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1 Introduction

The following rules, approved by the Civil Service Commission and the City Council in accordance with the City Charter, shall govern employment by the City of Saint Paul.

These rules have been written for the purpose of giving direction and uniformity to the merit system and for attaining the objectives listed below for the City of Saint Paul.

1. The recruitment and selection of qualified applicants for positions in the City service through adequate publicity, for entry level positions, suitable promotion procedures, and legally and professionally approved testing programs.
2. The provision of adequate and equitable compensation for all employees.
3. The provision of training for employees, as needed, to allow each employee to realize their full potential as an employee and to ensure high quality performance of duties by employees.
4. The retention of employees on the basis of adequate performance, and the separation of employees on the basis of inadequate performance of job duties.
5. The fair and impartial treatment of applicants and employees without regard to race, color, national origin, sex, religious creed, or political affiliation.
6. The protection of employees from coercion for partisan political purposes.
7. The maintenance of accessible avenues of appeal for grievances of employees and applicants.
8. The effective communication of personnel policies and procedures to applicants, employees, supervisors, department heads, and interested citizens.

2 Definitions

The term “**Commission**” used alone shall mean the Civil Service Commission.

The term “**Director**” used alone shall mean the Human Resources Director.

The term “**office**” shall mean the Office of Human Resources.

The terms “**regular appointee**” or “**regular appointment**” shall mean any appointee or appointment in the Classified Service other than a temporary, provisional, or emergency appointee or appointment.

The term “**position**” shall mean any specific employment for the performance of certain duties and for the exercise of certain responsibilities by one individual. A position may be either occupied or vacant.

The term “**class**” shall mean a group of positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class, that the same entrance qualifications may be required of applicants for employment, that the same tests of fitness may be used to choose qualified employees, and that the same rate of pay may be applied with equity to all positions in the class. (E.g. Clerk-Typist I)

The term “**ungraded class**” shall refer only to classes for which there are contracts establishing a single rate or very narrow range of rates which prevail in industry in the local area; or in which employment is always intermittent, or is paid for on a basis other than actual hours worked. All other positions are graded.

The term “**grade**” shall mean a group of classes of positions sufficiently similar with respect to the level of duties and responsibilities, or with respect to the prevailing rates of pay in this area for comparable work, that the same pay rates may be applied with equity to all classes of positions in the grade.

The term “**internal**” shall refer to employees who have been certified into a classified position.

The term “**internal only**” shall refer to examinations open to employees who have been certified into a classified position.

The term “**longevity step**” includes the five-year step and all steps thereafter.

The terms “**open entrance**” or “**open eligible**” shall refer to examinations open to the general public.

The term “**promotion**” shall mean any change of an employee in the classified service from a position of one class to a position of another class for which there is a higher maximum rate of pay.

The term “**promotion rights**” shall refer only to classifications in the AFSCME Clerical and Technical bargaining units or sworn police and fire promotional positions in accordance with Rule 14.

The term “**sickness**” shall mean bodily disease or affliction, when such disease or affliction is in fact disabling, and shall include any disabling ailment or condition due to bodily injury. Mental affliction or chemical dependency may be recognized as sickness but only while the employee is under medical treatment for such dependency.

The term “**appointing officer**” shall mean the department or office director or any person they may designate. The term shall include the appointment body also, where the appointment is not made by an individual officer.

3 Positions in the Classified Service

The Classified Plan shall contain all the classes in Classified Service and shall consist of graded classes and ungraded classes.

- A. The Office of Human Resources shall keep on file an up-to-date copy of the classification plan, which shall include the titles and grades of all classified graded positions and the titles of all ungraded positions in the classified service.
- B. Any changes, affecting the grade of a position, made to the classification plan shall be submitted to the City Council for its approval.
- C. Whenever discretionary changes are made in accordance with this Section by the Human Resources Director, the effective date of the action shall be preceded by a twenty-day public notice period. This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments.

4 Announcements of Positions Available

Announcements of examination for positions shall be posted for at least twenty calendar days, or at least ten calendar days if written consent is obtained from the affected bargaining unit, and shall indicate the following:

1. The kinds of tests and examinations included in the examination, and the relative weight assigned to each.
2. Those tests which are competitive, and those which are qualifying.

5 Application Requirements

5.A Filing Applications

Applicants must complete applications furnished by the Office of Human Resources. No applications shall be accepted after the deadline specified in the official announcement; however, incomplete applications may be amended. Applicants, eligibles, and employees must notify the office of changes in address. Applicants must comply with all laws and ordinances in any way affecting employment in the positions for which they apply. The Office of Human Resources may require the presentation of certificate of competency, licenses, or other evidence of special qualifications.

5.B Age

Except as otherwise provided by State Law, the Human Resources Director may, at the director's discretion, fix any reasonable age limit as a requirement for entrance to examinations. Such age limits shall be published in the official notice of examinations. No person shall be kept on an eligible register whose age does not conform to the age requirements.

5.C Education

In any examination in which the applicant intends to fulfill the minimum requirements with an academic degree, applicants may be admitted to the examination if they are in their last school year prior to graduation at the required level in the required field; however, any such candidates who attain places on the resulting eligible list shall not be certified to any vacancy until they have graduated.

5. D Residence

Applicants for original (non-promotional or non-internal) entry to a position in the classified service of the City of Saint Paul who have been a resident of the City of Saint Paul for at least one (1) year immediately prior to the application deadline for said position shall receive an additional ten (10) points on their final examination score for rank-ordered examinations, provided that the applicant must attain a passing grade before the additional ten (10) points are added. This section 5D shall have no applicability for employment in Independent School District No. 625.

For those bargaining units which have residency clauses in their Collective Bargaining Agreement, the provisions of their Agreement shall control.

5.E Character and Fitness

Character of eligibles shall be investigated and references verified in advance of certification. Such investigation shall be made with respect to the activity of the list, and inquiry shall be periodically updated.

Eligibles may be removed from any eligible register for insufficient references or because of unsatisfactory references or personal qualifications, upon recommendation of the Human Resources Director.

Eligibles so removed may appeal the decision to the Civil Service Commission. Appeals must be made within ten working days of removal letter being sent.

Upon notification of a candidate's intent to file an appeal, no appointments will be made from a promotion eligible list until the hearing decision has been made.

Eligibles previously discharged from the City service shall be called to the Office of Human Resources to make explanation. In default of such appearance or in case of unsatisfactory explanation, their names shall be excluded from the eligible list.

No person who has been separated from the public service because of fault or delinquency on their part shall be admitted to any examination or certified to any position for at least one year after such separation.

5.F False Statements

Any false statement made with the intent to commit fraud, any fraudulent conduct, or any attempted deception by an applicant or eligible, or by others with their connivance, in any application, paper, or document submitted to the Office of Human Resources, or in any examination, shall bar such applicant or eligible from further examinations for at least two years; and, in addition, if such person has their name enrolled on any eligible or promotion or reinstatement register, such person shall forfeit their rights in any and all registers on which their name may appear, provided that that name of no person shall be removed from a register without first having an opportunity to be heard on their own behalf.

In the case of connivance, all parties thereto shall be deemed equally guilty under this Section.

5.G Pensioners

(Deleted per Council Resolution CF #98-344, 05/15/1998)

5.H Medical

The Human Resources Director may establish medical standards but only for the purpose of determining the applicant's ability to perform the essential job functions of the position for which they are applying.

6 Examination Procedures

6.A Conditional Acceptance for Examination

An applicant may be conditionally permitted to complete an examination, if such conditional acceptance is for the purpose of enabling the applicant to submit additional proof of their ability to meet qualifying requirements, which are of a non-competitive nature and not part of the direct examination used to determine the relative standings of the eligible list. No person whose name is on any eligible list conditionally shall be certified until that person has complied with all requirements.

6.B Examination Contents

The examinations shall contain only those tests and evaluations, which in the judgment of the Director, according to merit principles, will fairly test the relative ability of the applicants to properly perform the duties of the position.

All examinations shall be competitive. For the purposes of a non-promotional position, a competitive examination may either qualify or rank-order applicants.

Examinations may contain subjective, objective, written, oral tests; oral interviews; practical or demonstrative tests; physical tests; or evaluations of the applicant's fitness, past training, or experience to perform the duties of the position. The total number of points possible in any examination shall be one hundred.

Notwithstanding any provision of these Rules to the contrary, all entry level and promotional examinations for positions in the Department of Fire and Safety Services, which are to be filled by sworn personnel, shall be competitive in nature.

The weight of any oral test shall not exceed thirty percent (or 30%) of the examination; however, this restriction shall not apply in examinations for any position listed under the Professional/Administrative Non-Supervisors, the Professional/Administrative Supervisors, the Technical Groups, Food Service positions, Police Officer, or Parking Enforcement Officer.

Oral tests may be of the question and answer type used to test the candidates' knowledge of the duties of the position in question, or may be of the interview type used to test the candidates' personal fitness for the position in question. When oral tests are used, they shall be rated, whenever practicable, at the discretion of the Director, by the use of and in accordance with standardized rating procedures especially designated for such purpose.

In addition to the tests used for original entrants, or in lieu of some of those tests, rating of service and seniority may be used for promotion candidates, and these may be assigned such weights as the Director may judge proper.

6.C Examination Administration

All examinations shall be prepared and held under the direction of the Director, who may designate City employees or employ persons from outside the City as special examiners to assist with the preparations, conduct, or grading of any examination.

Records shall be kept for one year of examinations, questions, and applicants' answers. In the case of oral tests, records also shall be made, so far as practicable, of all conversation and discussion between applicants and examiners.

6.D Examination scoring

All applicants whose average scores are less the seventy-five percent (or 75%) correct in the examination taken as a whole, or in any test or evaluation which is part of the examination if so published in the official announcement, shall have failed in the examination, their names shall not be disclosed.

Both promotion and original entrance examinations, including any oral test or evaluation, shall be marked according to the same standards.

In the case of all competitive examinations given pursuant to these rules, all tests shall be graded on the basis of the correct answers given by the applicant. In no such cases shall such test scores be adjusted, upwards or downwards, in order to arrive at a final test score.

When two or more examiners rate answers or tests independently, the final rating for each answer or test shall be an average of the individual rates.

Questions found by examiners to be unfair, misleading, or in the nature of catch questions, shall be eliminated and the average rating determined on the remainder of the test.

The current standards for evaluating applicants' job-related training and experience, and fulfillment of minimum requirements, shall be kept on file as public records.

Allowance shall not be made to an applicant for time lost by the applicant in an examination.

6.E Examination Inspection by Applicants

Every applicant shall be given an opportunity to inspect the scoring of their papers, and any "short answer" questions and answers used in the examination – except where standardized, copyrighted tests have been used and the inspection is prohibited as a requirement of the person(s), business, or agency which obtains the copyright on the test.

An incorrect answer or error in the scoring of an examination may be corrected if brought to the attention of the Office of Human Resources not later than ten working days after the date of the examination. Any appeal of a decision of the Office of Human Resources regarding an examination question must be made in writing within five days of the date the notice of the decision was sent or given to candidates. However, if any change is made in any candidate's

papers, the papers of all other participants in the examination shall also be reviewed; and no person certified and appointed as a result of the examination shall be displaced by reason of such correction.

6.F Examination Postponement or Cancellation

The Office of Human Resources shall notify applicants of any postponement or cancellation in any examination.

7 Eligible Lists

The names of all applicants who pass the examination shall be placed on an eligible list in the order of their examination scores, and shall remain on the list until they are hired or until the list expires. If any applicant's scores are equal to the scores of anyone certified under [Section 8.A](#) of these Rules, their names shall also be certified. In the case of an open continuous examination, all applicants who pass the examination can be certified in accordance with [Section 8](#) of these Rules as if there was a new examination for such title each day. The names of those not immediately employed shall be placed on an eligible register in the order of their scores.

If any applicant is a Veteran, additional points shall be added to their score, in accordance with Minnesota State Law.

If two promotional eligible lists for the same position are in force, the second list shall be treated as a continuation of the first list. Eligible lists shall remain in effect for a period of six months from the date of their establishment unless, at the sole discretion of the Director of Human Resources, it is determined that a longer duration list, not to exceed one year, would be advisable for the best interests of the City. The Human Resources Director may extend an eligible list for the title of Fire Fighter, for a period up to but not exceeding three years as may be advisable for the best interests of the City.

The eligible list for Library Aide shall expire six months after the date it is established unless extended at the discretion of the Human Resources Director.

Examinations may be announced as open, internal only or promotion only. Internal only shall refer to examinations open only to employees who have been certified into a classified position. Promotion only shall refer only to classifications in the AFSCME Clerical and Technical bargaining units and sworn Police and Fire promotional examinations.

When an examination is scheduled for both promotion and original entrance, the names of eligibles shall be entered on separate eligible lists; those who have promotional rights shall have their names entered on a list called the "Promotion List", and all other eligibles shall be entered on the list known as the "Open Entrance List". If there is a Veteran on the open eligible list and a promotion list exists, the lists shall be merged as an open eligible list.

Any person who resigns from the City Service shall not, during such separation, be certified from any eligible list as a promotion or internal eligible.

If an applicant is included on more than one eligible list, and has been appointed from one list, the applicant shall be removed from all other lists for equivalent positions, but shall continue to be included on lists for higher-paying positions.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director, the effective date of the action shall be preceded by a twenty-day public notice period. This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments.

8 Filling Vacancies

8.A.1

Whenever a vacancy in a Classified position occurs, unless the vacancy is to be filled by reduction, transfer, reinstatement after layoff, or reinstatement after voluntary reduction, the appointing officer shall make a requisition for certification of the form prescribed by the Human Resources Director. The vacancy shall be filled whenever possible in the following order:

1. By reduction
2. By transfer
3. By reinstatement after layoff
4. By reinstatement after voluntary reduction
5. By promotion
6. By reinstatement after resignation or from the internal only or open eligible lists.

Appointing officers have the authority to appoint and employ, in accordance with the titles and grades in these Rules, the number of persons authorized by the City Budget in effect and approved by the Budget Director.

In the absence of an eligible list for a position requested, the Office of Human Resources may certify from higher classes to vacancies occurring in lower classes, or from the eligible list of the nearest equal or higher graded appropriate list, where the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made. Certification from a related list as described in this paragraph shall be made only from an internal only or open eligible list.

Appointing officers have the authority to appoint and to employ an employee to more than one title concurrently. However, appointment to each title must be made in accordance with all applicable Civil Service Rules. Such multiple appointments may be made only in situations where it is reasonable to expect the employee to be assigned for at least one day per calendar year in each title. Such multiple appointments must be approved by the Human Resources Director.

8.A.2

Employees whose positions have been reclassified in accordance with Section [25.C](#) of these Rules shall have preference in certification to their positions from the promotional only or internal only eligible lists irrespective of their standing on the list. The Director may authorize an appointing authority to promote an incumbent without further competitive examination to a classified position, which has been reallocated to a different classification because of changes in job duties, and responsibilities, which are not the result of planned management action. This

authorization may occur only if the incumbent has performed the critical duties of the higher position for one year or more, meets the minimum qualifications, has been certified into a classified position, and has demonstrated satisfactory performance in their position.

8.A.3

Vacant positions shall be filled from a promotion eligible list in the following manner:

Single vacancy from a requisition shall be filled as follows:

The Office of Human Resources shall certify to the appointing officer a list of eligibles, which shall include the top three eligibles, plus the top three eligibles from the appointing division plus ties. If the top three certified eligibles are from the appointing division, no further names shall be certified.

Multiple vacancies from a single requisition shall be filled as follows:

The Office of Human Resources shall certify to the appointing authority the number of eligible on the list necessary to fill the number of vacancies, plus two additional scores, plus ties.

If the top three certified eligibles are not from the appointing division, then the certification shall be expanded to include the required number of eligibles from the appointing department.

8.A.4

When two or more titles are combined into a new title, the Director may authorize the appointing authority to appoint affected employees to the new title without further competitive testing as long as they have been certified to one of the titles being combined, and they meet the minimum qualifications for the new title. Seniority will be determined in accordance with [Section 22](#) Layoff.

8.A.5

The Human Resources Director may conduct pilot and/or research projects designed to enhance recruitment, selection, experimental learning placements, pre-entry training programs, employee career development programs, inclusive of apprenticeship, and on-the-job training programs, referral, and/or appointment processes for the filling of City positions.

The Human Resources Director, prior to taking any employment action in the above referenced pilot and/or research projects, shall obtain the approval of the Mayor, and if approved, obtain the consent of the Council. Notice to the affected bargaining units shall be given and at such time, the bargaining units have the right to discuss their issues as well as present recommendations for changes in the project. Notice to the City Council will be given for review and subsequent approval/denial of the project. Written documentation shall be provided by the Human Resources Director for review prior to approval. Documentation shall include the following:

- a. Assurance that the proposal does not supplant existing certified employees;
- b. Identification of Civil Service Rules affected by the proposal, if any;

- c. Participants in programs will be certified, having a probationary period, involved in structured training and will be provided an out placement referral service;
- d. Classifications created through the proposal will be assigned to the appropriate bargaining unit as per our present policy and procedures;
- e. It is recognized that any affect on terms and conditions of employment are subject to negotiations;
- f. Pilot employment projects will be in accordance with State and Federal laws and/or regulations and the Saint Paul City Charter; and
- g. Reference to the City Policy Objectives sought to be served by the pilot and/or research project.

Appropriate Civil Service Rules, if approved by the Mayor and City Council can be suspended for the purposes of these projects. Their suspension is limited for the time period as specified for the project. A project will not exceed a three year time span. An evaluation report is to be submitted to the Mayor and Council within three months of the end of the project.

8.B.1.

Vacant positions shall be filled from an original entrance list in the following manner:

8.B.1.a

Vacancy Filled from an Open Eligible List

Single vacancy from a requisition shall be filled as follows:

For Lists Having Twenty or Fewer Eligibles

The Office of Human Resources shall certify to the appointing authority the three highest scoring eligibles from the list, plus ties. In addition, the Office of Human Resources shall certify to the appointing authority the three highest scoring eligibles, plus ties, in each protected-class group. The appointing authority may appoint any eligible so certified.

For Lists Having More than Twenty Eligibles

When underutilization or underrepresentation, as defined in Section 8.B.1.b., does not exist in any protected class, the Office of Human Resources shall certify to the appointing authority the three highest scoring eligibles on the list, plus ties. In addition, the Office of Human Resources shall certify the three highest scoring eligibles on the list, plus ties, from each and every protected class who are among either the top thirty-three percent (or 33%) or the highest scoring twenty eligibles on the list, whichever will produce the greater number of protected-class eligibles. The appointing authority may appoint any eligible so certified.

When a specific job title is underutilized or when underrepresentation exists in the Saint Paul Board of Education civil service work force or City of Saint Paul's department/division work force, certification will be as follows: the Office of Human Resources shall certify to the appointing authority the three highest scoring eligibles, plus ties, of each and every protected class who are among the top forty-five percent (or 45%) of the highest scoring eligibles on the overall list. The appointing authority may appoint any eligible so certified.

8.B.1.b

Definitions

Number of eligibles on a list: For purposes of determining the number of eligibles on a list, this number shall be determined at the time a new list is established and shall include only those new persons who took and passed the most recent examination and are placed on that list.

Underrepresentation: A condition that exists at any given time when the percentage of each protected-class group within the overall work force for the Saint Paul Board of Education and the departments/divisions of the City of Saint Paul are below the City's goals for each protected-class group as contained in the City's adopted Open Opportunity Program Action Plan/Affirmative Action Plan (OOPAP/AAP).

Underutilization: A condition that exists at any given time when the number of protected-class members employed in the job categories is fewer than the number of qualified protected-class members that would reasonably be expected to be employed by the availability in the relevant labor market areas, based upon census data and information as contained in the City's adopted Open Opportunity Program Action Plan/Affirmative Action Plan (OOPAP/AAP).

Disabled: For the purpose of these Rules, shall be defined using the federal government's definition of a disabled person based upon the definition contained in the Americans with Disabilities Act (ADA).

8.B.1.c

Multiple Vacancies from a Single Requisition

Multiple vacancies from a single requisition shall be filled as follows:

The Office of Human Resources shall certify to the appointing authority the number of eligibles on the list necessary to fill the number of vacancies, plus two additional scorers, plus ties, in accordance with [8.B.1.a](#). In addition, this same number shall be certified from each protected-class group. The appointing authority may appoint any eligible so certified.

8.B.1.d

Open Opportunity Program Action Plan/Affirmative Action Plan

The City of Saint Paul shall adopt an Open Opportunity Program Action Plan/Affirmative Action Plan (OOPAP/AAP).

Each City Department and Office is required to comply with all provisions and sections of the OOPAP/AAP.

9 Reporting for or Waiving Employment

Eligibles must report to the appointing officer within five days from the time the officer mailed notification to them, or notified them in person or by telephone. Failure to report to the officer or refusal to accept the appointment shall remove them from the eligible list.

An eligible removed from a list in accordance with this Section may be restored to such list at any time during the life of the list for any reason for which a waiver after certification would be accepted, provided a satisfactory reason is given why the eligible did not file a waiver before their name was removed.

However, the Human Resources Director may permit eligibles to waive appointment for the following reasons only:

- a. If the appointment being offered is temporary or part-time only.
- b. If the appointment being offered is for a position other than that for which the eligible was specifically examined.
- c. If, because of sickness, physical disability, or otherwise, the eligible at the time of receiving the appointment is not reasonably able to report.
- d. If an eligible on a promotion list is certified to a department other than the one in which they are employed, but such eligible thereafter shall be certified only to the department in which they are employed.
- e. If an eligible on a promotion list is certified to a position in the department in which they are employed, but such eligible shall be allowed only one such waiver.

Under the scenarios 9d and 9e above, an employee may waive a maximum of two times, once for a department other than their own and once for their own department. If the employee has waived promotion for any of the reasons stated above, and the Department in which they are employed is reducing the number of positions in the class/classes affected by the waiver so as to adversely affect the employee's chances of promotion, they may retract their waiver with the approval of the Human Resources Director.

10 Probation

10.A

The probationary period shall be one year for all original and promotion appointees and employees who have been transferred at their own request or reinstated after resigning in the Professional/Administrative units, supervisory bargaining units, police and fire units, and those employees appointed to confidential positions who are not represented by the above units only because of the confidentiality of their positions. All other employees in the above categories shall have a six month probationary period. In the cases of one-year probation, employees progress reports shall be submitted to the Human Resources Director at the end of the fourth and eighth month of employment and in the case of six month probationary employees, progress reports shall be submitted at the end of the second and fourth months.

Unless the head of the department where the employee is employed at the end of their probationary period shall, during the last month of the employee's probation, certify that the services of such probationer during the probationary period were unsatisfactory, the employment of such probationer shall continue, and the probationer shall be deemed to have satisfactorily completed the probationary period. If the probationer is entitled to veterans' preference in accordance with the Veterans' Preference Act of the State of Minnesota, they shall be entitled to a hearing as required by said Act and in accordance with [Section 16](#) of these Rules.

10.B

Time served on probation, whether continuous or not, shall be charged to the period of probation.

10.C

If any probationer on fair test shall be found incompetent or unqualified to perform the duties of the position to which they have been certified or transferred, the appointing officer shall report such fact in writing to the Office of Human Resources and may, for reasons specifically stated in writing and filed with the Office of Human Resources, discharge, reduce, or in the case of the transferee, return to their former position said probationer at any time during the probationary period; except that if the probationer is entitled to veterans' preference in accordance with the Veterans' Preference Act of the State of Minnesota, they shall be entitled to a hearing as required by said Act and in accordance with [Section 16](#) of these Rules.

10.D

If a promotional or a transferee probationer is found unsatisfactory because they are incompetent or unqualified to perform the duties of the position to which they had been certified or transferred, they shall be reinstated to their former position or to a position to which they might have been transferred prior to such promotion; except that if the probationer is entitled to veterans' preference in accordance with the Veterans' Preference Act of the State of Minnesota, they shall be entitled to a hearing as required by said Act and in accordance with [Section 16](#) of these Rules.

11 Provisional Employment

Upon receipt of a requisition to fill a position for which there is no eligible list, the Human Resources Director may grant to the appointing officer who submitted the requisition, authority to make a provisional appointment.

Within sixty days after the granting of a provisional appointment permit, the Human Resources Director shall, except in special cases, schedule an examination for such position. Special cases shall be for administrative purposes only, and shall be free of any conflict of interest such as nepotism.

A provisional appointment shall remain in force no longer than ten days after the appointment and employment of an eligible from an appropriate eligible list. No person may be appointed to a provisional position who has been working as a temporary without the Human Resources Director's approval of a written request by the appointing officer.

Whenever discretionary changes are made in accordance with this Section by the Human Resources Director, the effective date shall be preceded by a twenty day public notice period. This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments. The Commission shall then determine whether the director's decision is consistent with merit principles.

12 Temporary Employment

In cases of temporary work, appointment officers may fill a vacant position with a temporary employee. The appointing officer must indicate in making such a request that such employment is in fact temporary. No person shall serve as a temporary employee more than 1040 working hours in any fiscal year. No person may work in excess of 1040 hours unless the Human Resources Director approves such extension prior to the use of the full 1040 hours.

Persons on appropriate eligible lists shall be given, at the discretion of the Human Resources Director, preference in temporary appointment, and their names shall remain on all eligible lists for regular employment.

The Human Resources Director may alter the number of working days permitted upon determination that market conditions warrant an adjustment.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director, the effective date of the action shall be preceded by a twenty day public notice period. This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments.

13 Emergency Employment – OMITTED.

Please see [Section 12: Temporary Employment](#)

14 Promotion Requirements

For the purpose of this Section 14, the term promotion shall mean:

1. Any appointment from a classified position to any other classified position except to Parking Enforcement Officer, Community Liaison Officer, Fire Medic Cadet, and any positions within the sworn Police and Fire Fighting groups, and to any positions within the Non-Represented Management and Legislative Group; and be it:
2. Any appointment from Parking Enforcement Officer, Community Liaison Officer, and any classified positions within the sworn Police group to any other classified position in the sworn Police group.
3. Any appointment from Fire Medic Cadet, and any classified position in the sworn Fire Fighting group to any other classified position in the sworn Fire Fighting group.

Classified AFSCME Clerical, AFSCME Technical or Sworn Police and Fire employees may enter an examination on a promotion basis, if they can meet the following requirements:

1. The employee must meet the minimum requirements for the position.
2. The employee must have had a satisfactory performance evaluation rating at the time of the last rating prior to the examination. An employee who has a performance evaluation of "unsatisfactory" shall not be considered a promotional candidate until the employee has received a satisfactory evaluation in accordance with [Section 15](#) of these Rules. The employee shall not be considered a promotional candidate within four months of the date of an unsatisfactory performance evaluation, except in the case of the promotional or transferee probationer found unsatisfactory in performing the duties of the position to which the employee had been certified or transferred. When reinstated to the former position, such probationer shall assume the performance rating received at such former position, and if satisfactory, be eligible for consideration as a promotional candidate.
3. The employee must have held a Classified position or positions for not less than two years prior to the examination date and shall during their tenure with the City have actually served for at least 2080 hours in regular certified appointments with no separation due to discharge, resignation or for periods longer than those fixed by the applicable bargaining unit agreements.

Employment prior to any resignation, or temporary, emergency or provisional employment shall not be counted, except that this latter provision shall not apply in the case of a regular employee who accepts temporary, emergency or provisional employment.

15 Performance Appraisal

An evaluation of each employee's performance shall be completed which shall have reference to the quality and quantity of work done, the manner in which the service is rendered, the faithfulness of the employee to their duties, and such other characteristics that will measure the value of the employee to the City service.

Employees shall be evaluated by supervisors who are in the best position to judge their work and conduct, and the evaluations shall be reviewed by the department director.

The performance evaluation shall be discussed with the employee for the purpose of encouraging the employee who has performed well and also for affording an opportunity to recommend improvements to employees with weaknesses. Both the employee and the supervisor shall sign the performance evaluation form. Performance evaluations shall be completed once a year as scheduled by the Office of Human Resources. An employee whose overall performance is evaluated as "unsatisfactory" shall have his performance re-evaluated at the end of four months from the unsatisfactory report and again at four month intervals if it continues to be unsatisfactory.

At any time between rating periods, special unscheduled reports may be filed. The unscheduled report may also be filed when an employee's performance becomes so unsatisfactory that a counseling session becomes necessary, and a record of the conference is desirable before further disciplinary actions are taken. Said unscheduled reports may be made at the department's discretion.

If a department head chooses to change an employee's performance appraisal rating, a special notice shall be required which contains the reasons for the change in the rating. This notice must be sent back to the employee and the rater for their information and signature, and a copy of the signed form must be sent to the Office of Human Resources.

As part of the performance evaluation, a summary rating of one of the following shall be given to each employee:

Satisfactory: Indicates that the employee's work performance either for the item or overall meets the standards expected for the assigned work. This rating is given to an employee whose work effectiveness is judged to be reasonable, adequate, and acceptable.

Unsatisfactory: Indicates that the performance for the item or overall falls short of the acceptable standards for the assigned work. This rating indicates that increased effort, special training, or other special attention is now in order.

16 Discharge, Reduction, and Suspension

16.A Procedures for Discharge, Reduction, and Suspension

For disciplinary purposes, appointing officers shall have the power to discharge, reduce, or suspend without pay, any employee subject to the appeal process contained herein. Any suspension without pay by the appointing officers may not exceed thirty working days.

When an appointing officer has good reason to believe that any employee has given cause for their reduction, either in rank and/or compensation, or for discharge, the appointing officer shall notify said employee, in writing, served personally or through the mail, at the employee's last known address, setting forth the charges against the employee. A copy of this communication shall, at the same time, be filed with the Office of Human Resources. Suspensions may be issued verbally.

The appointing officer, after notifying an employee of their discharge, may allow the employee to resign unless the employee is guilty of a crime or misdemeanor. If the employee resigns, no further proceedings shall be taken.

16.B Cause for Discharge, Reduction, or Suspension

The following shall be cause for an employee's discharge, reduction, or suspension from the employee's position:

1. Conviction for a criminal offense or for a misdemeanor involving immoral conduct; or
2. Commission of an immoral or criminal act; but if such act is, at the time of the charge being considered, involved in a criminal proceeding before a grand jury or the courts, the employee so charged may request that the investigation be postponed or continued until such time as the criminal proceedings are terminated, and such request shall be granted; provided the employee shall be suspended from duty and provided the employee shall execute a waiver of all right to pay during said postponement; and provided further that the employee may have the hearing or investigation proceed at any time on ten days notice in writing; or
3. Willful, wanton or culpably negligent brutality or cruelty to a prisoner or a person in custody; provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody accused of felony or gross misdemeanor; or
4. Willful violation of any of the Civil Service rules; or
5. Conduct unbecoming a City employee; or
6. Violation of any lawful and reasonable official regulation or order or failure to obey any lawful and reasonable direction made and given by the employee's supervisor, where such violation or failure amounts to an act of insubordination or a serious breach of

proper discipline resulted, or might be reasonably expected to result in, loss or injury to the City or to the public or prisoners or wards of the City; or

7. Intoxication on duty; or
8. Contraction of some infectious disease or ailment or defect which permanently incapacitates the employee for the proper performance of the duties of their position; or
9. Commission of an act which amounts to an act of insubordination, or to disgraceful conduct, whether such acts were committed while on duty or off duty; or
10. Wanton offensiveness in language or conduct toward the public or toward City employees; or
11. Incompetent or inefficient performance of the duties of the employee's position (specific instances to be charged); or
12. Carelessness or negligence of City property; or
13. Failure to pay or make reasonable provision for future payment of the employee's debts; or
14. Use of threat or attempt to use political influence in securing promotion, leave of absence, transfer, change of grade, pay, or character of work; or
15. Direct or indirect solicitation or receipt of any assessment, subscription, or contribution for any political party or political purpose whatsoever; or
16. Inducement or attempt to induce a City employee to commit an unlawful act or to act in violation of any lawful and reasonable regulation or order; or acceptance of any fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons; or
17. Absence from duty without leave contrary to the Civil Service Rules or failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked or canceled; however, if such absence or failure to report is excusable, the appointing officer and the Civil Service Commission may ignore the charges; or
18. Any false statement or fraudulent conduct or deception, or connivance with any person in making any false statement, engaging in any fraudulent conduct, or in attempting any deception in any official City business; or
19. Absence from duty and fraudulent request for leave with pay; or
20. Any false statement or fraudulent conduct in order to obtain compensation from the City; or assistance of any employee in fraudulently obtaining compensation from the City; or

21. Any other failure to comply with the provisions of the collective bargaining agreement for the group, which includes the employee's title.
22. Any violation of Minnesota Statute 181.932 which prohibits discharge, discipline, threatening, acts of discrimination, or penalization of an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:
 - a. The employee, or a person acting on behalf of an employee, in good faith, reported a violation or suspected violation of any federal, state, or local law, rules or regulation to an employer, governmental body or law enforcement official; or
 - b. The employee is requested by a public body or office to participate in an investigation, hearing, or inquiry; or
 - c. The employee refuses an order to perform an action they have an objective basis in fact to believe violates any federal, state, or local law, rule, or regulation, after the employee informs the employer that is their basis for refusal.

16.C

16.C.1 Procedures for Appealing Discharge, Reduction, or Suspensions

The employee may appeal the appointing officer's action before the Civil Service Commission. The Office of Human Resources shall be contacted within five calendar days of notice if a hearing is requested.

[STRICKEN – C.F. 87-319 – EFFECTIVE 03/12/1987](#)

[\(Following Sections relettered\)](#)

[See Grievance Procedure](#)

[\(Also, see 86-1223\)](#)

16.C.2 Alternates for Commission Hearing

If any member of the Civil Service Commission, after having been notified of a hearing date, is unable to attend said hearing or has a conflict of interest, they shall notify the Mayor, who shall within five days, nominate an alternate member, subject to the approval of the Council, who shall have the same power as the regular members of the Civil Service Commission during the hearing. No person shall serve as an alternate member of the Civil Service Commission at any time while holding any public office; or while standing as a candidate for any public office, Notary Public excepted; or while holding public employment; or while serving as a paid officer or employee of any political party or any employee organization.

16.D Voluntary Reduction

Any regular employee or any employee who is eligible for reinstatement, may be reduced at the employee's request, either in rank or compensation or to a lower grade position, provided the examination upon which the appointment of such employee was based was of a character and standard substantially to test fitness to perform the duties of the position to which such reduction is requested; or provided that the reduction is to a classification in which the employee has previously held a regular appointment.

17 Transfers

17.A

Transfer may be made from a position to any similar position in the same department or to any other department, provided the appointing officer or officers concerned consent thereto, and provided also that such transfer does not operate as a promotion or reduction.

17.B

Transfer shall be allowed only where the examination upon which appointment of an employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make the transfer and where the minimum qualifications of the positions are substantially similar; or where the position to which the employee is to be transferred is in a classification in which the employee to be transferred has previously held a regular appointment.

17.C

Transfer may be made from any public agency having a merit system to the classified service of the City of Saint Paul provided:

1. The department head where the vacancy exists justifies the need for the transfer, which justification must include unusual or special job qualifications not otherwise available to the department.
2. The employee to be transferred has current permanent or probationary status in a class of position at least equal to the position in which they are to be employed and meets the minimum qualifications as stated in the Commission's class specifications.
3. Rights, benefits, and seniority as an employee in the classified service will commence with the first day of employment by the City.
4. Sick leave accumulation may be transferred at the discretion of the department head but may not exceed what would have been earned as a City employee.

17.D

All transfers except as provided in [Subsection A](#) of this Section shall be subject to approval by the Human Resources Director. No transfer shall be made to avoid a layoff in any department.

17.E

Employees who transfer in accordance with the provisions of this Section shall serve a probationary period in accordance with [Section 10](#) of these Rules.

18 Transfer or Reduction Because of Disability Due to Sickness or Injury

Any employee who sustains a permanent disability due to sickness or injury may be transferred or reduced at their own request and at the request of the appointing authority with the approval of the Human Resources Director provided the employee meets such achievement, physical, and medical standards, as the Human Resources Director may prescribe in the particular case.

19 Leave of Absence

19.A Requirement for Leave of Absence

The appointing officers may grant leave of absence from regular duty to an employee who has been in the City service for at least three months immediately preceding the employee's time of leave; however, no leave of absence whether granted, extended, or continued, shall exceed one year, except as mentioned in [Subsection B](#) of this Section, and [Sections 20](#) and [21](#) in their entirety. The only grounds for allowing leave of absence before three months of employment shall be in cases of sickness, disability, or urgent necessity.

Leaves of absence without pay are granted primarily for the benefit of the City, and not for the convenience of the employee. Employees requesting leaves of absence without pay shall make request to the appointing officer and shall include such proof of the reason for request as the appointing officer and the Human Resources Director may require. The appointing officer shall report all approved requests to the Office of Human Resources. The Office of Human Resources shall provide to the City Council quarterly reports of all leaves granted for educational purposes and of all reduced pay leaves.

A full-time employee may be granted up to 160 hours of voluntary leave of absence without pay during the fiscal year (IRS reporting year). During such leave of absence without pay, the employee shall continue to earn and accrue vacation, sick leave, and seniority credits as they relate to eligibility for merit increases. If such leave is taken during the qualifying pay period as it relates to the eligibility for City paid Health and Welfare benefits, the employee shall be considered, for Health and Welfare eligibility purposes, as though the employee was on the payroll for such period. Any leave of absence granted under this provision is subject to the approval of the department head.

The above provision does not apply to employees of the School District

19.B Reasons for Leave of Absence

1. Following is a list of reasons for which leaves of absence without pay may be granted. This list is not intended to be all inclusive but merely illustrative. Misrepresentation as to the reason for leave of absence shall be grounds for cancellation of leave and dismissal from the service.
 - a. Physical or mental incapacity of the employee to perform their work efficiently, where the granting of a leave will permit the employee to receive treatment enabling them to return to the City service. Leaves of absence because of physical or mental incapacity may be initiated by the department head for the good of the service.
 - b. Election or appointment to a full-time paid position in an organization or union whose members consist largely or exclusively of employees of the City of Saint Paul.

- c. Education or training relating to the employee's regular duties or to prepare the employee for advancement.
2. Following is a list of reasons for which leaves of absence without pay shall be granted:
 - a. Election of the employee to a City position. Such leave shall be granted for a period extending over the time of actual and continuous service in such elective position or positions. At the termination of the elective service such employee shall be reinstated to their former Classified position or in a position in the same class and grade as the position held by the employee at the time of election, such reinstatement shall be without loss of seniority. (See state law, Minnesota Statute S3.088 for leaves of absence for election to a non-city job).
 - b. Appointment of the employee to an Unclassified city position. Such leave shall be granted for a period extending over the time of actual and continuous service in such position or positions. At the termination of the exempt service such employee shall be reinstated to their former Classified position or in an equivalent position without loss of any right or privilege that would have accrued to the employee had they not left the former position, including but not limited to any salary or fringe benefit increments accruing to such position during the leave, except for accumulating service credit for police and fire pension unless the exempt position is in the police or fire service. If such position is not funded at the time, the City Council shall provide such funding. If such employee has a minimum of two-thirds (2/3) of the experience necessary to take an examination in the classified service, then such experience gained in the unclassified position may be substituted as additional experience in any classified position.
 - c. Disability or injury received in the performance of duty not due to the negligence of the employee for the period the employee is receiving compensation payments from the City for temporary partial disability or temporary total disability.
 - d. Parental leave upon the request of the employee. A twelve (12) month Parental leave of absence without pay shall be granted to a natural parent or an adoptive parent, who requests such leave in conjunction with the birth or adoption of a child. Such leave may be extended an additional twelve (12) months by mutual agreement between the employee and the employer.

19.C Absence without Leave

Absence from duty without leave, or failure to report after leave has been disapproved or revoked and canceled by the appointing authority, shall be deemed a resignation of the employee on such leave, or cause for discharge; however, if the employee so charged shall show to the satisfaction of the appointing officer and the Civil Service Commission that such absence or failure to report was excusable, the Civil Service Commission may permit the employee's reinstatement in accordance with the reinstatement provisions of these Rules.

19.D Public Service Work Leave of Absence

A full-time certified employee may be granted up to 1040 hours of leave of absence without pay for public service work. The department head, with the concurrence of the Human Resources Director, may allow the employee to continue to earn and accrue vacation, sick leave, and seniority credits as they relate to eligibility for merit increases. The department head may elect to pay health and welfare benefits and to continue to pay the City share of PERA or the pension benefits.

20 Sick Leave

20.A Accumulating Sick Leave Credits

Regular and provisional employees shall accumulate sick leave credits at the rate of .0576 of a working hour for each full hour on the payroll, excluding overtime. In no case shall leave with pay be granted in anticipation of any future accumulation. The provisions of this Section shall not apply to any employee whose position is in the Special Employment Group unless specifically provided for in a collective bargaining agreement.

20.B Using Sick Leave Credits

Any employee who has accumulated sick leave credits as provided above shall be granted leave with pay for such time as the appointing authority deems necessary for any of the following reasons:

1. Sickness or injury of the employee or employee's minor child in accordance with Minnesota State Law.
2. Sickness or injury of an employee's family member in accordance with Minnesota State Law, up to 160 hours in any 12-month period.
3. Safety leave in accordance with Minnesota State Law for the purpose of providing or receiving assistance because of a sexual assault, domestic abuse or stalking, up to 160 hours in any 12-month period.
4. Death of the employee's mother, father, spouse, child, brother, sister, mother-in-law, father-in-law, or other person who is a member of the household.

Employees may be granted sick leave for such time as is actually necessary for office visits to physicians, dentists, or other health care personnel.

An employee shall be paid under the provisions of this paragraph only for the number of days or hours for which the employee would normally have been paid if the employee had not been on sick leave.

No employee shall be granted sick leave with pay for treatment of chemical dependence more than twice.

20.C Reporting Sick Leave

No sick leave shall be granted for the above reasons unless the employee reports to their appointing officer the necessity for the absence not later than one-half hour after the employee's regularly scheduled time to report for work, unless the employee can show to the satisfaction of the appointing officer that the failure to report was excusable.

The appointing officer or the Human Resources Director may require a physician's certificate or additional certificates at any time during an employee's illness. Sick leave shall be granted only if the certificate is approved by the appointing authority.

20.D Returning from Sick Leave

An employee who is off duty because of illness, sickness, or disability for a period of thirty or more calendar days may be returned to work only if the employee has submitted to the appointing officer a signed certificate from an attending physician attesting to their recovery from the illness, sickness, or disability; mental and physical ability to resume the performance of the duties of their position; and the nature and period of the illness, sickness, or disability. Such certificates shall be forwarded to the Office of Human Resources.

If, because of a delay due to an investigation by the appointing officer, the employee is not returned to work after the third day after such certificate is submitted, and it is later proved that the employee was mentally and physically able to resume the performance of the duties of their position at the time the certificate was submitted, the employee shall be paid after the third day as if they had been returned to work.

20.E Using Sick Leave for Compensable Disease or Injury

1. DISEASE

An employee who is off duty because of sickness, and is claiming that the sickness is compensable as an occupational disease, may, pending the decision on the claim, draw upon the employee's sick leave credit; however, the employee shall not receive full pay during such period, but shall receive only an amount equal to the weekly compensation the employee might receive if the compensation claim is approved. If said claim is disproved, the employee may be paid full pay from accumulated sick leave credit or may elect to retain such unused credit for future use. In no case shall the employee be given such leave with full or partial pay in excess of his accumulated credit.

2. INJURY

An employee, who is off duty because of compensable injury, may elect to receive full pay by using accumulated sick leave credit, vacation credit, or compensatory overtime credit, to make up the difference between compensation and regular salary.

20.F Extending Sick Leave for Compensable Injury

In any case where an employee is off duty because of a compensable injury arising out of and in the course of employment with the City and has used all accumulated sick leave to which the employee was entitled and is still incapacitated as a result of such injury, the Council may, by resolution, authorize additional sick leave with pay for such period of time as the Council may determine, not to exceed sixty-five (65) working days during any twelve (12) month period.

20.G Temporary Employment for Therapeutic Treatment

An employee who is off duty because of sickness, and who's attending physician recommends the employee undertaking employment different in nature than their regular City employment for the purpose of therapeutic treatment, may be permitted to accept and pursue such different employment, subject to the consent of the Human Resources Director and the appointing officer. In each such case, the regular pay, which the employee might otherwise claim hereunder, shall be subject to deduction there from on account and to the extent of any lesser or equivalent amount earned by the employee in such different employment.

20.H Sick Leave without Pay

Sick leave without pay may be granted in accordance with the provisions of this Section 20 for a period up to but not to exceed two years.

20.I Reinstatement after Compensable Disease or Injury

An employee who is off duty because of a compensable injury or illness arising out of and in the course of employment with the City shall be entitled to reinstatement at any time within five years from the date of injury or incapacity, if physically capable of resuming their duties.

If such off duty employee takes a voluntary reduction under the Civil Service Rules and is reinstated to employment with the City, their reinstatement rights to the title under which the employee was working at the time of their injury or incapacity shall be continued for five years from the date of injury or incapacity.

21 Military Leave

21.A Military Leave with Pay

Any employee who shall be a member of the national guard, the naval militia, or any other component of the militia of the state, or who is a member of the officers' reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other reserve component of the military or the naval forces of the United States, shall be granted leave of absence with pay for all the time the employee is engaged in such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for State or Federal purposes, but not exceeding a total of fifteen days in any calendar year. Leave shall be allowed only if the required military or naval service is satisfactorily performed, which shall be presumed unless the contrary is established.

21.B Employee Responsibility for Notification of Military Leave

Such leave shall not be allowed unless the employee:

1. Applies to the employee's appointing officer and to the Human Resources Director at least five working days prior to such leave, unless the employee has not received sufficient notice because of an emergency situation; or
2. Returns to the employee's public position immediately on being relieved from such service and not later than the expiration of the term herein limited for such leave; or
3. Is prevented from so returning by physical or mental disability or other cause not due to the employee's own fault; or
4. Is required by proper authority to continue in such service beyond the time herein limited for such leave.

21.C Military Leave without Pay

Any employee who shall be required by proper authority to continue in such service beyond the fifteen days per year for which military leave with pay is allowed, shall be entitled to a leave of absence from their position without pay for all such additional service, with the right to be reinstated thereafter upon the same conditions as hereinafter provided for reinstatement after active service in time of war or other emergency.

Any employee who engages in active service in time of war or other emergency declared by proper authority in any of the military or naval forces of the State or of the United States for which leave is not otherwise allowed by law shall be entitled to a leave of absence without pay during such service, with right of reinstatement as hereinafter provided. This shall not be construed to preclude the allowance of leave with pay for such service to any employee entitled thereto under subsections [A](#) and [B](#) of this Section.

21.D Applying for Military Leave

Any person desiring a military leave of absence shall make a request to the employee's appointing officer and to the Human Resources Director. Persons who are granted military leaves shall report in writing to the Human Resources Director and the appointing officer the branch of service in which they have been accepted.

The provisions of this Section shall not be applicable to any temporary, provisional, or emergency appointees.

21.E Reinstatement from Military Leave

Persons honorably discharged or rejected for military service shall, if able to do so, apply for reinstatement in writing filed with the Human Resources Director and appointing officer within fifteen days after said rejection or within ninety days after termination of such service, or within ninety days after discharge from hospitalization or medical treatment which immediately follows the termination of, and results from, such service; provided such application shall be made within one year and ninety days after termination of such service, notwithstanding such hospitalization or medical treatment. Persons applying for such reinstatement shall present proof to the satisfaction of the appointing officer and the Human Resources Director of application and rejection, or of honorable discharge, and, if the case be such, of hospitalization or medical treatment which immediately followed the termination, and resulted from, such service.

No reinstatement of any person securing a military leave shall be made after sixty days of said application and rejection or after one year after discharge from hospitalization or medical treatment, which immediately follows the termination of, and results from, such service.

All persons whose names were on any reinstatement register at the time they entered the military service and who have since been honorably discharged from the said service shall, upon application to the Office of Human Resources, be reinstated on the same list with the same rights and the same order of seniority that they possessed at the time of entering said service, subject to the other provision of these Rules as to time of reinstatement and physical fitness. This provision shall not be construed so as to permit the carrying of any names on said register of any person for a longer period, after application and reinstatement on said list is made, than such persons would have been carried on said list if they had not entered the said service.

Any person who secures a military leave from a Classified position and is honorably discharged from the service, or any person who leaves a position to apply for admission to said armed forces and is rejected by the proper authorities of the United States or the State of Minnesota, shall, unless physically incapacitated, be reinstated without loss of seniority in the position held by the employee or in one to which the employee might have been legally transferred prior to the leave.

The appointing officer shall be the judge of the physical fitness of the applicant for reinstatement and may, in the appointing officer's discretion, appoint said employee to a lower grade in the same line of employment if the said employee is not physically fit for their former position but is fit for such lower grade.

All time spent by said persons in the said forces, or awaiting acceptance therein, shall be counted the same as though spent in the service of the City in determining seniority of service and rights to promotion or increase in salary or wages.

21.F Displacements Caused by Reinstatements from Military Leave

All persons appointed to fill vacancies created by the absence of said persons entering or applying for admission to said forces shall hold said positions subject to the right of the aforesaid persons to be reinstated therein; anything in the Civil Service Rules to the contrary notwithstanding.

When more than one position in the same grade and of substantially similar duties has been filled by appointment or promotion while this Section 21.F is in effect, the last person appointed or promoted shall be the first laid off.

All persons promoted from other Classified positions to fill vacancies created by military leaves shall, if necessary be demoted to their former positions; the last promoted shall be the first demoted.

Persons displaced from positions by such demotions shall be placed at the head of reinstatement list for such position, at their option, in the order of their appointment or may accept appointment in some similar or lower grade position for which they are qualified.

Any person removed by the reinstatement of such aforesaid former employee shall be placed at the head of the reinstatement register and be given preference in appointment to any vacancy of the employee's legal grade and title or to any vacancy in any position to which the employee might legally have been transferred at the time of their removal; but such reinstatement privilege shall not extend beyond a one-year period.

21.G Preserving Records of Military Leave

All papers required by this Section to be filed with the appointing officer or the Human Resources Director shall be preserved by the Human Resources Director as permanent records.

22 Layoff

For the purpose of determining seniority in layoffs described in this Rule, the following procedure shall be used. The seniority of a person serving in a class which is effected by a layoff, and who was appointed to that class prior to July 1, 1995, shall be determined by the date that such employee was certified and appointed to that class. The seniority of a person serving in a class which is effected by a layoff, and who was appointed on or after July 1, 1995, shall be determined by the date that such employee first reported for duty for employment in such class.

Whenever it becomes necessary in any division for lack of work or funds, or for other causes, to reduce the force in any class of positions, the appointing officer shall designate the class from which layoff shall take place. Persons serving in that class shall be laid off in the inverse order of their seniority in the manner described above. However, all temporary and provisional appointees in that class shall in all cases be separated first. For the purpose of this subsection, persons appointed to the same class on the same date shall be considered to have seniority in the order on which they appeared on the certification. When an employee has been laid off, the employee's name shall be placed on the appropriate reinstatement register, and the employee shall be reinstated in accordance with the reinstatement provisions of these Rules except that the employee may be reinstated at any time within two years after such layoff. The appointing officer shall give two weeks notice to any employee being laid off, except in cases of seasonal, temporary, intermittent, or similar employment or in cases of unforeseeable lack of work or funds.

If a class has been abolished and the position it described exists under a new class, then the seniority of employee who have held a position in the former class shall be determined as if the former class still existed.

If two or more classes have been included in one new class, seniority will be determined for all affected employees as if the classes had always been one class.

If a class or series of classes is abolished due to a cessation of a type of work and all incumbents are transferred to a new class or series of classes, their seniority with respect to each other will be determined by the process described above. If they are transferred into a class in which others hold positions or have held positions, their seniority with respect to those incumbents will be determined by the date of their transfer. As to all other persons, their seniority will be determined by the process described above.

If a series of classes has been abolished which are parallel and equal to another existing series, the employees holding positions within such classes shall have bumping rights as if their old classes had always been in the parallel series.

If a class has been regraded and an employee who formerly held a position within this class in a different grade reduces to it to avoid layoff, said employee will be reinstated to the class at the higher of the two grades.

Employees appointed under a multiple appointment shall be considered on layoff from those classes covered by the multiple appointment for the periods of time not worked in such classes. During these periods of time when the employee is considered on layoff from those classes not being worked, all layoff provisions of the Civil Service Rules shall apply.

23 Reinstatement

23.A Reinstatement Registers

The Office of Human Resources shall maintain reinstatement registers. Any employee whose name is on a reinstatement register shall be eligible for reinstatement to positions of the same class, grade, salary, and the same character of work as the position from which leave of absence or resignation took place; however, such eligibility for reinstatement shall not continue longer than one year after resignation or from the time leave of absence was granted, except as otherwise specifically provided in these Rules or in a collective bargaining agreement. Persons whose names appear on any reinstatement register shall be reinstated on the basis of seniority of employment in the position, the person on such reinstatement register having the greatest seniority in the position to be the first reinstated.

Employees appointed under a multiple appointment who are on layoff from those titles covered by the multiple appointment for the periods of time not worked in such titles, shall be considered on the reinstatement register when not working in such titles and shall be considered removed from the reinstatement register when working in such titles. During the time an employee is considered on a reinstatement register, all provisions of this Section 23.A shall apply.

23.B Reinstatement after Resignation

Any employee who resigns, may, in the discretion of the Human Resources Director, be placed on the reinstatement register and certified for reinstatement in accordance with [Section 7](#) of these Rules, at any time within one (1) year after such resignation; however, employees in the following category shall not be entitled to reinstatement:

1. Employees who were suspended within one (1) year just prior to resignation or whose last performance appraisal rating was unsatisfactory.

Any rights and privileges which would accrue to the employee following their reinstatement after resignation shall also accrue to the employee if the employee actually begins work in a position following certification from any eligible list within one (1) year of the employee's resignation; however, no seniority rights shall accrue within any given job title except by service in that job title.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director notice shall be sent to the recognized employee group for the title affected and the affected departments.

23.C Reinstatement when Position is Allocated to a Lower Class

If an employee's position is allocated to a lower class, and the employee is accordingly reduced to the position in such lower class, the employee's name shall be placed on the reinstatement register for the class from which their position was reduced and the reinstatement register for any other class to which they might have been legally transferred or reduced while holding their

former position. When a vacancy occurs in any such class the employee shall be reinstated in accordance with the provisions of Section [23.A](#); however, if the employee is so reinstated, and their name appears on a reinstatement register for a position in a class higher than the one to which they were appointed, the employee name shall be retained on such higher register or registers; and if a vacancy occurs to which an employee coming within the provisions of this paragraph is eligible for reinstatement, and such vacancy is in the department where such employee was employed at the time of reduction, said employee shall have preference to such vacancy irrespective of the employee's standing on the reinstatement register. Such reinstatement rights shall not be limited to the usual one-year limitation, but shall continue until such time as the employee is reinstated or refuses reinstatement.

23.D Reinstatement When Position is Abolished

Any employee whose position has been abolished shall be entitled to reinstatement in the same manner as if the employee had been laid off from such a position.

Any employee who accepts appointment or promotion to a position in the same grade or in a higher grade may, if that position is later abolished because of lack of work, or funds, or for other causes, be reinstated, in the discretion of the appointing officer and with the consent of the Human Resources Director, to the employee's former position or to any position to which the employee might have been legally transferred, and such reinstatement shall be without loss of seniority rights or privileges.

Whenever any Classified position or title shall be abolished, the employees in that position or title shall be placed in the order of their seniority on the eligible list or lists for reinstatement to a position in the next lower rank or grade in the same line of employment, or to any position in the same grade as that abolished and to which they might have been legally transferred. If no such list exists, one shall be thereupon established.

If an employee's position is allocated to a lower class and the employee is accordingly reduced to the position in such lower class, their seniority in such lower class shall date from the earliest of the following dates:

- a. If the employee formerly held the position to which they were reduced, the date of original appointment to such position.
- b. The date the employee was first appointed to the position from which they were reduced.
- c. The date when the employee was first appointed to any position in a class at a level between those mentioned in (a) and (b) and to which the employee could have been reduced from the position from which they were reduced.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director notice shall be sent to the recognized bargaining unit for the title affected and the affected departments.

23.E Reinstatement after Temporary Position

An employee who accepts appointment to a higher position, the duties of which are merely temporary, shall be reinstated to the employee's former position without loss of seniority when such higher duty is completed.

23.F Reinstatement after Leave Of Absence

Upon the expiration of a leave of absence an employee shall be reinstated in the employee's position except that, if the position has been abolished or if they would be on layoff if they had not been granted leave of absence, the employee's name shall be placed on the appropriate reinstatement register, and the employee shall be reinstated in accordance with the reinstatement provisions of these Rules.

23.G Reinstatement after Voluntary Reduction

Any employee who has been reduced may, in the discretion of the appointing officer and with the approval of the Human Resources Director, be reinstated to their former position without loss of seniority at any time within two years after such reduction, or the employee may, in the discretion of the Human Resources Director, have their name placed on an appropriate reinstatement register for reinstatement within two years after any voluntary reduction to a position in the employee's class and grade.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director notice shall be sent to the recognized bargaining unit for the title affected and the affected departments.

23.H Reinstatement by Voluntary Reduction to a New Title

Any employee who is laid off and eligible for reinstatement may be reduced at the employee's request to a similar position providing the following provisions are met:

1. The Human Resources Director must review the duties of the two positions and approve the reduction;
2. The employee must pass an examination deemed necessary to measure skills needed in the new position for which the employee has not previously been tested.

24 Loss of Seniority

For the purpose of determining order of layoff and reinstatement, an employee shall lose all acquired seniority rights in the following cases:

- a. Upon resignation;
- b. In case of a transfer that involves a change of title, unless the transfer is to a position previously held by the employee;
- c. In all cases of reduction, unless the reduction is to a position previously held by the employee; and except as provided in [20.I](#) and [23.D](#).

25 Position Titles

25.A New Positions

Whenever any new position is created, the Resolution creating that position shall provide in what class and grade the position shall be placed. Titles of classes of positions shall be as nearly as possible descriptive of the general duties attached to the class of positions and shall be the same for all positions within the class.

No title shall be created unless the Office of Human Resources determines that the duties of the proposed position are substantially different from those of every other existing class of positions.

Class titles shall be used in all payrolls and reports to and records of the Office of Human Resources.

25.B Change of Position Titles on Employment Records

Any Resolution changing or modifying any position title shall be deemed authority for the Office of Human Resources to change the employment records of any employee who may be affected by such Resolution, and all payroll items of such employee shall thereafter conform to the new title.

25.C Change of Duties

Whenever the duties of a position are changed so that they differ substantially from the duties prescribed when such position was originally classified, the Human Resources Director, subject to appeal to the Civil Service Commission, shall proceed to classify such position in accordance with this Section and to fill the same by examination and certification or by certification from an existing eligible list.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director, the effective date of the action shall be preceded by a ten-day public notice period. This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments.

26 Grievance Procedures

The Office of Human Resources shall maintain a grievance procedure and make it available to all employees. Amendments to the grievance procedure shall be adopted in conformity with the provisions of City Charter Section 12.06 concerning adoption of and amendments to the Civil Service Rules.

See [Grievance Procedures](#) on the City's website.

27 Union Privileges

27.A Shop Stewards

One Shop Steward from each department will be allowed to accompany an employee's authorized representative during regular working hours for the purpose of wage, salary, or fringe benefit discussions, or other problems of their particular concern involving City employees under the following conditions:

1. That only one employee from any one department be allowed to leave their work.
2. That the Steward be expected to attend these meetings on their own time when they are held outside of regular working hours.
3. That adequate notice is given to the department head so that permission may be obtained.
4. That the Steward has officially been designated as such by the group that they represent.

27.B Union Conventions

Duly elected Union delegates or alternates to official Union conventions shall be granted time off without pay for the purpose of attending such conventions but not to exceed one week for each such convention. This time off may be charged to vacation credits, compensatory time, or may be taken as a leave of absence without pay, as the individual employee may designate. The Union shall give the appointing officer at least ten working days advance notice of the employees who will be participating in such conventions.

28 Compensation

28.A Uniform Application

1. The compensation fixed by the Council for each grade shall apply uniformly to all classes in that grade except as the Council may otherwise specifically provide.
2. The compensation fixed by the Council for each class shall apply uniformly to all positions in that class.

28.B At the Time of Appointment

1. Except as provided in divisions two through nine of 28.B, appointment to any Classified position shall be made at the current entrance salary prescribed by the City Council for the class.
2. For positions requiring college graduation as a minimum requirement, an appointee possessing a post graduate degree in the designated field directly related to the duties of the appointee's position who has not used such additional education for experience in meeting the required qualifications for the position, may be paid up to Step C in the Standard Range prescribed by the Council for this position. For accounting positions, the C.P.A. (Certified Public Account) Certificate shall be considered the same as a Master's Degree in Business Administration.
3. Appointment may be made to a graded position at any of the current steps prescribed by the Council. However, if appointment is made at a salary step requiring more experience than the appointee has acquired in employment outside the City service in positions equivalent to the position to which they are being appointed, then all other City employees holding the same title shall also be given credit for the same length of unearned experience in determining salary increases.

Appointment at more than the current entrance salary shall be made only upon recommendation of the Human Resources Director, subject to the approval of the Mayor.

Whenever discretionary changes are made in accordance with this section by the Human Resources Director, the effective date of the action shall be preceded by a ten-day public notice period.

This period shall be initiated by notice to the recognized bargaining unit for the title affected and the affected departments.

4. No person holding a graded position shall suffer any reduction in compensation if appointed to some other position in the same grade or to a higher grade; however, no person shall receive a rate of compensation greater than the maximum ordinarily attainable in the position under the provisions of the Salary Resolution. If appointed to a position in a lower grade, an employee may be granted the minimum rate plus the number of step increases, which they have been granted in their present position.

A person holding a regular appointment in a graded position may, if appointed to an ungraded position which has a lower salary range than the position from which they are transferring, be granted the minimum rate plus the number of step increases which they have been granted in their present position. However, no person shall receive a rate of compensation greater than the maximum ordinarily attainable in the position under the provision of the Salary Resolution.

5. If any person holding a graded position is promoted to a position in a higher grade and the minimum rate for the position in the higher grade is at least five percent (5%) higher than his present salary, they shall be paid the minimum rate, plus one additional step if they have already received a fifteen year increase, except for appointments made under Subsection 3 of this Section.

If any person holding a graded position is promoted to a position in a higher grade and the employee's present salary is equal to, more than, or less than, but within five percent (5%) of the minimum rate for the higher grade, they shall be paid at the next salary step which is at least 5% higher than their present rate, plus one additional step if they have already received a 15 year increase. No employee shall be paid at any longevity step that they had not received in the title from which they are being promoted. No employee shall receive a salary greater than the last step in the Standard Range for the position, except for those employees who have been appointed under Subsection 3 of this Section.

6. If an employee on leave from a Classified, graded position and holding an Unclassified position is appointed to a Classified, graded position, the employee may be granted the minimum rate plus the number of increases to which they would be entitled under the Salary Resolution if the Unclassified position were Classified, provided the same shall not exceed employee's present salary.
7. If an ungraded position is later graded, an employee holding that position may be granted the minimum rate plus the number of increases to which they would have been entitled if this class had always been graded. If the employee's present salary exceeds this above step, they shall not suffer any reduction, but shall be paid the rate next higher in the graded range than their present rate; provided, however, that no employee shall be paid at any longevity step that they would not receive had the class always been graded.

8. If any person holding an ungraded position is appointed to a graded position and the employee's salary rate is more than the minimum rate or less than five percent (5%) less than the minimum rate, of the salary range applicable to the new position, they shall be paid the salary step in the graded range which is at least five percent higher than their present rate; however, no person shall receive a rate of compensation greater than the minimum rate plus the number of increases that they would have been entitled to had all their City service been in the new position.
9. Appointments to the position of Pharmacist shall be made at Step D in the appropriate Standard Range as set forth in Section I D 3 in the Salary Plan and Rates of Compensation Resolution.
10. Appointees to Recreation Center Director with a Bachelor's Degree in the designated fields shall be paid Step D; appointees to Recreation Center Director with a Master's Degree in the designated field shall be paid Step F.
11. An employee who is reinstating or transferring from the City to the School District or vice versa and who holds a title common to both jurisdictions, but for which different grade and/or salary levels exist, shall be paid when reinstated or transferred at the salary grade established for the employee's title by the jurisdiction to which the employee is reinstating or transferring, and shall be placed in the grade at the salary step held prior to reinstating or transferring.
12. An employee who is promoting from the City to the School District or vice versa and is promoting to a title common to both jurisdictions, but for which different grand and/or salary levels exist, shall have their salary increase calculated as follows:
 - a. If the receiving jurisdiction pays the title to which the employee is being promoted at a higher grade than or with higher salaries for the same grade as the sending jurisdiction, then the employee shall be placed at the earliest step in the grade used by the receiving jurisdiction, which is equal to or greater than 1.05, but not greater than 1.10 times the employee's salary in the position held prior to promotion.
 - b. If the receiving jurisdiction pays the title to which the employee is being promoted at a lower grade than, or with lower salaries for the same grade as the sending jurisdiction, then the new rate of pay for the promoted employee shall be established at that step in the new title that would have result if the employee had been employed in their position in the receiving jurisdiction prior to the promotion.
13. An employee who is reducing to a lower ranked class from the City to the School District or vice versa shall be paid at the same step as currently held, or at the step held in the lower ranked class prior to promotion if that is a higher step than the step currently held, but in the grade of the position to which the employee is reducing. The rate shall be the rate in force for that grade and step in the jurisdiction to which the employee is being reduced.

14. These procedures in Subsections 11, 12, and 13 of this Section, shall not be used to create any pay rate, which is less than the minimum or more than the maximum rates in any established grade in either jurisdiction.

No employee shall be paid at a longevity step for which they have not qualified through School District and/or City service.

15. Eligibles shall be permitted to waive appointment without penalty if the eligible is certified to either the School District or the City under the conditions reflected in this Section. Such waiver shall be in addition to the existing waiver provisions contained in the Rules.

28.C Reallocation of Position

If an employee's position is allocated to a lower class, or if an employee's class is allocated to a lower grade, or if an employee's class is allocated to "Special Employments" at a lower hourly rate, the salary of such employee shall not be adversely affected thereby so long as the employee is entitled to reinstatement rights in accordance with [23.C](#). However, no salary increase shall be granted such employee until such time as the regular rate attached to their position exceeds their present salary. If there is a general salary reduction in the Compensation Plan, such employee shall not be exempted from such general reduction.

28.D Length of Service

In computing an employee's length of service for the purpose of any salary advancement allowable by Council Resolution such service shall date from the time of regular or provisional employment.

28.E Maintenance or Fees

There shall be deducted from the salary payable to any employee, who in the position held by the employee, receives from the City any meals, lodging, or other maintenance, an amount which fairly represents the value of such maintenance; such value shall be determined by the department head and this shall be approved by the Mayor.

28.F Special Allowances

Any special allowances authorized by the Council to any employee for the purpose of upkeep, maintenance, or furnishing of any animal, automobile, motorcycle, vehicle, uniform, or other equipment necessarily used by the employee in the performance of the duties of their position shall, if granted, be paid in addition to the regular salary payable to the employee.

28.G Call-In Pay

When an employee is called to work, they shall receive two hours pay if not put to work. If the employee is called to work and commences work, they shall be guaranteed four hours pay. These provisions, however, shall not be effective when work is unable to proceed because of adverse weather conditions; nor shall these provision apply to temporary or emergency employee nor to employees employed under any of the titles listed under the heading "Special Employments"; nor to any person whose regularly scheduled workday is less than four hours.

28.H Overtime Compensation

1. Time on the payroll in excess of the normal hours set forth in [Section 29](#) shall be “overtime work” and shall be done only by order of the appointing authority.

Except as provided by contract provisions or, where no contract provisions exist, where the employee is exempt, or not covered under the Fair Labor Standards Act, an employee shall be compensated for work done in excess of the normal hours at one and one-half times the established rate of pay.

For employee whose rates of pay are established on a biweekly basis, the hourly overtime rate shall be one and one-half times the biweekly rate divided by eighty (80).

For employees whose rates of pay are established on an hourly basis, the overtime rate shall be one and one-half times the rate in effect for the work being performed.

2. Compensatory time shall be granted or payment made for overtime not later than one (1) year from the time when it is earned. No more than 150 hours of overtime may be accumulated in the form of compensatory time. Whenever time limit or maximum hour limit is exceeded, or when a department determines that compensatory time cannot be granted, payment must be made at the authorized rate. When overtime is paid this shall be shown on the payroll.

Each department shall be responsible for keeping a record of compensatory time earned and used by each employee for each payroll period, and of overtime work. All such records shall be audited at least once a year by the Director of Finance and Management Services.

29 Hours of Employment

29.A Normal Work Day and Week

For all employees, unless otherwise provided, eight hours in any twenty-four hour period, and forty hours in any seven-day period shall be the normal workday and week.

29.B Hours for Employees in Fire Group

The normal workweek for employees in the Fire Unit shall be an average of 56 hours in a seven-day period, computed on a yearly basis. This does not include employees in the Fire Prevention Division and employees working under the title of Fire Alarm Dispatcher.

29.C Hours for Employees on Shifts

For employees on a shift basis, the normal workweek shall be an average of forty hours.

29.D Exceptions to the Forty-Hour Week

To meet unusual conditions, or in the case of certain seasonal employees whose total yearly hours do not exceed 2080, upon request of the department head, a different schedule may be established for particular groups of employees, with the approval of the Council by resolution.

30 Reports to the Office of Human Resources

Appointing officers shall make, among other reports, immediate report to the Office of Human Resources of the following:

1. Appointments, whether emergency, temporary, permanent, or provisional.
2. Refusal or neglect by a person who has been certified to accept an appointment.
3. Changes in the compensation of employees serving under the appointing officer.
4. Suspension or reinstatement made by the appointing officer of any officer or employee.
5. Transfer in the department or between departments as provided by these Rules.
6. Every vacancy, leave of absence, resignation, or separation in the department and its cause.
7. Creation or abolition of any office or place of employment in the department.
8. Changes in the department organization with details for charting.
9. Performance appraisal ratings of employees in the department as provided in these Rules.

31 Payrolls

City payrolls shall be approved if they conform to the provisions of the City Charter, and these rules and applicable laws.

32 Class Specifications

Class specifications shall not be a part of the Civil Service Rules but shall be maintained by the Human Resources Director as an administrative tool. The Human Resources Director may make changes in the class specifications as the Director sees fit. However, if a change in a class specification is challenged or protested by any individual or group, the change must be approved by resolution of the City Council. Such rules or amendments, which are approved by the Council, shall be submitted within five days of their passage to the Civil Service Commission for their approval or rejection. Within ten business days, the Civil Service Commission shall either approve and sign the measure or shall return it to the Council with a communication in writing stating their disapproval and the reason therefore. If the Commission neither signs nor vetoes the measure within ten business days, it shall be deemed approved. Any such measure which is vetoed by the Civil Service Commission may be reconsidered by the Council and shall become law if passed by an affirmative vote of at least five members of the Council within thirty days of the veto. Any such measure which has been reconsidered by the Council and repassed shall be deemed approved.

33 Employee Assistance Referral Policy and Procedures

The Council shall adopt by Resolution formal procedures for referring employees, who are thought to have personal health problems which adversely affect their job performance, to appropriate professional resource persons for evaluation.

Personal health problems for the purposes of this Section shall include alcoholism, drug abuse, and mental or physical problems.