

## CIVIL SERVICE COMMISSION RULE 1

### PURPOSE, ADOPTION, AND AMENDMENT OF CIVIL SERVICE COMMISSION RULES

#### 1.01 Purpose

The purpose of these rules is to ensure a fair and effective system of human resource management, which is based upon the following merit principles: (CSC 2/24/09) (CSC 12/15/15)

- A. Providing fair treatment of applicants and employees in all aspects of human resource management without regard to age, ancestry, color, creed, disability, familial status, gender, pregnancy, genetic information, sex, marital status, national origin, race, religion, sexual orientation (including gender identity), status with regard to public assistance, and veteran's status (including Vietnam Era Veteran Status) or other protected class status or any other non-merit factor. (CSC 2/24/09) (CSC 12/15/15)
- B. Providing for the objective, non-biased evaluation and classification of jobs;
- C. Training employees to enhance existing and develop new job skills to facilitate increased performance and productivity;
- D. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- E. Recruiting, selecting, and advancing employees on the basis of their relative abilities, knowledge, and skills, including fair consideration of qualified applicants for initial appointment; and
- F. Ensuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purposes of interfering with or affecting the result of an election or a nomination for office.

#### 1.02 Basis of Authority

The City of Minneapolis Charter establishes and authorizes the Civil Service Commission to make, amend, or repeal rules in order to promote sound human resource management practices, to promote efficiency in the City service, and to carry out its Charter responsibilities. The Rules will, among other things, provide for: classification of all covered positions; fair and objective examinations; public advertisement of examinations; lists of eligible candidates that rank persons in order of their experience, education and relative abilities; certification procedures that correspond to current law and statute requirements; rejection of candidates or eligible candidates; temporary employment or re-assignment without examination; transfer, promotion, demotion, suspension and

discharge of current employees; and other rules, consistent with the Charter, as become necessary. (CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

### **1.03 Coexistence with the Minnesota Public Employment Labor Relations Act (PELRA)**

Agreements reached under PELRA between the City of Minneapolis and exclusive employee representatives will supersede Civil Service Commission Rules whenever overlap exists. Employees in the classified service and not covered by labor agreements are subject to these rules.

### **1.04 Amendment of the Rules**

Amendments will be prepared, recommended, and made effective as provided by Charter. Prior to the adoption of new rules or changes to existing rules, the Commission will take action at a regular meeting to consider and have published a notice of intent stating the rule(s) to be acted on and the proposed change(s). The following procedure will be observed when a rule is being considered for adoption, amendment or repeal:

- A. Proposed rule changes will be considered for publication by the Commission at least one meeting prior to the meeting at which they are scheduled for official adoption.
- B. The Human Resources Department will promptly notify the Mayor, the City Council, the several Boards and Commissions, each department head and labor organization representing City employees, and will post proposed rule changes on the official City bulletin boards seeking comment prior to consideration by the Commission of such rule changes.
- C. Amendments will be recorded in the minutes of the meeting at which they were adopted.

### **1.05 Employees Covered by These Rules**

Subject to Rule 1.03, employees in the classified service are subject to the Civil Service Commission Rules. An official listing of job titles in the classified service will be maintained by the Human Resources Department. In general, positions in the classified service include all but those policy-making positions, assistants to policy makers, appointed positions, and certain other excluded positions (such as interns). (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 2

### ORGANIZATION OF THE COMMISSION AND THE HUMAN RESOURCES DEPARTMENT

#### 2.01 Purpose

The purpose of Rule 2 is to describe the Civil Service Commission, the Human Resources Department, and the respective organization and responsibilities of each. For the purpose of these Rules, the Human Resources Department is defined as the Human Resources Director and his or her staff. (CSC 2/24/09)

#### 2.02 Civil Service Commission: Organization, Meetings, and Powers

##### A. Commissioners

There will be three Civil Service Commissioners appointed by the City's Executive Committee with the approval of City Council. (CSC 12/15/15)

1. Each Commissioner serves a three year term with one term expiring each year on March 1. Any vacancies occurring otherwise will be only for the unexpired term. Commissioners will continue in office until their successors have been officially appointed. (CSC 12/15/15)
2. An oath for the faithful discharge of duties will be administered by the City Clerk to each Commissioner prior to beginning their term of office.
3. A Commissioner shall not be eligible to apply for any position in the classified service during their term in office. (CSC 4/26/90)

##### B. Meetings

Regular meetings of the Commission will be scheduled for the fourth Tuesday of each month; additional meetings may be held if necessary. The meetings will follow the guidelines below: (CSC 3/11/04)

1. An organizational meeting will be held on the second Monday in August for the purpose of electing the President, Vice President and Secretary of the Commission. (CSC 12/15/15)
2. Commission meetings may be postponed with the consent of the President of the Commission; notices of such postponements will be clearly and publicly communicated by the Commission/Human Resources Department. (CSC 12/15/15)

3. Two Commissioners constitute a quorum; the concurrence of two members will be necessary for any action or vote to carry.
4. Minutes of all meetings will be prepared and maintained by the Human Resources Department on behalf of and subject to the approval of the Commission. (CSC 12/15/15)

C. Powers

1. Rule Making

The Civil Service Commission may make, amend, or repeal rules in order to promote sound human resource management practices, to promote efficiency of the service and to carry out the intent of the City Charter. (CSC 2/24/09) (CSC 12/15/15)

2. Administrative

The Civil Service Commission directs the Human Resources Department to administer the policies and procedures necessary to carry out the intent of the City Charter and Commission Rules.

3. Investigative

a. The Commission may investigate or direct the Human Resources Department to investigate appeals about the application or the enforcement of the Civil Service Commission rules and regulations. The investigations include the following: (CSC 12/15/15)

1. Matters relating to the action of examiners and procedures followed during examinations;
2. Classification audits;
3. Any other such matters that fall within the scope of the City Charter and these Rules.

b. The investigations will include review of relevant documents or records as well as gathering information and testimony from all concerned parties. (CSC 12/15/15)

c. In the course of investigations, each Commissioner will have power to issue subpoenas, to administer oaths, to compel attendance and testimony of witnesses and to require the production of books and papers if these are not made readily available to investigators.

### **2.03 Human Resources Department Responsibilities**

The Human Resources Department, under the direction of its Director, is responsible for carrying out the provisions of Civil Service Commission Rules and shall, in addition: (CSC 12/15/15)

- A. Develop policies and procedures to administer these Rules, including but not limited to: recruitment, examination and certification of qualified applicants for open and promotional positions; evaluation and classification of positions; audit and verification of payroll; maintenance of employee records; coordination of employee job skill training programs; and perform other duties related to efficient human resource administration; (CSC 2/24/09)
- B. Propose changes to the Rules based on developments in the fields of human resources and public administration; (CSC 2/24/09)
- C. Serve as examiners for appropriate open/competitive examinations;
- D. Work cooperatively with all City departments to provide a coordinated and effective Human Resource Management system; and (CSC 2/24/09) (CSC 12/15/15)
- E. Communicate with employees regarding policies, procedures and rules.
- F. Perform other duties or functions as specified in the Rules or as required by the Commission. (CSC 12/15/15)

### **2.04 Appeals**

The Human Resources Department is authorized to receive appeals by employees when permitted by City Charter or these Rules. Applicants who are not employees have no right of appeal under these Rules. The following guidelines for appeals will be observed: (CSC 12/15/15)

#### **A. Time Limits**

No appeal will be considered unless it is timely filed in accordance with this Rule.

- 1. Appeals on rejection of an application or Not-Selected-for-Testing (NST) must be made in writing to the Human Resources Department and must be received within 15 calendar days of the sending of the rejection or NST notice. (CSC 12/15/15)
- 2. Appeals related to any part (written, oral, practical, T & E, etc.) of an examination must be made in writing to the Human Resources Department and must be received within 15 calendar days of the sending of the grade notice; and must clearly specify the items or matters contested. (CSC 12/15/15)

3. Appeals related to disciplinary action, including the removal or discharge of a veteran, shall be made in accordance with CSC Rule 11. (CSC 12/15/15) (CSC 01/24/17)
4. Appeals of any other nature under these Rules must be made in writing to the Human Resources Department and must be received within 15 calendar days of the action or when the employee would have reasonably been aware of the action. (CSC 12/15/15)

B. Format for Appeals

Appeals by employees under this Rule will be accepted for consideration only if they specifically cite the facts and circumstances upon which the employee asserts that a Commission Rule or Charter provision was allegedly violated. (CSC 12/15/15)

C. Consideration of the Appeal

The Human Resources Department will investigate appeals by employees based on the Civil Service Commission Rules, policies, and precedents, and make a determination, which shall be communicated to the employee and the Civil Service Commission in writing. The Commission may reconsider the staff determination in such appeals. In these cases, the appeal will be heard on the public agenda of the Commission's regular meeting. If the Commission declines to reconsider the staff determination the staff determination shall be final and binding. (CSC 12/15/15)

D. Commission Action

The Commission will take remedial action necessary to preserve the intent of the Charter and these Rules. (CSC 12/15/15)

E. Appeals Under a Labor Agreement

Appeals related to specific provisions of a labor agreement will not be heard by the Civil Service Commission unless specifically so allowed by the labor agreement. (CSC 12/15/15)

F. Rehearing

No appeal will be reheard on a matter after it has appeared on the public agenda, and on which the Commission has already acted. (CSC 12/15/15)

G. Final Authority

The Civil Service Commission has the final authority to determine whether or not the Human Resources Department's decision is consistent with the intent of the Rules and/or established policy and precedent. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 3

### EFFICIENCY OF THE CITY SERVICE

#### **3.01 Purpose**

The purpose of Rule 3 is to ensure that Commission Rules and Human Resources Department programs are administered in a manner that assists the City in promoting the productivity of its workforce.

#### **3.02 Innovative Human Resource Programs**

Recognizing the continuing development of human resource practices and the changing needs of employees and City management, the Civil Service Commission is receptive to proposals for change from all concerned parties. Where supported by the affected parties, the Commission will authorize experimental human resource programs for trial periods (the usual rules notwithstanding) as long as such programs are within the framework of the Charter and consistent with existing labor agreements. (CSC 2/24/09) (CSC 12/15/15)

Proposals for innovative programs should be submitted in writing to the Commission and should include:

- A. A description of the proposed program;
- B. An identification of work unit employees or others affected by the program;
- C. A timetable for implementation and trial; and
- D. An evaluation plan for assessing the costs/benefits of the program.

If approved by the Commission, the proposals will be included in the Minutes, which authorizes the requesters to proceed. Upon completion of the trial period and review of the evaluation, the Commission will consider alteration of its rules for inclusion of the new program/policy.

#### **3.03 Employee Skill Development**

The Civil Service Commission recognizes that employees are the most important resource of the City. The development of increased skills, abilities, and knowledge in the City workforce is an integral part of the Commission's responsibilities for ensuring merit and for promoting the efficiency of the service. The Human Resources Department will work with City managers, employees and their representatives to assess the skills needed by the workforce. Based upon these assessments, the Human Resources Department will coordinate the delivery of relevant training classes to improve and upgrade the skills of the City's workforce. (CSC 12/15/15)

### **3.04 Employee Performance Evaluation**

The Human Resources Department will implement and maintain a process for evaluating the job performance of its classified employees and on its own initiative or on a department's request may assist each City department in the evaluation process. (CSC 12/15/15)

The evaluation process should provide:

- A. Objective, job-related performance standards and expectations for each employee appropriate to the employee's job classification; (CSC 12/15/15)
- B. Measurement of actual performance, not potential;
- C. A documented rating method that measures performance and is available for review by each evaluated employee; and, (CSC 12/15/15)
- D. Annual performance reviews by a supervisor. (CSC 12/15/15)

### **3.05 Coordination of Human Resource Programs**

The Civil Service Commission and Human Resources Department will actively coordinate its programs with all City departments in order to achieve a comprehensive, integrated human resource management system. (CSC 2/24/09)



## CIVIL SERVICE COMMISSION RULE 4

### JOB CLASSIFICATION

#### **4.01 Purpose**

The purpose of Rule 4 is to maintain and administer fair and objective system(s) for classifying jobs in a manner that provides a sound foundation for all aspects of human resource management. (CSC 2/24/09) (CSC 12/15/15)

#### **4.02 The Classification System**

The Human Resources Department will administer classification system(s) according to the following criteria:

- A. The job classification evaluation process will be based upon professionally developed standards equally applied to all positions without bias.
- B. Job classes are established to group positions that have identical or similar primary duties. Within each classification, the nature of the work is significantly different from other job classes.
- C. Positions will be classified based upon their job-related contributions and/or assessed value to the City's functions.
- D. New positions are evaluated and placed into job classes based upon a comparison of the similarity of the assigned duties to other positions in the job class. New positions will be placed into existing job classes unless the duties or conditions of employment are found to be substantially different from other existing classes in the classified service.
- E. The Human Resources Department will maintain appropriate records relating to classification studies and actions, and will maintain a written class specification for each job class in the classified service describing typical duties and responsibilities of positions in the job class.
- F. The Human Resources Department will assign appropriate Federal Job Category (FJC) designations to each job class in accordance with the Affirmative Action Plan. (CSC 2/24/09)

#### **4.03 Maintenance and Administration of the Classification Systems**

The Human Resources Department will coordinate the maintenance and administration of the classification systems, which includes:

- A. Creating new job classes;
- B. Re-evaluating existing positions and classes;
- C. Deleting obsolete job classes; and,
- D. Updating records and communicating changes as they occur.

#### **4.04 Reclassification Guidelines**

Generally, employees are considered as working within the correct class if at least sixty percent of their permanently assigned duties are those commonly attributed to that class. If it is found through reclassification study that an employee spends more than forty percent of the time performing permanently assigned duties and responsibilities that are normally those of a different class than that to which the current employee was certified, the Human Resources Department will inform the department head that the person is working out of classification and the position should be reviewed and reorganized so that sixty percent of working time is spent in the employee's status class.

#### **4.05 Audits**

The Human Resources Department will make periodic audits of any or all positions in the classified service. Based upon the results of the audits, the Human Resources Department may recommend any of the authorized actions, which are required to maintain the integrity of the classification plan.

#### **4.06 Notification**

In order to ensure the efficient flow of communication, the Human Resources Department will notify all affected parties of changes or proposed changes to the classification system at least five days prior to any final action. Final determinations will not be made until all affected parties have been apprised of options and implications of proposed changes and have had an opportunity to express their viewpoints. The Commission will establish reasonable time limits in each case for all interested parties to respond.

#### **4.07 Integrity of the Classification System**

When the Human Resources Department finds that a position is no longer properly classified and/or an employee is working out of classification, the affected parties will be notified and apprised of the options available. In general the options available include the following:

- A. Reclassify the position to a new or to another existing class.
- B. Reclassify the position and current job incumbent to a new or to another existing class.

- C. Reclassify the position to a new class and permit the incumbent to work in the position pending resignation, retirement, or re-certification and appointment from the layoff list of the incumbent's status class.
- D. Arrange for a solution that is acceptable to the affected parties or which is called for by an existing labor agreement.
- E. Adjust the work to comply with existing classification. (CSC 2/24/09)

#### **4.08 Effects of Classification Changes on Employee Status**

- A. Employees whose job class is covered by an existing labor agreement which addresses reclassification will be handled in accordance with the provisions of that agreement. (CSC 12/15/15)
- B. Employees whose job class is not covered by an existing labor agreement which addresses reclassification will be handled in accordance with the following guidelines: (CSC 12/15/15)
  - 1. Changes in job class that do not affect status level (grade or pay) can be made effective by Human Resources Department action.
  - 2. Changes in job class that do affect status level (grade or pay).
    - a. Increased responsibilities - employees whose positions have been reclassified to a higher rated class because of gradual changes in duties over time will be reclassified along with the position.
    - b. Decreased responsibilities - employees whose positions have been reclassified to a lower rated class may either be permitted to work in the reclassified position pending re-certification and appointment from the layoff list for their status class; or they may be handled as if their current position had been eliminated and they are working out of class in which case layoff and bumping rules apply. (CSC 12/15/15)
- C. Under certain conditions, when a position has been reclassified the job title of the incumbent may change. A change in job title may affect an incumbent's layoff and recall rights.

#### **4.09 Responsibilities of City Departments**

Each department head is responsible for maintaining the integrity of the Classification System by limiting employees to duties appropriate to their classes. Substantial change of duties will be reported to the Human Resources Department for study. It is not necessary to report changes if they are for a

temporary period or the duties are incidental to the main function of a position. Each department head is responsible for the following:

- A. Notifying the Human Resources Department when substantial changes of any of the following occur:
  - 1. A section, division, or department is reorganized;
  - 2. A reassignment of duties is made from one or more positions to a position that did not previously perform those duties;
  - 3. A new function or activity is added to the work done by the department; or;
  - 4. A function is deleted from the work done by the department.
- B. Obtaining the necessary agency approvals for the proposed organization structure (or changes to such) and duties assigned to positions within the organization. If requested, the Human Resources Department will supply approximate classification information so that the financial impact of new positions or reclassifications may be estimated.
- C. Ensuring that the provisions of applicable labor agreements are complied with when making organizational changes. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 5

### EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

#### 5.01 Purpose

The purpose of Rule 5 is to explain the Commission's policy on affirmative action and equal employment opportunities for applicants and City employees.

#### 5.02 EEO Policy Statement

The Human Resources Department will carry out its responsibilities as provided in the City Charter without regard to age, ancestry, color, creed, disability, familial status, gender, pregnancy, genetic information, marital status, national origin, race, religion, sexual orientation (including gender identity), status with regard to public assistance, and veteran's status (including Vietnam Era Veteran Status) or other protected class status. These responsibilities include, but are not limited to: recruitment, selection, promotion, demotion, transfer, layoff, leaves of absence, training, disciplinary actions and classification. Additionally, the Civil Service Commission and Human Resources Department will work cooperatively with the City agency charged with the primary responsibility of ensuring equal and non-discriminatory treatment of individuals including access to appropriate data and documents that are relevant to the investigation of a verified charge. (CSC 12/15/15)

#### 5.03 Affirmative Action Policy Statement

The Human Resources Department will take affirmative steps to ensure that women, minorities, and persons with disabilities are adequately represented at all levels of City employment. The City is committed to seek out, address and remedy the effects of present and past discrimination that may present barriers to the full employment of these persons. This will include cooperating in the establishment of reasonable goals and timetables for the hire and promotion of women, minorities, and persons with disabilities. In order to assist in the attainment of these citywide goals, the Human Resources Department will carry out these affirmative actions: (CSC 3/14/02)

- A. Intensively recruit protected class persons to ensure representation;
- B. Provide test tutoring wherever appropriate and feasible;
- C. Make every effort to ensure adequate representation of protected classes at each testing component when the selection process consists of more than one testing component; (CSC 12/15/15)
- D. Provide for reasonable accommodations for testing, upon an applicant's request, when an applicant has a disability that limits them in the testing process; (CSC 12/15/15) and,
- E. Any other affirmative actions that are appropriate, legally allowable, and consistent with the City's affirmative action policy statement and current labor agreements. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 6

### EMPLOYMENT AND PROMOTION

#### 6.01 Purpose

The purpose of Rule 6 is to provide standards for the recruitment, testing and ranking of applicants for positions in the classified service. These standards will be based upon professionally acceptable selection principles and, where applicable, will be administered in accordance with current labor agreements. (CSC 3/14/02) (CSC 12/15/15)

#### 6.02 Job Announcements

Job announcements for vacancies in the classified service will be posted by the Human Resources Department. The Human Resources Department will prepare job announcements containing the job title, salary, description of job duties, requirements necessary to apply for the position, a description of the examination components, and the closing date for submitting applications if applicable. (CSC 8/27/87) (CSC 3/14/02) (CSC 12/15/15)

Open examinations will be posted for not less than five business days to insure reasonable notice to the general public in advance of opening for applications. All promotional examinations will be posted for a minimum of ten calendar days. Where appropriate, the Human Resources Department may recommend extending the closing date or setting an indefinite closing date for submitting applications. The Human Resources Department may cancel announcements of vacancies after posting. (CSC 7-14-88) (CSC 4/11/02) (CSC 12/15/15)

#### 6.03 Job Requirements

Where not specified by law, the Human Resources Department, in cooperation with management, will determine job-related minimum qualifications for all jobs in the classified service. Similarly, the Human Resources Department may determine the establishment of additional job-related and position-specific requirements when necessary to ensure adequate job performance. These requirements may include, but are not necessarily limited to: educational achievements, licenses and certificates, medical and physical standards, and work experience including time in specific job classes in the City. In verifying whether or not applicants meet the specified requirements, the Human Resources Department may demand such evidence which it determines necessary. Persons failing to provide the job-related information may be excluded from the selection process and their applications may be considered invalid. (CSC 3/14/02) (CSC 12/15/15)

#### 6.04 Types of Examinations

The Human Resources Department will work with applicable department representatives to determine the type of examination most appropriate for filling a given vacancy. In general, the Human Resources Department will recommend one of the following types of examinations: (CSC 3/14/02) (CSC 12/15/15)

- A. OPEN: All applicants (internal and external) who meet minimum qualifications may compete for open examinations. If the examination process involves several components, the number of candidates advancing from one component to another may be restricted to the most highly qualified person(s). (CSC 12/15/15)
- B. RESTRICTED: Current employees in the classified service who meet minimum qualifications may compete for restricted examinations. These examinations are restricted to either employees from the City or from the Park Board, and may be further restricted to employees working in specific departments. (CSC 3/14/02) (CSC 12/15/15)
- C. PROMOTIONAL: Current employees in the classified service who meet minimum qualifications may compete for promotional examinations. These examinations are restricted to either employees at the City or at the Park Board, and may be further restricted to specific occupational group(s), job classes, and/or specific departments within the City restricted to specific occupational group(s), job classes, and/or specific departments within the City. Promotional examinations must include seniority and performance evaluation components where allowed by law. (CSC 4/11/02) (CSC 12/15/15)

#### **6.05 Testing Components (CSC 12/15/15)**

The Human Resources Department in cooperation with management will develop job-related testing components for each examination. Tests may consist of one or more of the following components: written test, oral interview, rating of education, skills, and/or experience, practical/work sample, physical performance, or seniority. The number of candidates advancing to successive components in the examination may be restricted to the most highly qualified person. (CSC 3/14/02) (CSC 12/15/15)

#### **6.06 Fair and Objective Examinations**

In order to ensure that all examinations are administered and scored in a fair and objective manner, the Human Resources Department will develop procedures which meet the following criteria:

- A. Management and labor representatives will be notified of job announcements in accordance with current contracts or otherwise in a timely manner.
- B. Eligible applicants will be given reasonable advanced notice of the time and place of tests. Eligible applicants will also be notified of any cancellation or postponement of tests. (CSC 3/14/02)
- C. Scoring of written tests may be completed before the identity of candidates is known, except that clerical errors when discovered may be corrected and tests re-scored. (CSC 8/8/96)

- D. Specific test items may be deleted or more than one correct answer approved when, in the judgment of subject matter experts or other appropriate experts, such changes in the scoring are appropriate. These changes must occur prior to revealing the identity of the candidates. (CSC 3/14/02)
- E. No question in any test shall relate to age, ancestry, color, creed, disability, familial status, gender (including pregnancy), genetic information, marital status, national origin, race, religion, sexual orientation (including gender identity), status with regard to public assistance, and veteran's status (including Vietnam Era Veteran Status) or other protected class status or other non-merit factor. If any applicant inadvertently or otherwise discloses any of the above characteristics, the examiners shall disregard such information. (CSC 3/14/02)
- F. Appropriate professional measurement techniques and procedures shall be objectively and equally applied to all candidates in rating the results of tests.

#### **6.07 Minimum Examination Scores**

No person shall be placed on a list of eligible candidates who has achieved less than a passing score on the overall examination or whose score is less than the minimum prescribed for any component of an examination. The anticipated minimum passing score or the methodology used to determine those who pass shall be included on the job announcement. (CSC 4/11/02) (CSC 12/15/15)

#### **6.08 Veteran's Preference Points**

The Human Resources Department will establish procedures for adding points to the passing examination scores of eligible veterans in accordance with appropriate Minnesota Statutes. (CSC 12/15/15)

#### **6.09 Test Retaking**

The Human Resources Department will establish procedures and time periods which, when appropriate, allow for test retaking.

#### **6.10 Notifications to Applicants**

Applicants excluded from or disqualified from any portion of the examination process will be notified. Applicants approved for testing will receive appropriate notice. After successful completion of all parts of the examination process, candidates will be notified of their status. The Human Resources Department will establish procedures for notifying Veterans in accordance with the appropriate Minnesota Statutes. (CSC 3/14/02)



### **6.11 Review of Tests**

Upon written request to the Human Resources Department, general examination data shall be provided in accordance with the Minnesota Government Data Practices Act or other applicable Minnesota Statutes. (CSC 3/14/02) (CSC 12/15/15)

### **6.12 Disqualification**

Consistent with law, merit principles, and efficiency in the City service, the Human Resources Department may disqualify an applicant for employment. Moreover, the Human Resources Department may refuse to examine, refuse to certify, or remove from a list of eligible candidates any individual to whom one or more of the following criteria for disqualification apply: (CSC 3/14/02)

- A. Failure to meet minimum qualifications established for the position;
- B. Failure to achieve the minimum rating required on each component of the examination;
- C. Conviction of a crime, the nature of which is related to the duties of the job and could impair the safe, efficient, and effective operation of City services;
- D. Has been dismissed or has resigned in lieu of discharge from public service for cause;
- E. Has a record of employment that has been unsatisfactory in any position, public or private, for any cause, which could impair the safe, efficient, and effective operation of City service;
- F. Has knowingly made a false statement or has attempted to practice deception or fraud in the application or examination process. By knowingly making a false statement in an application or examination, an individual may forfeit all eligibility to any position in the classified service for three years, and, in the case of appointment to a position, the applicant may forfeit that appointment;
- G. A current employee who has been removed during probation from a position may not take an examination for that classification for at least twelve months from the date of removal; or, (CSC 11/21/95) (CSC 12/15/15)
- H. For any good and sufficient reason related to the candidates' ability to satisfactorily carry out the duties of the job and in the judgment of the Human Resources Department and Civil Service Commission, is undesirable as a public employee. (CSC 11/21/95)

### **6.13 Tie Ratings**

Whenever two or more candidates have the same score on the overall examination, a fair and equitable method based upon chance shall determine their relative standing on the list of eligible

candidates, except that veterans who tie with non-veterans shall receive priority in accordance with State Law. In the event that one or more of the tied candidates are current employees, their names shall be placed on the list of eligible candidates in order of their respective departmental seniority and in accordance with Veterans Preference provisions. (CSC 11/21/95)(CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

#### **6.14 Examiners**

The Human Resources Department will select examiners as it deems appropriate. It is the duty of every employee of the City to act as an examiner without special compensation. (CSC 3/14/02)

## CIVIL SERVICE COMMISSION RULE 7

### ELIGIBILITY FOR EMPLOYMENT AND PROMOTION

#### 7.01 Purpose

The purpose of Rule 7 is to describe the conditions under which applicants establish and maintain their eligibility for initial employment or promotion within the classified service.

#### 7.02 Establishing and Maintaining Eligibility for Employment and Promotion

- A. Individuals may submit employment applications for a job announcement in a format approved by the Human Resources Department. The Human Resources Department may determine the opening and closing date for receiving applications for a specific job announcement. Applicants may be notified of a vacancy and asked to confirm their continued interest by submitting a response and any additional application documents or information that may be required.
- B. To establish eligibility for employment or promotion, applicants must meet the minimum qualifications set for the position and successfully pass any examinations given for that position.
- C. The Human Resources Department may determine the expiration date of a list of eligible candidates. The expiration date for the list of eligible candidates shall be provided on the job announcement. The Commission may extend the expiration date of an existing eligible list. (CSC 3/14/02) (CSC 12/15/15)

#### 7.03 Ranking of Eligible Candidates

Eligible candidates are ranked from highest to lowest based upon their composite examination score. In the case where there is an indefinite closing date, the ranks of eligible candidates may change as additional applicants are tested. (CSC 3/14/02) (CSC 12/15/15)

#### 7.04 Expiration or Termination of Eligibility

An applicant may be removed from eligibility for any of the following reasons:

- A. Expiration of an eligible list; (CSC 12/15/15)
- B. Written request of the eligible candidate; (CSC 3/14/02)
- C. Failure to meet or to continue to meet any of the established requirements for the examination or the position, i.e., license, registration, medical or physical qualifications, age limits, City employment;

- D. Failure to maintain a current address with the Human Resources Department;
- E. Refusing appointment under conditions which the eligible candidate had indicated were acceptable; (CSC 3/14/02)
- F. Failure to respond within the time limits specified on certifications or availability or interest inquiries; (CSC 3/14/02)
- G. Failure to report for duty at the time prescribed; (CSC 12/15/15)
- H. Discharge or resignation in lieu of discharge from City employment; (CSC 12/15/15)
- I. Conviction for a crime related to the position so as to render the eligible candidate incapable of performing duties safely or effectively; (CSC 3/14/02)
- J. Intentional falsification or misrepresentation of information or material used for selection or employment purposes;
- K. Certification and appointment to the same classification; or,
- L. Any sufficient reason which would disqualify an eligible candidate for appointment to the classification. (CSC 3/14/02)

**7.05 Availability or Interest Inquiries and Waivers (CSC 3/14/02)**

A. Availability and Interest Inquiries (CSC 3/14/02)

The Human Resources Department may request additional information or verification of continued interest in and availability for City employment from any group of applicants. Failure to respond to such a request by the date specified may result in removal from the applicant list. (CSC 3/14/02)

B. Waivers

The names of any persons certified who have declined an appointment may be removed from the list unless they waive the position for one of the reasons cited below. (The Human Resources Department must be notified in writing of any change of availability.) (CSC 3/14/02)

1. Waiver of a certain department;
2. A temporary physical impairment; (CSC 3/14/02) (CSC 2/24/09)
3. Military Service;

4. Because a position is temporary;
5. The position does not meet the conditions specified on the job announcement, availability or interest inquiry, or a preference sheet; or, (CSC 3/14/02)
6. Other reasons which are considered sufficient by the Human Resources Department.

## CIVIL SERVICE COMMISSION RULE 8

### CERTIFICATIONS, APPOINTMENTS AND PROBATION

#### **8.01 Purpose**

The purpose of Rule 8 is to describe the process of filling vacancies with qualified candidates. (CSC 3/14/02)

#### **8.02 Requisitions**

The process for filling vacancies in the classified service is initiated when a City department submits a requisition to the Human Resources Department.

#### **8.03 Rule-of-Certification**

The Human Resources Department will send the requisitioning department (certify) the allowable number of names of eligible candidates for each vacancy. Eligible candidates not hired will be returned to the list in their proper order. Exceptions to this general rule-of-certification include: (CSC 3/14/02) (CSC 12/15/15)

##### A. Laid-Off Eligible Employees

When there are City employees who have been laid-off from the job class being requisitioned for, the Human Resources Department will certify the name of the most senior, laid-off employee on the recall list to the vacancy. For each additional vacancy, one additional name of a laid-off employee will be certified. (CSC 3/14/02) (CSC 12/15/15)

##### B. Lists With Less Than Three Names

When there is a list of qualified candidates (other than a recall list) with less than three names, the department may request the establishment of an additional list so that there will be a total of at least three persons from which to select. (CSC 3/14/02) (CSC 12/15/15)

#### **8.04 Priority of Requisitions**

In the case of high turnover positions or where a backlog of requisitions is occurring, the Human Resources Department may implement expeditious procedures to fill the vacancies. (CSC 3/14/02) (CSC 12/15/15)

## **8.05 Order of Certification of Hiring Lists**

The priority of hiring lists as well as the order of certification within lists is cited below. Except for recall lists, certification from a lower priority list will generally not be made unless deemed necessary by the Human Resources Director after determining that there is no qualified eligible candidate on any existing internal-only list. (CSC 4/11/02) (CSC 12/15/15)

### **A. Recall Lists (CSC 12/15/15)**

1. The person whose position was abolished in the department making requisition. Department for the purpose of recall lists shall mean the City or the Park Board. (CSC 12/15/15)
2. The person on the recall list for reasons other than abolishment of the position in the Department making requisition.

### **B. Promotional Lists (CSC 12/15/15)**

The top person on the list from the Department making requisition along with the pool of qualified candidates on the list. (CSC 01/24/17)

### **C. Restricted Lists**

The top person(s) on the list resulting from examination restricted to City employees. (CSC 3/14/02)

### **D. Open Lists (CSC 3/14/02)**

The top person(s) on the list resulting from open competitive examination.

## **8.06 Certification from a Related List**

In the absence of a list of eligible candidates for the job class requested, the Human Resources Department may certify candidates from a closely related list, where the examination reasonably measures the ability of the candidate to perform the duties of the vacant position. (CSC 3/14/02) (CSC 12/15/15)

## **8.07 Notification to Candidates**

If a department is unable to contact a certified candidate within three business days the department may notify the Human Resources Department, and may request the certification of additional candidates. All eligible candidates who respond to the appointing authority within three business days may be interviewed. (CSC 3/14/02) (CSC 12/15/15)

### **8.08 Objections by Department**

A department may object to the certification of an eligible candidate on the grounds that the candidate is unsuitable for the position. The reasons must be submitted to the Human Resources Department in writing. Human Resources Department may maintain the certification or place the matter on the agenda of the Commission, which may (CSC 12/15/15):

- A. Maintain the certification;
- B. Cancel the certification; or,
- C. Remove the name from the list of eligible candidates. (CSC 3/14/02).

### **8.09 Types of Employment (CSC 1/2/15/15)**

- A. Permanent, or Regular, employment means any employment in a budgeted position which requires the service of an incumbent for not less than half-time on a year-round basis or, for not less than full-time on a seasonal or intermittent basis where employment leads to seniority rights for year-round work. (CSC 3/14/02) (CSC 12/15/15)
- B. Temporary employment means any employment other than permanent or seasonal. No temporary employment will be construed as giving employee permanent rights. (CSC 3/14/02)
- C. Seasonal employment means any employment that requires the services of an incumbent at a particular time of each year. The employee has the right of recall in subsequent seasons and seasonal employment may lead to seniority rights for year-round work. (CSC 3/14/02) (CSC 12/15/15)

### **8.10 Types of Position Assignments**

- A. Full-time means a position which requires the service of an incumbent one hundred percent of the normal work week on a year-round basis. (CSC 3/14/02)
- B. Part-time means a position that requires the services of an incumbent for less than the full working day or week and may or may not be intermittent in nature. (CSC 3/14/02)
- C. Intermittent means a position that requires the services of an incumbent at irregular time periods and/or on an irregular basis. (CSC 3/14/02)

### **8.11 Probation Following Initial Employment**

The probationary period is the final step in the selection process before the employee gains permanent status. (CSC 3/14/02) (CSC 12/15/15)



A. Objective

The primary objectives of a probationary period are training and evaluation of the new employee's job performance. There should be informal review and feedback of job performance of the probationary employee. In addition, there should be at least one formal review of job performance at which time the employee is clearly informed of any deficiencies in performance that must be corrected in order to successfully complete probation. Such formal review should be scheduled to allow adequate time for the employee to correct any deficiencies before the end of the probationary period. Any employee whose performance is unsatisfactory after reasonable time has been allowed for improvement should be released during the probationary period. (CSC 8/24/89) (CSC 12/15/15)

B. Duration

1. All employees shall serve a twelve- month probationary period. Completion of probation requires working twelve full months. (CSC 10/15/87) (CSC 12/15/15)
2. Employees who have passed probation and have been laid-off are not required to serve a new probationary period when re-certified to the same class unless the job has significantly changed. (CSC 3/14/02)
3. Temporary service in a position immediately preceding certification to that position, without interruption, shall:
  - a. Count towards satisfaction of the probationary period;
  - b. Count toward benefits eligibility (without retroactivity for benefits) and pay progression requirements, provided the duties of the temporary and permanent assignments are the same; and,
  - c. This provision regarding temporary service shall not apply to employees of the Park Board. (CSC 12/15/15)

**8.12 Probation Following Promotion or Voluntary Transfer**

Permanent employees who obtain a promotion or a voluntary transfer of title to a different job class within the City must serve a new probationary period. (CSC 3/14/02) (CSC 12/15/15)

A. Objective

Because a promotion or change to a different job class requires employees to demonstrate different job skills or assume additional responsibilities, their job performance during the promotional period is to be evaluated by the department as if

they were new employees. Employees who are substandard in the performance shall be returned to their status class before promotion or transfer. (CSC 12/15/15)

B. Duration

1. Permanent full-time or regular employees serve a six-month probationary period. Completion of probation requires working six full months. (CSC 12/15/15)
2. Permanent part-time employees must serve a probationary period of at least six full months within a calendar year with hours prorated according to job assignment.
3. Temporary service in a position immediately preceding certification to that position, without interruption, shall count towards satisfaction of the probationary, benefits eligibility (without retroactivity) pay progression requirements and seniority, unless the job has significantly changed. This provision shall not apply to employees of the Park Board. (CSC 11/21/95) (CSC 3/14/02) (CSC 12/15/15)

**8.13 Probation Following Voluntary Transfers across Departments within the Same Job Class**

Employees who voluntarily request and receive transfers to their same job class in other departments must serve a probationary period of three full months of actual work. At any time during this three-month period, both the employee and the employing department have the right to repeal their approval of the transfer. In this case, the employee returns to their job class in the former department without loss of seniority, benefits, or other rights.

**8.14 Appeal Rights of Employees Removed During Probationary Period**

A. Appeal Rights

1. Employees removed during a probationary period may not appeal and are not entitled to a hearing under these rules.

B. Veterans

1. A Veteran removed during an initial probationary period is not entitled to a Veteran's Preference hearing.
2. A Veteran removed during probation following a promotion or a voluntary transfer is entitled to a Veteran's Preference hearing.
3. The rights of a veteran are subject to Minnesota Statute § 197.46.

## CIVIL SERVICE COMMISSION RULE 9

### TEMPORARY EMPLOYMENT AND ASSIGNMENT

#### 9.01 Purpose

The purpose of Rule 9 is to allow City departments the flexibility to temporarily employ persons or to temporarily assign employees to different job classifications within the merit principles. (CSC 2/24/09)

The Human Resources Department has the authority to audit temporary employment or temporary assignments, and to direct the department to terminate such temporary employment or temporary assignments. (CSC 8/8/96) (CSC 2/24/09)

#### 9.02 Temporary Employment (Uncertified) (CSC 8/8/96)

The guidelines for temporary employment are listed below:

- A. The Department may employ, on a temporary basis, non-city employees for periods up to six calendar months, when either of the following conditions exist: (CSC 6/25/92)
  - 1. The vacancy is pending appointment from a list of eligible candidates. (CSC 3/14/02)
  - 2. The vacancy is of a temporary nature.
- B. Extensions beyond six months may occur under the following conditions:
  - 1. Replaces an employee on a leave of absence, or,
  - 2. The position must first be classified and a list established, or, (CSC 12/15/15)
  - 3. Additional time is needed to complete the permanent position hiring process, or (CSC 12/15/15)
  - 4. The employment is intermittent or on-call and requires less than one thousand forty hours each year, or, (CSC 3/14/02) (CSC 12/15/15)
  - 5. The employment is funded by a grant or other independent funding or fixed duration. (CSC 12/15/15)
- C. It is the hiring department's responsibility to inform persons hired on a temporary employment status that such employment confers no permanent rights or status. (CSC 12/15/15)

**9.03** **Detail** (CSC 8/8/96) (CSC 12/15/15)

The guidelines to detail a City employee are listed below:

- A. City departments may detail City employees on a temporary basis for up to six months if one of the following conditions exist: (CSC 12/15/15)
  - 1. To replace an employee on a leave of absence. (CSC 12/15/15)
  - 2. There is a vacancy pending classification or appointment from a list of eligible candidates. (CSC 3/14/02) (CSC 12/15/15)
  - 3. The vacancy is of a temporary nature.
- B. Extensions beyond six months may occur under the following conditions: (CSC 12/15/15)
  - 1. Replaces an employee on a leave of absence, or,
  - 2. Vacancy is of a temporary nature.
- C. An assignment to a detailed position does not confer any permanent change in status for the detailed employee. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 10

### TRANSFERS

#### 10.01 Purpose

The purpose of Rule 10 is to describe the kinds of transfers possible in the classified service, the circumstances under which transfers can occur, and the effect transfers have on employee status. (CSC 3/14/02) (CSC 12/15/15)

#### 10.02 Transfers between Departments

##### A. Employee Request for Transfer (CSC 8/8/96)

An employee may request lateral transfer from one department to another if the following conditions are met:

1. The transfer is approved by both giving and receiving department heads and the Human Resources Director. (CSC 12/15/15)
2. The transfer is to the same job class and to an authorized vacant position.

##### B. Effects of Transfers Between Departments on Employee Status

###### 1. Seniority

Employees who transfer between major departments within the City will begin seniority in the new department effective the date of the transfer. The major departments are: General City and Park Board. The classification seniority of these employees will continue uninterrupted. Transfers within departments have no effect on seniority, unless accompanied by a Transfer of Title (see below). (CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

###### 2. Probation

Employees who have already achieved permanent status by completing an initial probationary period will be required to serve an additional three-month probation in the new department. During the three-month period the employee, if removed by the appointing authority, shall be reassigned to a vacant position in their previous department within their classification, or if none exists, to their previous position. Employees who have not yet achieved permanent status will be required to serve the full initial probationary period, but not less than three months. (CSC 11/21/95) (CSC 3/14/02) (CSC 12/15/15)

### **10.03 Transfer of Title**

#### A. Employee Request for Transfer of Title (CSC 8/8/96)

An employee may request a transfer of title if the following conditions are met:

1. The transfer of title is to a job class at the same (or lower) grade level.
2. The employee meets the requirements of the job classification to which transfer is sought.
3. When appropriate, a transfer of title must be combined with a request for transfer of department.
4. The transfer of title is approved by both giving and receiving department heads and the Human Resources Director. (CSC 12/15/15)

#### B. Effects of Transfer of Title on Employee Status

##### 1. Seniority

Job classification seniority in the new job title will begin on the effective date of the transfer. When a transfer of title is combined with a transfer across major departments, both classification and department seniority begin on the effective date of the transfer. (CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

##### 2. Probation

Employees who have voluntarily requested a transfer of title must serve a new probationary period of six months. (CSC 12/15/15)

### **10.04 Emergency Transfers between Departments**

Departments may make emergency transfers of employees between the City of Minneapolis and the Minneapolis Park& Recreation Board under the conditions listed below: (CSC 12/15/15)

- A. The emergency situation, including natural disaster, public unrest, force majeure, or the occurrence of an event which jeopardizes the ability of the Department to perform critical services and could not have been reasonably anticipated or planned for was necessitated by factors beyond the control of the Department and could not reasonably be anticipated or planned for. (CSC 12/15/15)
- B. The emergency transfer is for a maximum of three months. Extensions beyond the original three months require approval of the Human Resources Director. (CSC 12/15/15)

- C. The job title of the incumbent remains unchanged; the change is merely to another City Department.
- D. The Human Resources Director is notified of the emergency transfer and requests for extensions. (CSC 12/15/15)
- E. The permanent status and seniority of an employee on an emergency transfer continues to accrue and is unaffected by the transfer. (CSC 12/15/15)

#### **10.05 Inter-jurisdiction Transfers**

An Inter-jurisdictional Transfer is the transfer of a qualified person to the City from another local, state, federal or other governmental agency. Transfers of this kind must observe the criteria below:

- A. Inter-jurisdictional Transfers
  - 1. There is an authorized vacancy within the City for which there is no qualified eligible candidate available. (CSC 12/15/15)
  - 2. The person to be transferred is coming from a position that was filled according to the merit principles.
  - 3. The person to be transferred holds a position that is the same or equivalent to the vacancy in the City and/or meets the relevant minimum qualifications for the City's position.
- B. Conditions Following Commission Approval

Such a request must be approved by the Commission at a public meeting. If approved, the following conditions apply:

- 1. A new probationary period must be served with the City.
- 2. No fringe benefits or seniority will be carried over from the previous position (except as governed by law). Furthermore, the transferee will be treated as a new employee.

## CIVIL SERVICE COMMISSION RULE 11

### DISCIPLINE AND REMOVAL

#### **11.01 Purpose**

The Commission establishes and supports disciplinary rules and procedures, which will provide for the orderly conduct of business operations and human resources management. The Commission provides for a proper balance between the rights of employees and the obligation of City management to employ and retain only those employees who make a positive contribution to the quality of services provided to the community. (CSC 12/15/15)

#### **11.02 Relationship to the Minnesota Public Employment Labor Relations Act**

Under the Minnesota Public Employment Labor Relations Act, employees in a recognized bargaining unit may choose to grieve the disciplinary action through their labor agreement. In such cases, the Commission will not conduct a hearing nor enter into the process. Similarly, an employee who chooses to appeal a disciplinary action to the Commission waives the right to file a grievance through a labor agreement. (CSC 12/15/15)

#### **11.03 Causes for Disciplinary Action**

The two primary causes for disciplinary action are substandard performance or misconduct. The following are examples of substandard performance and misconduct that may lead to discipline. This list is not exhaustive. (CSC 12/15/15)

##### A. Substandard Performance

1. Employees who fail to perform their job at minimum acceptable standards (CSC 12/15/15)
2. Employees who fail to meet or continue to meet an established requirement of the position, e.g. license or registration or are not otherwise qualified to perform the duties of the position. (CSC 4/9/92) (CSC 2/10/94) (CSC 12/15/15)

##### B. Misconduct

Misconduct is the failure to comply with any work rule, policy, ordinance or law or any behavior that would offend a reasonable person. The following activities are examples of misconduct, which may be cause for disciplinary action. (CSC 12/15/15)

1. Tardiness and absenteeism.
2. Sick leave abuse.



3. Absence without leave, except that this shall not be construed to prohibit or limit an employee's right to exercise his or her rights under PELRA or other applicable labor law. (CSC 12/15/15)
4. Insubordination (failure to follow a directive from a supervisor). (CSC 12/15/15)
5. Willful or negligent damage of City property.
6. Interference with the work of other employees.
7. Harassment on the basis of any protected class listed in Rule 1.01A. (CSC 12/15/15)
8. Misappropriation of City property, funds or money.
9. Violation of safety rules, laws, and regulations.
10. Discourtesy to public or fellow employees.
11. Violence, threats of violence, abusive behavior, abusive language or mental harassment. (CSC 12/15/15)
12. Accepting gifts from the public in connection with performance of duties as a City employee.
13. Criminal or dishonest conduct whether such conduct was committed while on duty or off duty. (CSC 12/15/15)
14. Reporting to work under the influence (as defined in City policies or labor agreements) or in possession of alcohol or illegal drugs, or using such substance on the job. (CSC 12/15/15)
15. Soliciting or receiving funds for political purposes or personal gain during work.
16. Using authority or influence to compel an employee to become politically active, except that this shall not be construed to prohibit or limit an employee's right to exercise his or her rights under PELRA or other applicable labor law. (CSC 12/15/15)
17. Use or threat of political influence on employment status.
18. Making a false statement or the failure to disclose a material fact during an investigation or to management. (CSC 8/27/98) (CSC 12/15/15)
19. Violation of department rules, policies, procedures or City ordinances.
20. Other justifiable causes.

## **11.04 Types of Disciplinary Action**

It is the intent of the Commission to establish levels of discipline which are commensurate with the reasons or causes for disciplinary action. The following types of disciplinary action may be imposed and will normally be administered progressively, in the following order: (CSC 12/15/15)

### **A. Warning**

A disciplinary warning includes a verbal discussion between the employee and supervisor covering the details of the problem, plans for correcting the problem and a written memo to document the event. (CSC 12/15/15)

### **B. Written Reprimand**

A written reprimand is a letter documenting the rules violation, a plan for future avoidance, and a warning about future disciplinary action. (CSC 12/15/15)

### **C. Suspension**

A suspension is an involuntary absence from work without pay for a period not to exceed ninety calendar days. In general, suspensions are more appropriate in situations involving misconduct rather than substandard performance. (CSC 12/15/15)

### **D. Demotion**

A demotion may be utilized by management as a performance management tool or as discipline. A demotion includes a reduction in grade and/or salary. Demotions may be temporary or permanent. The granting of a voluntary demotion shall not be considered discipline. (CSC 12/15/15)

1. In general, temporary demotions, those up to one hundred eighty days, are more appropriate for misconduct. (CSC 12/15/15)
2. In general, permanent demotions, those over one hundred eighty days, are more appropriate for substandard performance. (CSC 12/15/15)
3. A voluntary demotion may be granted to avoid other disciplinary action if agreed to by the employee and by management.
4. An employee who is demoted may return to their prior status class or to a lower job class in the same occupational field. If no vacancy exists, the employee will be placed on the corresponding layoff list.

#### E. Discharge

Discharge is the involuntary separation of an employee from employment and is appropriate for substandard performance, repeated misconduct, or a single incident of severe misconduct. (CSC 12/15/15)

Progressive discipline need not be imposed in cases of; (CSC 12/15/15)

1. Substandard performance, where the employee has been afforded an opportunity to perform satisfactorily under a performance improvement plan.
2. Where an employee is no longer qualified for the position.
3. Repeated misconduct.
4. Severe initial misconduct.

#### **11.05 Notification**

A department disciplining an employee must give the employee notice of its intent to take disciplinary action and should notify Human Resources Department of its decision to impose discipline. The notice to the employee must state the cause for disciplinary action under Rule 11.03. If the employee is subject to a collective bargaining agreement, the department must inform the employee that the employee has a right to representation by the employee's exclusive certified collective bargaining representative. (CSC 12/15/15)

#### **11.06 Appeal Rights of Employees**

Disciplined employees may appeal to the Commission, only as provided herein. An employee may appeal to the Commission a suspension of over thirty days, a permanent demotion (including salary decreases), or a discharge. (CSC 12/15/15)

##### A. Probation

An employee removed or discharged during a probationary period may not appeal and is not entitled to a hearing under these rules. A veteran removed during an initial probationary period is not entitled to a hearing under these rules or to a Veteran's Preference hearing. The rights of a veteran are subject to Minnesota Statute § 197.46.

##### B. Employee Request for Hearing.

Disciplined employees who are eligible to be heard may appeal a disciplinary action by requesting a hearing before the Commission. The request for hearing must be in writing

and must describe the alleged breach of disciplinary rules and procedures by management. (CSC 12/15/15)

The request for hearing must be postmarked or received by the Human Resources Department/Civil Service Commission within 15 calendar days from the date disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was served. If the fifteenth day falls on a Saturday, Sunday, or a legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 15 day period. (CSC 12/15/15)

#### C. Veterans Request for Hearing

Veterans who are eligible under Minnesota Statute §197.46 may appeal their removal or discharge by requesting a hearing before the Commission. A request for hearing must be in writing and may describe the alleged breach of disciplinary rules and procedures by management.

A request for hearing from a veteran must be received by the Human Resources Department/Civil Service Commission within 30 days of receipt by the veteran of the notice of intent to discharge. The 30 days are counted from the first day after the notice was received. If the 30th day falls on a Saturday, Sunday, or a legal holiday, the request must be made on or before the following business day.

The rights of a veteran is subject to Minnesota Statutes §197.46. (CSC 7/27/04) (CSC 12/15/15) (CSC 01/24/17)

### **11.07 The Disciplinary Hearing**

When, in the Commission's judgment, an employee's appeal for a disciplinary hearing is appropriate under the Rules, the Commission will arrange for such hearing and subsequent findings and decisions will be issued. (CSC 12/15/15)

#### A. Hearing Notice

1. The Commission will provide the disciplined employee and management with at least ten days' notice of the time and place of the hearing. (CSC 12/15/15)

2. Veteran's Hearing

Upon receipt of a timely written request for a hearing from a veteran or if a veteran timely requests a hearing but does not elect who shall conduct the hearing the Commission will establish a hearing date and conduct the hearing. The Commission will provide the veteran and management with the date, time and place of the

hearing which may be scheduled no more than ten calendar days following the end of the veteran's thirty day appeal period. (CSC 4/23/98) (CSC 12/15/15) (CSC 01/24/17)

B. Hearing Authority

A Commissioner may conduct the disciplinary hearing or the Commission may appoint a hearing examiner to conduct the hearing and report findings and recommendations to the Commission. The Commission and its appointees have the power of subpoena to require attendance of witnesses and submittal of pertinent documents, to administer oaths, and to continue the hearing from time to time. No more than five subpoenas may be issued without approval of a Commissioner. Management and the appellant employee may be represented by counsel. (CSC 12/15/15)

C. Hearing Procedure

The procedures in a disciplinary hearing will be as informal as practicable, follow Minnesota Rules, part 1400.7300 Rules of Evidence, will have a verbatim audio recording kept, and be conducted in the following sequence: (CSC 12/15/15)

1. Management or the representative of management presents evidence in support of their disciplinary action.
2. The employee or the employee's representative presents evidence in defense of the employee.
3. Both parties may offer rebuttal.
4. In no case will evidence be considered or arguments heard without all parties being present and having an opportunity to respond. (CSC 12/15/15)

D. Post-Hearing Procedures (CSC 3/14/02)

1. The Hearing Officer shall file the Findings of Fact, Conclusions and Recommendations with the Commission within forty-five days from the close of the hearing record. (CSC 3/14/02)
2. The Commission will serve the Findings of Fact, Conclusions and Recommendation of the Hearing Officer upon management and the employee. (CSC 3/14/02)
3. The employee and management shall each have ten days after receipt of the Findings of Fact, Conclusions and Recommendation to file on each other and on the Commission written exceptions to the Findings of Fact, Conclusions and Recommendations. No new evidence shall be offered by a party or received by the Commission. (CSC 3/14/02) (CSC 12/15/15)

4. Prior to issuing an Order, the Commission may hear oral closing arguments. The Commission shall provide notice to the employee and management of the date of oral closing arguments before the Commission. No new evidence shall be offered by a party or received by the Commission. (CSC 3/14/02) (CSC 12/15/15)
5. The final written decision of the commission will be published by notice to the employee and management within thirty days. The final written decision of the Commission which may be in the form of an Order shall be served on the employee and management after the oral arguments. (CSC 3/14/02) (CSC 12/15/15)
6. Time limits imposed on the Hearing Officer under Rule 11.07, D., may be extended by the Commission. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 12

### LAYOFF, RE-EMPLOYMENT, REINSTATEMENT, AND RESTORATION

#### 12.01 Purpose

The purpose of Rule 12 is to establish layoff procedures and employee rights upon re-employment. Re-employment may include call back from layoff or reinstatement/restoration to a list of eligible candidates. An affected person is considered laid off even if that person works in another position or is no longer working in any position. (CSC 3/14/02) (CSC 12/15/15)

#### 12.02 Layoffs and Bumping

Whenever any permanent position is to be abolished or it becomes necessary because of lack of funds, lack of work, or reorganization to reduce the number of employees in the classified service in any department, the department head shall report such pending layoffs to the Human Resources Department. The department will make proper notification to the employees involved. (CSC 12/15/15)

- A. General Order of Layoff for Position Abolishment, Lack of Funds, Lack of Work or Reorganization (CSC 12/15/15)

Layoffs shall be made in the following order:

1. Persons who have no Civil Service standing.
2. Persons who have been appointed to temporary positions.
3. Persons appointed to permanent positions.

- B. Layoff Based on Seniority

The employee first laid off shall be the employee in a department who was the last one certified to the class in which reductions are to be made. For the purposes of layoff, and demotion due to layoff, there are two departments in the City: (CSC 3/14/02) (CSC 2/24/09)

1. General City
2. Park Board

C. Layoff Resulting From Abolishment of Position

Employees who are laid off due to abolishment of position will be placed on the layoff list for their classification. Employees who have at least two years of City seniority will have the right to bump an employee of lesser City seniority who was last certified to a lower classification previously held by the laid off employee, provided the laid off employee meets the current minimum qualifications, is qualified to perform the work and satisfactorily completed probation of such lower classification. (CSC 12/15/15)

D. Layoff for Medical Reasons and Re-employment

When an employee because of illness or medical condition cannot perform the duties of their job, the department may, upon appropriate medical verification, layoff the employee. An employee who has been laid off for medical reasons may be re-employed in a vacant position in the same class within three years of the layoff provided the employee meets the current minimum qualifications and including any physical or licensing requirements and is medically released to work. The department may require a satisfactory medical report from the City's health services provider before re-employment. Failure to receive an appointment within the three years will result in the removal of the employee's name from the layoff list. The eligibility of an employee on the layoff list shall be extended for the period of military service upon notice by the employee to the Human Resources Department of such military service. (CSC 2/24/09) (CSC 12/15/15)

**12.03 Exceptions to Layoff Procedures**

The following exceptions to the layoff procedures may be observed when applicable:

- A. Whenever a department and the employees (via their union, if represented) affected agree upon a basis for layoff and re-employment in a certain position or group of positions; and if this agreement is approved by the Human Resources Department, then employees will be laid off and re-employed upon that basis. (CSC 12/15/15)
- B. Regardless of the official priority of layoff, an employee may be retained on an emergency basis for up to fourteen days longer to finish an assignment.

**12.04 Re-employment of Laid off Employees**

Any employee in the classified service who has been laid off may be re-employed without examination in a vacant position of the same class within three years of the layoff. An employee recalled from layoff who declines an appointment, no longer meets the current qualifications for the job including any physical or licensing requirements or is unable to perform the essential functions of the job will be removed from the layoff list unless a waiver for satisfactory reason is approved by the Human Resources Department. Failure to receive an appointment within the three years will result in



the removal of the employee's name from the layoff list. The eligibility of an employee on the layoff list shall be extended for the period of military service upon due notice by the employee to the Human Resources Department of such military service. (CSC 5/23/96) (CSC 3/14/02) (CSC 7/27/04) (CSC 12/15/15)

#### **12.05 Reinstatement of Employees Who Resigned from the Classified Service**

Former City employees may be reinstated to the top of an open list of eligible candidates for the class they last held providing the conditions listed below are met. However, if no vacancies exist in the class they last held reinstatement may also be to the open list of a lower level position for which the employee meets the current minimum qualifications and is qualified to perform the work. Conditions for reinstatement are met if: (CSC 3/14/02) (CSC 12/15/15)

- A. They successfully completed a probationary period in that class;
- B. They resigned in good standing;
- C. They requested reinstatement within two years of the resignation;
- D. They completed a satisfactory medical examination if the Human Resources Department determines that such an exam is necessary;
- E. They did not resign in lieu of discharge. (CSC 12/15/15)

#### **12.06 Rights of Reinstated Employees**

A reinstated employee will, upon appointment, begin to accrue seniority vacation eligibility, sick leave, and other Civil Service rights and benefits the same as any other new employee. Except for a special provision relating to credit for vacation increments (See Rule 15), service prior to resignation will not be credited to a reinstated employee for purposes such as: fulfilling in-service time requirements for competing in promotional examinations, computing seniority in promotional examinations, determining order of layoffs, etc.

#### **12.07 Restoration to Open List of Eligible Candidates (CSC 3/14/02)**

A person who meets one of the following conditions may be restored to the bottom of an open list of eligible candidates, one time only, at the discretion of the Human Resources Department under the following circumstances: (CSC 3/14/02)

- A. Was removed from a list of eligible candidates; (CSC 3/14/02)
- B. Resigned in good standing during probation and not in lieu of termination; or,
- C. Previously held the job title within the prior two years. (CSC 3/14/02)

## CIVIL SERVICE COMMISSION RULE 13

### RESIGNATIONS

#### **13.01 Purpose**

The purpose of Rule 13 is to allow employees to voluntarily separate employment. (CSC 12/15/15)

#### **13.02 Resignation**

An employee may resign employment by submitting their resignation in writing or on the record at a hearing conducted by a Commissioner of the Civil Service Commission. A resignation shall be effective immediately or upon a date stated in the resignation. (CSC 12/15/15)

#### **13.03 Withdrawal of Resignation**

An employee may request to withdraw a resignation within five calendar days after the employee gives notice of resignation. (CSC 12/15/15)

#### **13.04 Resignation by Abandonment of Position (CSC 2/24/09)**

The unexcused absence of an employee from duty for a period of three successive work days or longer, will be considered a resignation. (CSC 2/24/09)

#### **13.05 Resignation by Acceptance of another Position in the City Service**

Whenever an employee of any position in the classified service of the City accepts appointment to a position of another class, the employee will be considered to have resigned from their former position.

#### **13.06 Failure to Return Following Suspension or Leave of Absence**

Failure of an employee to return to their position on the date of expiration of suspension or leave of absence will be considered a resignation. (CSC 2/24/09)

## CIVIL SERVICE COMMISSION RULE 14

### LEAVE OF ABSENCE WITHOUT PAY

#### **14.01 Purpose**

The purpose of Rule 14 is to allow employees in the classified service to request unpaid leave of absence and to establish the criteria under which they may be granted. (CSC 3/14/02) (CSC 12/15/15)

#### **14.02 Definition**

Leave of absence without pay means an absence by a permanent employee as authorized by State Statute, federal law or by their department pursuant to the provisions of this rule. Except for emergency situations, leaves must be approved prior to commencement. (CSC 8/27/92)(CSC 2/24/09)

#### **14.03 Leaves Governed by State and Federal Law (CSC 2/24/09)**

If a law referenced below is repealed, leaves under this section become discretionary. (CSC 12/15/15)

##### A. Military Leave

Employees in the classified service will be entitled to military leaves of absence without pay for duty in the regular armed forces or the National Guard or Reserve. At the expiration of such leave, they are entitled to their position or comparable position and receive other benefits according to Minnesota and federal law. (CSC 2/24/09)

##### B. Leave to Serve in an Appointive or Elected Position

Leaves of absence without pay to serve in an Appointive-Unclassified City position or as a Minnesota State Legislator or full time elective officer in a City or County of Minnesota are granted pursuant to applicable State Statute. (CSC 1/24/91)

##### C. Union Leave

Leave of absence without pay to serve in an elective or appointive position in a labor organization whose jurisdiction covers City or independent board employees are granted pursuant to applicable State Statute. Upon return to active employment, such employees shall be credited for time served on Union leave only for purposes of determining the amount of vacation to which they are entitled each year thereafter and for the further purpose of calculating longevity pay. (CSC 5/23/96)

D. School Conference and Activities Leave

Employees, upon reasonable notice, must be granted up to sixteen hours of leave during a twelve month period to attend conferences or activities to include child care, nursery schools, daycare and extended school day programs of their child(ren) that cannot be scheduled during non-work hours. The employee has the right to substitute vacation or compensatory time for this purpose. (CSC 6/25/92) (CSC 11/21/95)

E. Family and Medical Leaves (CSC 11/21/95) (CSC 2/24/09)

The City has adopted a policy regarding leaves under the Family and Medical Leave Act ("FMLA"). Eligible employees may request up to 12 weeks of unpaid leave for the birth of a child or placement of a child with the employee for adoption or foster care, to care for a family member with a serious health condition, for an employee's own serious health condition and when a family member is called up to or on active military service. Eligible employees may also request up to 26 weeks of unpaid leave to care for a family member recovering from an illness or injury suffered while on active military duty. (CSC 2/24/09)

FMLA leave is unpaid. Where an FMLA-eligible employee has accrued paid vacation and/or accrued sick leave, the eligible employee may elect to use accrued vacation and/or accrued sick leave concurrently with FMLA leave to remain in paid status. Salaried and hourly employees may substitute unpaid FMLA leave with accrued vacation or accrued sick leave in increments of one hour instead of full-day absences. (CSC 2/24/09) (CSC 12/15/15)

An employee with accrued compensatory time may request and be permitted to use compensatory time for a FMLA-qualifying leave provided the employee complies with City requirements for use of compensatory time. Any absence which is paid from the employee's compensatory-time balance will be counted against the employee's FMLA leave entitlement. (CSC 2/24/09)

F. Pregnancy and Parenting Leave (CSC 12/15/15)

The City has developed procedures regarding Pregnancy and Parenting Leave under Minnesota Statutes §181.941. The City will grant up to 12 weeks of unpaid leave to an eligible employee in accordance with the Pregnancy and Parenting Leave policy.

**14.04 Leaves Not Governed by State or Federal Law (CSC 5/23/96) (CSC 2/24/09)**

Employees may be granted leaves of absence for reasonable periods of time if the requests for leaves are approved by their departments and are consistent with these rules. Employees on leave in excess of six months will, at the expiration of the leave, be placed on the appropriate layoff list if no vacancies exist in their classifications. Employees on leaves of less than six months will, at the expiration of the leaves, return to their departments to positions in their classification.

Leaves under this provision are granted for the following purposes:

- A. Temporary illness or impairment properly verified by a medical authority; (CSC 2/24/09)
- B. To serve in an unclassified City position not covered by State Statute;
- C. To pursue education that benefits the employee in seeking advancement opportunities in the City or to perform their job duties more effectively;
- D. To serve temporarily in a position with another employer where such employment is in the best interests of the City. A leave shall not be granted for the purpose of trying out other employment except as provided in this paragraph. A leave under this provision is approved for one year, subject to renewal consideration by the department and the condition that the department may, with good and sufficient reason, cancel the leave at any time upon prior notice to the employee and specifying a reasonable date to return to work. The Human Resources Director has authority to oversee such leaves and to direct the department to discontinue leaves that violate this paragraph. (CSC 8/8/96) (CSC 2/24/09) (CSC 12/15/15)
- E. For personal convenience not to exceed one year.

#### **14.05 Budgetary Leave**

Upon request by an employee and when authorized by the funding authority, leaves of absence without pay for up to ninety calendar days may be granted by the employer each year for the purpose of reducing the employer's operating budget. Such employees will be credited with seniority, vacation, and other benefits as if they had actually worked those hours.

## CIVIL SERVICE COMMISSION RULE 15

### LEAVE OF ABSENCE WITH PAY

#### 15.01 Purpose

A leave of absence with pay will be provided under the following circumstances. (CSC 12/15/15)

A. Bereavement Leave (CSC 11/21/95) (CSC 12/15/15)

A leave of absence of three working days shall be granted to an employee who suffers a death of a Family Member. For purposes of this section, “working day” shall refer to the number of hours an employee would be regularly scheduled to work on the day that bereavement leave is used.

The leave may be used intermittently provided the intermittent use is approved in advance by the employee’s supervisor and is exhausted within five working days from the date the employee first used Bereavement Leave.

Additional time off without pay may be granted as may reasonably be required under individual demonstrated circumstances. The employee may elect to concurrently use accrued vacation, sick leave and/or compensatory time to remain in paid status.

B. Religious Holiday (CSC 12/15/15)

Employees may observe religious holidays on days which do not fall on Sunday or on a holiday observed by the City. Such days shall be taken off without pay unless:

1. The employee has accumulated vacation benefits available in which case the employee shall be required to take such days off as vacation or without pay, or
2. The employee obtains supervisory approval to work an equivalent number of days at some other time during the fiscal year.

C. Jury Services

An employee in the classified service who serves as a juror will be granted leave with pay while serving on jury duty. This is contingent upon the employee refunding to the City any fees received.

#### D. Witness Fees

No employees will accept witness fees in any criminal case or any civil case to which the State of Minnesota, the County of Hennepin or the City of Minneapolis is party. Any person employed in the service of said city (Minneapolis), who shall be called as a witness to give testimony in any criminal action or proceeding before any justice of the peace of said county, the municipal court of the City of Minneapolis, the district court, the probate court or the grand jury of said county or before a coroner's jury, or in any civil action or proceeding before any of said courts wherein the State of Minnesota, the County of Hennepin or the City of Minneapolis is a party, shall not receive any witness fee or compensation whatever for so appearing and testifying; provided, however, that the compensation paid by the city or county to such officer or employee for his services shall not be reduced by reason of his absence from work while attending as such witness. Furthermore, when the employee is required to travel outside the City of Minneapolis to be a witness pursuant to the above provisions, the travel time with pay allowed will be computed on the basis of the fastest available method of transportation. (CSC 12/15/15)

The above provisions will also apply to the following:

1. In any criminal case to which the Federal Government is a party and in which the employee is subpoenaed as a federal witness.
2. In any case where the employee's relation to the case arose from the proper performance of the duties of the employee's City position, provided that the employee may accept witness fees and reimbursements. Such leave will be contingent upon the employee refunding to the City any witness fees that have been received.

#### E. Military Duty

Pursuant to Minnesota State Law, an employee is entitled to leave without loss of pay to fulfill military service obligations. (CSC 2/26/91) (CSC 2/24/09)

#### F. Olympic Competition

Pursuant to Minnesota State Law, a City employee is entitled to leave without loss of pay to participate as a qualified member of the United States Olympic team for an athletic competition in a sport sanctioned by the International Olympic Committee, provided that the period of such paid leave will not exceed the period of the official training camp and competition combined or ninety calendar days a year, whichever is less. (CSC 10/15/87)

G. Bone Marrow and Organ Donors

Pursuant to Minnesota State Law, an employee is entitled to leave without loss of pay who seeks to undergo a medical procedure to donate bone marrow or to donate an organ. Appropriate medical verification shall be required. (CSC 12/15/15)

H. Investigatory Leave

A department head may place an employee who is the subject of a misconduct investigation on an investigatory leave with pay. (CSC 2/24/09) (CSC 12/15/15)

I. Voting Leave (CSC 12/15/15)

Pursuant to Minnesota State Law, an employee is entitled to leave without loss of pay to vote. An employee claiming leave for voting who does not cast a ballot or utilizes the time off for an unauthorized purpose may be subject to disciplinary action.

J. Workers' Compensation

Employees in the classified service, who sustain a work-related injury as defined by Minnesota Statutes Chapter 176, may use sick leave or vacation to supplement workers' compensation wage loss benefits received. If sick leave or vacation is used it will be considered that the payments of full salary include the worker's compensation to which the employees are entitled under the statute, and the employees will receipt for such compensation payments. If sick leave or vacation is used, the employees' sick leave or vacation credits will be charged only for that number of days represented by the amount paid to them in excess of the worker's compensation payments to which they are entitled under the statute. If an employee is required to reimburse the City for the compensation payments thus received, by reason of the employee's settlement with a third party, his/her sick leave or vacation will be reinstated for the number of days which the reimbursement equals in terms of salary. In calculating the number of days, one-half day or more will be considered as one day, and less than one-half day will be disregarded. (CSC 12/15/15)

**15.02 Right of Employee to Retain Position after Leave**

An employee a granted a leave of absence with pay under Rule 15 will at the expiration of the leave will be restored to their position. (CSC 12/15/15)

**15.03 Failure to Report after Leave**

Failure of an employee to report to work at the expiration of leave will be considered a resignation and will be reported to the Human Resources Department. (CSC 2/24/09) (CSC 12/15/15)



## CIVIL SERVICE COMMISSION RULE 16

### SICK LEAVE

#### **16.01 Purpose**

The purpose of Rule 16 is to provide rules on Sick Leave including rules on how employees may use sick leave for their own use and for their Family Member as defined in Rule 18 – Definitions. Sick leave will be granted and administered in accordance with the provisions of this rule.

(CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

#### **16.02 Sick Leave**

Employees shall accrue sick leave at a rate of one day per month not to exceed 12 days per calendar year. (CSC 12/15/15)

Employees are entitled to use accrued sick leave for the employee's illness, the illness of a Family Member, or for safety leave. Other factors defining sick leave are as follows:

(CSC 2/24/09) (CSC 12/15/15)

##### A. Ocular and Dental

Necessary ocular and dental care of the employee is recognized as a proper cause for granting sick leave. (CSC 12/15/15)

##### B. Chemical Dependency

Treatment for alcoholism and drug addiction is recognized as proper cause for granting sick leave and is contingent on two conditions: (CSC 12/15/15)

1. The employee undergoes a prescribed period of hospitalization or institutionalization.
2. The employee, during or following the above care, participates in a planned program of treatment and rehabilitation approved by the Human Resources Director or designee in consultation with the City's health care provider. (CSC 2/24/09)

##### C. Safety Leave

An employee may use accrued sick leave for safety leave for such reasonable periods of time as may be necessary, in accordance with Minnesota Statute §181. 9413. (CSC 12/15/15)

D. Care and Treatment

Necessary care and treatment by a health care professional is recognized as proper cause for granting sick leave. (CSC 12/15/15)

E. Family Member

Accrued sick leave may be used to care for an employee's Family Member pursuant to the same provisions covering the employee's own sick leave usage. "Family Member" is defined in Rule 18, – Definitions. (CSC 1/24/91) (CSC 5/23/96) (CSC 12/15/15)

**16.03 "Illness"**

The words "illness" means a temporary physical impairment, bodily disease or injury or mental affliction, whether or not a precise diagnosis is possible, when such impairment, disease, injury or mental affliction is impairing or requires care and treatment. (CSC 12/15/15)

**16.04 Use of Accrued Sick Leave**

Employees who have accrued sick leave may use sick leave in accordance with this Rule and the absence will be charged against accrued sick leave. (CSC 12/15/15)

A. General Rules

1. Departments may not grant sick leave to an employee who does not have accrued sick leave and may not grant sick leave to an employee whose accrued sick leave balance is zero or negative. (CSC 12/15/15)
2. Sick leave may be denied if an employee does not follow their Department's notice and call-in procedures for requesting sick leave. (CSC 12/15/15)
3. No sick leave will be granted to an employee who is not scheduled to work or who, for reason other than illness, is not available for scheduled work. (CSC 12/15/15)
4. Employees separating from service will at the time of separation be required to refund the City for sick leave used in excess of their accrued sick leave in accordance with Minnesota Statutes §181.79. (CSC 12/15/15)

**16.05 Interrupted Service and Sick Leave**

The following provisions apply:

- A. A permanent employee with six months of continuous service who has been certified or re-certified to a permanent position will, after layoff or disability retirement,

be granted by the department sick leave with full pay consistent with the provisions of this rule. (CSC 12/15/15)

- B. A permanent employee with six or more months of continuous service who has been transferred from one department to another department will retain sick leave privileges acquired in the department from which transfer has been made. (CSC 12/15/15)
- C. Employees returning from military leave will be entitled to sick leave as provided in the applicable Minnesota Statute.
- D. An employee, following reinstatement or re-employment within two years after separation, will, upon request, receive credit for prior service in computing sick leave credits. These credits will only apply to severance pay benefits and only after such employee has accumulated sufficient sick leave credits following reinstatement or re-employment to qualify for minimum severance pay benefits. No such credit will be applied to an employee reinstated or re-employed for the second or subsequent time.

**16.06 Sick Leave Termination**

- A. Layoff of an employee on sick leave will terminate an employee's right to use sick leave. (CSC 12/15/15)

**16.07 Medical Verification (CSC 12/15/15)**

- A. An employee may be required to provide a written statement from a health care professional in attendance verifying that the employee's absence is due to illness and that the employee is unable to work. "In attendance" includes a telephonically prescribed course of treatment by the health care provider which must be confirmed by a prescription or a written statement by the provider.
- B. A written statement by a health care professional for sick leave may be required only in the following situations:
  - 1. An employee has been absent on sick leave for five or more consecutive scheduled work days; (CSC 3/14/02) (CSC 12/15/15)
  - 2. An employee has used more than twelve days of unverified sick leave within the last 12 months; (CSC 3/14/02)
  - 3. A Request for Leave of Absence for medical reasons has been submitted; or, (CSC 3/14/02)
  - 4. In cases of suspected fraudulent use of sick leave or where there are patterned absences. (CSC 3/14/02) (CSC 12/15/15)

- C. An employee who is required to provide medical verification for sick leave use shall provide the verification no later than two weeks from the request. (CSC 12/15/15)

**16.08 Fitness for Duty**

Prior to an employee returning to work from an illness or medical leave of absence, the Human Resources Director or department head may require a satisfactory medical report by the City's health care provider to determine the fitness of any employee to perform the duties of his or her job. (CSC 3/14/02) (CSC 12/15/15)

**16.09 Suspensions and Sick Leave**

Employees who have been suspended for disciplinary purposes during the calendar year shall not accrue sick leave during the period of suspension and will not be granted sick leave during the period of suspension. (CSC 12/15/15)

## CIVIL SERVICE COMMISSION RULE 17

### VACATION LEAVE

#### **17.01 Purpose**

The purpose of Rule 17 is to provide rules on how employees may use vacation leave. (CSC 12/15/15)

#### **17.02 Vacation**

Employees are entitled to leave with full pay for vacation purposes in accordance with the provisions of this rule. Vacation leaves are to be scheduled in advance and taken at such reasonable time as approved by the department with particular regard to the needs of the department, seniority of employee, and, insofar as practicable, with regard to the wishes of the employee. (CSC 3/14/02) (CSC 12/15/15)

#### **17.03 Qualification for Receiving Vacation**

Vacation with full pay will be granted to permanent employees in accordance with the guidelines below:

- A. Full-time permanent employees will be credited one year toward vacation increments for each year of continuous service worked. (CSC 12/15/15)
- B. Part-time permanent employees will be credited one year toward vacation increments for each year that they worked at least half-time or more. (CSC 12/15/15)
- C. Seasonal permanent employees will be credited one year toward vacation increments for each season that they worked at least two months or three hundred forty-eight hours. (CSC 3/14/02) (CSC 12/15/15)
- D. Changes in status. Permanent employees, who change status between full-time, part-time or seasonal work without a break in service, will retain the number of years of service that they earned toward vacation increments in their previous status. A change in status will under no circumstance result in an increase in the number of years of continuous service. (CSC 12/15/15)
- E. Other guidelines
  - 1. Applicable laws, rules, and policies shall determine credit toward years of service for time on authorized leave of absence without pay. (CSC 3/14/02) (CSC 12/15/15)
  - 2. An employee who suffers a work-related injury and who returns to work will be credited for the time served on total disability or duty disability pension as the result

of injury for the purpose of determining the amount of vacation to which they are entitled each year thereafter in accordance with Rule 17.05. (CSC 2/24/09) (CSC 12/15/15)

#### **17.04 Military Service**

Employees returning from military leave will be entitled to accrue vacation accrual as required by law. (CSC 2/24/09) (CSC 12/15/15)

#### **17.05 Allowance, Calculation and Use of Vacation** (CSC 12/15/15) (7/01/20)

The following guidelines for the allowance and calculation of vacation accrual rate must be observed:

##### **A. Vacation Allowance** (CSC 2/24/09) (CSC 12/15/15)

Vacation entitlement for eligible employees will be the number of days of leave from work with pay as normally accrued in consecutive periods as described below:

1. Vacation with full pay at a rate not exceeding twelve working days each year for the first four (4) years of employment.
2. Vacation with full pay at a rate not exceeding fifteen working days each year beginning with the 5<sup>th</sup> year of employment.
3. Vacation with full pay at a rate not exceeding sixteen working days each year beginning with the 8<sup>th</sup> year of employment.
4. Vacation with full pay at a rate not exceeding eighteen working days each year beginning with the 10<sup>th</sup> year of employment.
5. Vacation with full pay at a rate not exceeding twenty-one working days each year beginning with the sixteenth year of employment.
6. Vacation with full pay at a rate not exceeding twenty-two working days each year beginning with the eighteenth year of employment.
7. Vacation with full pay at a rate not exceeding twenty-six working days each year beginning with the twenty-first year of employment. (CSC 6/26/03)

The anniversary date for purposes of increased vacation leave will be the beginning of the pay period in which they complete the appropriate number of work years. (CSC 7/01/20)

A department head shall have the authority to grant up to sixteen years of prior service credit at the time of hire for the sole purpose of determining vacation accrual rate. Prior service credit must be public or private sector experience directly related to the position for which the employee is hired and must be verified by the Human Resources Department. (CSC 10/25/05)

B. Vacation Calculation

All vacation will be calculated on a direct proportion basis for all hours of credited work other than over-time and without regard to the calendar year. Effective January 1, 2003, such leave may be cumulative up to and including fifty days. Leave in excess of the limits described above will not be recorded and will be considered lost. (CSC 4/25/91) (CSC 10/22/92) (CSC 6/26/03) (CSC 2/24/09)

C. Vacation Usage (CSC 7/01/20)

The following vacation usage rules must be observed.

1. Only employees with accrued vacation may be granted vacation leave.
2. Employees are authorized to utilize only vacation accrued to the date of their return from vacation.
3. Approved vacation will begin on the first working day absent from duty.
4. When approved vacation leave includes a holiday, the holiday will not be considered as one of the vacation days.
5. Employees are not allowed to schedule or use more than two weeks of accrued vacation leave immediately preceding separation from employment, including retirement. Supervisors are prohibited from approving employee requests to use more than two weeks of accrued vacation leave immediately preceding the employee's separation from employment, including retirement. In exceptional circumstances and for good cause shown, the Human Resources Director may approve an employee's request to use more than two weeks of vacation leave immediately preceding an employee's separation from employment, including retirement. (CSC 7/01/20)

**17.06 Vacation Payment** (CSC 12/15/15)

The following vacation payment guidelines must be observed.

- A. The rate of pay for the vacation leave will be the rate of pay employees would receive had they been working at the position to which they have been permanently certified, except as provided in (B).
- B. Employees on detail for a period of less than six months immediately prior to vacation will be paid upon the basis of the position to which they have been permanently certified. Employees on detail for more than six months immediately prior to vacation will be paid upon the basis of the position to which they have been detailed.
- C. Permanent employees on an intermittent or part-time basis who have worked continuously for six months or more on such basis will also be granted vacation in direct proportion to the time actually employed. Employees will not receive vacation pay greater than what their earning would have been during that period had they been working.

**17.07 Reinstatement and Transfer Affecting Vacation (CSC 12/15/15) (CSC 7/01/20)**

A. Reinstatement

An employee who is or has been reinstated following separation pursuant to the Reinstatement Rule, or who is or has been re-employed through examination and certification within two years following separation will, after five consecutive years of service following such reinstatement or new certification, receive credit for prior service for vacation accrual rate upon request by the employee. No such credit will be applied to an employee reinstated or re-employed for the second or subsequent time.

B. Transfer

A transferred employee's vacation time will be governed as follows:

1. An employee who has been transferred will retain vacation privileges acquired in the department from which the transfer has been made.
2. When an employee transfers from one department to another, the accrued vacation will transfer with the employee and become the responsibility of the accepting department unless other specific arrangements are made at the time of such transfer.



## CIVIL SERVICE COMMISSION RULE 18

### DEFINITIONS

**Affirmative Action** means the additional actions or procedures that an organization undertakes in order to try to correct past discrimination. It refers to those active, positive, additional steps to promote equal opportunity in the organization's workforce. (CSC 12/15/15)

**Appointment** is the actual hire of an eligible candidate into the classified service. Usually three persons are certified for a vacancy, but a City department interviews, selects, and generally appoints only one. The date on which employment with the City begins is the original appointment date. (CSC 3/14/02)

**Availability or Interest Inquiry** is an inquiry sent to persons on an existing list of eligible candidates or in the City's active applicant pool in order to gather additional data from them. The additional data needed may be in reference to hours, location preference; or in reference to additional skills, licenses, or requirements necessary for a particular upcoming vacancy; to verify their continued interest in City employment, or in reference to other necessary information. (CSC 3/14/02)

**Bumping** is the process where an employee who is laid off may according to Commission rules or according to their collective bargaining agreement have an option to displace another employee in the classified service, if certain conditions are met. (CSC 3/14/02)

**Certification** is the process of sending out to the requisitioning department the allowable number of names of persons from the list of eligible candidates who are certified as qualified in all respects by virtue of having passed the entire Human Resources Department selection process. (CSC 3/14/02) (CSC 12/15/15)

**Child** is an individual under 18 years of age or an individual under age 20 who is still attending secondary school. "Child" includes an employee's stepchild and a biological, adopted and foster child. (CSC 8/27/13)

**Classified Service** is the group of City employees who hold job titles included in the official listing published by the Commission.

**Commission** is the Civil Service Commission.

**Department** is, except for layoff purposes, a branch of the City service under the jurisdiction of an officer, board, commission or department head and includes the Minneapolis Park & Recreation Board (Park Board). (CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

**Detail** is the temporary assignment of current City employees to different job classes than their permanent class. (CSC 12/15/15)

**Eligible Candidate** is a person who has taken and passed all parts of the selection process prior to certification. (CSC 3/14/02)

**Eligible List** - (See List of Eligible Candidates) (CSC 3/14/02)

**Employee** is every agent and worker in the classified service of the City.

**Equal Employment Opportunity** is a policy of equal treatment and non-discrimination in recruitment, selection, training, job assignment, compensation, promotion, layoff, and all other aspects of employment and retention; no special or biased actions are taken because of age, ancestry, color, creed, disability, familial status, gender (including pregnancy), genetic information, marital status, national origin, race, religion, sexual orientation (including gender identity), status with regard to public assistance, and veteran's status (including Vietnam Era Veteran status) or other protected class status or non-merit factor. (CSC 12/15/15)

**Family Member** is the employee's child as defined in Minnesota Statutes §181.940, subd. 4, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward or members of the employee's household and registered domestic partner as defined in Minneapolis Code of Ordinances Chapter 142. For purposes of entitlement to Bereavement Leave, Family Member also includes Stepbrother, Stepsister, Brother-in-law, Sister-in-law, Son-in-law and Daughter-in-law. (CSC 11/21/95) (CSC 8/27/13) (CSC 12/15/15)

**Federal Job Category (FJC)** is one of eleven categories established by the federal government to break down occupations into homogeneous groupings. Those FJCs are: 01– officials and administrators; 02 – professional; 03 – technical; 04 –protective services; 05 – clerical/office; 06 – skilled craft; 07 – unused number; 08- service/maintenance; 09 – unused number; 10- para-professional; and 11 – unclassified.

**Grade Level** is the relative value assigned to a class when it is compared to other classes in the same field of work and within the City organizational structure as a whole.

**Human Resources Department** is the Human Resources Director of the City and the Human Resources Director of the Minneapolis Park & Recreation Board and includes their respective employees. (CSC 12/15/15)

**Job Class** is one or more positions sufficiently similar with respect to duties and responsibilities so that the same descriptive title may be used to designate each position assigned to the class, the same general qualifications are needed for performance of the duties of the class, the same tests may be used to select employees, and the same schedule of pay can be applied with equity to all positions in the class.

**Job Class Series** are occupational career ladders within promotional lines which include an entry level job class or classes which can be filled by persons with the basic preparation necessary to enter the occupation, "senior" job classes typically performed by persons who have acquired considerable knowledge of the occupational field and are able to perform a wide range of complex tasks typical of

the occupation, and "expert" job classes usually performed only by persons with thorough experience who are able to handle the most difficult and complex work in the field. Typically, such series are designated by a "I" following entry level classes, a "II" following senior level job classes, and a "III" following expert job classes.

**Job Class Specification** is a written statement describing typical duties; responsibilities; entrance qualification standards; and knowledge, abilities, and skills required for full job-performance of the duties in a class of positions.

**Job Class Title** is the official title of every position assigned to the class and is used on all payrolls, budget estimates, and official records and reports relating to such positions. However, any other title desired by departmental officials may be used to designate any position for purposes of internal departmental administration and in any other connection not involving the personnel processes covered by the Charter or these Rules. The departmental title is referred to as the "working title".

**Job Classification or Job Evaluation** is the process of analyzing each position or group of duties and responsibilities being performed to determine the level of responsibility, the differences and similarities of the duties to those of other positions in the system, the most appropriate job class, grade level, and most descriptive title for the position.

**Layoff** is the reduction of employees in accordance with Commission rules or collective bargaining agreement provision, whichever is applicable. (CSC 3/14/02)

**List of Eligible Candidates** - for the purposes of the rules of the Civil Service Commission of the City of Minneapolis, "register of eligible candidates" and "list of eligible candidates" shall be synonymous to "eligible register/list" and is the eligible register that includes the names of all candidates who successfully pass all examination components and are ranked from highest to lowest according to final scores. (CSC 3/14/02) (CSC 12/15/15)

**Merit** is the principle and policy whereby personnel decisions are based upon ability and competence and not upon political affiliation or patronage considerations.

**Military Leave** is a leave of absence granted in compliance with state or federal law to employees during military service. (CSC 2/24/09) (CSC 12/15/15)

**Performance Evaluation** is an objective, job-related measurement and rating of employee job performance for use in employee development, promotional examinations and other personnel areas.

**Permanent Employee** is an employee in the classified service who has successfully completed their probationary period.

**Permit** is the temporary employment of a person who is not a current City employee.

**Position** is any specific single job calling for the performance of a certain set of job duties.

**Probationary Period** is a working test period after permanent or recurrent appointment during which a new employee is required to demonstrate fitness for the position by actual performance of the duties of the position.

**Promotional Examinations** are those limited to employees in the classified service who meet required time-in-grade and other minimum qualifications. (CSC 3/14/02)

**Promotional Line** is an arrangement of classes by grades in which experience in classes in a given grade more nearly tends to qualify the incumbents for classes in the next higher grade than would experience in classes of a different promotional line. This does not mean that experience in a class in a given promotional line automatically provides to the incumbent all of the qualifications and requirements of class in the next higher grade. Neither does it mean that the duties of classes in a given promotional line need be identical in type.

**Protected Class** is a group of persons that is specifically protected by law against discrimination.

**Qualified Candidate** - (See Eligible Candidate) (CSC 3/14/02)

**Reinstatement** is the placement of a satisfactory former employee who completed probation on a list of candidates eligible for rehire for up to two years. (CSC 3/14/02)

**Requisition** is the Human Resources Department process used by a department to request names to be certified to fill an authorized vacancy. (CSC 12/15/15)

**Restoration** is the replacement of a former eligible candidate or employee who separated prior to completing probation upon the same eligible candidate list from which they have been certified. Their names will remain on that list until the expiration date of the list. (CSC 3/14/02)

**Service Register** is the permanent record in which all classified employees of the City are entered along with their job title(s), address, age, records of past employment and other data on each employee that the Commission decides is useful and/or necessary to maintain. (CSC 3/14/02)

**Tracer** - (See Availability or Interest Inquiry) (CSC 3/14/02)

**Transfer between Departments** is a change by an employee from one position to another position of the same class in another department without examination.

**Transfer of Title** is changing a classified employee's job title, without examination, to another title of the same or lower grade level, provided the jobs are similar and the person is qualified to perform the duties of the second job.

**Unclassified Service** is that group of City positions not subject to these rules.

**Veteran** is a person defined as a veteran by Minnesota Statutes.

**Veterans Preference** are rights granted to veterans by the Minnesota Statutes. (CSC 2/24/09)

**Waiver** is a written notice to the Human Resources Department from a person on a list of eligible candidates or active in the City's applicant pool notifying the Human Resources Department that they are not available for particular types of vacancies, for specific departments, for a certain period of time, or for other legitimate and reasonable reasons until further notice. Vacancies of the type waived by the eligible applicant or employee will not be offered to that person. (CSC 3/14/02)