



CIVIL SERVICE BOARD

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RULE I
DEFINITIONS

101. **Allocation** means the official assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.
102. **Application Register** means the register in which is entered the names of all applicants, date and time of application, and position applied for.
103. **Appointing Authority** as used in these rules means the Mayor.
104. **Board** means the Civil Service Board of the City of St. Cloud.
105. **Class** means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
106. **Classified Service** means the positions covered by Civil Service as provided for in the home Rule Charter.
107. **Class Specifications** means a written statement describing the duties, responsibilities, and entrance qualification standards of a class of positions.
108. **Departments** are the nine operating departments of agencies set forth as follows: Department of Administration, Finance, Public Health, Public Works, Parks and Recreation, St. Cloud Water Utility, Police Services, Fire Services, and the Civil Defense Agency.
109. **Department Head** is an individual appointed to head a department, and shall include any individual properly designated to act for the department head in his/her absence.
110. **Division** means a branch of a department of the City service.
111. **Eligible** means a person who by virtue of having taken and passed an examination is entitled to certification to employment in the City service.
112. **Eligible List** means a list of names of eligibles for a class, ranked in order of score and veteran's preference.
113. **Employee** includes an officer, employee, or other holder of a position in the

classified service of the City.

114. **Final Score** means examination score after adjustment for veteran's preference bonus.

115. **Permanent Employee** means an employee in the classified service who has successfully completed a probationary period.

116. **Position** means any specific office, employment, or job calling for the performance of certain duties and for exercise of certain responsibility of the work performed in such position.

117. **Reallocation** means a reassignment, or change in allocation of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class on the same level, on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such a position.

118. **Service** means employment by the City under Civil Service.

119. **Temporary Employee** means a person having no permanent status whom may be hired to work not more than 60 hours per two-week period, or to work full time not to exceed nine months in any twelve-month period.

120. **Total Weighted Score** means total examination score, exclusive of veteran's preference bonus.

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

122. **Veteran's Preference** means the examination rating credit granted to veterans by MSA 197.455.

123. **Work Rules** are departmental regulations relating to working conditions.

RULE II
CIVIL SERVICE BOARD

10/1/92

201. **Organization**

The Civil Service Board shall be composed of five members selected by a majority vote of the Council and subject to the provisions of the Home Rule Charter of the City of St. Cloud.

The City Council shall appoint each year one or two members of the Board

whose term of office shall be for three years, with no member serving longer than three successive terms. The Board shall elect a Chair and a Vice-Chair each year from their membership.

202. **Meetings of the Board**

All official meetings shall be open to the public. The Board shall hold a regular meeting at least twice each month, unless there is no regular business to be transacted, on the first and third Thursday of each month unless an alternate time and date is set at the preceding meeting.

Special meetings may be called at any time by the Chair or two of the Board members by giving the other members twenty-four hours notice.

Three members of the Board shall constitute a quorum for the transaction of business. The concurrence of three (3) members shall be necessary to make any action effective.

203. **Secretary**

It shall be the duty of the Civil Service Board Secretary to maintain a calendar of all business to be transacted at each meeting; present to the Board all matters requiring its consideration; keep the records and files of the Board and the minutes of its proceedings; and to perform any other duties as the Board may direct.

204. **Minutes**

The minutes of the Board's regularly scheduled meetings and any special meetings shall be prepared and maintained by the Secretary on behalf of and subject to the approval of the Board.

205. **Duties and Powers of the Board**

The powers and duties of the Board shall be those prescribed by Chapter 44, Minnesota Statutes Annotated; the Home Rule Charter of the City of St. Cloud, Minnesota; and the rules contained herein.

206. **Civil Service Rules**

A copy of all rules promulgated and adopted by the Civil Service Board shall be kept posted in a conspicuous place in each department of the city government.

All proposed amendments to the Civil Service Rules shall be sent to each recognized employee organization, and be posted in each department for ten business days before adoption by the Board.

207. **Enforcement of the Home Rule Charter**

The Board shall receive and consider any protest properly stated in writing and signed by the protesting party or parties, on any matter concerned with the administration of these rules. On the basis of such protests or on its own initiative, it may make such investigation and hold such hearings as it deem desirable concerning all matters touching the enforcement and effect of the provisions of the Home Rule Charter and these rules. On the basis of its investigations and hearings, the Board shall

take such remedial action as it deems warranted.

RULE III
POSITION CLASSIFICATION AND COMPENSATION

10/1/92

301. Classification Plan

The Civil Service Board shall maintain a plan of classification of all positions in the classified service according to similarity of authority, duties, and responsibilities. The Board shall provide specifications for each class in the classification plan. Each class specification shall include a class title, a description of the duties and responsibilities of the work, a statement of minimum qualifications a person should possess to enable him or her to enter upon the duties of a position in the class with reasonable prospects of success, and the essential job functions. The class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers, and communications.

No persons shall be appointed to or employed in a position in the classified service under any class title which has not been approved as provided in Section 7.50 of the Home Rule Charter.

Any person in the classified service who has completed the probationary period on the effective date of an ordinance changing such office or employment to the unclassified service, shall remain in the classified service until the expiration of their term or until a vacancy occurs, or until the termination of their employment.

302. Amendment of Plan

Whenever any change in organization, creation of a new position, or change in duties or responsibilities of an individual position in the classified service makes the revision of the classification plan necessary, the Board shall proceed to make such revision as is necessary and to present the same for approval by the Council as is required by the Charter. In the case of creation of a new class, the Board shall also present to the Council a proposed pay range for said class.

303. Position Allocation

If new positions are created or additional classes are established or existing classes are divided, combined, altered, or abolished, the Board shall make allocations or reallocations of positions in the classified service to new or existing classes as are necessitated thereby.

Employees affected by the allocation or reallocation of a position to a class, or by any changes in the classification, shall be afforded a reasonable opportunity to be heard thereon before the Board after filing a written request with the Secretary of the Board for such hearing.

Within three business days after receipt of the written request for a hearing, the Chair of the Board shall set a time, date, and place for hearing on the matter; and the employee shall be notified within three business days after setting of the time, date, and place of the hearing. Said time and date shall be within ten business days from and

after the date the employee is notified in writing of the hearing.

RULE IV
POSTINGS AND EXAMINATIONS

8/17/06

It is the purpose of the Civil Service Board to recruit and retain the best qualified candidate, at the given salary range, for each position in the classified service. The Board has set out testing procedures that, to the best of their ability, will determine a candidate's ability to successfully perform the job. Although any new employee may require a period of adjustment or familiarization with a new position, actual training for a position should be minimal given the qualifications a candidate brings to a position.

The Board is charged with providing for competition for all positions. This may be in the form of a written test, skill demonstration, oral interview, or other process that the Board determines will be a relevant indicator of ability to perform on the job. Providing for testing does not imply that the Board or any of its members is required to be present at that testing, however, they may participate if they choose to do so.

For all classified positions whenever a vacancy exists in the classified service, the Human Resources Director will work with the Department Head to recommend to the Mayor the type of examination most appropriate for filling such vacancy. In general, the Human Resources Director will recommend one of the following types of examinations:

A. OPEN: All applicants who meet minimum qualifications may compete for open examinations. If the examination process involves several steps, the number of candidates advancing from one step to another may be restricted to the most highly qualified candidates.

B. RESTRICTED: Current classified service members may compete for positions that are designated by the Mayor for in-house competition only as either:

1. **PROMOTIONAL:** Current employees in the classified service who meet minimum requirements may compete for promotional examinations. These examinations shall be restricted to persons in specific occupational groups defined on the promotional track, and these examinations may be restricted to employees working in specific departments within the City. Employees in any position on the track resulting in a promotion or a demotion (including demotion to the entry level position) may apply; or

2. **INTERNAL:** Current employees in the classified service who, at a minimum, have successfully completed the probationary period and who meet minimum qualifications may compete for internal examinations. These examinations may be restricted to specific departments within the City; or

3. **TRANSFER ONLY:** Current employees in the classified service who hold the same position in another department may be given the opportunity to request a

transfer to a vacant position without a competitive examination.

C. OTHER: In the best interests of the City in selecting and promoting employees, the Human Resources Director may recommend other examination types including but not limited to City employees, part time employees, transfers, demotions, and/or outside applicants.

401. Notice of Open Examinations

At least ten business days before an open examination, notice that applications will be accepted shall be published once in the official newspaper of the City of St. Cloud, posted at the City Hall, and advertised in any other way to attract a reasonable number of qualified applicants. The notice shall specify the title, starting salary of the class, minimum qualifications necessary, essential job functions, location, last date for filing applications, and other such information necessary to acquaint applicants with the requirements of the position.

A written notice shall be mailed in advance of the examination to each person who has submitted an application.

402. Restricted Examinations

For any position that is listed as promotional, the Mayor shall determine for each vacancy whether it is to be posted as promotional (includes demotions) or transfer only.

Notice of Vacancy

To provide specific parameters for the requirement that an opportunity to test for a position be posted, the Board adopts the following guidelines:

1. An opportunity to apply for a City position shall be posted to classified members in the event that the Mayor determines the vacancy to be restricted to current classified members and;

- a. there is no current list* of qualified classified members;
- b. there is a current list of qualified classified members with less than three individual names on it AND said list has been in existence for 6 months or more;
- c. the test or the minimum requirements have been changed: in this case the current list is considered void and any candidates on that list must re-qualify and re-test.

2. If there has been an opportunity posted for a position and there is no response from classified members, there will be no additional postings required for subsequent vacancies of the same position IN THE SAME DEPARTMENT within 6 months of the closing of the original posting.

3. If all classified members on an eligibility list that has been in existence less than 6 months refuse a position, it shall be advertised to outside candidates. If said list is dated over 6 months, it shall be re-posted.

4. Whether or not a test is successfully completed, no job candidate shall be

permitted to re-test for that position for a period of 6 months. If all classified members fail the required testing, the position shall be advertised to the outside. If another position becomes available within 6 months of the original testing, it shall be treated as no response and immediately offered to the outside as noted above (#2).

5. In recognition of the lengthy nature of the hiring process and the time and expense associated with new employees in any position, the Board prohibits any classified service member, with the exception of new employees serving an initial probation**, from being appointed to a different position (other than a promotion within the same department***) for a period of one year. This is exclusive of any reclassification, restructuring, return-to-work, or involuntary demotion at the direction of the Mayor.

*no current list includes the no-response criteria as well as the failed-test criteria and their associated time frames for subsequent postings.

First priority for filling vacancies, however, shall be from a re-employment list. Restricted examinations designated as internal, promotion/demotion, or transfer only by the Mayor shall be open to classified full-time permanent and classified, permanent part-time employees who meet the minimum requirements for the position by the deadline of the posting.

Notice that applications will be accepted shall be posted, in accordance with the above guidelines, in all departments of the City for at least ten business days.

The notice shall specify the position title, minimum and maximum salary for the class; minimum qualifications necessary; essential job functions; place and deadline for filing applications; and such other information necessary to acquaint applicants with the requirements of the position.

A written notice shall be mailed or delivered in person in advance of any promotional examination to each person who has submitted an application as directed for the position. There will be at least 24 hours notice given for written examinations, skills demonstrations, oral interviews, or any other testing procedure. Contact may be made by telephone from the Human Resources Department directly to the candidate, to be followed up with notice in writing in order to expedite the testing process. Failure to appear or make appropriate arrangements to appear may serve to disqualify a candidate from consideration for a position, to be determined by the Board.

- B. Among eligible applicants, .25 point for each full year of employment by the City shall be added to the final examination score. Seniority in connection with internal appointments shall be accumulated during all City service without regard to the division or department where earned.
- C. Among paid-on-call personnel applying for positions within the Fire Department, points shall be added for each full year of employment as follows:
 - Date of hire through Year 1; 0 points
 - Start of Year 2 through Year 3; 3 points
 - Start of Year 4 through Year 5; 4 points

After Year 5 and Beyond; 5 points

These points shall be added to the final examination score once the candidate has successfully completed all other testing components. A maximum of 5 points may be awarded. Time served in the St. Cloud Volunteer Division shall be counted toward seniority points.

D. Among Police Officer candidates that successfully complete all phases of testing, lateral transfers from another full-time police department shall be recognized as follows:

- >Officers with one-year full time experience may start at the "B" step'
- >Officers with two or more years full time experience may start at the "C" step;

New officers will not be given lateral seniority or vacation leave rights or be accelerated on the longevity schedule.

403. **Re-employment Examinations**

Re-employment examinations shall be held for any employee considered for placement from the general re-employment list and/or the injured worker re-employment list if the employee has not previously served in the job classification or related position for which the employee wishes to be considered. Examination shall be open to an employee on the general or injured worker re-employment list who meets the minimum requirements for the position.

A. **Notice of Re-Employment Examination**

At least ten (10) business days before a re-employment examination, all individuals on the general re-employment list shall be notified and applications will be accepted.

B. **Occupational Re-Employment**

Individuals on an occupational re-employment list are not required to repeat any examination that they have previously successfully completed. However, if an individual is considered for a position that they have not previously tested for, they will be required to complete the re-employment examination.

The notice announcing the re-employment examination shall specify the title, starting salary, minimum and maximum salaries for the class, minimum qualifications necessary, location, deadline for filing applications, and such other information necessary to acquaint applicants with the requirements of the position.

404. **Application Procedure**

Official City applications shall be filed before the deadline set in the announcement. An application register shall be maintained showing the name of each applicant, positions applied for, and date and time of application.

405. **Rejection of Applications**

Any eligible candidate or applicant for any position within the classified service who, after entry of his/her name on the application register or eligibility roster shall fail to comply with the reasonable rules and requirements of the Board in respect to character, residence, physical condition, emotional stability, or who has been guilty of criminal activity or fraud in connection with the examination or the application for employment may have his/her name removed from the appropriate document.

406. **Types of Examinations**

The tests prescribed by the Board may be written, oral, or in the form of a demonstration of skill, or any combination of these, or any other form which in the judgement of the Board will best serve to determine the relative fitness and ability of applicants to perform the duties of the position. All examinations for positions in the classified service shall be competitive and shall relate to those materials which fairly test the capacity and fitness of the persons examined to discharge efficiently the duties of the position sought by them. Any means or measures may be used which are reasonably well calculated to test the fitness of candidates to become employees in positions of the class for which the examination is held. Such means or measures may include any required statement of any investigation of education, experience or record of accomplishment; any test of knowledge, skill, capacity, intelligence or aptitude, and any inquiry into the moral character or any other quality attribute which in the judgement of the Board seems desirable. This rule shall apply to both entrance and promotional examinations.

407. **Rating of Examinations**

Appropriate techniques and procedures shall be used in rating the results of examinations and determining the relative ranking of the competitors. In all parts of the examination the Board shall set the minimum rating (pass/fail score) by which eligibility may be achieved. Failure to attain this score in any part of the testing process will eliminate the candidate from further consideration. The final earned rating of each competitor shall be determined by calculating the earned ratings on each part of the examination in accordance with the weights established for each part prior to the date of the examination. Unless a specific request has been made to change previously adopted weights, they will remain the same as set for prior tests. All competitors shall be required to obtain at least a minimum rating in each part of the examination in order to receive the final passing score or to be rated on the remaining parts of the examination.

In promotional examinations and re-employment examinations, the Board shall, in determining the final score of candidates, give weight to efficiency, character, and conduct as they deem it to be in the public interest.

408. **Notification of Results**

06/22/2010

The Board shall notify in writing each candidate taking a test of his/her final earned rating. Applicants considered for placement from the general re-employment roster who successfully complete the re-employment examination shall also be so advised and shall additionally be informed of their relative standing for placement in accordance with Rule 502. Successful candidates in entrance examinations shall be advised of his/her relative standing on the examination and of the right of veteran's preference as provided by Minnesota Statute 197.455. Any candidate shall have the right to inspect his/her own examination papers, with the exception of testing arrangements that include a security agreement that shall be posted, within fifteen business days after written notification of his/her score. Inspection shall be limited to one session of no more than 30 minutes. The Board shall correct an error in grading or rating if called to its attention within one calendar month after date of letter notifying candidates of their relative standing on the eligible list. "Error in grading" shall be considered an objective mistake in addition of points or a misread answer key and in no way allows for appeals of subjective testing. Correction in case of original appointment shall be determined on a case-by-case basis, and in most instances shall not invalidate certification or appointment previously made. It shall be the policy of the Board to allow the Secretary of the Board to certify an eligibility list within 24 hours of the time the final scores are compiled. The Board shall review the certified list at their next regularly scheduled meeting.

RULE V
EMPLOYMENT LISTS

4/4/02

501. **Eligibility Lists**

An eligibility list shall be established for each class of positions for which the Board has held either an entrance or promotional examination with the names of all eligible candidates ranked according to final score. The life of an eligibility list may be less than but under no circumstances may exceed two years.

A. **Veteran's Preference**

In entrance examinations, the total weighted score of veterans shall be adjusted as provided in Minnesota Statute 43.30. In short, the statute requires additional points be added to the score of a veteran providing they have successfully completed each part of the examination process. Veteran's preference points can not be used to bring a failing score up to a passing score. Appropriate documentation must be provided to the Human Resources Office specifying veteran status.

B. **Expanded Certification**

If the Civil Service Board believes that there is a significant disparity between the proportions of women and/or racial minorities in a job category based on affirmative action goals, the Board may certify up to 2 eligible candidates from each protected group for which a disparity exists. This certification is in addition to the three candidates certified under Rule VI of the Civil Service Rules. This expanded certification may not include a member of a protected group if that group is one of the three candidates

certified under Rule VI. Certifications under this paragraph must be made from the list of eligible candidates who have scored within the top two-thirds (2/3) of those successfully completing the examination, in order of their standing on the examination. These expanded certification procedures apply only to positions to be filled from the public and do not apply to inside appointments.

C. **Tie Scores**

If two candidates have the same final score on an entrance examination, the name of the candidate who first filed his/her application shall be placed highest on the list.

If two applicants have the same final score in a restricted examination, the candidate having the greatest total City seniority shall be placed highest on the list. If both have equal seniority, the candidate who first filed his/her application shall be placed highest on the list.

D. **Combining Eligibility Lists**

As the Civil Service Board determines a need, a new examination may be held and the names of all resulting eligible candidates may be added to the existing eligibility roster ranked according to final score. The Board shall make every attempt to ensure the scoring used in a merged list is consistent from one list to the other. No eligible candidate shall be listed more than once on a list, or may remain on an eligibility list for more than two years from the date of certification of the name on the list.

E. **Removal of Names from Eligibility Lists**

Names of persons may be removed from eligibility lists for any of the following reasons:

1. When any individual on an eligibility list has been notified of an available permanent position and has refused to accept that position in two separate instances;
2. Upon request of the eligible candidate concerned;
3. After a substantial change in the requirements of a position, failure of a former eligible candidate to fulfill the requirements of the position as determined by the Civil Service Board;
4. If a person is permanently separated from the City service on account of resignation or discharge, he/she shall be removed from any and all promotional lists;
5. If an eligible candidate on an entrance list fails to maintain a record of his/her current address in the Human Resources Office. For this purpose, the return of a letter by the postal authorities if properly addressed to the last address of record shall be sufficient grounds for removal;
6. Failure to comply with the reasonable rules and requirements of the Board in respect to character, residence, physical condition, or otherwise, or who have been guilty of criminal activity, infamous or disgraceful conduct or of any willful misrepresentation, deception, or fraud in connection with the examination or in connection with their application for employment; or
7. Expiration of two years.

502. **Re-employment Lists**

A. **Injured Worker Re-Employment List**

Beginning January 1, 1995, employees separated from City employment (through resignation or termination) as a result of a verified injury shall have their names placed on an injured worker re-employment list for a period not to exceed two years from the date of separation from the City. Employees must meet the minimum requirements for any position being considered, and must successfully complete all testing requirements, including the ability to perform all essential job functions with or without reasonable accommodations. Seniority, longevity, and vacation benefits may be retained from the previous City employment, but shall not accrue during the period of separation. Sick leave shall not be held over from previous employment but shall start over with the new employment date.

B. **Occupational Re-employment List**

Employees laid off or bumped under Section 703 of these rules, or demoted in lieu of layoff in accordance with Section 602B(2)(b) shall have their names placed on an occupational re-employment list by the classification and related position in which he/she was last employed in inverse order of layoff. An employee who was placed on the occupational re-employment list will have the opportunity to return to work within the same job classification from which he/she was demoted, bumped, or laid off or related position in a lower salary range for a period of two years from the time of demotion, layoff, or bumping. Those positions which shall be deemed related for purposes of Rule 502 are contained in Appendix A, which shall be part of this rule. Employees must meet the minimum requirements for any position they are being considered for, and must demonstrate that they can successfully complete any testing requirements for that position. In the case of occupational re-employment to the same position, testing is not required unless the nature of the test has changed significantly.

C. **General Re-employment List**

An employee laid off under Section 703 of these rules, or demoted in lieu of layoff in accordance with Section 602D(2)(b), will, upon written request to the Civil Service Board, be placed on a general re-employment list. The general re-employment list shall be composed of individuals from all departments of the city with their rank to be in inverse order of layoff. Former employees considered for placement from the general re-employment list shall successfully complete an examination for any job classification or related position in which the former employee has not previously served. Former employees applying for a job who have successfully obtained a passing score on an examination for the position sought shall be placed in the job vacancy in accordance with their inverse order of layoff. All applicants must meet the minimum qualifications for the job classification. A laid-off employee that accepts a position under general re-employment shall still be considered eligible on the occupational re-employment list for placement to the position they held at time of lay-off.

D. **Restricted Lists**

Restricted lists are those that are restricted to candidates from within the

classified service, either by promotion, demotion, transfer, or internal application. Any current classified service meeting the minimum requirements of the vacancy and the conditions outlined in Rule IV may appear on an eligibility list restricted to City employees upon successful completion of all testing.

E. **Open Lists**

Open competitive examinations shall be held that may result in an eligibility list containing names from outside candidates as well as current classified service members.

F. **Length of Eligibility**

The eligibility of all candidates on re-employment lists expire two years from the date of their separation from City service.

G. **Notification of Vacancies**

An employee on layoff or separated due to injury whose name has been placed on a re-employment list shall be notified in writing of job vacancies. An employee on layoff or injury-related separation who wishes to be considered for a job vacancy must indicate his/her intent by written request directed to the Human Resources Office within ten business days of the mailing of the notice.

RULE VI
FILLING VACANCIES

4/4/02

601. **Notice of Vacancy**

Whenever a vacancy in the classified service is to be filled, the Human Resources Office shall notify the Civil Service Board of the vacancy to be filled, the approximate time line for testing, and the potential date of the appointment. This can be accomplished at the next regularly scheduled Board meeting, and need not uphold any regular action to begin the selection process.

602. **Types of Appointment**

Vacancies which occur in the classified service, with the exception of the Police Chief, Fire Chief, and City Assessor, will be filled in the following order:

1. from the appropriate injured worker re-employment list;
2. by the appropriate occupational re-employment list;
3. **a) for non-entry level positions:** by promotion/demotion or transfer,
b) for entry level positions: by designated open, restricted, or other eligibility list; or
c) for the position of Police Officer only; from the part-time Police Apprentice program;
4. from the general re-employment list.

Whenever a classified service member has transferred into another

department, been promoted to another position in the same or different department, or takes a voluntary demotion in the same or different department, that classified service member will be released to assume the new position within 30 calendar days of approval by the Mayor.

In the absence of persons eligible for appointment in these ways, a temporary or part-time appointment may be made in accordance with Civil Service Rules.

A. Transfer

In the event the Mayor designates an examination as “transfer only”, the transfer of an employee from a position in one class to a position in the same class in another department may be made by applying to the Human Resources Department for a transfer. There is no testing required for a designated transfer. Human Resources will then forward a recommendation form to the department heads to be signed to accept or release the employee. That form is then presented to the Mayor for approval. If more than one person applies for the same transfer, seniority and qualifications shall be the determining factors. Note: “transfer ” involves positions with the same job title and does not include a change from one position to a different position at the same salary level.

B. Demotion

1. Involuntary

No permanent employee in the classified service shall be involuntarily demoted except for just cause. Just cause shall include but is not limited to inefficiency, incompetence, misconduct, negligence, insubordination, disrespect, or other sufficient action as described in Section 705 of these Rules.

2. Voluntary

a. Upon written request of an employee to the Human Resources Department for a demotion, Human Resources shall notify the department heads involved. A written statement of recommendation shall be made to the Mayor, similar to the process used for transfers. The Mayor's Office shall then make recommendations to the Civil Service Board, who shall have final authority in granting or denying the demotion. To be considered for demotion under this rule, an employee must meet the minimum qualifications for the position requested. Civil Service shall determine the appropriate salary within the lesser salary grade for demotions.

b. The Mayor, with the consent of the affected employee, may demote a permanent or probationary employee in lieu of layoff, in which case his/her name will be placed upon a re-employment list in accordance with Section 502 of these rules.

C. Appointment from Eligibility Lists

Whenever a vacancy in the classified service is to be filled, from an eligibility list, the Secretary to the Board shall submit to the Mayor the three names certified by the Board standing highest on the appropriate list, as well as any names included through expanded certification, to fill the vacancy. If less than three names appear on an internal or promotional eligibility list, the Mayor may select one of the remaining names

from that list, or may request that the Civil Service Board open the competition and have another list be prepared and merged. In the case of a Police Chief, Fire Chief, or City Assessor position, the Mayor may pursue outside candidates to compete with inside employees for the establishment of the list to be certified.

D. Temporary Appointments

The status of any candidate on any employment list who accepts or refuses temporary employment with the City shall not be changed, altered, or affected in any manner whatsoever by the fact of such acceptance or refusal of temporary employment. No benefits shall accrue nor credits be allowed in meeting any qualifications under these rules, or in the giving of any test or the establishment of any employment list for service rendered during employment other than permanent employment. Temporary employees may be dismissed at any time from the position they are holding, and shall not be entitled to a hearing upon dismissal.

1. Emergency Appointment

Whenever an emergency arises which might result in the loss of public property or serious inconvenience to the public requiring the immediate employment of one or more persons without recourse to the regular certification procedures, any officer may appoint any qualified person during the emergency, but in no case for a period exceeding 10 days. The officer shall report immediately to the Mayor and the Secretary to the Civil Service Board giving the name of the appointee, date of appointment, nature of emergency, rate of pay, probable length of employment, character of the duties to be performed, and other such facts as may be required by the Mayor and the Board. The Board may authorize extension of emergency appointments to a maximum of 30 days. Persons appointed in accordance with this section shall not be entitled to benefits over and above what they may already be receiving if they are a City employee. No benefits will be given to outside persons appointed on an emergency provision.

2. Provisional Appointment

Whenever it becomes necessary to fill a vacancy within the classified service and no appropriate list is available, the Mayor may authorize the appointment of a person within the classified service meeting the minimum prerequisites for the class to which the position is allocated. No position shall be filled by a provisional appointment longer than 90 days unless a request is submitted by the Mayor to the Civil Service Board for an extension of the 90-day period.

3. Temporary Full-time Appointment

Employment which, due to its nature, is not year around but must necessarily extend beyond the period of emergency appointments may be filled by the appointment of a qualified person for a period of nine consecutive months or less in any twelve month period. Persons appointed under this section shall not be entitled to benefits.

4. Part-time Appointment

In general, no part-time employee hired as unclassified be granted status as a classified member without fully competing for the classified position and successfully completing all testing. However, in the case of the Police Apprentice program, the Board may allow priority in hiring over outside candidates if the individuals holding such positions have successfully completed a competitive testing and selection process as provided by the Civil Service Board. A Police Apprentice must have served at least 1,560 hours to be considered eligible for priority in becoming a classified member.

603. **Competition Suspended**

In the case of a vacancy in any office which requires peculiar or exceptional qualifications of a scientific, professional, or expert character, and upon satisfactory affidavits that competition is impracticable and that the office can best be filled by selection of some designated person of recognized attainments, the Civil Service Board may by majority vote, with the approval of a majority of all members of the City Council, suspend competition but no such suspension shall be general in its application to such office. (Home Rule Charter Sec. 7.61)

604. **Appointments by Mayor Restricted**

All appointments of employees in the city classified service, except as the Home Rule Charter otherwise provides, shall be made by the Mayor. The selection of the appointees shall be limited to persons certified as eligible by the Secretary to the Civil Service Board. No reductions of rank or removals within the classified service shall be made except in accordance with the rules of the Civil Service Board.

RULE VII

SEPARATION, SUSPENSION, DISMISSAL, LAYOFF, AND DEMOTION

2/21/02

701. **Resignation**

Any employee who wishes to leave the classified service in good standing shall file with the Human Resources Office, at least ten business days before leaving the service, a written resignation stating the effective date. The resignation or retirement notice shall be forwarded to the Mayor, for acceptance.

Failure of the employee to comply with this rule shall be entered on the service record and may be cause for rejecting future employment with the City, and for denying leave benefits. The Human Resources Director shall report to the Mayor immediately he resignation of an employee who fails to comply with this rule.

702. **Absence Without Leave**

Any employee who is absent from duty without securing leave from the department head shall be subject to disciplinary action.

Any employee who is absent from duty more than three (3) consecutive work days, except in the case of firefighting personnel more than three (3) consecutive work

shifts, without securing leave from the department head, shall be treated as having resigned without notice.

703. **Layoff**

The Mayor may lay off an employee without pay in the classified service in accordance with this rule. An employee may be demoted in lieu of layoff in accordance with Section 602.

The duties formerly performed by laid off employees may be assigned to other permanent civil service employees.

A. Definitions

1. Earned Seniority

Earned seniority for purposes of Rule 703 shall include only permanent and continuous employment time.

- **A suspension is a disciplinary action whereby the employee does not report to work.** Periods of suspension will be deducted in computing seniority.
- **A Leave of Absence is generally at the request of the employee and may be approved for specific reasons including but not limited to illness, injury, military duty, or parental leave.** Authorized leaves of absence with pay for periods under 365 calendar days shall be deemed as continuous employment and shall not result in loss of seniority.
- **A Layoff is a status whereby an employee, for economic reasons, has been displaced from their position.** Layoffs for periods under 365 calendar days shall be deemed as continuous employment and shall not result in loss of seniority. A maximum of one year of seniority may be accrued while on layoff, along with full longevity benefits upon the employee's return to work. Holidays, vacation, and sick leave benefits shall not accrue during layoff.
- **Separation from employment is a status whereby the individual is no longer employed by the City, either voluntarily through resignation or retirement, or involuntarily through termination.** Seniority does not accrue while separated from City service for any length of time.

2. Total City Seniority

Total City seniority for purposes of Rule 703 shall mean the total earned seniority as a City employee in any of the City's operating departments. Time with more than one City department may be used and added together to determine total City seniority. Former employees who return to City employment in the classified service

through the injured worker re-employment list in accordance with Article 502A may retain their previous seniority status.

B. Order of Layoff

Layoff of permanent employees will be made in inverse order of total City seniority within job classification in the department involved. Part-time, temporary, and probationary employees in the same classification will be laid off prior to the layoff of full-time employees. When two or more persons in the class and department in which the layoff is to be made have equal seniority, the order of layoff in such cases will be in inverse order of date of acquisition of Civil Service status. If permanent Civil Service status was acquired at the same time, the order of layoff will be determined by the inverse order of selection from the eligibility list. If order of selection from the eligibility list is the same, the order of layoff will be determined by the inverse order of date and time of application.

C. Layoff Notice

1. In every case of layoff of a permanent officer or employee, the Mayor or authorized designee will, at least thirty days before the effective date thereof, give written notice to the employee and his/her representative setting forth the reasons therefor. In every case of layoff of a probationary employee, the Mayor or authorized designee will give written notice to the employee and his/her representative. Such notice will not be subject to the thirty-day requirement applicable to the employees who have permanent civil service status.

2. An honorably discharged veteran, as defined by MSA 197.455, shall be laid off only in accordance with the provisions of MSA 197.46.

D. Bumping

The bumping procedure is based primarily upon total City seniority. The seniority earned in more than one classification may be accumulated provided the required probationary period was completed in each classification for which seniority is claimed.

1. Bumping shall be in inverse order of seniority and salary grade within job classifications or related positions in accordance with these rules. Related positions are demonstrated by the promotional tracks established by the Board.

2. Any employee who receives notice of layoff pursuant to Rule 703 shall, by giving written notice to the Secretary of the Civil Service Board within 10 business days, have the right to replace the least senior employee in each position on the promotional track having equal or lower salary range and who has less if minimum requirements are met for that position at the time of the layoff notice. Any employee who receives notice of lay off will be given a listing of the positions they may be eligible to bump into. Within the prescribed 10 business days, they must give notice to the Secretary of the Board of their preference, in order, of the positions into which they may bump. If more than one person selects the same position as top choice, seniority and qualifications shall determine who gets which position. The Secretary shall make recommendations to the

Board, who shall review all recommendations before making their own recommendation to the Mayor. The decision of the Mayor shall be final. Seniority may be accumulated in all positions for the purpose of this subparagraph.

3. A laid off employee shall also have the right to replace the least senior employee who has less total City seniority **in a position which the laid off employee previously held** .

4. Employees who bump another employee shall be placed on the salary step for the range that is the same as their current salary, or placed on the top of the pay range for the position, whichever is less.

5. Employees who bump another employee in a classification with minimum qualifications that include specialized licensing, an education requirement, or years of experience, must meet those criteria at the time of appointment. The Board may consider special circumstances.

704. Suspension

The department head may, for disciplinary reasons, suspend without pay any employee in the classified service from the performance of his/her duties for no more than 30 days due to inefficiency, misconduct, negligence, insubordination, disrespect, and other sufficient causes. In every such case of suspension, the department head shall first give written notice to the employee, the appropriate employee organization (if the employee is a member of a bargaining unit), the Mayor's office, and the Civil Service Board, which notice shall state the reason for the suspension.

If the employee wishes to appeal the suspension, he/she may do so by starting at Step 3 of the grievance procedure (notice to the Mayor's office). The employee may appeal an adverse decision of the Civil Service Board at Step 4 of the grievance procedure to Stearns County District Court in the same manner as appeals under Section 705 E.

705. Dismissal, Involuntary Demotion

A. Just Cause; Notice; Charges Filed

No permanent employee in the classified service shall be dismissed or involuntarily demoted, except for just cause, which shall include but not be limited to inefficiency, incompetence, misconduct, negligence, insubordination, disrespect, or other sufficient causes. No such action shall be taken except after the employee and appropriate employee organization (hereafter representative) have been given notice of the action in writing by the Mayor. and given the opportunity for a pre-termination or pre-demotion hearing. Such hearing shall be scheduled by the Mayor or authorized designee, and the employee may be placed on administrative leave pending the outcome of such hearing. A copy of the determination notice of termination or demotion shall be transmitted to the Board. Upon written request made by the employee within 15 calendar days after receipt of such notice, a hearing shall be held by

the Board. The Board shall have 10 business days to provide written notice to the employee and his/her representative of the time and place of the hearing. Action of the Mayor shall be final if no such written request is made within 15 calendar days after receipt of the notice of dismissal or demotion, provided, however, an honorably discharged veteran, as defined by MSA 197.455, shall be removed only in accordance with the provisions of MSA 197.46.

B. Hearing by the Board

The hearing on the charges shall be open to the public and each member of the Board shall have the power to issue subpoenas, to administer oaths, and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. The Board shall require by subpoena the attendance of any witness requested by the employee or the City who can be found in Stearns, Benton, or Sherburne County. The Board may make complaint to the District Court of Stearns County of disobedience of its subpoenas or orders and the court shall prescribe notice to the person accused and require him/her to obey the Board's subpoena and order and punish disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage as for attendance upon district court, except that any officer, agent, or employee of the municipality who receives compensation shall not be entitled to fees or mileage.

C. Determination

If, after the hearing the Board finds that the charges are sustained, the action of the Mayor shall be final unless an appeal to the courts is taken as provided hereinafter. If the Board finds that the charges are not sustained, the employee shall be immediately reinstated to his/her position, and in all cases shall be paid all back pay due.

Pursuant to Minnesota Statute 44.08, Subd 3, the Civil Service Board, when acting as the Veteran's Preference Hearing Board, shall have the discretion to fashion a remedy other than that prescribed by the City if they have determined that extenuating circumstances are involved.

D. Findings and Orders

Findings and orders of the Board shall be filed within three business days after the completion of the hearing with the Secretary of the Board. The Secretary shall forthwith give written notice of the decision to the affected employee and his/her representative and to the Mayor.

E. Appeal

The employee or the Mayor may appeal to Stearns County District Court from an order of the Board hereunder by serving written notice of the appeal upon the Secretary of the Board within ten business days after he/she has received notice of the Board's order. Within five business days after service of the notice upon him/her, the Secretary shall certify the record of the proceedings, including all documents, testimony, and minutes to the Clerk of District Court in and for Stearns County.

RULE VIII
LEAVES OF ABSENCE

1/16/03

801. Leaves of Absence Without Pay

Any employee in the classified service is mentally or physically incapacitated to perform his/her duties; or who, for any stated reason, including maternity, wishes to absent himself/herself from his/her duties; may be granted a leave of absence in accordance with Section 802 of these rules. Such leave shall be granted only when it is deemed to be in the best interest of the City, and shall not exceed one year.

802. Procedure for Requesting Leaves of Absence

All requests for leaves of absence other than sick leave, funeral leave, vacation leave, and leave to attend employee organization meetings, shall be made by the employee, on forms provided by the City, to his/her immediate supervisor in accordance with the following schedule:

- A. For leaves of more than 30 days, prior approval is required by the Civil Service Board; one month's notice shall be given unless because of special conditions this time period is waived by the Board upon recommendation of the Mayor's office.
- B. For leaves of absence which do not require prior approval by the Civil Service Board or the appointing authority, such as military duty, jury duty, and appearances before a court, notice shall be given by the employee immediately upon his/her knowledge of the need for such leave.
- C. Leaves of less than 30 days are addressed in the Employment Guide as well as in the labor agreements.

An employee's request for a leave of absence of more than 30 days shall be answered, within two weeks after his/her request, by the Civil Service Board.

803. Benefits While on Leave of Absence

A maximum of one year of seniority may be accrued while on an approved leave of absence, along with full longevity benefits. Holidays, vacation, and sick leave benefits shall not accrue during an approved leave of absence without pay and are not considered a paid benefit while on such leave.

804. Re-employment After Leave of Absence

After an approved leave of absence, an employee shall be returned to the position held at the time when the leave was requested, or to a similar position. If an employee is granted a leave of absence for educational purposes, that employee will be

given first opportunity for any job opening which occurs in the same or a similar classification to that previously held, and for which the employee is qualified.

805. Cancellation of Leaves

The Board may cancel any leave of absence of more than 30 days at any time upon prior written notice to the employee specifying a reasonable date of termination of the leave.

806. Family/Medical Leave

The Family/Medical Leave Act requires employers to allow an employee up to twelve weeks of unpaid leave for reasons of illness or serious medical condition of the employee or in the employee's immediate family. Twelve weeks are configured by a "rolling back" method whereby the leave time is considered for any time taken during the twelve calendar months immediately preceding the requested leave. A Physician's Certification is required to demonstrate the need for the leave and the anticipated duration. Classified members are required to use their accumulated sick leave for Medical Leave purposes before extending the leave into a leave without pay. All leave, paid or unpaid, counts toward the twelve week requirement. The City is required to hold the employee's job open and maintain health benefits for the duration of the leave. If the employee fails to return at the conclusion of the twelve weeks (unless for reasons of continuing medical condition) and has no other approved arrangements, the City is no longer obligated to hold the job open or to maintain the health benefits and the employee will be considered to have voluntarily resigned. If the Physician's Certification is not returned as required by law, no leave will be granted. The City has the right to question the validity of any claim for Family/Medical Leave and may require a second opinion. If the second opinion differs from the first, a third opinion shall be sought and considered binding. A medical leave of absence may be approved for up to one year, provided there is a reasonable expectation that the employee will return to full duty within one year, with or without reasonable accommodations. It is the express obligation of the employee to inform the City of any accommodations requested. The City maintains the right to determine the reasonableness of the request.

RULE IX
GRIEVANCE PROCEDURE

4/4/02

901. A grievance is defined to be a dispute between the City and an employee as to interpretation, application, or violation of any terms or provisions of the Civil Service Rules, except dismissal or demotion, which shall be governed by Rule VII. Should any employee have a grievance, an earnest effort shall be made to adjust such grievance promptly in the following manner:

Step 1. The employee with or without an advisor shall take up the grievance

or dispute with his/her immediate supervisor (first level of supervision outside the bargaining unit) within seven (7) calendar days of his/her knowledge of its occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the employee or his/her advisor within seven (7) calendar days.

Step 2. If the grievance has not been settled at Step 1, it may be presented in writing by the employee or his/her advisor to the department head within ten (10) calendar days after the supervisor's response is due. The department head shall respond to the employee or his/her advisor in writing within ten (10) calendar days.

Step 3. If the grievance has not been settled at Step 2, it may be presented to the Mayor's office in writing within ten (10) calendar days after the response of the department head is due. The Mayor's office shall respond in writing within ten (10) calendar days.

Step 4. If the grievance has not been settled at Step 3, it may be presented in writing within ten (10) days after the response from the Mayor's office, to the Secretary of the Civil Service Board. The Board shall hold a hearing on the matter within ten (10) calendar days after the receipt of the grievance (usually received at the next regular Board meeting). At the grievance hearing all parties shall be granted an opportunity to be heard. Written notice of the decision of the Board shall be given within five (5) calendar days after the hearing.

902. Any grievance which has not been presented or been appealed to the next step within the required time period shall be considered as dropped, and shall not be subject to further discussion or appeal. If the City does not answer a grievance within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual written agreement of the City and the employee.

RULE X **PERFORMANCE EVALUATIONS**

1/16/03

1001. Rating Procedure

Standards of performance established as a basis for performance evaluations shall have reference to the quality and quantity of work done, the manner in which public service is rendered, the faithfulness of employees to their duties, and such other characteristics as will measure the value of the employee to the City. The Board may investigate the accuracy of reports of ratings to conform to the facts as ascertained. It is the duty of the Board to provide for uniformity of application of the standards by different rating officers within each department. Each employee shall be notified by their supervisor/Department Head of the time and place for the performance evaluation, and shall be responsible to prepare for such review. The review shall serve as a means of open communication with the supervisor/Department Head so that it may serve as an aid in correcting weaknesses and building on performance successes. The report and

records on which the ratings of each employee are based may be inspected by the employee, by the department head, and, with the approval of the Board, by any other department head who is considering a transfer of the employee to his/her own staff.

1002. Use of Ratings

In such manner as the Board may approve, performance evaluations shall be considered as a factor in promotion and demotion, and as a means of recognizing employees who should be promoted, demoted, transferred, or dismissed. Performance evaluations may also be considered by the Council and the Mayor in determining eligibility for salary increases and decreases.

RULE XI
RECORDS AND REPORTS

Removed 12/30/02

RULE XII
PROHIBITIONS AND REQUIREMENTS

10/30/97

1201. Discrimination Prohibited

No person in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, or in any way favored or discriminated against because of his/her race, political, or religious opinions or affiliations, sex, creed, nationality, or because of participation or nonparticipation in union affairs.

Classified employees alleging discrimination in connection with these rules may appeal under Section 901, Grievance Procedure, of these rules. Applicants alleging discrimination may appeal under Section 901, Step 4 of these rules.

1202. Influences Other Than Merit

No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render, solicit, or pay any money, service, act, or other valuable thing to any person for or on account of or in connection with his/her test, appointment, proposed appointment, promotion, or proposed promotion.

No person shall willfully or corruptly make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment held or made under the personnel provisions of the Home Rule Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. (From Sec 7.90, Home Rule Charter)

1203. Political Activity

No classified service member shall, directly or indirectly, during his/her hours of employment, solicit or receive funds, or at any time use his/her position or official influence to compel any other employee to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity.

Any classified employee shall take an unpaid leave of absence upon becoming a candidate for any public office if the Mayor determines that the candidacy conflicts with the employee's regular City employment. Such leave of absence shall terminate on the day following the date of election for which the employee was a candidate.

A classified employee elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and the City. When an employee takes time off without pay, the City shall make a reasonable effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the City for absences to attend meetings necessitated by reason of the employee's office (reference Minnesota Statute 211.B10 Subd.2).

1204. Outside Activities

2/10/2012

An employee holding a position in the classified service shall fulfill to the best of his/her ability the duties of his/her office or position. An employee who wishes to engage in employment outside of City employment must first furnish proof to the City of St. Cloud that he/she is covered by worker's compensation insurance in his/her outside job.

No employee within the classified service shall be permitted to engage in any activity outside of City employment which will prove incompatible with City employment. This shall be determined by the Civil Service Board upon the recommendation of the Department Head.

No Police Officer may own or operate an on or off-sale liquor store as defined by state law, or an on-sale 3.2 beer establishment.

Any violation of this section shall be deemed just cause for dismissal.

- A. No member on the Police Department payroll shall own, operate, or be employed in any business that requires a license issued by the City of St. Cloud, pursuant to ordinances of the City of St. Cloud, without the express prior approval of the Civil Service Board. Exigent approval may be granted by the Chief of Police, pending approval by the Civil Service Board.
- B. Any member on the Police Department payroll, prior to the adoption of this rule, who is engaged in a licensed business mentioned in the preceding paragraph shall have six months from the adoption of this provision to either:
 - 1) obtain permission from the Civil Service Board; or
 - 2) remove him/herself from the business activity prohibited under this section.
- C. No member on the Police Department payroll, on initial employment probation, extended (10 working days) sick leave, and/or injury on the job, shall

be employed in any outside employment without express prior approval of the Civil Service Board.

D. Members on the Police Department payroll who have received prior approval to perform outside employment shall limit the number of hours in order that they do not conflict with the employee's primary duties.

E. In the event of an emergency, such personnel shall be ready and available for duty at all times.

F. All such requests for outside employment shall be made by the employee, on forms provided by the City, and forwarded through the chain of command to the Civil Service Board.

1205. Employees Utilized for Civil Defense

All employees holding a position in the classified service shall be utilized for civil defense purposes, during on-duty hours, to the maximum extent practicable.