

CITY OF KENOSHA

CIVIL SERVICE COMMISSION



Ordinances, Rules, Regulations and By-Laws

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Personnel Rules and Regulations

I. General

1. These Rules and Regulations are promulgated in pursuance of Article 4, Section 3 of Charter Ordinance No. 29, as amended, of the City of Kenosha for the purpose of establishing a system of personnel administration based on the merit principle that meets the social, economic and program needs of the people of the City of Kenosha. This system shall provide means to recruit, develop and maintain an effective and responsible work force in accordance with State and Federal funding requirements and good personnel system practices. It shall provide that all personnel activities will be made in accordance with Equal Employment Opportunity Laws and Regulations, Affirmative Action guidelines, and merit and fitness as defined by these Rules and Regulations.
2. These Rules and Regulations apply to all positions and employees covered by the Civil Service System Ordinance as described in Article 2 of that Ordinance.
3. In case of conflict between any of these Rules and Regulations and a provision of a valid contract between the City and labor organization, the provisions of the contract shall apply.
4. Whenever the masculine pronoun is used in these Rules and Regulations, it shall be understood to refer to either sex as it is used solely in the interest of clarity and brevity of expression.
5. If necessary to carry out the provisions of the Civil Service System Ordinance and these Rules and Regulations, the Director of Personnel or the Supervisor of Personnel may issue administrative directives and/or procedures.

II. Classification Plan

1. **Purpose.** It is the purpose of the Classification Plan to provide an orderly inventory and appraisal of positions in the City's services so that the following may be obtained:
 - a. Equality of pay for positions on the basis of substantially similar duties, responsibility or work difficulty.
 - b. Proper pay differences between positions which differ materially in duties and responsibilities.
 - c. Improved recruiting through appropriate definitions of positions and the establishment of reasonable standards for entrance to or promotion within the classified service.
 - d. Orderly control of personnel status changes affecting employees while in the service, such as transfers, promotions, demotions, leaves of absence, dismissals and other personnel status changes.
2. **Composition of the Classification Plan.** The Classification Plan shall consist of:
 - a. A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualification, and which

can be equitably compensated within the same range of pay under similar working conditions.

- b. Class titles, descriptive of the work of the class, which identify the class, and which shall be used in all personnel, accounting, budget, and related records. No person shall be appointed to or employed in a position under a title not included in the Classification Plan. Working titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may be continued in use for those purposes.
 - c. Written specifications for each class of positions consisting of: A title which is descriptive and consistent with other titles in the plan; a brief overall description of the kind and level of work; examples of typical duties performed in positions of the class; qualification requirements setting special requirements, and the required knowledges, skills, and/or abilities needed in order to perform the work. Specifications are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.
3. **Preparation of the Classification Plan.** The Supervisor of Personnel shall make or cause to have made a survey of the duties of all positions in the City's classified service. From the information developed in this survey, a Classification Plan shall be prepared after consultation with Department Heads concerning the grouping of positions into classes of substantially similar duties and responsibilities. When approved by the Common Council, the Plan shall constitute the official Classification Plan for the City.
 4. **Maintenance of Plan.** Department Heads shall file written notice with the Supervisor of Personnel whenever a permanent and material change is made in the duties of any position, and may make such recommendations concerning reallocations as appropriate. Further, the Supervisor of Personnel at his own initiative or on request of a Department Head, the City Administrator or Personnel Director may initiate a study of one or more positions to ascertain the appropriate allocation. The establishment of new classifications, the abolition of old classification, or the change of a classification from one pay grade to another shall be submitted by the Personnel Director to the Common Council for its consideration and approval.
 5. **New Position.** Each Department Head shall file a written request to the Supervisor of Personnel whenever he desires to create a new position. Such request shall contain a detailed description of duties and responsibilities. The Supervisor of Personnel shall allocate the new position to its appropriate place in the Classification Plan, and shall submit the request, together with his allocation, to the City Administrator and Personnel Director. The Personnel Director shall submit the request and allocation to the Common Council for its consideration and approval.
 6. **Classification Protests.** Whenever an employee feels that his position is

incorrectly classified, he may submit a written request to the Supervisor of Personnel for a review of his allocation, setting forth the reasons therefore, with a copy of the same being submitted to the head of the department in which the employee is located. The Supervisor of Personnel shall make such investigation as he may deem necessary to determine the proper classification of the position involved. The decision of the Supervisor of Personnel may be appealed through the Grievance Procedure as outlined in Section XIV of these Rules and Regulations.

7. **Reallocation of Position.** When a position is reallocated to another class at the same level, the incumbent shall be reallocated to the new title.

When a position is reallocated to another class at a higher level, the Supervisor of Personnel will determine if the incumbent is to be similarly reallocated, or whether a promotional examination shall be held to fill the reallocated position. The Supervisor of Personnel will consider the following factors: (1) the number of persons in the class from which the position has been reallocated; (2) the relative performance appraisals and seniority of the person whose position is reallocated compared with others in the former class; (3) the impact of the employee's performance as a factor in justifying upgrading of the position; (4) the opportunity for reassignment of the incumbent to another position in the former class.

When a position is reclassified or reallocated to another class at a lower level and the Personnel Director determines that the incumbent of the former classification shall be reclassified or reallocated to the lower classification, the Personnel Director shall determine the appropriate pay rate for the lower class, the employee's current rate shall be red circled and the employee shall not receive additional step or across-the-board increases until such time as the maximum rate for the lower class equals or exceeds the employee's red circled rate. At that time, the employee's rate will become the same as the maximum rate for the lower class.

If such employee's current rate is below the maximum rate for the lower class, the employee shall continue to receive the same pay rate that he/she was paid in the higher class, and will receive an increase to the next step in the lower class at the same time the employee would have received a step increase in the higher class until the maximum pay rate for the lower classification is attained.

Reallocation to a lower grade in lieu of disciplinary action is not permitted.

III. Compensation Plan

1. **Purpose.** It is the purpose of the wage and salary schedules to provide an orderly and fair means for compensating employees on the basis of the work that they perform and how well they do it.
2. **Preparation.** The Supervisor of Personnel shall conduct periodic pay studies for all positions in the City's classified service. For most classes of positions, and whenever practical, the schedule shall be comprised of pay ranges showing a

minimum rate and a maximum rate. In arriving at such proposed pay ranges, consideration shall be given to the prevailing rates of comparable work in other public employment and private business, to current costs of living, and the City's financial condition and policies.

3. **Installation.** The Supervisor of Personnel shall submit the proposed Compensation Plan to the City Administrator and Personnel Director. The Personnel Director shall submit the proposed Plan together with his recommendations to the Common Council for approval. Amendments to the Plan shall be made in the same manner.
4. **New Appointees.** New appointees appointed to a position in the City's classified service shall be paid the minimum rate of pay for that class, except that in extraordinary situations the Supervisor of Personnel with the approval of the Personnel Director may authorize an appointment at a rate above the minimum, but not in excess of the maximum.
5. **Salary Rate in Promotion, Transfer, Demotion or Reinstatement.** In the event a classified employee is promoted, transferred, demoted or reinstated, his rate of pay for the new position shall be determined as follows:
 - a. **Promotion.** Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be set to (1) allow one step increase above the former rate, or (2) the new rate shall be the entrance rate for the promotional class, and whichever increase is greater shall be applied.
 - b. **Demotion.** When an employee is demoted, his compensation shall be reduced to the rate prescribed for the class and/or pay grade to which he was demoted. The Supervisor of Personnel shall determine the specific pay step in the lower class, based upon his qualification for the work, his record of service with the City, his seniority, and the reasons for demotion.
 - c. **Transfers.** If an employee is transferred to a different position within the same class, there shall be no change in his pay rate. If he is transferred to a different class having the same maximum pay, the Supervisor of Personnel shall determine his pay step based upon his qualifications for the work, his record of service with the City, his seniority, and the reasons for transfer.
 - d. **Reinstatement.** If an employee is reinstated in the City's service, the Supervisor of Personnel shall determine his pay step within the approved pay range for the position to which he is reinstated, based upon his qualification for the work, his former record and length of service with the City, and the number of persons on eligible lists for the position to which he has been reinstated.

IV. Recruitment and Application

1. **Recruitment.** The Supervisor of Personnel is responsible for devising and implementing plans to assure sufficient qualified applicants to meet City needs in each classification. He will seek the advice of department directors in order to achieve this goal.
2. **Announcements of Vacancies.** Announcements of vacancies for classes of

positions shall be made by posting notices in the Municipal Building and other appropriate City departments and, at the Supervisor's of Personnel discretion, may be posted or made public in such a manner as to give eligible persons a reasonable opportunity to compete.

3. **Acceptance of Applications.** All applications for employment and examination shall be made on forms prescribed by the Supervisor of Personnel during the periods of time stated in each vacancy announcement. However, for good cause, the Supervisor of Personnel may extend the closing date for accepting applications, up to the date of the examination, without renouncement. All persons who meet the minimum qualifications set forth in the notice are eligible to apply, provided the Supervisor of Personnel may refuse the application of any person who has taken the same or a similar examination within six (6) months prior to the scheduled examination.
4. **Physical Examination.** Every applicant must meet the medical and physical requirements of the position applied for.
5. **Residence.** The Supervisor of Personnel may, for specific classes, restrict recruitment to a specific geographic area.
6. **Reference Checks.** Information obtained from reference checks, made either by the Supervisor of Personnel or by an employing department, shall be considered confidential.
7. **Disqualification.** The Supervisor of Personnel may reject the application or remove from an eligible list any person who (a) does not meet the minimum qualifications set forth in the class specification; (b) has established an unsatisfactory employment or personnel record as evidenced by the background investigation set forth in Section 6 above; (c) has made false statement of any material fact or practiced deception or fraud in his application, examination or medical history; (d) is afflicted with a mental or physical disease or defect that would prevent satisfactory performance of his duties if appointed; (e) is addicted to or is a habitual user of controlled substances or intoxicants; (f) has failed to report for an examination at the time and place specified; (g) has failed to report in response to an official notice including notice to report for employment interview; (h) has used or attempted to use personal or political influence to further his eligibility for appointment; (I) is barred from employment pursuant to Rule V of these Rules and Regulations; (j) resides outside the geographic area specified in the vacancy announcement; (k) has been certified and rejected three (3) or more times by the same department; or (l) for any other reason not inconsistent with the intent of the Civil Service System Ordinance or these Rules. "Rejection" as used in (k) above means that someone with a lower score on the examination was appointed. Decisions made by the Supervisor of Personnel pursuant to this section are not subject to the Grievance Procedure.

V. Prohibition on Employment of Relatives

1. Subject to the exceptions of Subsection 3, no person can be employed who has a relative who is already employed by the City in a position covered by the Civil

Service System Ordinance or who has a relative in any elected office or elected position in City of Kenosha government.

2. For purposes of this rule, the term “relative” shall mean any member of the immediate household; or anyone whose relationship by blood or marriage is as close or closer than first cousin, including “step” relationships (e.g., step-father, etc.); or any grandparent or grandchild.
3. The prohibitions of Subsection 1 notwithstanding, a person disqualified for employment thereunder may be employed, or continue to be employed, under the following conditions:
 - a. The person was previously employed by the City, and such person was not in violation of the provisions of this Ordinance at the time of initial employment; or.
 - b. The relationship arose or was created subsequent to employment, by and between individuals already employed by the City (e.g., marriage); or,
 - c. The relationship exists between a City employee and an elected City official, elected subsequent to the City employee's initial date of employment.
4. No person qualified for employment under Subsection 3 may be employed in the same department as, or be directly supervised by, any person qualifying as a relative under definition of Subsection 2.

VI. Examinations

1. Types of Examinations.

- a. Open competitive. An examination that can be taken by any person who meets the minimum qualification for consideration for original appointment.
- b. Non-competitive. An examination for a class requiring peculiar and exceptional qualification of a scientific, managerial or professional level. The intent of this provision is that these terms be narrowly construed.
- c. Unassembled. Whenever the Supervisor of Personnel determines that applicants are not available in sufficient numbers to justify holding assembled competitive examinations, he may authorize unassembled examinations, to be given at such times as applicants are available and until City needs are met.
- d. Promotional. An examination in which competition is limited to present employees. Such examinations are customarily restricted to employees serving in lower, related classifications and possessing the qualifications for the class for which the examination is being conducted. However, the Supervisor of Personnel may, in his discretion, accept applications from employees with the necessary qualifications regardless of their current class titles, and may require additional training, education and/or experience for any employee to achieve eligibility.

2. **Contents of Examinations.** Examinations may consist of any one or combination of the following types of tests suitable for appraising the relative knowledge, skills and abilities of applicants, at the discretion of the Supervisor of Personnel.

- a. Written Test. This part, when required, will include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their ability in the use of English, the range of their general information, or their general educational attainments.
- b. Mental Test. This part, when required, shall include any test to determine mental alertness, the capacity of the applicant to adjust his thing to new problems, or to ascertain special aptitudes, character, or personality traits.
- c. Performance Test. This part, when required, shall include such tests of performance as would determine ability and manual skills of candidates to perform the work involved.
- d. Oral Test. This part, when required, shall include a personal interview with competitors for classes of positions where ability to deal with others, to meed the public, to make an oral presentation, or other similar qualifications are to be determined.
- e. Training and Experience. This part, when requited, shall be graded from the statements of education and experience contained in the application form or from supplemental data as may be required. Results of reference checks, if made prior to oral tests, may be part of the evaluation of training and experience.

Promotional examinations may consist of any of the tests mentioned above and, in addition, may include an appraisal of the employee's current performance and/or promotional potential. In either such case, the Supervisor of Personnel shall provide forms on which such appraisals will be made, and will determine the amount of credit to be awarded for either of these factors in the examination.

3. **Scheduling of Examinations.** Examinations shall be held on the dates specified by the Supervisor of Personnel, provided a sufficient number of candidates have applied; otherwise the date of examination may be postponed at the discretion of the Supervisor of Personnel.
4. **Rating Examinations.** Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examination, the minimum rating standards for each and/or all tests, parts, and/or sections shall be established under the supervision of the Supervisor of Personnel. Candidates may be required to attain at least a minimum rating on each test in order to receive a passing grade or to be rated on the remaining parts of the examination and/or test. Each subject shall be marked upon a scale of one hundred (100). No applicant shall be placed upon the employment register whose final earned average on the examination is less than the minimum set by the Supervisor of Personnel. The final earned rating of a competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weights established for each part. If applicable under State law, veteran's preference points will be added to this earned rating.
5. **Tie Ratings.** In case two or more persons receive the same rating, the tie shall be resolved as follows, each succeeding paragraph being resorted to in case all

preceding paragraphs have failed to break the tie:

- a. If the persons tied are already in the classified service, the one having the greater seniority shall have precedence on the list.
 - b. If one of the persons tied is already in the classified service, he shall have precedence over the tied person or persons not in the classified service.
 - c. If experience is a ratable element in the examination, the tied person having the higher experience rating shall be precedence.
 - d. The tied person who has been a resident of Kenosha for the greatest length of time immediately preceding the examination shall have precedence.
6. **Reporting Grade.** Examination scores shall be reported to the nearest whole percentage point.
 7. **Identification of Test Papers.** When a written test is used, the identity of candidates will be concealed during the grading process.
 8. **Notification and Review.** Each person taking an examination is entitled to notification of the result. Candidates who wish to inspect their written examination papers may do so within one week of the date of notification, and may request a review of the scoring immediately following his inspection of his test.

This request for review shall specify the matters to which the candidate objects. No changes shall be made in any rating unless some error was made in scoring. When a review of rating results in a change of position on a list or register, all persons affected shall be notified. No appointment previously made shall be changed or cancelled due to a change on a list or register resulting from a change in rating.

9. **Cancellation of Examinations.** The Supervisor of Personnel may cancel, postpone, reschedule or re-announce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Civil Service Commission and appear in its minutes with the reasons for such action.
10. **Supplemental Examinations.** The Supervisor of Personnel may, with the approval of the Civil Service Commission, order a special or supplementary examination and the reasons shall appear in the minutes of the Civil Service Commission. A classified employee who is prevented from competing in a promotional examination for a valid reason beyond his control, or because of his absence on an authorized military leave, and who is reinstated to his position before the expiration of the eligible list, may, upon his request, be given the opportunity to take the same and/or equally difficult examination. No request for supplemental examination will be entertained after twenty-four (24) hours from the date and time of the announced examination. The Supervisor of Personnel shall determine if the same test or one of equal difficulty shall be used. If that employee successfully passes the examination, his name will be entered on the original promotion list in accordance with his final earned average. No applicant competing on an open basis will be granted a special and/or supplementary test,

unless the failure of an applicant to appear at the stated test was due to manifest error on the part of the Supervisor of Personnel and/or staff. The addition of any name to an eligible list as a result of a supplemental examination will not invalidate any appointment previously made.

11. **Fraud.** If an applicant during an examination is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets and/or books of any kind, his test papers shall be taken and the Supervisor of Personnel shall have them graded with a zero and note on the test papers the reason for such marking. Such applicant may be barred from taking any future examinations.

No person shall willfully or corruptly make a false mark, grade, estimate or report on an examination with respect to the proper standing of any person examined; or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or changes of the appointment, employment or promotion of any person examined or to be examined.

VII. Eligible Lists

1. **Types of Eligible Lists.** The Supervisor of Personnel will establish and maintain such eligible lists for the various classes of positions as he deems necessary to meet the needs of the service.
 - a. **Employment Lists.** Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score on entrance examination. Duration of such lists will be determined by the Supervisor of Personnel for any period up to one (1) year, based upon his estimate of the needs of the service, the qualifications of the eligibles on the list, and the cost of conducting the examination. Duration of any list may be extended by the Civil Service Commission at the request of the Supervisor of Personnel.
 - b. **Promotional Lists.** Such lists shall contain the names and final grades in order of rank for those applicants attaining a minimum passing score on promotional examinations, which are limited to persons already in City service. Duration of such lists will be determined by the Supervisor of Personnel for any specific period up to one (1) year, but may be extended by the Civil Service Commission at the request of the Supervisor of Personnel.
 - c. **Re-employment Lists.** Such lists contain the names of former permanent employees who were separated from their positions due to a layoff. The names of such former employees shall be placed on the re-employment list in the inverse order of their layoff and each name shall remain on the list for one (1) year unless recalled to service earlier. Employees in probationary status at the time of layoff are not entitled to have their names placed on the re-employment list, but instead shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff.
2. **Consolidation of Names on Lists.** Whenever there are fewer than five (5) names of available eligibles remaining on a list, or if a demand is anticipated for

more candidates for employment than and existing list may satisfy, or if there is a need to satisfy Affirmative Action goals, the Supervisor of Personnel may order a new examination and shall consolidate the existing names with the new names in order of their grades. Any eligible form the previous list may also choose to retake the examination, in which case his standing on the new eligible list shall be determined by his new examination grade.

When unassembled examination are conducted, the candidates who compete successfully shall have their names integrated on eligible lists in the order dictated by their grades. Notice to eligibles on unassembled examinations shall indicate only their grades, not their rank on the list.

3. **Removal of Names from Lists.** The name of any person appearing on any list may be removed by the Supervisor of Personnel if (a) the eligible applicant so requests in writing (b) he fails to respond to a notice to report for interview following certification (c) the notice is returned as “address unknown” by the post office (d) he refuses appointment without explanation satisfactory to the Supervisor of Personnel (e) he accepts appointment to the same or any other equivalent or higher-paying class (f) the list expires (g) he is disqualified under Rule IV 7. He shall be notified of his removal if his address is known.
4. **Reinstatement to List.** A former employee with permanent status who was separated from the classified service in good standing may, within one (1) year following this separation, be reinstated to the eligible list for the class in which he had served. Such requests shall be made in writing and are subject to the recommendation of his Department Director and approval of the Supervisor of Personnel. His rank on the list will be determined by his grade at the time he competed; if he obtained this class without competition, his name shall go at the bottom of the eligible list. His name will remain on this list for one (1) year unless previously appointment.

A person who voluntarily removed his name from the list because of lack of interest in appointment at a given time may request the Supervisor of Personnel to restore his name to the list for the remainder of the list’s duration. Such requests will be approved by the Supervisor of Personnel if the person offers good reason to believe he would be interested in employment if it is offered.

VIII. Requisition and Certification

1. **Filling Vacancies.** Whenever a position is to be filled, the Department Director shall submit to the Supervisor of Personnel a requisition which indicates the title of the position; and, if requested by the Supervisor of Personnel, a statement of the duties and desired qualifications. The requisition shall be submitted by the Supervisor of Personnel to the City Administrator and Personnel Director for authority to fill the vacant position. If authorized to be filled, the Supervisor of Personnel will then decide whether the position should be filled by transfer or demotion, exceptional appointment, or from an eligible list and shall certify and refer names to the Department Director after they have been submitted to and reviewed by the Personnel Director. The Department Director will then make an appointment from this certification and notify the Supervisor of Personnel of his

choice(s) on forms provided for that purpose. If the Department Director determines not to make any appointment, he will withdraw his requisition by letter setting forth the reasons for this action.

2. Types of Certifications.

- a. Transfers or Demotions. Subject to the approval of the Supervisor of Personnel and in accordance with Rule IX, positions may be filled by transfer or demotion.
- b. Exceptional Appointments. In the event that the City (1) accepts Federal or State funds requiring unusual or exceptional employment criteria or (2) the City administers an Affirmative Action Plan for protected classes, the Supervisor of Personnel may prescribe the manner in which the subject positions shall be filled, provided all such exceptions shall be approved by the Civil Service Commission.
- c. Eligible Lists. If certification is not made pursuant to Sections (1) or (2) above, it shall be made from appropriate eligible lists in the following priority and manner:

First, the one name of the ranking former employee of the class on the re-employment list from that department, if any exists, for each vacancy; and such person shall be re-appointed.

Second, the three (3) ranking names of former employees of the class on the re-employment list from other departments, if any, shall be certified.

Third, the names on the promotional list, if any, or the employment list, certification from the promotional list will be made only when there are persuasive reasons for so doing. In certifying from either list, the Supervisor of Personnel will determine which of the following methods to use:

- 1 to certify the entire list of eligibles.
- 2 to group the eligibles in broad categories of their relative competence and certify all in the highest category remaining on the list.
- 3 to certify the eligibles attaining the top five (5) scores on the list.

In making this decision he shall consider such factors as the precision of the tests used in the examination, the needs of the City for compliance with Affirmative Action goals, the relative examination scores of the various eligibles, the number of vacancies to be filled, and the need for unusual or special skills or qualifications not possessed by all the eligibles. The number certified may be increased to compensate for an error or change in ranking resulting from appeal.

Fourth, in the absence of any of the above, the Supervisor of Personnel may certify from a related eligible list, in the manner set forth under promotional or employment lists above. A related list is defined for this purpose as one resulting from an examination in which the qualifications are sufficiently similar to justify the conclusion the eligibles are likely to

be competent in the vacancy in question.

3. **Two or More Vacancies.** If more than one vacancy is to be filled, additional eligibles with the next highest score(s) will be certified in order to provide that the total number of additional eligibles is not less than two (2) names in the highest category, he may add to the certification the names of all persons in the next highest category.

IX. Appointments

1. **Types of Appointments.** Appointments shall be one of the following:
 - a. **Probationary Appointment.** An appointment to a full-time or part-time permanently budgeted position shall be a probationary appointment subject to the completion of a satisfactory probationary period. The probationary period shall be regarded as an integral part of the examination process, and shall be utilized for dismissing any employee who does not meet the required standards of performance. The duration of such probationary period shall be set in the rules of the Supervisor of Personnel at no more than one (1) year for managerial and professional positions, and not more than six (6) months for all other positions. Extension of probationary period may be made on written recommendation of the Department Director and approval of the Personnel Director. The employee shall be given a copy of this recommendation. During the probationary period the Department Director will submit periodic performance evaluations. Prior to the completion of the probationary period, the Department Director will submit to the Supervisor of Personnel a written recommendation of acceptance as a permanent employee or termination.
 1. **Separation of Probationary Employees.** A new employee in probationary status may be discharged without the right of appeal.
 2. **Promotional Probationer.** A promotional probationary employee whose performance is deemed unsatisfactory shall have the option of returning to the department and classification held prior to promotion, if still vacant. In the event the position is filled, the Supervisor of Personnel shall determine the manner whereby the employee shall be retained in the service, being closely guided by the provisions in these Rules governing layoffs and reductions in force. The demoted employee shall have the further option of electing to separate from the service and having his name retained on the layoff list for the classification of his former position, for a period not to exceed one (1) year.
 - b. **Permanent Appointment.** Employment of an eligible in a full-time permanently budgeted position, after the satisfactory completion of a probationary period, shall be considered a permanent appointment.
 - c. **Provisional Appointment.** In the absence of an eligible list, the Supervisor of Personnel may, for urgent need, authorize the filling of a vacancy by

provisional appointment. Any such candidate for provisional appointment must meet education, experience and related requirements set by the Supervisor of Personnel. Provisional appointments shall be for a period of not more than four (4) months. No provisional appointment shall be continued for more than twenty (20) days after the establishment of an eligible list for the class. The provisional appointment of an individual shall not confer on the appointee any rights set forth under these Rules.

- d. Specially Funded Appointments. This type of appointment may be made for positions funded through special sources for a limited period of time and which will be abolished at the end of the funding period. All such appointments shall be subject to a probationary period as provided in paragraphs (a) and (a) (1) of this section.
- e. Other Types of Appointments. To fill positions of a seasonal, part-time, temporary, student and/or intern nature, the following appointments shall be made. Such appointments will confer no rights under these Rules.
 1. Limited Term Appointments. A limited term appointment may be made for a position in a department in which work loads may fluctuate and require the services of some employees on a full-time basis up to but not exceeding seven (7) months duration in any one (1) year; or for purposes of replacing a regular employee during an authorized leave of absence, for a period not to exceed the duration of such leave; or for work which is seasonal in nature, not exceeding seven (7) months each year. In all situations, the length of a term requires the approval of the Supervisor of Personnel and may be extended upon approval of the Supervisor of Personnel and Civil Service Commission. All limited term appointees shall meet the requirements set by the Supervisor of Personnel and he may require appointments to be made from an eligible list.
 2. Part-Time Appointments. An appointment may be made or work which requires the services of an employee for less than the number of hours of a full-time employee, for an unlimited period of time. No part-time appointment shall be made for work in excess of thirty (30) hours a week except through the regular appointment process. All part-time appointees shall meet the requirements set by the Supervisor of Personnel, and he may require appointments to be made from an eligible list.
 3. Emergency Appointments. An emergency as used herein means an unforeseen condition which is likely to cause loss of life or loss or damage to property, the stoppage of services, or serious inconvenience to the public. Upon receipt of request from an appointing authority citing such emergency condition(s), the Supervisor of Personnel may authorize one or more emergency appointments, for the duration of the emergency, not to exceed ninety (90) calendar days. The manner of appointment and rate of compensation shall be determined by the Supervisor of Personnel.
 4. Special Project Appointment. This type of appointment may be made for the duration of a special project as determined by the Supervisor of Personnel. All such appointees must meet the requirements set by the Supervisor of Personnel, and he may require appointments to be made

- from an eligible list.
- 5 Federally-funded Positions. Positions created through Federally-funded public employment programs shall terminate at cessation of such Federal funding, conveying no rights of tenure or permanency to incumbents except as provided for in the terms and conditions of the grant or a Collective Bargaining Agreement.
 - 6 Trainee Appointments. In the event a qualified applicant cannot be found after extensive recruiting, a trainee rate of at least one step below minimum rate can be utilized. The length of training period shall vary according to the trainee's experience and training relative to the minimum qualifications set forth in the classification specifications. Upon completions of the training period, the employee shall have earned the minimum rate or be dismissed unless reasonable cause shall exist to prevent separation.
2. **Other Types of Appointments Made Permanent.** No appointment to any position authorized in paragraph 1(e) confers any right to status for probationary or permanent appointment. However, if such an employee was appointed to such position from an eligible list, and was the highest ranking eligible willing to accept such limited-term appointment, and if the subsequent permanent position is authorized, such an eligible may be given probationary status irrespective of the number of higher ranking eligibles available only for permanent appointment. Such change of status can be made only when the fact that position would become permanent was known to the Department Director at the time the appointment was made, and then only with the approval of the Supervisor of Personnel.
 3. **Residence Upon Appointment.** Appointees who are not residents within the following area at the time of appointment shall move within this area within six (6) months, or within three (3) months following satisfactory completion of the probationary period, whichever is later, and shall thereupon remain residents during their incumbency. This area includes: Kenosha County, Racine County (except for the Town of Waterford, but including the Village of Waterford), Franklin, Oak Creek, and South Milwaukee.

For specific and substantial cause, the Civil Service Commission, at the request of the Personnel Director, may grant an extension of these time limits to move into the specified area. For specific and substantial cause, the Personnel Director may restrict the area of residency to Kenosha County for certain appointments.

X. Promotion, Demotion, Transfer

I. Definitions.

- a. Promotion. A promotion is the movement of an employee from a position in one classification to a position in a different classification having a higher maximum salary.
- b. Demotion. A demotion is the movement of an employee from a position in one classification to a position in a different classification having a lower maximum salary.

- c. **Transfer.** A transfer is the movement of an employee from one position to another in the same classification but in a different department; or the movement of an employee from a position in one classification to a position in a different classification having the same maximum salary.
2. **Promotions.** Vacancies in positions above the entry-level will be filled insofar as practicable by the promotion of employees in the service. The Supervisor of Personnel in each case will determine whether an open competitive or promotional examination will serve the best interests of the City.
3. **Demotion.** An employee may be demoted to a position for which he is qualified for any of the following reasons:
 - a. When an employee would otherwise be laid off because his position is being abolished or because of the return to work from an authorized leave or another employee to such position in accordance with City leave regulations.
 - b. When an employee voluntarily requests demotion for any valid reason approved by the Supervisor of Personnel.
 - c. When an employee is demoted for disciplinary reasons, misconduct, inefficiency or incompetency.
 - d. When an employee is removed during promotional probation.

All demotions must receive the approval of the Personnel Director and the Department Director.

Except during a promotional probationary period, no employee has a right to a voluntary demotion; there must be a vacancy in an appropriate lower class to which the employee may be demoted without displacing a current employee.

4. **Transfer.** An employee may be transferred to another position for which he is qualified, with the approval of the Personnel Director and the Department Directors. If an employee is transferred to another department against his will, the Department Director must provide the Personnel Director with a statement giving reasons why such transfer is for the good of the service.

XI. Performance Appraisal

1. **Appraisal Systems.** The Supervisor of Personnel and the Department Directors will cooperatively develop systems for the appraisal of employee performance, and will provide necessary training of each appraiser in the use of the system of which he is a part. To the extent possible, any system so devised will include provision for consultation between appraiser and subordinate as part of the appraisal process.
2. **Uses of Appraisal Systems.** Any system so adopted shall include an overall appraisal of performance representing the judgment of the rater on the employee's total performance during the rating period. The appraisal system may be used for the following purposes:
 - a. To counsel employees so that they have a clear understanding of their duties

- and responsibilities, the work of their department, and the objectives toward which they must strive.
- b. To improve performance by describing strengths and weaknesses of employee performance, urging improvement of any weaknesses.
 - c. To evaluate employees for increases in salary within their salary range.
 - d. To be used in promotional examination as one means of evaluating employees' readiness for advancement. In this regard, the Supervisor of Personnel may, at his discretion, provide a separate system for rating promotional potential, and use such a system in lieu of any other rating of performance on the employees' existing work.
 - e. As a step in the process of corrective disciplinary action.
 - f. As a basis for other recommendations which might affect an employee's status or change of status.
3. **Employee Participation.** Each employee rated in accordance with this rule has the right to receive a copy of the rating; to discuss it with the person who completed it; to discuss it with his Division Director if not satisfied with the outcome of the session.

XII. Disciplinary Actions and Appeals

1. **Benefits and Overtime Compensation.** The Supervisor of Personnel shall recommend to the Personnel Director and the Common Council provisions for overtime compensation and for employee benefits, including but not necessarily limited to annual leave, sick leave, holidays, leaves of absence for special and specific purposes, insurance, medical and hospital benefits and retirement. After adoption by the Common Council, information concerning these matters shall be posted by the Supervisor of Personnel in all affected departments.
2. **Hours of Work.** The normal hours of operation and service shall be fixed by the Mayor. Notice of such hours shall be made to each department by the Supervisor of Personnel. Normal hours are defined as not to exceed an average of forty (40) hours a week except in the Fire Department.

XIII. Disciplinary Actions and Appeals

1. **Disciplinary Policy.** The continued employment of every employee shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. Employees serving in a probationary period may be disciplined or dismissed by an appointing authority without right of appeal. A non-represented permanent employee may be dismissed, demoted, or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the Civil Service Commission By-Laws. A represented permanent employee may be dismissed, demoted, or suspended for cause and shall only have the right of appeal as set forth in the applicable Collective Bargaining Agreement. Employees shall not have a property interest in their positions.
2. **Causes for Disciplinary Action.** The following are among the causes which shall be sufficient for disciplinary action including dismissal, demotion or suspension:

- a. Absence without leave. Such absence continuing for three (3) consecutive work days without acceptable explanation may be considered a resignation.
- b. Unexcused failure to return to work after the expiration of a vacation period, leave of absence, or period for which worker's compensation was paid.
- c. Violation of any lawful or reasonable rules, regulations or order made and given by a superior.
- d. Incapacity due to mental or physical disability of a permanent nature, impairing his ability to perform his job effectively.
- e. Incompetency or inefficiency.
- f. Insubordination.
- g. Intoxication while on duty, or public intoxication while off duty under circumstances which reflect adversely on his ability to perform his job effectively.
- h. Neglect of duty.
- i. Negligence or willful or wanton damage to public property or waste of public supplies or equipment.
- j. Willful violation of any of the provisions of the Civil Service System Ordinance or of any rule enacted thereunder.
- k. Refusal to testify or to answer questions before any Board, Commission, or Committee of any authority conducting a hearing concerning the affairs of City government or the conduct of any officer or employee. An employee may not refuse to testify before such bodies upon the grounds their testimony would tend to incriminate them.
- l. Conduct of an employee in the public service which detracts from the ability of the City to effectively and cost-efficiently serve the people or which tends to reflect upon the confidence of the people in City government.

3. **Basic Requirements for Disciplinary Action.** In all instances of disciplinary action involving suspension, demotion or dismissal, the following shall be observed:

- a. The official who makes the decision to discipline must provide the employee with an opportunity to present his side of the story prior to taking the disciplinary action. A brief summary of the employee's statement shall be transmitted by the official to the Supervisor of Personnel unless the employee's testimony results in dropping all charges.
- b. Notice of dismissal, demotion or suspension must be in writing, addressed to the employee with a copy to the Supervisor of Personnel. This written notice shall state the causes of the action, the nature of the action, and the effective date. Notice of dismissal must be countersigned by the Personnel Director.
- c. No disciplinary action can be effective prior to the delivery of the written notice.
Exception: An employee can be suspended and sent home without pay or without a hearing if his presence on the job appears unsafe; e.g. due to use of alcohol or other drugs; or if his actions are disruptive and there is need to remove him from the work site. However, the foregoing procedures must be implemented as soon as his condition permits; always within three (3) work days unless the employee requests postponement in writing, cannot be located, or is not otherwise available.

4. **Citizen May File Charges.** If a person other than an employee's supervisor wishes to file charges against an employee, he must do so in writing the Supervisor of Personnel, and must state therein the specific act(s) of the employee constituting the basis for the charges. The Supervisor of Personnel will thereupon forward the charges to the Department Director for investigation, which shall include hearing the employee's side of the incident(s) cited in the complaint. Charges shall be dismissed if the complainant fails to appear at this investigation. The Department Head may dismiss the charges if an investigation reveals they lack merit.

5. **Absence Without Leave.** No employee shall absent himself from duty without permission of his supervisor or other appropriate official. In case of illness the employee shall notify his supervisor by telephone or messenger promptly. Each department is authorized to establish and promulgate reasonable rules for the reporting and substantiation of absences.
After three (3) days of absence without reporting, the Department Director may declare the position vacant and report the employee as having resigned. Such a resignation may be set aside, with the approval of the Supervisor of Personnel, if the employee submits a satisfactory explanation of the reason for his failure to report the absence.

XIV. Grievance Procedure

1. This grievance procedure shall be applicable to the following types of employees;
 - a. All permanent full-time and part-time employees not represented by a collective bargaining agent.
 - b. Temporary, seasonal, part-time, provisional, specially funded emergency limited term, special project, student intern, federally funded and trainee employees.

2. **Definition of Grievance.** A grievance is a question concerning the interpretation or application of the Civil Service System Ordinance, these Rules, or any directives, resolutions or ordinances promulgated pursuant to said Ordinance or Rules, except that this grievance procedure is not available on matters which under these Rules are appealable to the Civil Service Commission. Any questions as to whether or not a particular complaint is a grievance, and how it should be processed, will be resolved by the Supervisor of Personnel. Complaints which are not grievances in the sense described in this paragraph may be presented to the immediate supervisor for informal resolution.

3. **Grievance Procedure.**
 - Step 1.** An employee who thinks he has a grievance shall first discuss it with his supervisor. This discussion must begin within ten (10) days after the employee knows of, or should have known of, the incident leading to the grievance. If the problem cannot be adjusted by the supervisor within three (3) work days, the supervisor shall inform the employee of his right to put it in writing, which must be done within three (3) work days, with a copy going to the Personnel Department. The supervisor, within three (3) work days of receipt of a written grievance, shall provide the employee with a written reply.

Step 2. The employee may then appeal to Step 2 by sending a copy of the written grievance and the immediate supervisor's reply to the supervisor's supervisor. This must be done within five (5) work days of the receipt of the supervisor's Step 1 reply. The Step 2 official shall provide a written answer within five (5) days.

Step 3. If the employee is still not satisfied and wishes to pursue the matter further, he shall, within five (5) work days of receipt of the Step 2 decision, send copies of the entire correspondence to the head of his department, requesting a review. The Department Head shall make such investigation as necessary and deliver his answer to the employee within ten (10) work days.

Step 4. If an employee is still not satisfied and wishes to pursue the matter further, he shall within five (5) work days following receipt of the Step 3 decision, send copies of the entire correspondence to the Supervisor of Personnel, who shall meet with the employee and make whatever further investigation he deems necessary. If, in accordance with these Rules, the matter should be handled by the Civil Service Commission or by some other process, he shall direct it accordingly, so that it is properly and promptly resolved. Otherwise, he shall make a complete report to the Mayor, or the Mayor's designee, whose decision will be final.

4. Grievance

- a. At any other than the first oral discussion with the immediate supervisor, the employee may be represented if he so chooses.
- b. If a supervisor find that he does not have the authority to adjust a given grievance, he shall forward it to the level possessing this authority of the Civil Service Commission, he shall forward it to the Supervisor of Personnel in his capacity of Secretary to the Commission.

XV. Reduction In Force

1. In the event that it becomes necessary because of lack of work or funds, or through department reorganization, or if it becomes advisable in the interest of economy to reduce staff, the following procedures shall govern the layoff:
 - a. The reason for such layoff must be reported in writing to the Personnel Director and must stipulate the classifications and number of positions to be affected.
 - b. The Department Head will determine, in consultation with the Personnel Director, the organization units to be affected, and the number and classifications of employees. This plan will then be submitted to the Common Council for approval.
 - c. The layoff will be made by laying off the employees in the classes to be affected. Probationary employees, if any, shall be laid off first with the selection of persons for layoff to be made at the discretion of the Department Head.
From that point on, if employees are to be laid off who hold permanent appointments, Department Heads shall consider such factors as the quality of performance and length of service of employees affected in order to maintain

a level of service equal to City standards. For positions represented by a Collective Bargaining Agreement, the layoff terms of that Agreement shall apply.

When an employee is laid off from a class higher than the entrance class, he shall have the option of demotion to a lower class in the same department, provided the Supervisor of Personnel finds that he is qualified to perform the duties of such lower class and that no other permanent employee with greater performance ratings and length of service would be laid off as a result of the demotion.

Any employee will be given a minimum of fifteen (15) working days notice of layoff whenever possible. In extraordinary circumstances, the fifteen (15) day period may be waived with the approval of the Personnel Director.

XVI. Resignations

Any employee resigning from his position should give a minimum of two (2) weeks advance notice of his intention to enable the City to make proper provisions for the filling of his position, unless otherwise agreed to by the City.

An employee failing to give such proper notice may be considered as having left the service not in good standing. All resignations except as specified in XIII, 2a shall be in writing and shall be filed with the Supervisor of Personnel. An employee who has resigned in good standing may be reinstated within one (1) year following his resignation at the discretion of the Supervisor of Personnel and the appointing authority, and as provided in Rule VII.

XVII. Certification Of Payrolls

1. No person shall be paid unless he has been properly appointed or promoted in accordance with the Civil Service System Ordinance and these Rules and Regulations.
2. No person shall be placed on the payroll, or any title or pay rate changed, without the written authorization of the Supervisor of Personnel.
3. Any payment made to such a person shall be recoverable from the person or persons responsible for the illegal payment.
4. The Supervisor of Personnel and/or Personnel Director is authorized to examine any payroll or voucher in order to assure compliance with these Rules.

XVIII. Records And Reports

1. Personnel Transactions. All appointments, separations, and other personnel transactions shall be made on forms designated by the Supervisor of Personnel.
2. Inspection of Records. All information obtained in background investigations of applicants, all material pertaining to examinations, and all evaluations of employee performance and/or promotional potential shall be considered

confidential; provided, an employee may inspect his own written examination papers and evaluations of his own performance and/or promotional potential.

Information concerning employees and former employees with regard to class title, salary range and dates of appointment is considered public and may be available for inspection at reasonable times during normal business hours in accordance with such procedures as the Supervisor of Personnel may determine. Other personnel information may be made available for official purposes at the discretion of the Supervisor of Personnel.

3. Destruction of Records. The Supervisor of Personnel shall be authorized to destroy records according to the following schedule:
 - a. Examination papers and application forms shall be maintained for a period of two (2) years.
 - b. Employee service records, either in original or microfilm form, shall be maintained permanently.
 - c. Eligible lists and certification forms shall be maintained for a period of three (3) years from the last date of use.
 - d. All other records, including correspondence, may be destroyed at the discretion of the Supervisor of Personnel.

XIX. Amendments

Amendments or changes to these Rules and Regulations shall be promulgated in a similar matter as the original Rules and Regulations, and shall be approved by the Common Council. The Supervisor of Personnel may promulgate administrative directives deemed necessary to enforce the provisions of the Ordinance and the Rules and Regulations promulgated thereunder.

BY - LAWS OF THE
CIVIL SERVICE COMMISSION

Adopted 01/10/83

I. Organization

1. **Election of Officers:** The January meeting each year shall be known as the organization meeting of the Commission, at which the Commission shall elect a chairperson and a vice-chairperson for the ensuing year.
2. **Duties of Chairperson:** The chairperson, or in his absence the vice-chairperson, shall perform the following duties:
 - A. Preside at all meetings of the Commission, including hearings on appeal;
 - B. Sign all correspondence on behalf of the Commission;
 - C. Sign minutes of the meetings, indicating Commission approval;
 - D. Call any special meeting which he believes necessary, either on his own initiative or at the request of the personnel Director or Supervisor of Personnel;
 - E. Present to the Mayor within ten (10) days of any vacancy created on the Commission a list of persons approved by the remaining members of the Commission who are qualified to fill the existing vacancy.
3. **Secretary:** The Supervisor of Personnel shall act as the Secretary of the Commission.
4. **Regular Meetings:** The Commission shall meet monthly dependent upon the business pending, at a time and day fixed by motion.
5. **Absences:** Upon motion, the Commission shall recommend to the Mayor, supervision or removal of any member with a record of excessive or unexplained absences.

II. Disciplinary Appeals

1. **Appeal:** Unless covered by a Collective Bargaining Agreement Grievance Procedure, a classified employee with permanent status may appeal a suspension, demotion or dismissal to the Civil Service Commission. when such action is taken, the Supervisor of Personnel in his capacity as Secretary of the Commission. shall forthwith inform said employee of his right to appeal the decision and of his right to have witnesses subpoenaed on his behalf by the giving of written notice to the Chairperson at least two (2) weeks prior to the scheduled hearing date. To initiate an appeal to the Commission, the employee shall file a request with the Supervisor of Personnel within ten (10) calendar days following his receipt of written notice of disciplinary action. His letter of appeal shall indicate why he disputes the action taken.
2. **Hearing:** The Supervisor of Personnel, in his capacity as Secretary of the Civil Service Commission, shall communicate each appeal request to the chairperson within forty-eight (48) hours of notification. The chairperson shall thereupon fix

the time and date for the hearing of the appeal, either at the next regular meeting, or at a special meeting of the Commission. The Supervisor of Personnel shall thereupon notify the appellant and the department director involved.

The hearing shall be for the purpose of determining whether or not the employee, by reason of his act(s) as charged and his record of service, merits the discipline taken by the department director.

The Commission shall not be bound by the technical rules of evidence, but shall diligently save all the information and evidence bearing on the merits of the case. Either party at interest may be represented.

The hearing shall be held within thirty (30) days of the receipt of the request for hearing and a decision rendered as promptly as possible, but no later than thirty (30) days from the date of the hearing.

3. **Witnesses:** The Chairperson of the Commission shall issue subpoenas for the attendance of witnesses for or against the appellant upon the receipt of timely written requests.
4. **Record of Testimony:** The Commission may require that testimony introduced at a hearing be recorded or reported, but this record need not be transcribed except upon further order of the Commission. Any party to a hearing may make, at their own expense, provision for the orderly recording, reporting or transcribing of any disciplinary proceeding.
5. **Decision:** The Commission, by a majority vote of members present at the hearing, shall render its decision promptly following completion of the hearing and shall notify the parties in interest. The decision must be put into writing and signed by the chairperson, or in his/her absence, by the vice-chairperson. The Commission may affirm, reverse or modify the penalty imposed by the department director as warranted by the facts adduced at the hearing.

III. Other Appeals

1. **Grounds for Other Appeals:** An applicant or employee may file an appeal for a hearing before the Commission if he believes:
 - A. His application for examination was improperly rejected;
 - B. He was improperly disqualified from competing in an examination;
 - C. His examination was improperly graded;
 - D. That any other circumstance involving examination or certification for appointment or promotion was inappropriate;
 - E. He was involuntarily transferred; or,
 - F. His position was improperly allocated