will consider only the rater's possible prejudice, or the rater's failure to take into consideration facts or factors which should or should not affect the rating.

———— Step 1. One or more members of the Commission shall meet and review the appeal. The employee and the Department Head or representative thereof shall present evidence in support of their respective positions. The hearing may be recessed to allow either side an opportunity to gather additional evidence in the event of a claim of surprise. After the hearing is concluded, no further evidence may be received from either party. In cases where less than the Commission as a whole has conducted the hearing, a report shall be submitted to the Commission setting forth all findings adduced at the hearing.

———— Step 2. Upon consideration of the matters adduced at the hearing, the Commission will render an order denying the appeal, sustaining the appeal and ordering a re-rating of specific factors, the summary evaluation, or the entire evaluation. It shall also set forth in its order the reasons in support thereof.

———— Step 3. If a re-rating is ordered by the Commission under Step 2, it must be submitted to the Human Resources Director by the Department Head within 60 days, accompanied by a memorandum signed by the Department Head summarizing the changes

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~~made to the original evaluation. The memorandum will explain any failure to re-rate according to the Commission's order. In cases where the Commission's order was not followed, in whole or in part, the Human Resources Director shall place an item on the next Commission agenda, and the Department Head shall appear before the Commission to respond to questions from the Commission. After hearing the Department Head, and any response on the part of the~~

~~Employee, the Commission may take such appropriate action as it deems necessary to determine the appeal. No new evidence may be received by the Commission under this Step.~~

~~b. If an employee resigns employment with the City of El Paso during the pendency of any appeal under this section, the appeal shall be deemed withdrawn, and no further action shall be taken. (Amended 1/7/92, 3/17/92, 9/21/93, 6/3/97, and 10/19/04)~~

Section 8. Implementation.

~~During the first year of implementation of annual performance evaluations, the employee will be rated for only that period of time since the employee's last regularly scheduled evaluation. (Added 7/5/94).~~

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RULE 26

Permanent Regular-Part-Time Employees

Section 1. Definition.

A permanent regular part-time employee is an employee who is regularly scheduled to work for no more than 29 hours per week, or for no more than 40 hours per week in a department with a 24-hour schedule.

a. Permanent regular part-time employees may be regularly scheduled for hours which are predetermined and set by the department in advance, or

b. Permanent regular part-time employees may be on-call employees who are called to work when the department has special events, extra work or non-regularly scheduled recurring work which is not being performed by full-time employees.

Seasonal employees who work only part of the year are considered temporary employees and are not eligible for permanent part-time status.

Section 2. Promotional Exams.

Part-time employees are eligible to take promotional examinations for full or part-time positions after successful completion of six months of actual service in a ~~permanent~~regular part-time position. Seniority credits will be prorated based on full-time service and in the same manner as prescribed in Rule ~~49~~, Section ~~6,2b~~ for promotional examinations. Efficiency credits shall be awarded in the same manner as prescribed in Rule ~~49~~ Section 7.2c.

Section 3. Transfers.

Regular part-time employees may request transfer to another regular part-time position of the same class and grade in a different department in accordance with Rule 5, Section 3, and within the order of certification. Regular part-time employees may not receive a transfer to regular full-time positions.

Section 4. Part-time to Full-time Status.

Part-time employees who wish to be placed on a eligible transfer list within the Order of Certification Process for full-time employment in the same classification, as provided in Section 6.5-1 of the Charter shall submit a written request to the Human Resources Director. Names will be placed on such list in the order in which received.

Section 5. Full-time to Part-time Status.

- a. An employee may request a regular reduction in status from full to part-time. Such request must be in writing and will state the reasons for which the employee is requesting reduction to part-time status. Requests will be granted in cases where necessary to comply with Federal or State law or where the best interest of the City would be served. Such requests shall be forwarded directly to the Human Resources Director, who shall approve or deny subject to appeal to the Civil Service Commission.
- b. Full-time employees who are granted part-time status may resume full-time status as described in Section 4 of this Rule.
- c. A status change from full to part-time will not affect the employee's seniority for pay and benefit accrual purposes.

Section 6. Reinstatements.

Regular part-time employees who resign and request reinstatement, and who are approved for reinstatement, shall be placed on an eligible list only to regular part-time positions in the same class and grade from which they resigned.

Section 7. Layoff.

Regular part-time employees who are laid off in accordance with Article 6.10-1+ shall have their names placed on a reinstatement list only to part-time positions. In all other respects the provisions of Rule 20 will apply.

Section 8. Temporary Appointments/Provisional Appointments.

Regular part-time employees may receive temporary promotions or provisional appointments to full-time positions. (Amended 9/21/93)

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