



RULES OF THE CIVIL SERVICE BOARD

CITY OF GRAND RAPIDS, MICHIGAN

(Revised July 9, 2013)
(Revised June 13, 2011)
(Revised May 11, 2010)
(Revised July 29, 2008)
(Revised April 8, 1997)

TABLE OF CONTENTS

RULE I	GENERAL PROVISIONS
RULE II	DEFINITIONS
RULE III	ORGANIZATION AND FUNCTIONS
RULE IV	RECRUITMENT, TESTING AND EMPLOYMENT
RULE V	SEPARATIONS AND DISCIPLINARY ACTIONS
RULE VI	COMPLAINTS AND APPEALS
RULE VII	STATE AND FEDERAL LAWS
CHARTER PROVISIONS	
INDEX	

100.0 **RULE 1 - GENERAL PROVISIONS**

101.0 Purpose - By the authority granted in Title VII, Section 3 of the Charter of the City of Grand Rapids, the Civil Service Board hereby adopts the following rules and regulations for the administration of the Civil Service of the City of Grand Rapids. (Charter 102) These rules are subject to and controlled by the Civil Service provisions of the City Charter.

102.0 Positions Covered by the Rules - These rules shall apply to all positions in the classified service. The classified service comprises all positions not specifically included in the City Charter in the unclassified service. (Charter 101, 102)

103.0 Positions Exempt from the Rules - The following positions are part of the unclassified service and therefore exempt from Civil Service Rules and Regulations:

- (a) City Manager and Deputy City Manager (Charter 101)
- (b) City Clerk and Deputy City Clerk (Charter 94, 101)
- (c) City Treasurer and Deputy City Treasurer (Charter 7, 94, 101)
- (d) City Comptroller and Deputy City Comptroller (Charter 7, 94, 101)
- (e) City Attorney, Deputy City Attorney, and Assistant City Attorneys (Charter 7, 93(g), 94, 101)
- (f) Mayor and City Commissioners (Charter 8, 101)
- (g) Purchasing Agent (Charter 7, 101)
- (h) City Assessor (Charter 7, 101)
- (i) Secretary to the City Manager (Charter 101)
- (j) Heads of departments and members of appointive boards, and deputy of each department. (Charter 7, Section 101)

104.0 Administration of Rules - The Chief Examiner, as the Chief Administrative Officer of the Civil Service Board, is charged with the administration of these Rules, (Charter 103)

105.0 Amendment of Rules - Amendment and revision of these Rules may be recommended in writing to the Civil Service Board by any person. Amendments or revisions shall become effective upon approval by the Board. The Board may hold public hearings on amendments or revisions to these Rules if it deems it necessary. After a proposal to amend or repeal these Rules has been made at a regular or special meeting of the Board, the Board must wait seven (7) days before taking any final action on a proposal.

106.0 Non-Discrimination - Civil Service Board Rules shall be implemented consistent with state and federal laws prohibiting discrimination.

- 200.0 **RULE II - DEFINITIONS**
- 201.0 Allocation - The assignment of a position to a class on the basis of the kind, difficulty, and responsibility of work of the position.
- 202.0 Appointing Authority - The City Manager, who has final authority to make appointments to a position to be filled in the classified service. (Charter 87(d), 103)
- 203.0 Appointments
- 203.1 Emergency Appointment - The appointment of a person to a position in police or fire service for a period limited to an emergency, including riot, public danger or conflagration. Such positions are not included in the classified service. (Charter 96(d))
- 203.2 Entrance Appointment - The appointment of a person to a position in the City service who is not a present employee of the City and who is not being reinstated from a re-employment list.
- 203.3 Permanent Appointment - The appointment of a person to a position in the City service which is provided for by the organization plan and the budget.
- 203.4 Seasonal Appointment - The appointment of a person to a position in the City service for a period of time not to exceed one (1) year.
- 203.5 Temporary Appointment - To prevent the delay of public business or to meet extraordinary exigencies, the City Manager, with the approval of the board, may make temporary appointments to remain in force not exceeding thirty days, and only until regular appointments under the provisions of this title can be made. (Charter 105)
- 204.0 Board - The Civil Service Board, established in accordance with Title VII, Section 1, of the City Charter. (Charter 100)
- 205.0 Certify, Certification - The act of supplying the appointing authority with names of applicants deemed eligible for appointment to the class and position for which certification is requested.
- 206.0 Classification - A position or group of positions that involve similar duties and responsibilities and require similar qualifications and is designated by a single title indicative of the kind of work.

- 207.0 Classified Service - consists of all positions not specifically included in the City Charter in the unclassified service. The classified service consists of three (3) classes to be known as the competitive class, non-competitive class, and the labor class. (Charter 101 (b))
- (a) Competitive Class - includes all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination. (Charter 101 (c))
 - (b) Non-Competitive Class - consists of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the Rules of the Board. (Charter 101 (d))
 - (c) Labor Class - includes ordinary, unskilled labor. (Charter 101 (e))
- 208.0 Continuous Service - Service not interrupted by resignation or discharge; provided that time on United States Military leave shall not be considered service interruption.
- 209.0 Demotion - (Reduction in Rank) - A change in employment status from a position in one classification to a position in a lower classification involving a decrease in responsibility and a lower maximum salary. (Charter 108)
- 210.0 Eligible - A person who is on an eligible list.
- 211.0 Eligible List - A register of the names of persons arranged in order of their final earned rating on test for classes of employment in which they have competed and qualified for appointment. (Charter 103)
- 212.0 Examination - A process of ascertaining the knowledge and/or skills of a job candidate.
- 213.0 Employee - A person occupying a position in the classified service, or a person who is on authorized leave of absence whose position is being held for him or her pending his or her return.
- 214.0 Lay-Off - A separation of an employee from the City service which has been made necessary by lack of work or funds or other reason not related to fault, delinquency or misconduct on the part of the employee.

- 215.0 Position - A group of duties and responsibilities that have been assigned to a classification requiring the full or part-time service of one employee.
- 216.0 Promotion - A change in employment status from a position in one classification to a position in a higher classification involving an increase in responsibility and a higher maximum salary.
- 217.0 Reclassification - The determination by the Civil Service Board that a position be assigned to a classification different from the one in which it has been previously assigned.
- 218.0 Transfer - A change from one position to another position of the same classification or of another classification with the same maximum salary rate involving the performance of similar duties and requiring essentially the same basic qualifications.
- 219.0 Vacancy - A position duly created and funds provided for, which is not presently occupied, and for which a valid request for filling has been received by the Chief Examiner.
- 220.0 Seniority - Seniority is a status attained by length of continuous service with the City.

300.0 **RULE III - ORGANIZATION AND FUNCTIONS**

301.0 The Civil Service Board

301.1 The Civil Service Board of the City shall be composed of five (5) members, one of whom shall be a member of the City Commission to be appointed on the first Monday in May in each year, by the Mayor. The remaining four (4) members shall be resident taxpayers of the City of Grand Rapids, distributed among the several wards of the City as nearly as practicable, and shall neither hold nor be candidate for any other public office or position, and shall not be an officer or employee of any political party or organization. Board members shall be appointed by the City Commission on the first Monday in May and shall hold office for four (4) years. All members shall serve without compensation. (Charter 100)

301.2 Three (3) members of the Board shall constitute a quorum for the transaction of business but no rule shall be adopted nor shall an employee be dismissed, except by the affirmative vote of three (3) or more members of the Board. (Charter 100)

- 301.3 The Board shall adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character, and industry. (Charter 102)
- 301.4 The Board is empowered to make rules and regulations providing for lay-off and recall, all of which shall have the force and effect of law. The City is not hereby prevented from reducing its work force which shall be entirely within the discretion of the proper administrative officials. The procedure used shall be in accordance with Civil Service rules.
- 301.5 The Board shall make investigations concerning the enforcement and effect of Charter provisions relating to Civil Service and the Civil Service Rules. (Charter 102)
- 301.6 The Board shall hear appeals of any employee in the classified service who has been disciplined by suspension, reduction in rank (demotion), or dismissed from his or her position. The Board shall define the manner, time, and place by which such appeals shall be heard. The judgment of the Board shall be final and binding. (Charter 108)
- 301.7 The Board shall adopt and maintain a classification plan in accordance with the latest and accepted methods of classifying positions.
- 301.8 The Board shall develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City's service.
- 301.9 The Board shall allocate classifications to the competitive class, non-competitive class or labor class. Such allocation or reallocation may be determined by the exigencies existing at the time when appointments are to be made.
- 302.0 Officers and Employees - The Board shall choose from its membership a chairperson and a secretary who shall serve in those respective capacities for a term of one year. The Board shall designate a Chief Examiner.
- 303.0 Meetings - The Board shall hold regularly scheduled meetings for which adequate public notice has been given as required by law. Special meetings may be held on the call of the Chairperson or of any two members of the Board upon notice of not less than twenty-four (24) hours.

304.0 The Chief Examiner

304.1 The Chief Examiner shall provide examinations in accordance with the rules and regulations of the Board and maintain lists of eligible persons of each class of the service of those meeting the requirements of said rules and regulations. (Charter 103)

304.2 The Chief Examiner shall be responsible to the Civil Service Board for the administrative and technical direction of the civil service program.

304.3 The Chief Examiner shall prepare and recommend to the Board such forms, procedures, and budgets as he or she may deem necessary, appropriate or desirable to carry out the Board's program.

304.4 The Chief Examiner shall administer the Board's classification plan based on the duties, responsibilities, and nature of the work of positions in the City service. He or she shall study the classification plan and make recommendations to the Board covering specifications, modifications, classifications, reclassifications, and deletions of positions.

304.5 The Chief Examiner shall develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City service.

304.6 The Chief Examiner shall establish and maintain a roster of all employees in the municipal service.

304.7 The Chief Examiner shall provide a system of checking payrolls so as to determine that all persons in the classified service have been appointed in accordance with these rules.

304.8 The Chief Examiner shall furnish such information as may be required by the Board relating to the operation of the City personnel program.

304.9 The Chief Examiner shall assist the Board in preparation of rules and amendments. Subject to the approval of the Board, the Chief Examiner shall assume the responsibility of enforcing the rules and shall make written reports on violations.

305.0 The Classification Plan

305.1 The Classification Plan shall be maintained to reflect at all times the status of the service. The classification titles applying to various positions shall be used in all personnel budgets, accounting, and other financial documents of the City.

- 305.2 The City Manager shall report to the Chief Examiner any changes in his or her organization which will result in changes in the classification plan.
- 305.3 Any employee may at any time request in writing to the Chief Examiner a review of the duties of his or her position, provided he or she has first requested a reallocation study by his or her department or division head.
- 305.4 The Board, on its own initiative, or at the request of the City Manager or an employee, may direct that a study be made of a particular position. The Board may also order a classification study of the entire classified service, or any part of it. The Board shall determine whether or not an individual classification is correct.

400.0 **RULE IV - RECRUITMENT, TESTING AND EMPLOYMENT**

401.0 Competitive Examinations - All appointments in the classified service of the City shall be made according to merit and fitness to be ascertained insofar as practicable by competitive examination and background review. Examinations shall be prepared by or under the direction of the Chief Examiner and shall relate to those matters which will test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the classes for which examinations are held.

401.1 Competitive examinations may include one or more of the following:

- (a) written exam
- (b) oral exam
- (c) physical exam
- (d) performance exam
- (e) medical exam

Any of the above examinations must be structured in such a way as to determine the degree to which applicants possess identifiable characteristics determined to be important to a successful job performance. The content of the examination must reasonably relate to the job task.

401.2 Promotions shall be based on merit, efficiency, character conduct, and seniority. (Charter 106)

401.3 All examinations shall be publicized by posting announcements in the Personnel Office of City Hall and in such other places as the Chief Examiner may deem advisable.

401.4 The Chief Examiner shall notify in writing each applicant taking an examination of the results thereof including his or her final earned rating and, if successful, his or her position on the eligible list except on continuous open examinations.

401.5 Where it is not a violation of copyright provisions, an applicant shall have the right to inspect his or her test paper. Errors in grading or rating shall be corrected if called to the attention of the Chief Examiner within one month after the approval of the eligible list by the Civil Service Board. Corrections shall not invalidate appointments previously made.

If examination material is copyright protected or not in the possession of the City, the Chief Examiner shall request of the copyright holder or possessor of the examination material, their cooperation in providing the applicant with information regarding the applicant's test results.

402.0 Eligible Lists

402.1 Entrance and Promotional - The Chief Examiner shall establish such entrance and promotional eligible lists for classifications in the competitive class as are necessary to meet the needs of the service. Such eligible lists shall contain the names of those persons who have passed examination for a specific classification.

402.2 Preferred - Employees separated from the classified service by reasons of shortage of work or funds, changes in organization, or other reasons not involving fault, delinquency or misconduct on their part shall at time of separation be placed on a preferred eligible list for a period not exceeding two (2) years. Such employees shall be placed on the list in an order determined by length of service. A separate list shall be established for each classification. Preferred eligible lists shall apply to a specific classification in the work activity from which the employee was displaced. However, in the best interest of the City, the City Manager may appoint preferred eligible employees to vacant positions in another work activity in the following sequence:

- 1) to a position with the same classification as the preferred eligible or;
- 2) to an equivalent or lower paid position that is classified to a title previously held by the preferred eligible or;
- 3) to such other position as the preferred eligible may qualify by meeting and passing the eligibility and examination standards.

402.3 Duration of Eligible Lists - Eligible lists shall become effective upon approval by the Board. Such lists shall remain in effect for a minimum of six months from the date of approval. The Chief Examiner may extend eligible lists for an additional six months by posting a public notice seven (7) calendar days prior to the effective date of the extension. Notice shall be sent to the applicable Union to allow for the Union to protest such extension. If the Union files a protest, no appointment shall be made until the Board convenes and determines if the protest has validity. Such extensions shall not be made more than 30 calendar days after the original expiration date of the eligible list. The Chief Examiner shall notify the Board of any extensions of eligible lists at the next regular Civil Service Board meeting following the extension. For classifications determined by the Board, continuous open examinations may be held and names of eligible person(s) placed on an eligible list in accordance with the final earned rating. For continuous open examinations, no individual may retake an examination or be placed on an eligible list more than once in a six-month period.

402.4 Removal of Names from Eligible Lists - The Chief Examiner shall remove from an eligible list the name of any applicant, former employee or employees,

- (a) who has been placed on such list after a determination that he or she intentionally made a false statement with regard to his or her examination or permitted any fraud preventing the impartial execution of the selection through merit;
- (b) if the eligible person(s) requests in writing that his or her name be removed;
- (c) if he or she has been certified for appointment two times and has not been appointed by reason of his or her refusal;
- (d) if his or her name is on a preferred eligible list and he or she has refused appointment after one certification.

Upon request of a department or division head, study and recommendation by the Chief Examiner and approval of the Board, the name of any applicant may be removed from an entrance continuous eligible list for just cause. Such request shall be made in writing and shall state the reason(s) therefore.

The Chief Examiner shall notify each person of the removal of his or her reason therefore.

Persons on promotional lists who are permanently separated from the service, except by reason of layoff, shall automatically be removed from such lists.

404.0 Appointments

404.1 Permanent Appointments - All vacancies in permanent positions shall be filled by one of the following means, in the following order of priority: preferred eligible, promotion, transfer, demotion, entrance appointment. The Chief Examiner shall be responsible for observing this order of priority, and he may combine any of these sources of appointment.

When the City Manager has made known to the Chief Examiner that a vacancy exists, the Examiner shall certify the names of persons who are highest in order of rank on the appropriate eligible list and in the order provided herein.

For one vacancy, the Chief Examiner shall certify three names. For more than one vacancy he shall certify a number of names to exceed by two the number of appointments to be made. If a sufficient number of names is not available for certification from the eligible list as herein provided, additional names taken from eligible lists in the order provided herein shall be certified to supply the deficiency. (Charter 103)

If there are not three names available for certification for a vacancy, the Chief Examiner shall certify such names as are available. Such certification of less than three names for a position shall constitute certification for the purposes of making appointments.

The City Manager shall make appointments from among those certified, and shall immediately notify the Chief Examiner. (Charter 103)

404.2 Temporary Appointments - To prevent the delay of public business, or to meet extraordinary exigencies, the City Manager, with the approval of the Board may make temporary appointments to remain in force not exceeding thirty (30) days, and only until regular appointments can be made. (Charter 105)

404.3 Seasonal Appointments - Seasonal appointments may be made by the City Manager during periods limited by seasonal conditions, by project requirements, or other qualifying circumstances. No person shall be continuously employed on a seasonal appointment for a period in excess of one year (365 days). Termination of employment shall be automatic upon completion of that one year unless an extension of time is granted by formal action of the Civil Service Board prior to the expiration of that one year period.

Reemployment of persons on a seasonal appointment to the same position from which terminated shall be prohibited for a period of thirty (30) days).

Reemployment of persons on a seasonal appointment to a different position from which terminated shall be prohibited for a period of thirty (30) days.

405.0 Inservice Changes

405.1 Transfer - A position may be filled by transferring an employee from a position of the same classification or similar classification with essentially the same basic qualifications and the same maximum salary.

405.2 Demotion - A position may be filled by the demotion of an employee in accordance with the procedure for demotion as provided in 502.0 of these Rules.

406.0 Probationary Period

406.1 All original appointments shall be subject to a probationary period of six (6) months after appointments. At any time during the original probationary period, the City Manager may terminate an employee. An employee serving an original probationary period shall have no right to appeal under the Appeals procedure of Rule 602.0.

406.2 All promotional permanent appointments shall be subject to a probationary period of six (6) months after appointment. At any time during the probationary period, the City Manager may remove or demote any employee for unsatisfactory performance as determined by the City.

406.3 If an employee promoted to a higher class as a result of certification from a promotional list is found unsuited for work of that class during the probationary period, he shall be demoted to his previous position, provided he has permanent status in the class from which he was promoted.

500.0 **RULE V - SEPARATIONS AND DISCIPLINARY ACTIONS**

501.0 Leave of Absence Without Pay - An employee who has completed his or her entrance probationary period may be granted leave without pay by the City Manager (at the City Manager's discretion) for a period not to exceed one year. An extension beyond one year will be considered by

the Civil Service Board. However, all leave request decisions will take the needs of service impact into consideration as well as any applicable law.

Such leave may be granted for sickness, disability, or other good and sufficient reasons.

Such leaves may also be granted to enable an employee to take an appointive position in the unclassified service. Upon the request of the appointed employee, the City Manager may consider for approval the leave of absence without pay for up to one year after the appointment of the employee. Beyond that first year, the Civil Service Board may consider approval for a leave period up to two years for that purpose.

Except under unusual circumstances, voluntary separation from the classified service in order to accept employment not in the City service shall be insufficient reason for approval of leave of absence without pay.

501.1 Military Absence From Employment – In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, 38 U.S.C. 4301 et. seq. and Michigan's Military Leaves; Reemployment Protection Act , MCL 32.271 et. seq., upon receipt of notification of military service and/or military orders, military absence from employment and reemployment rights and benefits shall be granted to qualified military service members and veterans for certain periods of service in the uniformed services as defined in USERRA.

An employee is entitled to military absence from employment and reemployment rights and benefits for certain periods of uniformed service absences for a cumulative period of up to five (5) years in accordance with the requirements of USERRA.

Upon completion of a period of uniformed service, the employee must provide timely notification to the City's Human Resources Department of his/her intent to return to employment in accordance with the notification requirements of USERRA.

502.0 Demotion (Reduction in Rank) - The City Manager may demote an employee for any of the following reasons:

- (a) An employee whose ability to perform his or her required duties has fallen below standard
- (b) Disciplinary purposes
- (c) Shortage of work or funds
- (d) The abolition of a position because of changes in the organi-

zation. The Civil Service Board and the employee shall be given notice of the proposed demotion and reasons for said demotion at least three (3) days prior to the effective date of said demotion. The affected employee shall have the right during said three (3) days of an informal hearing before the City Manager.

503.0 Lay-Off - The City may reduce its work force in a manner deemed necessary by the proper administrative official. (Charter102). However, no permanent or probationary employee shall be laid off while there are full-time seasonal or temporary employees serving in the same Department and in the same classification. The decision concerning the lay-off of probationary or permanent employees shall be made in inverse order of seniority and based on needs of service which shall not be limited to length of service if this would result in retention of employees unable to meet the requirements of the work remaining in the department.

For the purposes of calculating seniority for lay-off, the following guidelines shall apply:

- (a) Seniority shall be limited to time served in an affected classification or series of classifications within the employing department.
- (b) If an employee has held permanent status in a lower classification, his or her service in a higher classification may be applied in calculating seniority in a lower classification.
- (c) Time served in a lower classification shall not apply in the determination of seniority in a higher classification.
- (d) In lieu of layoff, if a permanent employee holding a non-bargaining unit position makes a request to the City Manager to be demoted to a vacant position, the City Manager may consider such request for approval or denial based on needs of service.
- (e) In lieu of layoff, a probationary employee holding his or her position by virtue of promotional appointment, may request to be returned to the department and to the position held prior to promotion.
- (f) For the purposes of lay-off actions "departments" shall be identified by the official report(s) utilized by the Human Resources Department to facilitate the lay-off event. A copy of the report shall be made available upon request.
- (g) The City Manager may deviate from seniority and lay-off if its application would retain employees who are not able to meet the requirements of the work remaining in the department. In such instances, however, the City Manager must give notice,

together with reasons for such action to the Civil Service Board and any affected employees.

504.0 Resignation - Any employee wishing to leave the classified service in good standing shall file with his or her department or division head, at least one week before leaving, a written resignation, stating the date the resignation shall become effective and the reason for leaving. Unauthorized absence from work for a period of three (3) consecutive working days may be considered by the City Manager as a resignation. Department and division heads shall forward all resignations to the City Manager and Chief Examiner within twenty-four hours after receipt.

A resignation of an employee extinguishes all employment rights with the City including any recall rights related to the preferred eligibility list.

505.0 Suspension - The City Manager may, for disciplinary purposes, suspend a classified employee without pay for a period not to exceed thirty (30) working days. Within three (3) business days of the time a suspension becomes effective, a written statement of the reasons for the suspension shall be submitted to the Board and furnished to the employee affected. (Charter 108).

506.0 Discharge - An employee who has completed probation in the classified service may be discharged for cause by the City Manager. A written statement of reasons for the proposed discharge shall be submitted by the City Manager to the Board and the employee affected prior to the effective date of such discharge. The affected employee shall have the right to a hearing before the City Manager or his/her designated representative. The City Manager, or his/her designated representative, shall make his or her findings based upon the evidence presented at the hearing. Such findings shall be made in writing and shall be given to the employee and the Civil Service Board.

600.0 **RULE VI - COMPLAINTS AND APPEALS**

An employee may petition the Civil Service Board for a review of an employment action or decision concerning their employment. However, the Board may only hear such matters that are within its authority as provided for under the Charter. A decision by the City Manager to reduce the workforce and lay-off an employee shall not be subject to review by the Board under either the Complaint or Appeal process. However, compliance with the Civil Service Rules regarding the process for the lay-off may be basis for a complaint under the rules.

- (a) The Complaint process shall only be available for a review of non-disciplinary employment concerns.
- (b) The Appeal process shall be available for a review of disciplinary matters only. A Letter of Warning, suspension, a reduction of rank (demotion) or dismissal (discharge) are actions which constitute disciplinary matters.
- (c) Election of Remedies - As an election of remedies provision, the filing of a cause of action, complaint or grievance by an applicant or employee (or their representative) in a forum other than the Civil Service Board for adjudication of issue(s) relating to the same or similar core facts as the concern raised to the Board in a petition, shall be the basis upon which the Board has a right to extinguish or terminate the rights of the an employee or petitioner to pursue or continue adjudication of their petition with the Board with prejudice.

601.0 Complaints - An applicant or any employee in the classified service shall have the right to file a written complaint with the Board concerning non disciplinary conditions of employment. Upon receipt of the complaint, the Board may take whatever action it deems necessary and which is within its authority under the City Charter. The applicant or employee may file his or her complaint with the Chief Examiner or may appear in person or by a representative before the Board at any of its public meetings.

Notice of any written complaint shall be forwarded by the Chief Examiner to each Board member, the City Manager, and any person complained against.

The Board may upon a review of the information provided, issue a verbal decision to the complainant at the time it is presented before the Board or take the matter under advisement until such time as a decision can be provided. In all instances the final decision of the Board shall be provided in written form.

602.0 Appeals

602.1 Appeal Procedure - A permanent employee who has been disciplined by a Letter of Warning, suspension, reduction in rank (demotion), or dismissal (discharge), may appeal such actions by filing a written appeal with the Board within fifteen (15) calendar days from receipt of written notice of such action. Upon the receipt of an appeal, the Chief Examiner shall notify the City Manager. The employee's written appeal shall state the reasons for the appeal and shall specifically cite all applicable Civil Service Rules. The City Manager may file amended

charges with the Board within twenty (20) calendar days. A copy of the amended charges shall be served promptly by the Chief Examiner upon the employee at his or her last known address by registered mail or any other manner in which the receipt of said information can be confirmed by the employee and employer. Upon receipt of the amended charges, the employee may file a reply with the Chief Examiner within twenty (20) calendar days.

- 602.2 Hearing Procedure - The Board shall set a date for a hearing regarding the matter appealed. The Board, through the Chief Examiner, shall notify the employee and the City Manager at least seven (7) calendar days prior to the date of the hearing. The parties may offer such evidence as they desire and shall produce such additional evidence as the Board may deem necessary to an understanding and determination of the appeal. The Board shall be the judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the Board and all of the parties except where any of the parties is absent in default or has waived the right to be present.

The hearing shall be de-novo. The Board shall provide a court reporter to record the proceedings. The appealing employee shall appear at the hearing and may be represented. He or she may request a copy of the transcript of the hearing at his or her expense.

- 602.3 Board Decisions - Upon completion of the hearing, the Board will summarize its findings and make a final decision in writing upon close of the record. The decision will be based solely upon the record of the hearing. No employee shall be dismissed except by the affirmative vote of at least 3 members of the Board (Charter 100). The Board's decision shall be final and binding upon all parties of interest (Charter 108). The Board shall serve a copy of its decision upon the employee and City Manager. Any member of the Board may file a minority or dissenting opinion, which shall be served in the same manner. A copy of all appeal decisions shall be placed in the minutes and shall also be placed in a master file which will be located in the Personnel Department and available to the public.

700.0 **RULE VII - STATE AND FEDERAL LAWS**

- 701.0 State and Federal Laws - The Civil Service Rules shall be interpreted and implemented in accordance with all State and Federal laws.