

**MUSKEGON BOARD OF CIVIL SERVICE COMMISSIONERS
MUSKEGON, MICHIGAN**

RULES AND REGULATIONS

**JUNE 1, 1987
AS AMENDED**

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RULES & REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
CITY OF MUSKEGON
MUSKEGON, MICHIGAN

DEFINITIONS

The several terms herein specified whenever used in these Rules and Regulations shall be construed:

APPOINTING AUTHORITY:

A person, supervisor, officer, board, division or department head having the power of appointment to or removal from positions in any office or department.

CIVIL SERVICE:

The personnel of the City of Muskegon in accordance with the aggregation of laws, rules and procedures as provided for by the Charter of the City of Muskegon and its amendment thereto.

CIVIL SERVICE COMMISSION:

Board of Muskegon Civil Service Commissioners as established by amendment to the Charter of the City of Muskegon, Chapter XV, November 5, 1936. Whenever used in the Rules and Regulations, it shall also refer to the Personnel Director to the extent the responsibility may be delegated.

CLASS SPECIFICATIONS:

A formal statement adopted by the Commission which is descriptive but not restrictive of a class of positions containing the title, a general statement of the duties and responsibilities thereof, typical examples of the duties performed and the minimum qualifications.

CLASSIFICATION:

Refers to the process of inquiring into the duties, responsibilities and minimum qualifications of positions in the Classification Service and arranging them into classes.

CLASSIFICATION PLAN:

An orderly system under which positions on the basis of their current duties and responsibilities are grouped into classes, services and grades; each class designated by a descriptive title, which is defined by a class specifications.

CLASSIFIED SERVICE:

Refers to that portion of the Civil Service not included in the Unclassified Service.

COMMISSION:

When used by itself, refers to the Civil Service Commission.

ELIGIBLE:

Any person whose name is on an eligible list for a given classification.

ELIGIBLE LIST:

A list established either through original or promotional examination or reinstatement.

EMPLOYEE:

A person who is legally an incumbent of a position in the Classified Service.

ILLEGAL EMPLOYEE:

A person who is found to have been appointed or employed or continued in employment in any manner contrary to the provisions of these Rules and Regulations and subject to no further warrant being issued for payment of compensation.

MUNICIPAL SERVICE:

Refers to positions in the Classified Service of the City of Muskegon.

OPEN AND CONTINUOUS EXAMINATION:

Following the announcement of such an examination, applications may be accepted, candidates examined, examinations graded, names of

successful candidates entered on the eligible list, and certifications made at any time during the period that the examination is continuously open.

OPEN COMPETITIVE EXAMINATION:

Any examination which is open to all persons whether employed by the City or not, who meet the minimum qualifications and comply with prescribed requirements for admission hereto.

PERSONNEL DIRECTOR:

One who shall act as Director and serve under the Commission as its delegated authority.

POSITION:

Any office, position or employment in the Classified Service.

PRESCRIBED FORM:

A form or forms adopted by the Civil Service Commission to administer these Rules and Regulations.

PROMOTION:

A change, as a result of an examination from one class or position to another class having a higher rate of compensation and involving a change of duties and an increase of responsibilities.

PROMOTIONAL EXAMINATION:

An examination or group of examinations held to determine the relative fitness of applicants for positions allocated to a specific class and open only to employees in the Classified Service who have previously served in specific classes for such period as may be prescribed in each specific case.

PUBLIC HEARING:

Opportunity after Public Notice of at least five (5) days, for any citizen or party interested to appear and be heard at reasonable length on the subject involved.

PUBLIC NOTICE:

Publication by posting in a public place or near the office of the Civil Service

Commission and accessible to the public during business hours.

RE-EMPLOYMENT LIST:

A list of persons arranged in the order provided by these rules who have occupied positions in the Classified Service and who have been separated from the Service by lay-off or reduction in personnel and are entitled to have their names certified to department heads, when vacancies in the class for which they are qualified are to be filled ahead of those whose names are on an eligible list for the class.

UNCLASSIFIED SERVICE:

Refers to officers and positions in the Civil Service specified by the Charter of the City of Muskegon as being in the Unclassified Service.

VACANCY:

A position to be filled by original entrance examination.

* * *

The masculine noun or pronoun as used herein shall be held to include the feminine, the singular to include the plural, the plural the singular.

RULE I - CLASSIFICATION

SECTION 1. CITIZENSHIP: To the extent permitted by law, all employees in the Classified Service of the City of Muskegon shall be citizens of the United States and proof may be required from any applicant; provided, however, that for sufficient cause the Commission may waive such requirements.

RESIDENCE: To the extent permitted by law, where applicable, residence must be established, after date of appointment, in the area and period specified in the Public Notice of Examination. Furthermore, in those situations where residency cannot be mandated, residency is to be encouraged.

SECTION 2. UN-AMERICAN ACTIVITIES: No person who, by court or tribunal of competent jurisdiction, has been found guilty of being actively involved in a group or organization which has actively attempted to overthrow the government of the United States, State of Michigan, or its political subdivisions, shall be eligible for, or remain in, any position or employment in Civil Service.

SECTION 3. CIVIL SERVICE: The Civil Service of the City is hereby divided into the classified and unclassified service.

(1) **Unclassified Service:** Shall include the several officers and positions described to be excepted from the provisions of Chapter XV of the Charter of the City of Muskegon. Such positions not to be affected by the provisions of Civil Service are officers appointed by the City Commission; directors of the several City departments as defined in the Charter of the City of Muskegon.

(2) **Classified Service:** Shall comprise all positions not specifically included in the Charter of the City of Muskegon in the unclassified service.

(a) **Competitive Class:** Shall include all positions in employment for which it is practicable to determine the merit of applicants by competitive examination.

(b) **Non-Competitive Class**: Shall comprise all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as may be determined by the Civil Service Commission; by way of example, positions where qualifications require a State or Federal license, registration or certificate and such is obtained by successfully completing an examination covering the minimum qualifications for the position. The Civil Service Commission shall have complete discretion to determine whether a particular position possesses the requisite characteristics.

(c) **Labor Class**: Shall include ordinary unskilled labor.

SECTION 4. CLASSIFICATION PLAN: A Classification Plan for the employees in the Classified Service Commission. The plan shall provide for the standardization and classification of all positions and employments in the Classified Service of the City and become part of these Rules and Regulations. Such classifications shall be so arranged as to permit the filling of equal or higher grades, so far as practicable, through transfers and/or promotions with equal consideration to current employees, whether of full- or part-time status. Class titles are to be used in all records, documents and processes relating to personnel matters, including compensation and budget matters. No person shall be employed or regularly assigned under any title not appropriate to the duties to be performed, which must constitute at least 50 percent of the duties as set up in the specifications. A classified employee may request that the Civil Service Commission reclassify a particular position if the title of the position is no longer appropriate to the duties being performed.

The classes of positions as named and described in the Classification Plan adopted by the Commission on September 13, 1954, with such amendments as may be made thereto under these rules, from time to time, and the rules herein provided will constitute

the Classification Plan for the classification of positions in the Classified Service of the City of Muskegon.

(a) Power of Commission to Change Classes: The Commission may, from time to time, designate new classes, combine, alter or abolish existing classes, to the extent permitted by law.

(b) Contents of Classification Plan: The Classification Plan which shall be maintained by the Commission shall include:

(1) An outline of classes of positions in the Classified Service arranged within appropriate occupational services and groups.

(2) Class specifications in such form as the Civil Service Commission may prescribe and indicating the kinds of positions allocated to the respective classes as determined by duties, responsibilities, minimum qualifications and lines of promotion.

(C) Allocation to Positions to Classes: The allocation of a position to a particular class is dependent upon the duties and responsibilities of the position as they presently exist. Allocation factors do not consider the personal traits and non-related job abilities of the incumbents, their compensation, length of service or volume of work. Positions shall be at all times classified according to job evaluation and duties and not according to personal qualifications, previous background or for compensation purposes.

(d) Change in Duties: Should the duties of an employee be changed or altered materially from his class specification, notice in writing of such changes and the reasons therefore must be submitted by the appointed authority to the Civil Service Commission for its approval.

(e) Reclassification or Reallocation of Positions: The Commission reserves the right, upon its own initiative or at the request of a department or division head, provided that such request is worthy of consideration, to conduct investigations of positions in the Classified Service as such inquiry becomes necessary, and to

propose and make changes in classification when the facts are considered to warrant such action. In this connection, the Commission may at any time secure from the appointed authority and the employee involved, new statements of the duties and responsibilities of the positions under consideration. The Commission may reclassify all such positions, and City employees in the Classified Service will be required to accept a new classification provided that it does not invade any of their existing vested rights. All changes in classification or allocation shall be recorded in the Commission's minutes.

(f) Review on Reclassification and Reallocation: In the event the Commission after a hearing and/or study of a request for reclassification or reallocation of a class denies such a request, or makes a determination unsatisfactory to those requesting the change, a review may be made for further study. If, however, no review is requested within ten (10) days of the original decision by the Commission, such decision shall not be subject to further consideration. Should a review be requested, it must be submitted in writing and accompanied by supporting or additional reasons upon which the Commission may take action. Following the decision by the Commission on the review, it shall be considered final, and no further request shall be considered.

(g) Creation of a New Position or a New Class: Whenever a new position is to be established, the appointing authority shall submit to the Civil Service Commission the duties, in detail, of such position. The Commission shall thereupon investigate the actual or suggested duties and after discussion with said appointing authority prepare a suggested or tentative specification. After final approval by the appointing authority of the suggested specification, it shall be subject to the approval of the Civil Service Commission, and after such approval it shall be allocated to the proper classification. If created, the new class shall become operative and recorded in the

Commission's minutes. No person shall be appointed to, employed in, or paid for service in any position in the municipal service until the position has been established and allocated to its appropriate class and until the position has been filled as requested herein.

RULE II – APPLICANTS AND APPLICATIONS

SECTION 1. GENERAL APPLICATION REQUIREMENTS: Unless there exists bona fide occupational qualifications which are reflected on the application, applicants who meet the minimum qualifications of the position and are able to perform the duties required will be admitted to any examination regardless of sex, age, race, nationality, religion, or political inclinations.

SECTION 2. CHANGE IN STATUS OF APPLICATION: Any applicant whose application is no longer an accurate portrayal of the applicant shall notify the Civil Service Commission of the change and shall have his or her application changed accordingly. This is to include not only change of address, but also changes as to meeting minimum qualifications and other items of which an appointing authority would wish to be apprised.

SECTION 3. ACCEPTANCE AND REJECTION OF APPLICATIONS:

(1) Filing of Application:

(a) Any person desiring appointment to or promotion within the Classified Service shall file with the Civil Service Commission a written application on the Commission's prescribed form for entrance to the next examination to be given to select persons to be appointed or promoted to positions in a given class. Applications to take the next examinations for any class of positions may be filed by any person who may lawfully be appointed to a position allocated to the class; provided, that applications for specific tests filed later than five o'clock p.m. on the announced closing date

for receiving applications shall not be accepted for that particular test, but shall be accepted for the next test held for filling positions in the class. The Civil Service Commission may require any or all applicants for examinations for any class to show evidence of the possession of the minimum qualifications for the class as shown in the Classification Plan and in case any license or other evidence of competency is required by Federal, State or City law or ordinance, evidence of the possession of such license or other evidence of competency. In all questions of the applicant offering sufficient evidence as to his meeting the minimum qualifications for any position in the Classification Service, the Commission may consider education, prior work and experience in a related field, or any combination of them as equivalent for the minimum qualifications to the contrary notwithstanding.

(b) Applications shall be stamped with the date of filing in the office of the Commission and must be filed within the prescribed time limits.

(c) Unless there is a bona fide occupational qualification requiring knowledge of information, the application shall not garner any information as to age, sex, race, nationality, political affiliation, or religious opinions.

(2) Character and Personal Fitness of Applicants: Applicants must be mentally competent and fitted for the position for which the application is made; must be of good moral character and free from any mental disability and any physical disability that will prevent them from performing the duties required for the position. The applicant's position on an eligible list and appointment is subject to the results of a complete character and fitness investigation, such investigation to be made by authorities delegated by the Civil Service Commission, and any appointment tendered is contingent upon same.

(3) Required Licenses, Certificates and Registrations: For a position requiring a license, certificate of registration within the State or United States, as evidence of professional or technical proficiency and such is required by law to practice a trade or profession or is included in the minimum qualifications for any position, the Commission may, in its discretion, require the submission thereof at the time of application or may designate other time for submission.

(4) Veterans' Preference: The Civil Service Commission shall give preference to veterans as required by the Michigan Veterans' Preference Act.

SECTION 4. CAUSES FOR DISQUALIFICATION OR REJECTION:

(1) Although rejection may be based upon causes other than those enumerated, the following are declared to be cause for rejection of application or disqualification of applicant. If the Civil Service Commission shall find that the applicant:

(a) Is found to lack any of the minimum qualifications as stated in the Public Notice of Examination.

(b) Is physically unfit to perform the duties of the position to which he seeks appointment and/or is afflicted with any disqualifying disease or defect, mental or physical.

(c) Has plead or been found guilty of a crime such as would render him unfit for the position under consideration.

(d) Has been discharged from prior employment for conduct such as would render him unacceptable for the position under consideration.

(e) Has been dismissed from any public service for inefficiency, delinquency or misconduct, or had his name removed from an eligible list.

(f) Has intentionally or negligently, made a false statement of any material fact, or has practiced or attempted to

practice any deception or fraud in his application, examination, or interview with appointing authority.

(g) Does not comply with the residence requirements as stipulated in the Public Notice of such examination.

(h) Did not file his application on or before the final closing date announced in the Public Notice of Examination for receipt of applications.

The Civil Service Commission shall reject the application and notify any applicant whose application is rejected under this rule by mail addressed to the applicant at the address furnished the Commission by him, specifying the cause for the rejection of the application, or shall cancel the eligibility of the applicant if he has already attained a place on the eligible list. In the event the applicant has already received appointment, the Civil Service Commission may take appropriate action to remove him from his Civil Service status.

Applications are considered confidential and names of applicants for examinations shall not be made public, except as required by the Michigan Freedom of Information Act or the Michigan Bullard Plawecki Act. To the extent State law requires disclosure of any information in an application, or if after appointment, an employee's personnel file, the applicant or employee acknowledges that it will hold the City harmless from any liability resulting from the disclosure of information required by State or Federal law.

CAUSES FOR REJECTION OF EMPLOYMENT APPLICATION:

Driving Record (Applicants 18 years of age and older):

Police Officer Candidates: Any felony conviction

Last four (4) years:

- **Driving while license suspended, revoked, or expired**
- **Driving under the influence of alcohol/illegal drug use/prescription drug abuse**
- **Six (6) or more moving violations and/or civil infractions**

- Two (2) or more reckless driving convictions

Last three (3) years:

- License suspension, revocation, or restriction violation(s)

Last two (2) years:

- Eight (8) or more points
- Three (3) or more moving violations and/or civil infractions
- Two (2) or more at-fault accidents

(Applicants 17 years of age):

- Must hold a valid state license for the type of driving being performed
- Must have successfully completed state-approved driver education
- No record of ANY moving violation(s)
- May drive only during daylight hours
- Must drive a car or truck equipped with seat belts for the driver and passengers
- Employer must instruct youth that seat belts must be used when driving
- May drive only autos or trucks not exceeding 6,000 pounds gross vehicle weight

Persons under 17 years of age are prohibited from driving on public roads while working, per Teen Drive for Employment Act of 1998.

RULE III – EXAMINATIONS

SECTION 1. PROCEDURE: In order that employee will be given opportunities to advance in the municipal service, vacancies in the service will be filled by promotion whenever practicable. The Civil Service Commission shall determine in the case of each vacancy

whether it is to be filled by promotional or open competitive examination. If a promotional examination is decided upon, the procedure followed shall be the same as for an open competitive examination as herein described insofar as practicable.

SECTION 2. PUBLIC NOTICE OF EXAMINATION: The Commission shall call open competitive or promotional examinations to fill vacancies in the Classified Service, or to provide eligible lists, if established within the time limits provided herein, for classes of positions where vacancies are likely to occur.

In order to attract qualified applicants and in order that all who are interested in obtaining a position in the Classified Service may be given this opportunity, the Commission may determine the length of time for Public Notice of Examinations for any class of positions in advance by causing to be posted on a bulletin board maintained in or near the Commission's office in a place accessible to the public during business hours, such posting to be not less than ten (10) days before the closing date for filing applications, and causing to be published in a paper of general circulation in the area, with the exception of qualifying and promotional examinations within departments, a notice containing the title of the position, minimum qualifications, general scope of the examination and salary range, the time and place for making application, and the manner in which application forms and other pertinent information may be obtained. Such other publicity shall be given to the notice of examination as may be necessary to attract a sufficient number of qualified applicants. Announcements of examinations may be amended or cancelled by subsequent announcements.

SECTION 3. TYPES OF PUBLIC NOTICES OF EXAMINATION: Public Notices shall be announced as one or more of the following:

(1) **Open Competitive:** The Civil Service Commission shall call open competitive examinations to fill vacancies in the Classified Service or to provide eligible lists for classes of positions where

vacancies are likely to occur. The call shall be made by posting a Public Notice of all such examination announcements by causing to be posted on a bulletin board maintained in or near the office of the Commission in a place accessible to the public during business hours and causing to be published in a paper of general circulation in the area.

(2) Open and Continuous: A series of open and continuous examinations for positions may be announced by a single notice published in a paper of general circulation in the area, and causing to be posted in or near the office of the Commission in a place accessible to the public during business hours, stating that the Civil Service Commission reserves the right to extend the closing date until the eligible lists are sufficient to meet the demand. Such examinations may be administered from time to time as applicants are available or as appointments are necessary and names of successful candidates entered on the eligible list, and certification made at any time during the period that the examination is continuously open.

(3) Qualifying: The Civil Service Commission may post or cause to have posted in a department without other Public Notice announcement of a qualifying examination to a higher level classification within such department.

(4) Promotional: Bulletins shall be sent to all departments. Department heads shall inform all personnel within such departments of such examinations.

SECTION 4. TYPES OF EXAMINATION: Examinations shall be announced as one or more of the following:

(1) Examinations may be held for positions in the non-competitive class.

(2) Open competitive examinations shall be conducted in a manner determined by the Civil Service Commission according to the

class of position involved and shall be open to all applicants who meet the minimum qualifications for the position.

(3) Open and continuous examinations; a policy of open, continuous examining of applicants who have a minimum qualifications for the position, may be maintained. Applicants may be interviewed, rated or given examinations individually whenever it is practicable to do so. Notwithstanding any other provisions may be held, with the approval of the Commission, for any position under Civil Service, particularly those in which vacancies are frequent or in which there is a shortage of qualified candidates.

(4) Competitive promotional examinations shall be based upon records of efficiency, character, merit, conduct and seniority and shall be made open only to employees within the municipal service who meet the minimum qualifications.

(5) Qualifying or reallocation to a higher class shall be conducted by examinations in a manner to be determined by the Civil Service Commission upon the request of a department head for an employee who has held a permanent position for one year within the department, such employee shall be allowed to take an examination in a higher level classification within the department if he meets the minimum qualifications specified for the position.

SECTION 5. SCHEDULING EXAMINATIONS: Examinations shall be scheduled as frequently as the needs of the service may require.

SECTION 6. CHARACTER OF EXAMINATIONS: The Civil Service Commission shall determine and approve the kind of tests to be used, the relative weight to be assigned to each test and fix the time and place for holding such tests. Such examination tests as required by the Civil Service Commission shall be practical in nature, and shall relate to matters which fairly measure the relative fitness and capacity of the applicants to discharge the duties of the positions which they seek, and shall take into account character, training, experience, physical and mental fitness. Any examinations that in

the judgment of the Civil Service Commission serve this end may be employed, such as, written, oral, demonstration of skill, or any combination of these. To the extent feasible, and appointing authority shall be permitted to review an examination being offered and shall have the right to propose changes as to the examination.

SECTION 7. CONTENT OF EXAMINATION: Examinations may contain one or more of the following tests as may be determined by the Civil Service Commission:

- (1) Written tests of aptitudes and mental fitness and knowledge of the work.
- (2) Oral examination evaluating education, training and experience and other personal qualifications.
- (3) Practical or performance tests demonstrating the skill and ability of the applicant to actually perform the work.
- (4) Athletic tests of physical skill and agility.
- (5) Physical tests of strength and fitness.
- (6) Evaluation of character and reputation.

All tests, however, shall be practical and competitive in character, except where competition is suspended.

- (7) Other tests and examinations as may be deemed appropriate.

FELONY RECORD CHECK POLICY

As part of the pre-employment screening process, the City of Muskegon secures felony conviction history information. A felony conviction history may serve as a disqualification for City positions.

An applicant's employment eligibility will be evaluated with consideration to:

- The nature or gravity of the offense(s), if any
- Time that has passed since the conviction and/or completion of the sentence
- Nature of the job sought

Determinations will be established on a case-by-case bases. Additionally, conviction of misdemeanor violation(s) or civil infraction(s) on one's driving record may serve as the basis for disqualification, as described in the City's Driving Record Policy.

SECTION 8. CONCEALMENT OF THE IDENTITY OF APPLICANTS: The identity of applicants in all competitive examinations for the purpose of establishing eligible lists may be concealed. The Commission shall make the necessary provisions for such concealment in connection with the conduct of examinations.

SECTION 9. MEDICAL EXAMINATIONS: The Commission may determine by medical examinations whether applicants for any position possess the prescribed standards of health and physique. All eligibles in original examinations for positions as may hereafter be designated by the Civil Service Commission, must, before appointment, qualify by passing examinations of physical soundness. If a candidate fails to meet the established medical or physical standards, he shall be rated as unsuccessful in the entire examination. The results of such examinations may be used to determine the fitness of the applicants or eligibles for the work. The Commission may, however, establish examinations of physical strength and condition as a subject in examinations. Where positions require special physical fitness, the Commission may require re-examination of eligibles or employees to determine whether they continue to possess the required physical fitness for the work, to the extent permitted by law.

(1) Medical Re-Examination: All employees who have been laid off due to lack of work, lack of funds, or reasons other than the delinquencies of the employee himself, and who for a period of six (6) months or longer since layoff or absence, due to leave or otherwise, shall be required to submit himself to a medical re-examination and pass same before placed back to work.

SECTION 10. POSTPONEMENT AND CANCELLATION OF EXAMINATIONS:

The Commission may cancel or postpone examinations for any reasons considered good and sufficient and such cancellation or postponement shall be recorded with the reasons therefor in the minutes of the Commission. All qualified applicants shall be notified of the Commission's action.

SECTION 11. CONDUCT OF EXAMINATION:

(1) The Civil Service Commission shall conduct all examinations and may designate special examiners to conduct any or all parts of an examination.

(2) Authorization of Special Examiners: The Civil Service Commission may obtain the services of impartial qualified persons as deemed necessary to prepare and assist in examinations, and to remunerate such persons by means of appropriate compensation.

(3) Admission of Tardy Candidates in Examination: The Civil Service Commission may refuse to admit an applicant to an examination if timed tests have commenced. No candidate shall be admitted after any candidate has withdrawn from the examination or has completed his tests and left the room.

SECTION 12. SUBJECTS, WEIGHTS AND GENERAL AVERAGE: The Civil Service Commission shall determine in advance of each examination the methods or combination of methods most suitable and practical to be used for that examination and shall assign a relative weight to each part of the examination. The parts and weights of the examination shall be included in the Public Notice of Examination.

The Civil Service Commission shall prepare or cause to have prepared an eligible list containing the names of competitors, the rating accorded each competitor in education, experience, oral examination, questions on duties and other major parts of the test and the final average received by each candidate. The final average shall be obtained by multiplying the rating received in each major part of the examination by the weight assigned to that part in any

uniform method the Civil Service Commission may prescribe, adding the resulting products and dividing the sum of the products by the sum of the weights assigned to all parts of the examination.

Preference will be allowed for experience and veteran's status on entrance examinations only as provided hereinbefore in the Rules and Regulations; provided, however, that such applicants must obtain the passing final average as posted in the Public Notice of Examination.

The names of competitors shall be arranged in the order of final averages on the eligible list, with the highest first; providing that if two competitors have the same final average, the two applicants shall be treated as equals on the list. This method of preparing and adopting eligible lists shall apply to all examinations.

SECTION 13. REVIEW AND APPEAL: At the time of taking a written test, candidates may be notified by a statement on the cover sheet of the test booklet that they may appear at the office of the Commission during a designated period of at least five (5) working days for the purpose of reviewing the answer key which will be used in grading the tests.

SECTION 14. EXAMINATION GRADES: Unless otherwise published in notices prior to holding the examination, candidates shall be graded on a scale in which 100% represents the highest possible attainment and 60% represents the minimum acceptable attainment in each part of the examination.

Failure of any candidate to attain the required passing grade in any part of the examination will disqualify him in the entire examination.

SECTION 15. NOTICE OF RESULTS OF EXAMINATIONS: As soon as the rating of an entrance examination has been completed and the eligible list established, each competitor shall be notified by mail of his final average, whether or not he has been placed on the eligible list, and standing on the eligible list. Any competitor who fails to

meet the minimum score required for any examination or part thereof shall be notified of the fact and his name and final average placed on a failure roster. If the examinations are open for an indefinite period and tests are held periodically, the eligibility shall be determined by the final average of eligibles without reference to the date they qualified in the examination.

SECTION 16. INSPECTION OF EXAMINATION PAPERS BY CANDIDATES:

All applications and examination papers are the property of the Commission and shall be treated as confidential records. Any candidate may review his examination papers within a ten (10) day period after receiving notice of the result of the examination, in the office of the Commission, subject to such restrictions as the Commission may impose to safeguard test material and to avoid interference with the progress of the work of the office.

The scoring by the examiners shall be deemed prima facie correct. No examination paper of any part thereof, or any record or statement rated as part of the examination in connection therewith, shall be subject to alteration, addition, or emendation by the applicant, or to re-marking except that the Commission may correct any manifest error of scoring. Copying of questions or answers contained in written examination papers shall not be allowed.

If as a result of such inspection, it is clearly shown that clerical or other error has been made in scoring the work of any competitor, the Commission may make such corrections in the scores or such resulting revisions in the eligible list as it considers necessary to rectify the errors discovered and shall notify the eligibles affected provided that no person whose name has been previously certified from such eligible list and who has been employed shall be displaced by such correction and change.

SECTION 17. PRESERVATION OF EXAMINATION PAPERS: The applications, examination papers and other work of all competitors in each examination shall be preserved for the life of the resulting

eligible list, but may in the discretion of the Commission be destroyed thereafter.

SECTION 18. EXAMINATION PAPERS NOT PUBLIC RECORD:

Examination papers written by applicants shall not be considered as public documents, except that examination papers of eligibles certified to fill vacancies may be requested by the department head or appointing authority to whom eligibles have been certified, subject to the Commission's approval.

RULE IV - ELIGIBLE LISTS

SECTION 1. REGISTER OF ELIGIBLES: The Civil Service Commission shall maintain an eligible list for each position in the Classified Service for which either original entrance or promotional examinations have been given. Combined eligible lists may be established for classification requiring the same minimum qualifications.

SECTION 2. PROMULGATION: An eligible list shall be in effect from the date on which it is promulgated. The date of promulgation shall be established by the Civil Service Commission.

SECTION 3. LIFE AND CONSOLIDATION OF ELIGIBLE LISTS: Eligible lists shall be in effect for a period not to exceed one year from the date of their promulgation; provided, however, that any eligible list may be by extended the Civil Service Commission for an additional period not to exceed one year.

In the event of the apparent early depletion of an eligible list, the Civil Service Commission may call a new examination in order to secure a new eligible list for such position, the same to consolidated with the old list if any eligibles remain, and such persons shall take rank upon the said consolidated list in order of their final averages as determined by the respective examinations.

Eligibles on said former eligible list shall have the option of taking the new examination, securing therefrom a new rating (grade), passing or otherwise, which must be accepted, or such eligibles may choose to be placed on the consolidated list with the rating (grade) obtained by them on the old list. Any portion of the consolidated eligible list, however, shall be automatically cancelled and the names removed from the list at the expiration of the period of which such portion was originally approved.

SECTION 4. REMOVAL OF NAMES FROM ELIGIBLE LISTS: The Civil Service Commission may remove the name of any eligible from any list on receipt of due proof that said eligible has physical, mental or other defects; on receipt of derogatory character information that may disqualify him from performing the work of the class; for causes enumerated below and in Rule II, Section 4 or for other reasons determined good and sufficient by the Commission's unanimous approval. The names of eligibles removed from the eligible lists and reasons therefor shall be recorded in the minutes of the Commission.

(1) Causes for Removal of Names from Eligible Lists:

- (a) Appointment through certification from such list.**
- (b) Filing of a statement by the eligible that he is not willing to accept appointment under conditions he previously specified.**
- (c) Disability that prevents the eligible from satisfactorily carrying on the duties of that position.**
- (d) Failure to respond to inquiry concerning availability for employment unless reasons presented for failure to report meet with the approval of the Civil Service Commission.**
- (e) Prior certification and appointment to the class.**
- (f) Receiving a signed statement from the immediately preceding employer that the applicant would not be rehired due to prior performance.**

The Commission may require an appointing authority to submit in writing his reasons for rejecting of an eligible person certified for appointment consistent with Rule IV, Section 4.

SECTION 5. RESTORATION OF NAMES TO ELIGIBLE LISTS: The Civil Service Commission may in its discretion reinstate the name of any person who has been removed for physical reasons if said person shall thereafter, upon a medical re-examination by the City Health Officer, and while such eligible list is in force, be found physically acceptable by the City Health Officer for City employment; provided, however, that such reinstatement if so made shall in no manner continue the eligibility of such person beyond the expiration of the period for which such eligible list was originally promulgated or extended; and, provided, further, that such reinstatement, if so made, shall be entered on such eligible lists in the order and in accordance with his final average.

SECTION 6. REINSTATEMENT REQUESTS: The Civil Service Commission or its delegated authority may, upon written request of any person who has previously been in the Classified Service for a continuous period of three (3) years and who shall not have been out of the service for more than one (1) year, and who shall have resigned from the service in good standing, reinstate said person in the service by placing him at the foot of the eligible list applicable to such kind and grade of service.

RULE V - REQUISITION AND CERTIFICATION

SECTION 1. REQUEST FOR CERTIFICATION: Whenever a vacancy in the Classified Service is to be filled other than by transfer or demotion, the appointing authority shall make requisition to the Civil Service Commission or its delegated authority for eligibles for appointment to the class of position for which the vacancy exists.

Such requisition shall be upon the Commission's prescribed form and shall specify the department, the class, and compensation range; also whether the service is emergency, temporary, seasonal or permanent, and when the service is to begin, and the probable length of service, if not permanent. In any case, the request shall be made as long in advance as possible.

SECTION 2. CERTIFICATION FROM ELIGIBLE LISTS:

(1) **Original Entrance:** Upon receipt of a requisition for certification of an eligible to fill a vacancy other than by promotion, the Civil Service Commission shall certify to the appointing authority the names and addresses of the first three eligibles on the list for the class in which the vacancy exists at the rate of compensation designated in the request; provided, that in case there is no satisfactory eligible list, the Commission shall immediately proceed to obtain such a list in the manner herein prescribed. When more than one vacancy is to be filled, the Commission may, in its discretion, certify three names for each vacancy to be filled; provided, however, that a fewer number may be certified when there is not the required number on the eligible list. The department head may select appointees from any name so certified.

When now eligible list for the class of position exists or when the eligible list has been exhausted and until a new list can be created, a name may be certified for an emergency or temporary appointment with the consent of the Commission, or the Commission may certify names from an eligible list for a class comparable in character and having substantially similar duties, responsibilities and qualifications and considered appropriate. The foregoing shall apply only to original entrance eligible lists.

(2) **Promotional:** In the event of promotion, from one grade of service to another, the Civil Service Commission shall certify to the appointing authority the name and address of the person standing highest on the eligible list for promotion. No person shall be certified

from a promotional eligible list who has been permanently separated from the service of the City of Muskegon.

SECTION 3. NOTICE OF CERTIFICATION OF ELIGIBLES: Whenever the name of an eligible is certified to an appointing authority, the eligible shall be notified of certification by a notice sent to his address as it appears on the records of the Commission. The notice shall state the title of position, the rate of compensation, condition of employment, the department in which the vacancy exists, and the time within which he must report for an interview with the appointing authority, and that unless he reports to the appointing authority, and that unless he reports to the appointing authority, and that unless he reports to the appointing authority for an interview within the time specified, the Civil Service Commission may have his name removed from the eligible list and, provided, further, that should such person, after such interview with the appointing authority decline the appointment, the appointing authority shall obtain from such person a statement in writing as to such declination and shall file such statement with the Commission before another eligible is certified.

Notice of certification shall be given to the appointing authority who shall make arrangements with the person to be appointed to begin work at the earliest possible date and the appointing authority shall notify the Commission of his action. Any eligible shall be allowed to give reasonable notice to his present employer before being required to begin work.

Certification of eligibles for non-competitive and seasonable classifications may be made by certifying to the appointing authority all the names of the applicants who meet the minimum qualifications.

SECTION 4. ACCEPTANCE OF POSITIONS IN LOWER GRADE: An eligible on an original entrance eligible list may, with the approval of the Commission, accept certification to a lower class of position, provided no list exists for the lower position and the duties and

responsibilities are similar, but the acceptance of such lower position shall not forfeit his rights to be certified to the higher position for which he qualified.

SECTION 5. FAILURE TO REQUEST CERTIFICATION: When the appointing authority fails or neglects to submit to the Commission proper requisition to fill existing or anticipated vacancies in the Classified Service, the Commission may, on its own motion, proceed to establish an eligible list to fill such vacancies.

RULE VI - APPOINTMENTS

SECTION 1. PROCEDURE: The appointing authority shall select from the list of eligibles certified to him by the Civil Service Commission the number of persons required to fill the vacancies in his department. Whenever an eligible list contains fewer than three names, such persons shall be eligible for temporary appointment until additional names can be certified after competitive tests; but permanent appointment may be made at the discretion of the appointing authority.

SECTION 2. NOTICE OF ELIGIBLES' APPOINTMENT AND ACCEPTANCE:
The appointing authority shall promptly notify the Civil Service Commission on the prescribed form as soon as the eligible has made arrangements to begin work. Such notice shall include the date when the eligible is to begin work and the appointing authority shall allow the eligible any reasonable time to make any arrangements necessary before commencing the duties of the position to which he is appointed. If the time required is more than two (2) weeks, the appointing authority may ask for certification of a name of the next highest eligible, giving the reasons therefor; and such additional certification may be approved or denied by the Civil Service Commission.

SECTION 3. PERMANENT APPOINTMENT: Employment of a person in a position regularly established without limitation as to the length of such service and subject to a probationary period shall be considered a permanent appointment.

(1) Probationary Period: Purpose - The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position and for dismissing any employee whose performance does not meet required work standards.

(a) Any person who has accepted a permanent appointment from an eligible list shall be on probation for a period not to exceed six (6) months from the date of such appointment and before expiration of the period of probation the head of the department or office in which the person employed may, with the consent of said Commission, based upon written reasons submitted to it, discharge or transfer him to another department in the same class with the consent of the head of such department, but if not discharged prior to the expiration of the period of probation, as hereinafter fixed, his appointment shall be deemed complete. The City Manager may also discharge a probationer with the approval and consent of the Civil Service Commission based upon written reasons as herein mentioned. A probationer may be discharged any time within said probationary period according to applicable laws.

(2) Duty of Appointing Authority During Probationary Period: It shall be the duty and responsibility of the appointing authority during the probationary period of each employee in the Classified Service to investigate thoroughly the efficiency, conduct and integrity of such employee and to determine whether or not he shall be retained in the City service in the class which he has been

appointed and so notify the Commission on forms prescribed by the Civil Service Commission within five (5) days preceding the expiration of the employee's probationary period. However, if an employee is not discharged prior to the expiration of the period of probation as hereinafter fixed, pursuant to Chapter XV, Section 8 of the Charter of the City of Muskegon, his appointment shall be deemed complete.

SECTION 4. TEMPORARY APPOINTMENT: To prevent the delay of special business or to meet extraordinary exigencies, the appointing authority with the approval of the Civil Service Commission may make temporary appointments to remain in force not to exceed sixty (60) days, and if appropriate until legal appointments under the rules and regulations for establishing eligible lists can be made for such positions; provided, however, that any such person to be appointed shall have filed an application on the Commission's prescribed form and meets the minimum qualifications for the position as stipulated in the Classification Plan. No person shall receive more than one temporary appointment in any one fiscal year.

SECTION 5. EMERGENCY APPOINTMENT: In case of an emergency, an unforeseen combination of circumstances which calls for immediate action, or to employ qualified persons most readily available for the performance of such work, the appointing authority may make an emergency appointment not to exceed (30) days' duration with the advice and consent of the Civil Service Commission. Any employment condition of which the appointing authority had previous knowledge or by the experience of due diligence might have had previous knowledge shall not be considered an emergency.

If no emergency is found to exist in fact, an employee appointed may be declared an illegal employee. In no case shall the principle of Civil Service be evaded by successive emergency appointments to the same position.

Such emergency appointments shall be considered as appointments to enable the City to cope with an emergency of short duration requiring immediate employment and may be cancelled at anytime by either the appointing authority or the Civil Service Commission. Immediate steps shall be taken by the Civil Service Commission to establish a classification for any position if none is specified in the classification plan and to provide and immediate existing eligible list for such position if said position is to continue.

Persons having emergency, temporary or non-civil service appointments shall not acquire Civil Service status because of such appointments.

SECTION 6. SEASONAL APPOINTMENT: Appointment of seasonal employees shall be considered appointments of persons to positions for a limited period of service only, an in no case shall exceed twelve (12) months in duration. Seasonal appointments may be made by appointing authorities with the consent and approval of the Civil Service Commission for the purpose of filling positions during periods limited by seasonal conditions, project requirements, or other qualifying circumstances. Persons having seasonal appointments shall not acquire permanent status because of such appointments. Seasonal employees employed continuously without lay-off after a period of twelve (12) consecutive months of employment will achieve status as a permanent employee and will then be subject to the usual six (6) months probationary period which applies to all permanent appointments.

RULE VII - PROMOTIONS

SECTION 1. PROCEDURE: Whenever an examination is to be held to establish an eligible list for any class, the Commission shall decide as to whether a promotional or open-competitive examination is to be

held. The Commission shall provide the rules for promotion to all offices in the Classified Service, based upon merit, efficiency, performance, character, conduct and seniority. Any employee who competes in an examination for a position of higher grade shall be given time off in the event such examination is scheduled during his regular working hours.

SECTION 2. ADVANCEMENT THROUGH EXAMINATIONS: Promotions in classes of positions shall be filled, as far as practicable and consistent with the best interests of the service, by promotion following competitive tests. Whenever experience derived in the lower grade tends to qualify for the higher, class specifications shall indicate the possible line of promotion and probable source of recruitment.

SECTION 3. ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS: When promotional examinations are held, they shall be limited to employees in the Classified Service who have worked for the City for at least one (1) year, except as stated hereinafter in the Police and Fire Departments.

No persons shall be eligible to take a promotional examination in the Police and Fire Departments of the City of Muskegon unless and until he shall have completed a minimum of two (2) years of service in the employ of the City of Muskegon and in the particular department where the vacancy may exist in the rank in such departments next below the rank wherein the vacancy exists; provided, however, that nothing herein contained shall limit this Commission to opening such examinations to persons in ranks below that rank next lower than the rank or position where the vacancy exists or waive the minimum of two (2) year service requirement.

Whenever there is a vacancy in any of the supervisory positions within the Classified Service of the City of Muskegon, except in the Police and Fire Departments, examinations for filling such positions shall be open to all such persons as the Commission may determine;

provided, however, that all City employees shall be eligible to take such examinations if they meet the minimum qualifications and shall be entitled to such additional credits as the Commission may determine. Applicants from the particular department in which the vacancy exists shall be entitled to such further additional credits as the Commission may determine. Such additional credits as provided for in this rule allowable to applicants who shall have attained the passing mark as fixed by the Commission for such examination. This mark shall appear in the Public Notice for such examination. Employees on leaves of absence, other than those on military leaves of absence as hereinafter provided, in order to participate in promotional examinations, shall be required to appear at the time and place where the examination is to be conducted for all applicants.

RULE VIII - TRANSFERS

SECTION 1. TRANSFERS OF PROBATIONARY EMPLOYEES: The appointing authority may transfer a probationary employee with the consent of the Civil Service Commission before the completion of the probationary period and with the consent of the head of such department concerned. All requests for transfers with reasons stated must be made upon the Commission's prescribed form, subject to the approval of the Commission. Transfers may be made upon the request of probationary employees with the approval of the Civil Service Commission to another position of the same or lower classification provided the employee possesses the necessary qualifications to assume the duties of the second position and that such transfer has the approval of both appointing authorities involved. The employee so transferred shall begin a new probationary period as if the probationary employee had not

transferred from another department. However, if the transferring probationary employee shall complete the six (6) month probationary period starting from the date of transfer, he shall then take his seniority in the department to which he was transferred, with seniority dating from the date of transfer.

SECTION 2. TRANSFERS FOR NON-PROBATIONARY EMPLOYEES: A transfer may be made upon the request of a non-probationary employee, with the approval of the Civil Service Commission, to another position of the same or lower classification, provided the employee possesses the necessary qualifications to assume the duties of the second position and that such transfer has the approval of both appointing authorities involved.

Civil Service Rules and Regulations do not grant a transferring employee an undeniable right to return to his/her previous position. Of necessity, City staffing must be maintained at moderate levels, and departments cannot allow for or be required to hold a position open while the transferring employee assesses a new assignment.

If within thirty (30) calendar days of transfer the reassigned employee's former position remains available and a job posting has not been issued, s/he may be allowed to return to his/her previous position provided both appointing authorities agree to move.

SECTION 3. NON-TRANSFER TO CLASSES OF PATROLMEN AND FIREMEN: Any employee of the City desiring to become a patrolman or fireman, regardless of present classification, shall be required to gain such status through open-competitive examination, and such appointments as may result from this procedure shall be considered original appointments rather than transfers.

SECTION 4. TRANSFERS FOR TEMPORARY OR EMERGENCY WORK: Such transfers may be made after first obtaining the consent of the Civil Service Commission, but in no case shall the transfer exceed thirty (30) days.

SECTION 5. SEASONAL TRANSFER: One department may, for seasonal purposes, transfer employees from another department, or one division of a department may transfer for seasonal purposes employees from another division of the same department, within the same classification, by and with the written consent of the heads of such departments or divisions and the Civil Service Commission and said consents shall be filed with this Commission. Such transfers shall be for not more than eight (8) months in the aggregate in any one calendar year nor may any single transfer exceed four (4) consecutive months except in such instances where transfer for an additional period of four (4) months may be made where conditions warrant same. Such extensions, upon the filing of a written request, may be granted by the Civil Service Commission. Such transfer shall not affect the seniority of any employee in his classification.

Failure to file and obtain such approval from the Board of Civil Service Commissioners shall result in the employee or employees affected as being declared illegal employees of the City.

RULE IX - LEAVES OF ABSENCE

SECTION 1. GENERAL REQUIREMENTS: Employees holding positions in the Classified Service shall be entitled to leaves of absence who, upon filing a written request, with the approval of the appointing authority and the consent of the Civil Service Commission, and having previously been in the Classified Service for a continuous period of not less than three (3) years, unless specified otherwise hereinafter, be granted upon such request a leave of absence provided that the reasons for requesting and granting such leave of absence are at the time of such request and permission made part of the minutes of the proceedings of the Commission.

SECTION 2. TYPES OF LEAVES OF ABSENCES: An employee may be granted a leave of absence for any of the following reasons:

(1) To Enter Work of a Governmental Nature or Character:

Such leave of absence shall require three (3) years continuous service with the City and shall be granted for one year only. No extension will be allowed in as much as the leave is entirely voluntary.

(2) Military Leave of Absence: Such leave of absence shall be granted employees in the Classified Service for service in defense of the country or who are members of the National Guard or Naval Militia, or of the Reserve Corps, or forces in the Federal Military, Naval, Marine or Coast Guard service as authorized and provided by the Veterans' Preference Act of the State of Michigan in addition thereto shall be entitled to the rights and privileges authorized by said Veterans' Preference Act with respect to status and re-employment. Such leave of absence does not require three (3) years continuous service with the City.

(a) Promotional Examination: An employee returning from a military leave of absence will be allowed, upon his request, to take promotional examination for which he would have been eligible had he remained in the Municipal Service. Such request must be made in writing to the Civil Service Commission within 15 days from the date of his return to the Municipal Service. In this event, his position on the eligible list shall be determined by reference to the passing point previously established for the examination. Status, thus obtained, shall begin with the date of establishment of the original eligible list. Further, the employee shall be entitled to certification and appointment at the request of the appointing authority if he would have attained a certifiable standing at the

time of the original certification; provided, however, that no person whose name has been previously certified form such eligible list and who has been employed shall be displaced by such request and certification.

(3) **Compulsory Leave of Absence:** If, in the opinion of the appointing authority, an employee is incapacitated for work on account of illness, such employee may be required to submit himself to a physician designated or approved by the City of Muskegon for examination. If the report of the physician shows the employee to be in an unfit condition to perform his duties, the appointing authority shall have the right, subject to the approval of the Civil Service Commission to compel such employee to take sufficient leave of absence to fit him to perform his duties. Such leave of absence may not require three (3) years continuous service with the City.

(4) **To Engage in a Course of Study:** An employee may be allowed a leave of absence to complete a course of study in the line of work in which he is engaged, such course of study to enable the employee to equip or benefit himself to a greater degree in the course of Municipal Service so as to be able to perform a better service upon his return. Such leave, if granted, shall not exceed a period of one year and may be renewed upon proper application with the consent of the Civil Service Commission.

(5) **Health:** Employees holding positions in the Classified Service shall be entitled to a leave of absence for reasons of health sufficient in the opinion of the Commission to warrant such leave. Such leave of absence may not require three (3) years continuous service with the City and may be granted for one (1) year and renewed upon proper application.

(6) **To Enter Other Governmental Work Within the City Service:** An employee in the Classified Service will be entitled to a leave of absence to accept an appointment in the Unclassified Service. This

leave will expire automatically at the end of two (2) years. At any time during this leave, said employee will be restored to the highest post (still in the Classified Service) he formerly held. The expiration of the leave of absence will terminate his reinstatement rights. If, at any subsequent time the employee desires to return to the Classified Service, he will be placed at the top of the eligible list for any former post he held in the Classified Service, provided, however, that if the reasons for termination of his unclassified appointment fall with the provisions of the rules and regulations governing discharge from the classified service for misconduct, the Civil Service Commission shall refuse to order his reinstatement or re-employment. The Civil Service Commission shall determine whether the cause for removal of the employee from the Unclassified position is of such a nature as to disqualify him for reinstatement in his former post in the Classified Service.

(7) Personal Reasons: An employee in the classified service may be granted a leave of absence for personal reasons with the approval of the appointing authority and the Civil Service Commission. Such leave may be granted for up to one (1) year and renewed upon proper application.

SECTION 3. LEAVE-CREATED VACANCIES: Whenever any person holding a position in the Classified Service is away on leave of absence from said Classified Service and this Commission orders that an examination be held to fill such position in the Classified Service during such leave of absence, there shall be included within the advertisement for applicants to fill "temporary vacancies" a statement or provision that such temporary vacancy may become permanent because of the failure of the person on leave of absence to return to his position in the Classified Service, and successful applicants shall in such event be certified as permanent employees for the positions.

SECTION 4. RESTORATION TO POSITION: An employee granted a leave of absence shall be restored to his position upon the expiration of the leave, or, if approved by the appointing authority and the Civil Service Commission, before the expiration of the leave without being certified from any eligible list, provided he shall not be mentally or physically incapacitated at the expiration of such approved leave.

RULE X - RESIGNATION, REMOVAL, DEMOTION, SUSPENSION

SECTION 1. RESIGNATION: An employee in the Classified Service who desires to resign in good standing, shall submit his written resignation to the appointing authority with a copy to the Civil Service Commission, and must give at least one (1) week's notice of his intention to leave the service, unless the appointing authority consents to his leaving sooner. Such request when approved by the appointing authority shall be immediately forwarded to the Commission:

Any withdrawal of an employee's pension funds shall be considered by the City of Muskegon Employee's Retirement System and the Civil Service Commission as a resignation of such employee's service, and in case of a leave of absence shall nullify his leave of absence and his rights to return to service thereunder are forfeited.

SECTION 2. REMOVAL: Any officer or employee of the City in the Classified Service who has completed the probationary period prescribed in accordance with these rules may be removed from office or employment for cause by the appointing authority.

SECTION 3. CAUSE FOR REMOVAL: The following, by way of example only and not as an exclusive list, are declared to be causes for disciplinary action or removal from the classified service of the City of Muskegon. Disciplinary action shall be imposed with respect to each of the groups of offenses listed:

Group 1 Offenses:

- a) **Habitual tardiness at commencement of work say or after lunch.**
- b) **Absence from work without sufficient reason or proper notification.**
- c) **Disregard of safety rules or common safety practices.**
- d) **Abuse of coffee break time.**
- e) **Faulty work and/or covering up faulty work.**
- f) **Any offense in either Group 2 or 3.**

The disciplinary procedure in this group shall be: First Offense, written warning; Second Offense, one day suspension without pay; Third Offense, three day suspension without pay; Fourth Offense, seven day suspension without pay; Fifth Offense, discharge. The violations shall be cumulated for a period of not more than one (1) year.

Group 2 Offenses:

- a) **Unprofessional conduct.**
- b) **Injurious or dangerous pranks.**
- c) **Fighting on the premises. (Quarrelling not considered fighting.)**
- d) **Making or publishing of false and vicious or malicious statements concerning any employee, department head, or the City.**
- e) **Willful malicious destruction of City property.**
- f) **Unjustified abuse of public, verbal or physical.**
- g) **Willful disobedience of the proper directive of a supervisor, or other acts of insubordination.**
- h) **Any offense in Group 3.**

The disciplinary procedure in this group shall be: First Offense, three day suspension without pay; Second Offense, seven day suspension without pay; Third Offense, discharge. The violations

shall be cumulated for a period of not more than eighteen (18) months.

Group 3 Offenses:

- a) Violation of the Civil Rights Act relating to discriminatory practices, policies and customs including sexual harassment.
- b) The willful misuse of City property.
- c) The removal from the premises, without prior authorization, of any City records, confidential information, or other City property, except as necessary in the performance of an employee's duty.
- d) Theft of any property of a fellow employee, or of the City.
- e) Knowingly falsifying any time keeping records, or intentionally giving false information to anyone whose duty it is to make such records.
- f) Consumption, possession, or under the effects of any alcoholic beverages during working hours.
- g) Consumption, possession, use, or under the effects of controlled substances during working hours without doctor's prescription.
- h) Absence of three consecutive working days without notice of leave and without justifiable reason for failure to report.
- i) After warning, incompetence, failure to perform work or duties completely and efficiently, or failure or inability to do the work fixed by the work standard in force.
- (j) The possession of a concealed weapon, including, without limitation, a concealed pistol, whether licensed or not, on the employee's person or in a vehicle to which the employee has access or control, during the hours of and/or in the course of employment, including times for lunch, breaks, or other periods during the work day or

shift or during overtime or holiday employment; the possession or control of same on any city property or at any other location during said hours or at any place while the employee is in the course of his or her employment. This offense shall not apply to law enforcement officers who are certified to carry weapons as peace officers pursuant to the Michigan Law. It shall apply to all full-time, regular part-time, temporary, or contract employees of the City.

The violation of any policy of the City concerning weapons in the workplace, either adopted by the Civil Service Commission or the City Commission, shall further constitute an offense under this section.

- (k) Unlawful manufacturer, distribution, or dispensing of controlled substances during working hours. (June 26, 1989)**
- (l) Failure to disclose a financial or personal interest, including an interest on the part of the employee's immediate family, business, or an organization either employing the employee or family member, or of which the employee is a beneficiary or trustee, in the selection, award, or administration of contracts in which the employee participates or for which the employee has been assigned responsibility. (June 26, 1989)**
- (m) Solicitation or acceptance of gratuities, favors or anything of monetary value, or failure to disclose that gratuities, favors or anything of monetary value has come in to the employee's possession, from contractors, potential contractors, suppliers, or parties to agreements, where the employee participates in the procurement of**

materials of services from those contractors, potential contractors, suppliers or parties. (June 26, 1989)

- (n) Divulging to an unauthorized person confidential information acquired in the course of employment (1) in advance of the time prescribed for its authorized release to the public; or (2) where no such release is authorized. (June 26, 1989)**
- (o) Engaging in a business transaction in which the employee may profit from his or her position with the City or benefit financially from confidential information which the employee has obtained or may obtain by reason of that position. Instruction shall not be considered a business transaction if the employee providing instruction does not have any direct dealing with or influence on the employing or contracting facility associated with his or her employment with the City. (June 26, 1989)**
- (p) Engaging in or accepting employment or rendering services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the employee's duties to the City, or when that employment may tend to impair his or her independence of judgement or action in the performance of those duties. (June 26, 1989)**

The disciplinary action in this group shall be grounds to immediate discharge.

When it appears probable that the employee's unacceptable behavior is caused by psychological or emotional problems that will not be resolved by the disciplinary procedures set forth in this section, the department shall endeavor, with the cooperation of the

City and County agencies, to assist the employee in resolving the problems that have given rise to the unacceptable behavior.

WORKPLACE VIOLENCE: Workplace violence is an extremely serious issue that adversely impacts employers. Accordingly, the City of Muskegon is committed to preventing workplace violence and to maintaining a safe work environment.

Definitions: Workplace violence includes any physical assault, threatening behavior, or verbal abuse occurring in or resulting from the work setting. The workplace consists of all locations where employees perform any work-related duty, such as buildings and the surrounding perimeters, parking lots, City vehicles, and traveling to and from work assignments as well any dispute occurring on private property if it concerns City employment. Workplace violence may involve co-workers, strangers, customers, clients, relatives, acquaintances, or friends. It includes, but is not limited to:

- Psychological trauma such as obscene or threatening phone calls or gestures.
- Swearing, using offensive language, or other verbal abuse.
- Physical attacks, i.e., fighting, stabbing, biting, spitting, or throwing objects.
- Intimidating behavior or harassment of any nature.
- Damage to or destruction of property.

Policy: The City of Muskegon has adopted the following guidelines to deal with physical assault, threatening behavior, verbal abuse, or other violent acts that may occur on the job, during work hours, on City Premises, or in City-owned property, such as vehicles.

- Everyone, including regular and temporary employees, supervisors, department and division heads, assistant city manager, city manager, customers, and the general public, should be treated with courtesy and

respect at all times. Employees are expected to refrain from all conduct that may threaten the security of others.

- Any type of conduct that threatens, harasses, or injures another employee, customer, or member of the public at any time, including off-duty periods, is unacceptable and will not be tolerated. This includes harassment based on a person's sex, race, age, or any characteristic protected by federal law, state, or local law. Violations will result in rapid intervention, cooperation with law enforcement, and serious disciplinary action.
- All threats of or actual violence, both direct and indirect, should be reported immediately to your supervisor or the Affirmative Action Director. In their absence, report it to any other member of management, or by telephoning "911", if necessary. This includes threats by co-workers, customers, relatives, friends, acquaintances, or other members of the public. When reporting a threat of or act of violence, you should be as specific and detailed as possible. Rather than place oneself in danger, all suspicious individuals or activities should be reported immediately as well.

City Responsibilities: The City of Muskegon will promptly and thoroughly investigate all reported threats of or actual violence and reports of suspicious individuals or activities. In order to maintain workplace safety and the integrity of an investigation, the City may suspend involved employees, either with or without pay, pending investigation. Upon conclusion of the investigation, a report will be submitted to the City Manager for evaluation and determination of disciplinary or other appropriate action.

Anyone determined responsible for threats of, actual violence, or other conduct in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment and criminal prosecution, if appropriate. Additionally, employees may be referred to the Employee Assistance Program for evaluation and/or therapeutic resolution to workplace violence behavior issues.

Further, supervisors or managers unresponsive to reports of workplace violence violations will be subject to disciplinary action as well.

The identity of the individual making a report of workplace violence will be protected as much as practical. Retaliation against or negative personnel actions toward an employee making a good faith report of policy violation is prohibited.

Prevention: The City of Muskegon encourages employees to bring disputes or differences with other employees to the attention of their supervisor or the Affirmative Action Director *before* the situation escalates into violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for voicing reasonable concerns.

SECTION 4. PROCEDURE PRIOR TO DISCHARGE: Written notice of intent to discharge an employee shall be given by the appointing authority, with reasons specifically stated in writing for such discharge, and the effective date of discharge.

Prior to the effective date of discharge the employee shall have the right to have a pre-termination hearing before the appointing authority, the Personnel Director, a representative of the City Manager's office, and/or such other individuals the employee may wish. At the pre-termination hearing the employee may present factual reasons why discharge is inappropriate. At the conclusion of the pre-termination hearing, the appointing authority may impose the discharge or impose a lesser discipline. A copy forwarded to the

office of the Civil Service Commission and such notice left or mailed to the employee's official place of residence, shall be sufficient to put any such discharge procedure into effect.

SECTION 5. POST-DISCIPLINARY PROCEDURE: Written notice of removal, discharge, reduction in rank or compensation, suspension, or other disciplinary action shall be given by the appointing authority, Board, or Commission to any officer or employee with reasons specifically stated in writing, with a copy forwarded to the office of the Commission and such notice left or mailed to the employee's official place of residence shall be sufficient to put any such removal, etc., into effect. The person so notified, may, within five (5) days after date of such notice, demand the right to be heard before the Civil Service Commission. The Commission shall fix a time and place for a hearing as soon as practicable. The hearing shall be public unless the employee requests that the Civil Service Commission hear the evidence in a closed door session. Regardless of whether the testimony is received in an open door or closed door session, the Civil Service Commission shall vote and render its decision in a public hearing.

A record of the reasons shall be included in the minutes of the Commission. The employee under charges shall be given an opportunity to produce witnesses and to be heard in his own defense, and to be represented by counsel. The appointing authority may also be represented by counsel. The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the matter through oral testimony and records presented at the hearing, which are best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit and provision of the Charter of the City of Muskegon. The testimony taken at the hearing may be under oath and shall be transcribed. The Commission shall have the power

to require the attendance of witnesses and the production of pertinent documents, and to have oaths administered, and if necessary, to continue the hearing from time to time. The order of proof in any hearing of complaint shall be as follows:

(1) The appointing authority, or the complainant, shall present his evidence in support of the charges.

(2) The defendant shall then produce such evidence as he may wish to offer in his defense.

(3) The parties in interest may then offer rebuttal evidence.

The Commission shall report its findings and recommendations to the authority responsible for the suspension or removal and the employee as specified in the notice. Thereupon the authority making the suspension or removal shall make such final disposition of the matter as may be determined by the Civil Service Commission.

The Commission may at its discretion:

(a) Sustain the charges made against the employee by the appointing authority, Board or Commission and sustain the penalty imposed by the appointing authority, provided that in case of discharge the Commission may at its discretion place the name of the employee on the eligible list for the class of certification when a vacancy occurs in some other department.

(b) Sustain the charges made against the employee by the appointing authority, Board or Commission, but revise the penalty imposed upon the employee.

(c) Not sustain the charges made against the employee by the appointing authority, Board or Commission, and the penalty shall be revoked and the employee made whole for all lost wages and benefits.

The decision of the Civil Service Commission in any such case shall be final. A copy of the written statement of reasons give for any suspension or removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Civil Service Commission, shall be filed as a public record in the office of the Civil Service Commission.

SECTION 6. SUSPENSION: Any appointing authority, and in his absence the officer acting in his place, may suspend without pay, an employee in his department or division for one or more periods aggregating not more than ninety (90) days in a calendar year on account of inefficiency, incompetence, misconduct, negligence, insubordination, disloyalty, or other sufficient cause as stated under reasons for removal. The procedure and rights affecting such suspension shall be the same as that prescribed in the rules relating to removal. All suspensions must be recorded on employee's service cards. Furthermore, after an employee has been suspended without pay for ninety (90) days in a calendar year on account of inefficiency, incompetence, misconduct, negligence, insubordination, disloyalty, or other sufficient cause and the reason for suspension has not been rectified, the appointing authority, or officer actin in his place, may discharge the employee. Such discharge shall occur only after compliance with the procedure prior to discharge and shall trigger the procedures and rights effecting discharge as specified above.

SECTION 7. DEMOTION: Any appointing authority proposing the demotion of an employee shall make his recommendation in writing to the Civil Service Commission and shall supply the employee with a copy of such recommendation. The recommendation shall give the future date on which the proposed demotion is to become effective, the specific reasons for the action, the class to which it is proposed to demote the employee, the new rate of pay, and any other information which the Commission may require.

The recommendation shall also advise the employee that he may within three (3) days file a written answer with the Commission requesting it to investigate the proposed demotion and ask for a hearing before the Civil Service Commission. After such hearing and investigation, or upon the expiration of the three (3) day period without a communication being received from the employee, the Commission shall forthwith approve or disapprove the recommendation of the appointing authority and notify the appointing authority and the employee of its action. Any causes set forth herein as grounds for removal may also be causes for demotion.

RULE XI – REDUCTION IN PERSONNEL, LAY-OFFS

SECTION 1. PROCEDURE: When a position in the Classified Service is to be vacated, discontinued or abolished, the appointing authority shall notify the Civil Service Commission in writing if possible at least two (2) weeks in advance of the number of positions to be vacated, discontinued or abolished together with the reasons therefor. Upon receiving such notice, the Commission shall as soon as possible, and in any case within three (3) days, furnish in writing to the appointing authority the names of the employees to be laid off in the order of the lay-off, provided that temporary, emergency and probationary employees shall be laid off first and that employees who have completed their probationary period shall be laid off according to their total length of service, with the one with the shortest service to be laid off first until such reduction in personnel as may be required by the particular needs of the time shall have been made.

The order of any lay off of an employee or employees in accordance with the provisions of this rule shall be final and not

subject to review by the Civil Service Commission, other than as to whether the proper procedure was followed.

Names of employees who are laid off shall be placed on the appropriate departmental re-employment list in the reverse order of their lay-off.

SECTION 2. RE-APPOINTMENT: In the event of a recall of laid off employees the Civil Service Commission shall notify the particular employee in writing and addressed to such employee at his last known post office address to report for work. Should the person to whom such notice is addressed fail to report to the appointing authority within seven (7) days from the date of mailing said notice, the Civil Service Commission may proceed to the next eligible for re-employment according to law. Such shall be in accordance with procedures stated in Chapter XI, Section 8 of the Charter of the City of Muskegon.

RULE XII – EMPLOYEE PERFORMANCE EVALUATION

SECTION 1. REQUIREMENT: There shall be established a system of Performance Evaluations designed to record the results of the work of each employee under Civil Service which, on the form prescribed by the Commission, generally shall register the quality and quantity of work done and such other facts as will aid in determining the kind and character of services rendered by each employee.

SECTION 2. PURPOSE: Performance Evaluations shall be used by the supervisors to review in detail the work, physical and personal traits of the employee and to counsel with him as to his work deficiencies or to commend him for satisfactory work performance. Performance Evaluations shall also be used on promotional examinations wherein obtained rating scores shall become a part of the final grade of the candidates. Performance Evaluations are considered written records

of employee's work performance and may be used as supporting reasons for discharge or demotion.

SECTION 3. EVALUATION PERIOD: Performance Evaluations shall be returned for each permanent employee at least once in every twelve (12) month period.

SECTION 4. MANAGEMENT RESPONSIBILITY IN ADVISING OF EMPLOYEE WORK PERFORMANCE: Performance Evaluations are for the benefit of both the employee and the City. It is therefore mandatory that a supervisor discuss with the employee his work performance each time the evaluation is given.

SECTION 5. RETURN OF PERFORMANCE EVALUATION FORM: Performance Evaluations shall be returned to the Commission not later than thirty (30) days after being submitted to a Department Head; during which thirty-day period they may be reviewed by the employee before being returned to the office of the Commission. Each Department Head shall be notified in writing of any past due evaluations and shall be expected to cooperate with the Commission in reducing the number of past due evaluations.

SECTION 6. PROMOTIONAL EXAMINATION PERFORMANCE EVALUATION: The obtained score from performance evaluations to be used in a promotional examination for a candidate shall be determined by averaging his last three (3) evaluations preceding the day of examination.

SECTION 7. SCORING: Employee Performance Evaluations shall be graded in accordance with the following scale:

- Outstanding - - - - - 5
- Superior - - - - - 4
- Capable - - - - - 3
- Acceptable - - - - - 2
- Needs Improvement - - - - - 1

RULE XIII - REPORTS TO THE COMMISSION

SECTION 1. CERTIFICATION OF PAY ROLLS: The Civil Service

Commission shall be furnished by the City auditor or other fiduciary officer of the City a copy in duplicate of each payroll on the day designated by the Commission, and the Commission shall examine such copies to determine if all names and no other names are on said pay roll than those on the active list, and that they have been properly certified by the Civil Service Commission and appointed, employed or promoted in pursuance of the Civil Service Chapter of the Charter of the City of Muskegon and these Rules and Regulations.

Such payroll shall in each case be verified by comparison with the official roster, and if it appears that any person whose name is found thereon has been appointed, employed or continued in employment in any manner contrary to the provisions of the law or these rules, such person shall be declared illegally employed and known as an illegal employee. The City auditor shall be instructed that no further warrant for payment of compensation to such illegally employed person shall be issued until further order of the Commission.

SECTION 2. OTHER APPOINTMENT: In case of elective officers or employees not affected by Civil Service according to these rules and regulations, notice of such appointments and information shall be furnished by the City Manager.

RULE XIV - LABORER CLASS

SECTION 1. In the classification of unskilled laborer, a formal Civil Service application and/or examination and establishment of an eligible list is optional with the Civil Service Commission.

SECTION 2. In the classification of unskilled laborer, seniority will be governed by departments.

SECTION 3. Each appointing authority will be governed by the Civil Service Chapter of the Charter of the City of Muskegon and the Rules and Regulations of the Civil Service Commission in regard to unskilled laborer in his department.

SECTION 4. All unskilled laborers in the employ of the City on the date of the adoption of this rule will be and are within the Classified Service of the City and entitled to all the rights and privileges of Civil Service attendant to such positions.

RULE XV – ADMINISTRATION

SECTION 1. **AMENDMENT TO RULES:** The Commission may at any time abolish, alter, change, make additions to or otherwise amend these rules in a manner not in conflict with the law by posting a copy of any proposed change or changes on a bulletin board maintained by the Commission and by sending a copy of such proposed change to any interested persons, with a notice that on a certain date and at a certain hour specified, no sooner than thirty (30) days later, a public hearing will be held at which any person will be granted reasonable opportunity to give reasons why such change or changes should or should not be made.

If the Commission shall determine at the conclusion of the public hearing or thereafter that such changes it shall thereupon cause an official records to be made of such change or changes and thereupon, immediately or at a future date determined by the Commission, become effective. Written notice of such change or changes shall be given by the Commission to each appointing authority and a copy of any rule so modified shall be furnished to any citizen upon request.

SECTION 2. ORGANIZATION AND STAFF: The Civil Service

Commission shall consist of three members to be appointed by the Mayor with the consent and advice of the City Commission. The term of office of each member of the Commission shall be six years. Members of the Commission shall not hold any other lucrative public office or public employment except notaries public, under the United States, the State of Michigan, or any municipal corporation or political division thereof.

The Commission shall, at a meeting in January to be held act two years, elect one member to act as President and one member to act as Vice-President, each for a term of two years, and until successor is duly elected.

The Civil Service Commission may appoint a Personnel Director, who shall act and serve under the direction of said Commission and shall have the general authority and responsibility in these rules and shall be responsible for the administration of the office of the Commission. He shall also superintend the examinations subject to the direction of the Commission and perform such other duties as are prescribed by Chapter XV of the Charter of the City of Muskegon or by the Commission.

If an employee or applicant for employment feels aggrieved by a decision of the Personnel Director, the employee or applicant for employment may appeal such decision to the Board of Muskegon Civil Service Commissioners within five (5) days.

No member of the Civil Service Commission shall receive money or other valuable consideration from any candidate for appointment, for examination or from any other person for or on account of said candidate.

The Commissioners shall be responsible for no discrimination to be assigned, threatened or promised to any person coming under the provisions of these Rules and Regulations because of his political or religious opinions, beliefs, or affiliations.

SECTION 4. MEETINGS AND MINUTES: Regular meetings of the Commission shall be held at such dates and times established at the first meeting of each calendar year which shall be the last Thursday of January at four o'clock p.m. Two members of the Commission shall constitute a quorum. Special meetings may be held at any time on the call of any member of the Commission.

The Director shall attend meetings and shall be responsible for preparing minutes and shall have a right to participate in discussions but shall have no vote.

All meetings of the Commission shall be open to the public and the minutes shall be open to public inspection.

RULE XVI - EFFECT OF INVALIDITY IN PART

If any part or sub-part, sentence, clause or phrase of these Rules and Regulations as established by Chapter XV of the Charter of the City of Muskegon is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations and each part, sub-part, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sub-parts, sentences, clauses or phrases be declared invalid.

RULE XVII - CONTINUING EDUCATION REIMBURSEMENT POLICY

The City of Muskegon encourages the development of employee knowledge, skills, and abilities. In support of this, the City offers individual continuing education reimbursement for professional development courses. For purposes of this policy, continuing education/professional development comprises undergraduate, graduate, specialized certification, or licensure coursework pursued outside of normal work hours.

Further, the continuing education course(s) must be reasonably related to an employee's job responsibilities and show promise of enhancing work-related knowledge, skills, and abilities. Individuals eligible for reimbursement must be regularly scheduled permanent full- or part-time City employees. However, employees covered by a collective bargaining agreement that eliminates continuing education reimbursement payments are not eligible for this benefit.

To request continuing education reimbursement, the following steps *must* be followed:

1. Prior to the start of any coursework, the employee *must* complete a Continuing Education Reimbursement form, available in the Civil Service Office or through the Intranet under Forms/Benefit Info. Coursework not pre-approved may not be approved for reimbursement.
2. Attach receipt(s)/receipt copies to the completed reimbursement form and submit the paperwork to the appropriate Department Head for approval.
3. Upon approval, the Department Head *must* send the completed paperwork to Civil Service for final pre-approval.
4. Civil Service will advise both the employee and Department Head via e-mail or written notice of the denial or pre-approval of continuing education reimbursement, pending successful completion of the coursework with minimum grade of "C" or the equivalent.
5. Upon receipt of a satisfactory class grade report, a copy of the report must be submitted to Civil Service. Civil Service will forward payment information to the Finance Department for reimbursement. Reimbursement payment will be made through payroll and will be added to your paycheck (non-taxable).

- 6. NOTE: Reimbursements must be completed in a timely manner.**
Each year's coursework must be completed by December 31.
Reimbursement requests must be finalized by January 10 for the
prior year's payment. Any payment requests received after the
cutoff date will apply to the next calendar/fiscal year.
- 7. *Additionally, continuing education reimbursement requests***
submitted outside of the above procedure may be denied!
- 8. Any employee receiving continuing education reimbursement who**
leaves City employment within one year of receiving
reimbursement shall forfeit payment as follows:
- a. Employees shall forfeit 100 percent of the reimbursement**
in the event s/he leaves the City employment within six
(6) months of the reimbursement date.
 - b. Employees shall forfeit 50 percent of the reimbursement in**
the event s/he leaves City employment after six (6)
months but within one (1) year of the reimbursement date.

Continuing education reimbursement is limited to \$500 per calendar year
per full-time employee and \$250 per calendar year per part-time
employee. Employees may not assign individual continuing education
reimbursement benefits to another employee, and only tuition,
registration, and textbook costs will be considered for payment.

*** * ***

The foregoing Rules and Regulations were written, compiled and
adopted by resolution of the Civil Service Commission and shall govern the
Classified Service of the City of Muskegon.

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APPENDIX A

**CITY OF MUSKEGON
BOARD OF CIVIL SERVICE COMMISSIONERS**

GRIEVANCE PROCEDURE

- I. AUTHORITY**
- II. PURPOSE**
- III. GENERAL PROVISIONS**
- IV. GENERAL RULES OF THE GRIEVANCE PROCEDURE**
- V. REPRESENTATION**
- VI. PROCEDURE**

APPENDIX A

CITY OF MUSKEGON BOARD OF CIVIL SERVICE COMMISSIONERS

GRIEVANCE PROCEDURE

I. AUTHORITY

The authority for this policy is found in the Charter of the City of Muskegon with specific reference to Chapter XV, Sections 2 and 10 thereof. Further authority is found in the Rules and Regulations of the Civil Service Commission, City of Muskegon, Michigan, June 1, 1987, with specific reference to Rule X, Section 5, 6, and 7, and Rule XV, Section 3.

II. PURPOSE

The purpose of the grievance procedure is to provide a means for an employee to bring to the attention of supervision and management a complaint or grievance and to seek redress for an alleged wrong.

Employees should feel free to use the grievance procedure without fear of reprisal and supervisors and managers should attempt to prevent conditions which result in grievances and should attempt to settle grievances promptly and amicably.

III. GENERAL PROVISIONS

(a) Grievance Definition:

A "grievance" for the purpose of this rule is defined as a violation of a specific portion of Chapter XV of the Charter or a specific rule in the Civil Service Rules and Regulations.

IV. GENERAL RULES OF THE GRIEVANCE PROCEDURE

- (a) Grievances may be filed by an individual classified employee or by a group of classified employees similarly aggrieved; however, if a group of employees files, only those signatory to the grievance will be considered as grievants.**
- (b) This shall be the exclusive grievance procedure for classified employees not covered by a collective bargaining agreement.**

- (c) An employee may withdraw a grievance at any point in the procedure. The withdrawal must be in writing. Once a grievance is withdrawn it may not be reinstated except under extenuating circumstances.

V. REPRESENTATION

- (a) A classified employee who is not covered by the terms of a collective bargaining agreement may represent himself or herself with or without legal counsel. The employee and his/her legal representative will be allowed reasonable time to participate at all steps of the grievance procedure, but such privilege shall not be abused.
- (b) A classified employee who is represented under the terms of a collective bargaining agreement may represent himself or herself, with or without legal counsel, or may elect to be represented by his or her bargaining agent under the terms of a collective bargaining agreement, provided that the legal counsel or bargaining agent must be given the opportunity to be present at any adjustment of the grievance under this procedure.

VI. PROCEDURE

Upon the receipt of a grievance signed by the employee or a group of employees, the Civil Service Commission shall conduct an Appeal Hearing in accordance with the Rules for the Conduct of an Administration Hearing found in Appendix B.

Adopted: February 27, 1989

APPENDIX B

**CITY OF MUSKEGON
BOARD OF CIVIL SERVICE COMMISSIONERS**

RULES FOR THE CONDUCT OF ADMINISTRATIVE HEARINGS

- I. AUTHORITY**
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- XI. REPRESENTATION BY COUNSEL; CROSS EXAMINATION OF
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COMMISSION**

APPENDIX B

CITY OF MUSKEGON BOARD OF CIVIL SERVICE COMMISSIONERS

RULES FOR THE CONDUCT OF ADMINISTRATIVE HEARINGS

I. AUTHORITY

The authority for this policy is found in the Charter of the City of Muskegon with specific reference to Chapter XV, Sections 2 and 10 thereof.

II. NOTICE OF APPEAL

All requests for Administrative hearings shall be made in writing and shall show specifically the reasons for the request.

III. APPOINTMENT OF A HEARING OFFICER

The Civil Service Commission may appoint the Personnel Director, or some other person having no personal or financial interest in the result of the appeal, to serve as Hearing Officer. The Hearing Officer shall conduct the hearing according to these various rules and may recommend a cause of action to be ordered or decision to be rendered.

IV. QUORUM FOR ADMINISTRATIVE HEARING

No hearing under these rules shall be conducted in the absence of two or more Civil Service Commissioners.

V. HEARING OFFICER: SCOPE OF AUTHORITY

The Hearing Officer, subject to final review by the Civil Service Commission, shall:

- (a) Regulate the course of the hearings, set the time and place for continued hearings and fix the time for filing of briefs and other documents.
- (b) Provide for the taking of testimony and the presentation evidence and/or proofs.
- (c) Advise the Civil Service Commission on the relevancy and materiality of the evidence and/or proofs offered.

VI. NOTICE OF ADMINISTRATIVE HEARINGS

All parties in a contested matter shall be given an opportunity for a hearing without undue delay.

All parties shall be sent notice of the hearing at least seven (7) calendar days in advance of the start of the hearing. The employing department shall also be sent notice of the hearing. The hearing notice shall include:

- (a) The date, hour, place, and nature of the hearing.
- (b) A statement of the Issue(s) involved in the hearing.

VII. ADJOURNMENTS

The hearing officer for good cause shown may adjourn the hearing upon the request of a party or upon his/her own initiative.

If a party fails to appear at a hearing after proper service, and if no adjournment is granted, the hearing officer may proceed with the hearing or recommend to the Commission that the appeal be dismissed.

VIII. ATTENDANCE AT ADMINISTRATIVE HEARINGS

Hearings on behalf of the Civil Service Commission are public proceedings and are governed by applicable law.

The hearing officer shall have the power to require the retirement of witnesses during the testimony of other witnesses.

IX. RECORD OF HEARING PROCEEDINGS

Hearings shall be recorded on tape. When requested by a party at interest, the Civil Service Department shall arrange for stenographic service, provided, that the cost of the service shall be paid by the party requesting the service, and that if copies of the transcript are ordered the total cost shall be shared by the parties ordering the transcript.

X. ORDER OF PROCEEDINGS

The hearing officer shall determine the order of the proceedings, affording all parties full and equal opportunity to make their presentations.

XI. REPRESENTATION BY COUNSEL; CROSS-EXAMINATION OF WITNESSES

Any party at interest may be represented at the hearing by counsel or by other authorized representative. Any party at interest shall have the right to cross-examine witnesses.

XII. RULES OF EVIDENCE

The parties shall be given an opportunity to present evidence and argument on issues of fact and issues of law.

The hearing officer shall be the judge of the relevancy and materiality of the evidence offered. The administrative hearings are for the purpose of fact-finding, and conformity to the legal rules of evidence shall not be necessary.

The hearing officer shall give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded.

Objections to offers of evidence may be made, and the hearing officer shall respond on the record to such objections in his/her report of findings of fact.

For the purpose of expediting hearings, and where the interests of the parties will not be substantially prejudiced, the hearing officer may upon his/her initiative require all or part of the evidence in a contested matter to be submitted in written form.

XIII. STIPULATIONS

The parties to a hearing may, and are encouraged, to agree by stipulations in writing to any fact involved in the contested matter. The stipulation shall be used as evidence at the hearing and shall be binding on the parties.

XIV. FINDINGS OF FACT:

FINAL DETERMINATION BY CIVIL SERVICE COMMISSION

The hearing officer shall file a report setting forth the findings of fact, conclusions of law, and recommendations. The report shall be made in writing to the Civil Service commission within a reasonable period, provided that the Commission may require that the report be submitted by a specific date. The findings of the fact shall be accompanied by a concise state of underlying facts supporting them.

The Commission may accept, modify, or reverse the decision and recommendation of the hearing officer. If the Commission's decision is different from that of the hearing officer, the reasons will be detailed in writing and given to the parties. The decision of the Commission shall be final and its order binding on all parties.

A copy of the final decision of the Commission shall be mailed forthwith to each party to the contested matter and to his/her representative of record.

Adopted: February 27, 1989