



PERSONNEL POLICIES AND PROCEDURES

SECTION 100

EMPLOYMENT

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Personnel Policies and Procedures

SECTION 100. ~~AFFIRMATIVE ACTION AND EMPLOYMENT POLICY~~

101. Employment Policy

The ~~City's goal of the Civil Service Commission~~ is to recruit the most qualified personnel available for positions in the classified service ~~of the City of Tulsa.~~ To achieve this goal, the ~~Civil Service Article X of the Tulsa City Charter, Article X, creates the Civil Service Commission and~~ provides that employment shall be based upon merit and fitness as determined by competitive procedures. ~~Suspensions, removals and demotions shall be made solely for cause and the good of the service.~~

~~102. Non-discrimination Policy — Revised: June 17, 2010; Revised and moved to §829: September 9, 2019~~

~~103-102. Affirmative Action Diversity Recruitment and Employment Policy~~

The City of Tulsa is also committed to ~~promote affirmative action and to provide~~ promoting diversity, inclusivity, and providing equal employment to all persons in all matters affecting City employment. ~~As part of this commitment, an annual affirmative action program shall be implemented to analyze all City of Tulsa work areas, identify underutilization in the employment of minority groups and females, and to establish goals and timetables.~~

The City of Tulsa ~~shall~~ will actively work to increase ~~minority and female~~ representation in job categories in which there is underutilization. ~~as indicated in the Equal Employment Opportunity Plan (EEO-4) and (EEO-4).~~ The City ~~shall~~ will also ~~make every effort to~~ provide reasonable accommodations for qualified individuals with disabilities.

~~.1 Internal Employment Policy~~

~~The City's affirmative action plan shall indicate departments and work groups in which females and minorities are underutilized. Goals will be set to correct To promote diversity and inclusivity, the underutilization.~~

~~To achieve the City's goals, the Personnel Department and the employing departments shall cooperatively follow the policies listed below:~~

~~11.1 Departments submitting Personnel Requisition Form TUL-107 shall indicate in Section 20, 'Comments', if the vacant position is an area of underutilization and state which ethnic group or sex is underutilized City will proactively recruit persons identified as underrepresented as well as veterans and~~

~~.12 The Personnel Department will certify qualified internal employees, including minorities and females. It will also be determined if the position can be filled from within by a qualified City employee who has become disabled and can no longer meet the essential job requirements of their current position (see Section 125).~~

~~103 .1 .13 Underutilization is an important consideration in the selection decision; however, the appointing authority may select any of the certified candidates. Written justification shall be provided to the Personnel Director by the appointing authority when a minority or female applicant is~~

~~not selected over other applicants ranking lower on the certification list, or if none of the internal candidates are selected.~~

~~.2 — External Recruitment Process~~

~~When an underutilized position is not filled internally, the City may conduct special recruitment practices which may include the following:~~

~~.21 Notify minority and female groups, and organizations for persons individuals with disabilities, and encourage them external organizations to also refer qualified applicants; ;~~

~~.22 Advertise in minority, female, and disability-oriented newspapers and publications;~~

~~.23 Contact professional business organizations to refer qualified persons;~~

~~.24 Determine if additional recruitment methods are needed when no qualified minority, female, or disabled external applicants are referred or certified. The decision to take further steps will be made cooperatively with the hiring department, the personnel analyst, and the affirmative action and human resource analyst.~~

~~.3 — Affirmative Action Career Development Policy~~

~~The City is committed to provide career development opportunities for all employees, and to support upward mobility of females, minorities, and persons with disabilities.~~

~~Every manager and department head will assess the training needs of their employees and will inform them of training classes offered by the Employee Relations Division, and continuing educational opportunities through other institutions through the Education Benefits Policy each employee's performance planning and review record will state which classes each employee will attend each fiscal year.~~

~~The Employee Relations Division will assist departments in developing and conducting training to meet specific needs.~~

~~.4 — Affirmative Action Performance Planning Accountabilities~~

~~Through the yearly affirmative action plan the Mayor will establish accountabilities for all department heads, managers and supervisors based on current areas of underutilization of minorities and females as designated by each department.~~

~~Each supervisor will complete a Performance Planning and Review Form 4192 with exempt employees and Form TUL-4334 with each non-exempt employee, with emphasis on Part III "Career Growth and Developmental Objectives Promotional/Career Improvements" (see Section 703.4 for evaluation form numbers for Police and Fire Services). All employees, including minority, female, and employees with disabilities will be encouraged to state their career goals and will be assisted in developing both short-term and long-term education goals to prepare them to compete within the internal promotion system.~~

It is the City of Tulsa's goal to advance and progress employees through job families based on the attainment of education, training, and skill development. The City provides employees equal opportunity for training and education through internal and external programs utilizing ~~City tuition reimbursement and other~~ employee training and development resources. Certain employee development and education efforts are recognized through specific job progressions. The progression system provides employees with the opportunity to progress into higher pay grades based on the acquisition of additional knowledge, skills, and abilities. For additional information, see the Progression System Policy within Section 700 and the appropriate Job Progression Criterion Documents ~~as approved by the Mayor and the Civil Service Commission and through the Human Resources Department.~~

~~104. Discrimination Complaints and Appeal Procedure Revised and moved to §421: September 9, 2019~~

105. ~~104.~~ Right of Appeal ~~Revised: January 22, 2002~~

~~.1 Employees in the~~In accordance with Article X of the City Charter, ~~classified service who are~~, non-probationary Employees can only be suspended without pay, removed, or demoted shall for good and sufficient cause. If such action is taken, the Employee will be notified in writing of the specific cause ~~thereof~~ within five (5) days following ~~such action. A copy of such statement of cause shall be filed with the action. The Employee may appeal the action to the Civil Service Commission by submitting a written request to the Personnel Director. Within~~ within ten (10) days from ~~the receipt of such~~ the notice, ~~the employee affected may file a written request with~~ of the action taken. If the Personnel Director has not received the written appeal within ten (10) days as required, the action taken is final and cannot be appealed to the Civil Service Commission. Any Civil Service Commission appeal will be held in a public hearing pursuant to the provisions in the Charter.

~~.2 The~~ for a hearing before the Civil Service Commission. If such employee shall fail to Civil Service Commission has adopted rules and regulations governing the merit system which include procedures to hear appeals, grievances, and recommendations of employees pertaining to the merit system. The Internal Procedures are posted on the City's website and print copies are available upon request.

~~.1 If a~~, after the hearing before the Civil Service Commission as provided herein, the suspension without pay, removal, or demotion shall be final. The Civil Service Commission shall hold a public hearing within sixty (60) days after the filing of the request.

~~.2 The employee and the City representative shall each provide the Civil Service Commission with a written statement of his/her case at least five (5) working days before the scheduled hearing. The statement shall include a summary of anticipated proof, a list of prospective witnesses, and an outline of the testimony of each witness.~~

~~.3 Not less than three (3) members of the Civil Service Commission shall be required to hold a hearing on a suspension, removal or demotion. A majority vote of the members holding the hearing shall be required for a decision. The City Attorney shall present the charges upon which the suspension, removal, or demotion is based. The Civil Service Commission shall rule upon the question of admissibility of evidence, competency of witnesses, and any other question of law. The employee may be represented by counsel or another person. The hearing shall be~~

~~informal and shall be conducted in accord with the rules of evidence generally followed before administrative tribunals and without formal or technical adherence to those rules which prevail in a court of law. The burden of proof shall be upon the appointing authority whose action is the subject of the hearing. No suspension, removal, or demotion shall be affirmed unless sustained by a preponderance of the evidence.~~

~~.4~~ If after the hearing before the Civil Service Commission, the employee is found to be suspended, removed, or demoted without adequate cause, the position of the employee shall be restored without loss of pay. If the Civil Service Commission

~~.3~~ shall find cause, it may approve or modify the action taken by the appointing authority; provided, any right of appeal to the courts shall not be abrogated. ~~The Civil Service Commission shall make written decisions with finding of fact.~~

~~106.105.~~ Certification of Candidates for Employment

.1 It is the responsibility of the Personnel Director to recruit, screen, and certify the eligibility of candidates for job vacancies, including those for regular, part-time, temporary, and grant employment. At the discretion of the Personnel Director, this responsibility may be delegated to the appointing authority for unclassified positions only.

.2 The hiring of emergency employees shall be the responsibility of the appointing authority for the department where the need exists.

~~.3~~ ~~When the Personnel Department is unable to ascertain any internal or external applicants qualified for a vacant position, and it is deemed necessary, the Personnel Department and the department with the vacancy will submit a joint proposal to the Civil Service Commission that will provide for the essential functions of the vacant position to be accomplished.~~

~~.4.1~~ ~~The proposal may include any of the following: Modification of knowledge, skills, and abilities required of the position, modification of the essential functions, modification of the organizational structure, special educational and/or training programs, or other changes. **The proposal shall include the method that interested and/or affected employees will be notified**106.~~

~~.5~~ ~~If the Civil Service Commission approves the proposal, it shall be submitted to the Mayor for approval. (Approved 8-4-94)~~

407 106. Employment Requirements, Nepotism, & Fraternalization Policy
~~Revised: June 17, 2010, Revised July 1, 2018~~

.1 Definitions: The following words and phrases, as used in the application and interpretation of the Employment Requirements, Nepotism, and Fraternalization Policy (Policy) will have the meanings below:

.11 Fraternalization is defined as a romantic or sexual relationship between a supervisor and subordinate.

.12 Immediate family member is defined as, by blood or marriage, a spouse, child or grandchild, parent or grandparent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, and first cousin, including foster or step members within these relationships.

.13 Nepotism is defined as hiring or influencing the terms of employment of an immediate family member.

.14 Subordinate is defined as an employee in a lower job classification within the same chain of command, or an employee subject to another employee's authority or influence regarding the terms of their employment.

- .15 Supervisor is defined as an employee with management responsibilities in a higher job classification within the same chain of command, or an employee with authority or influence over the terms of another's employment. Such positions of authority include employees with responsibility for personnel decisions or on-the-job training.
- .16 Work unit is defined as the members of a work group reporting directly to the same exempt supervisor.
- .2 Applicants and employees, including interns, temporary, emergency, and special qualification personnel employed or under contract for temporary periods, and any temporary situations or assignments such as out-of-class or special projects are subject to the Policy. All questions and conflicts related to this Policy should be directed to Human Resources, and the Personnel Director has final authority to determine the Policy's application.
- .21 Requirements: To be eligible for initial City employment or to continue City employment, including any movement as defined in §~~108~~107, a person must, in the opinion of the Personnel Director:
- .211 Meet the qualifications established for the position;
 - .212 Be physically fit to perform the required duties of the position;
 - .213 Have not been discharged from the U.S. Armed Forces for reasons which would indicate unfitness for City employment;
 - .214 Have not pled guilty or nolo contendere to, or been convicted of, a felony or misdemeanor which would indicate unfitness for City employment;
 - .215 Have no record of previous unsatisfactory service in City employment or elsewhere which demonstrates unsuitability for employment in the position for which applied;
 - .216 Have not been dismissed previously from City employment;
 - .217 Meet established guidelines on absenteeism and safety performance as factors in determining promotional qualifications;
 - .218 Comply with policies against nepotism and fraternization as set forth below;
- .3 Nepotism and Fraternization: The City's merit system is premised on hiring and advancing employees based on qualifications and fitness, and guards against actual or perceived bias or unfair preferential treatment. Therefore, the City prohibits nepotism, as well as fraternization between supervisors and subordinates as those terms are defined in this Policy.
- ~~.31~~ — No employee shall be an immediate family member of the Mayor, City Auditor, or City Councilor, except if the elected official (i.e., Mayor, City Auditor or City Councilor) is elected to City office after the employee is employed and meets the requirements of this policy, in which case the employee can retain their current City position but ~~cannot~~ voluntarily

~~.31~~ change positions during their immediate family member's tenure in office. No employee shall be an immediate family member of a Civil Service Commissioner regardless of date of employment.

.32 No elected or appointed official or other authority of the municipal government shall appoint or elect any person related by affinity or consanguinity within the third degree to any governing body member or to himself or, in the case of plural authority, to any one of its members to any office or position of profit in the municipal government. (11 O.S. §8- 106).

.33 No employee shall engage in or allow nepotism, and no supervisor shall engage in or allow fraternization with a subordinate. Therefore, an employee with respect to an immediate family member, or a supervisor with respect to someone they are fraternizing with, cannot:

.331 Directly supervise in the chain of command; or

.332 Hold a position in the same work unit; or

.333 Evaluate the work performance; or

.334 Participate in the hiring, promotion, discipline or termination process; or

.335 Participate in a grievance, complaint, or investigation.

.34 Current employees hired before July 1, 2018 are grandfathered into their current position with respect to the requirements of this Policy, but thereafter anyone hired or changing positions must comply with these provisions.

.35 If there is or develops a nepotism or fraternization relationship between employees, the employee with the longer City seniority for nepotism, or the higher job classification for fraternization, is required to immediately disclose the relationship to the department director or Personnel Director so that the Personnel Director can determine whether a conflict exists. Failure to report such a relationship may result in discipline, up to and including termination.

.36 When there is a conflict or potential conflict with any of these provisions as determined by the Personnel Director, the involved employees have thirty (30) calendar days to resolve the issue themselves, such as by securing a different position that complies with the policy or resigning. If the conflict is not resolved within that time, the City will take steps to resolve it, and generally, the employee subject to dismissal will be the employee with less City seniority for nepotism, and the employee in the position of authority for fraternization.

~~.37~~ .37 Fraternizing is allowed between coworkers (i.e., no supervisory relationship exists), whether in the same or different departments, unless it results in a conflict of interest where the employees have substantial interaction with each other in their work duties, or it disrupts City business, in which case the employees involved are subject to §~~407106~~.36,

where the employee with the lesser seniority is subject to dismissal if the conflict is not resolved within the timeframe.

108. ~~107.~~ Eligibility for Promotional Vacancies — ~~Revised: August 12, 2002~~ Promotion

All vacancies within the classified service shall be made available to eligible classified City employees prior to the consideration of external applicants, ~~except as provided under Section 113, "Preparation and Use of Eligibility Lists."~~ Promotion shall be defined as a change in employment status resulting from the internal promotional process. This shall include transfers to positions of a higher or lower grade, as well as transfers within the same grade. In addition to the employment requirements, eligibility for consideration shall be based upon the following:

.1 Promotion after Initial Appointment

All applicants must have been continuously employed by the City as a classified employee for a period of at least six (6) months prior to the closing date of the Promotional Announcement to be eligible for promotion (see also Section ~~119~~115, "Eligibility for Police Promotional Examinations").

.2 Interdepartmental Promotion

An applicant must have served in his current position for at least six (6) months prior to the closing date of the Promotional Announcement in order to be considered for promotion from one department to another.

.3 Intradepartmental Promotion

An applicant must have served in his current position for at least three (3) months prior to the closing date of the Promotional Announcement in order to be considered for promotion from one position to another within the same department (see also paragraph .1 above).

.4 An applicant for a promotional vacancy who does not meet the preceding eligibility criteria may be considered as an external candidate for the vacancy if approved by the Personnel Director and the employee's current appointing authority.

~~108~~ .5 ~~An Applicant~~ applicant who is affected by the bumping process in regards to Reduction for Economy or Abolition of Position (Layoff) (~~129~~ PPPM Section 123) may be considered as an internal candidate for the vacancy if approved by the Personnel Director.

~~109.~~ 108. Departmental Request for Applicants

When candidates are needed for an existing or anticipated vacancy, the appointing authority ~~shall~~ should submit a Personnel Requisition (~~TUL-107~~) to the ~~Personnel~~ Human Resources Department.

~~110.~~ Promotional Announcements

109. Advertisement of Vacant Positions

Upon receipt of a ~~Personnel Requisition~~ Job Opening, the ~~Personnel~~ Human Resources Department ~~shall send Promotional Announcements~~ will post the Vacant Position on the City's website, with instructions for making application, ~~to all City departments. Announcements shall.~~ Vacancies will remain posted internally for at least ~~five (5) working~~ seven (7) calendar days. Applications must be received ~~by the designated attendance clerk for the applicant's work~~

~~un~~electronically no later than ~~5:00~~11:59 p.m. on the closing date in order for the applicant to be considered for promotion. ~~The attendance clerk shall stamp each application as of.~~ With the date received, record Personnel Director's approval, positions that are typically harder to fill may be advertised externally before the appropriate attendance

~~information, and forward to process for internal candidates is completed, but any external applications will not be considered until after the Personnel Department no later than one working day from the date received. process for internal candidates is completed per Section 110 below.~~

~~111.110. Competitive Examinations for Initial Appointment or Promotion **Revised: May 19, 2008**~~

~~Competitive examinations may include, but not be limited to, evaluations of experience and training, interviews, performance appraisals, job knowledge, personality/aptitude assessments, and written and physical examinations as applicable for the position. A candidate may receive different evaluations for different classifications of work. Failure to qualify on any single part of the evaluation procedure may disqualify the candidate for any further consideration. Fraud, misrepresentation, concealment or dishonesty on the part of an applicant in ~~his~~the application or ~~in the course of an examination may also~~hiring process will disqualify an applicant.~~

~~Any testing material, when not in use, shall be secured at all times by the Personnel Director or designee. The securing of test materials may include disposal of materials, as provided by in a manner that prevents disclosure of the information within. The selection process is administered, scored, evaluated and interpreted in a uniform manner (within the classification.)~~

~~112. Veteran's Preference on Examinations~~

~~Every honorably discharged veteran of the U.S. Armed Forces with six (6) months or more service for other than training purposes during a period of war or armed conflict, who passes the competitive examination, shall have five (5) percent added to the grade for an original appointment examination. Periods of war or armed conflict defined by the Civil Service Commission are as follows:~~

- ~~.1 — World War II — December 7, 1941, through December 31, 1946.~~
- ~~.2 — Korean Conflict — June 27, 1950, through January 31, 1955.~~
- ~~.3 — Vietnam Police Action — August 5, 1964, through May 7, 1975.~~

~~113. Preparation and Use of Eligibility Lists **Revised: December 11, 2006**~~

- ~~.1 — Upon completion of the promotional examination, eligibility lists ranking candidates in order of their qualifications may be prepared by the Personnel Department. Candidates may be placed on more than one eligibility list (see Section 119.4, Eligibility Lists of Police Promotional Examinations”).~~
- ~~.2 — Classified employees who have been laid off for a period of less than one year shall be given preference on all eligibility lists for the classification from which they were laid off. Where two or more individuals qualify under this provision, length of service shall determine rehire priority.~~
- ~~.3 — Current classified employees who are determined to meet the minimum qualifications as set forth in Section 114 below for the position will be certified before external candidates are considered except as provided above.~~
- ~~.4 — External candidates for employment will be evaluated for qualifications and, if they are determined to meet the minimum requirements as set forth in Section 114 below, may be certified to a position in the event that employees on layoff status or current employees are not selected.~~

- ~~.5 Eligibility lists for non-uniformed services shall be effective no longer than one hundred eighty (180) days from the date the list is published.~~
- ~~.6 A name may be removed from an eligibility list for reasons outlined in Section 107, "Employment Requirements" and Section 108, "Eligibility for Promotional Vacancies" or for any of the following reasons:~~
- ~~.61 Appointment to a classified position. A person whose name appears on more than one eligibility list and who is appointed to a classified position shall have his name removed from all lists.~~
- ~~.62 Inability to locate the person by ordinary mail or his failure to reply to written inquiry from the Personnel Department within five (5) days.~~
- ~~.63 Refusal of the eligible person to accept certification or an offer of appointment.~~

114.111. Certifications **Revised: December 11, 2006**

- .1 Appointments and promotions to the classified service shall be based on competitive procedures administered by the Personnel Director. As provided in Article X of the Charter, the Personnel Director will determine whether internal and/or external candidates are "qualified," meaning eligible for consideration for original appointment or promotion to the classified service based on satisfaction of certain minimum job requirements as the Personnel Director deems relevant, including such areas ~~such~~ as education, license, certificates, experiences, compliance with City policies, and that candidates are otherwise in good standing. Failure of an employee to completely fill out an application and include relevant experience for the Personnel Director or designee to consider can disqualify employees from consideration for the position.
- .2 Certification is a preliminary process for the Personnel Director to decide which qualified candidates appear to best fulfill the job description, and the appointing authority will determine whether a certified candidate is competent and capable of performing the job in the selection process set forth in Section 115.112 below. Certification alone does not mandate selection by the appointing authority.
- .3 The Personnel Director shall certify to the ~~appointing~~ appointing authority for the ~~department for~~ original ~~appointment~~ appointment or promotion the names of at least three (3) persons making passing grades and scoring highest, if at least three (3) apply and are qualified, as provided in Article X of the Charter. The Personnel Director can certify more than three (3) qualified candidates to the appointing authority.
4. The Personnel Director will first consider the applications of internal classified employees for certification. If no internal classified employees are certified, or if the appointing authority does not select an internal classified employee pursuant to Section 115.112 below, the Personnel Director may consider the applications of external candidates and repeat the certification process set forth in Section 114.111.2 above.

115.112. Original Appointments and Promotions **Revised: December 11, 2006**

- .1 The Mayor shall be the appointing authority for all city positions except those employees of the City Auditor and City Council. The Mayor may delegate the authority to appoint and promote.

- .2 The appointing authority for the department must consider candidates for original appointment or promotion from the qualified candidates (whether internal or external) who have been certified by the Personnel Director. The appointing authority will examine the certified candidates to determine whether each possesses the knowledge, abilities and skills (including technical, interpersonal, and/or management skills) required for the specific needs of the vacancy and are competent and capable of performing the essential job functions of the position.
- .3 The appointing authority for the department will notify the Personnel Director if a certified candidate is selected or if all ~~the certified~~ certified candidates are rejected. ~~If~~ if all the certified candidates are rejected, the Personnel Director may continue to advertise the position to recruit additional external candidates, or confer with the appointing authority for the department to revise the job description as necessary and repost the position.
- .4 The appointing authority for the department shall notify in writing all certified internal candidates considered for designated vacancies whether they were selected or not. Notification should occur within ten (10) days after the selection decision is made. The ~~Personnel~~ Human Resources Department or designee shall provide written notification to all external candidates of their selection or rejection.

116:113. Candidates ~~Candidate~~ Selection by Appointing Authority for the Department

When a City employee is accepted for interdepartmental promotion, the following ~~shall be observed~~ process applies:

- .1 The releasing department normally may retain the promoted employee for no more than two weeks after selection.
- .2 Extension beyond the two-week period must be agreed upon by the appointing authorities of both departments involved; however, the promoted employee shall not be retained for more than thirty (30) days from the date of selection. The ~~Personnel~~ Human Resources Department shall be notified of the extended time frame.
- ~~.3 The releasing department shall insure that the employee's record folder is forwarded to the appropriate appointing authority in the new department.~~

117:114. Probationary Periods **Revised: January 22, 2009**

- ~~.1.~~ Upon initial appointment to a position with the City an employee ~~shall serve~~ serves a twelve (12) month probationary period ~~during which the appointing authority may suspend, demote or terminate the~~ as an at-will employee and ~~the employee shall have~~ may be removed for any reason with no right of appeal. ~~The initial probationary period for employees (including those rehired or recalled from a layoff) shall be twelve (12) months~~ The last day of probation is the day before the employee's one year anniversary unless extended by absence as provided below.
- ~~.2~~ Classified employees who are promoted ~~shall~~ serve a probationary period in the new position. This ~~shall apply~~ provision applies to lateral transfers that involve a change of departments and demotions. If a probationary period is based on either promotion or interdepartmental transfer, and if the employee does not perform satisfactorily during the probationary period, or if the employee and the supervisor agree that the employee should return to the employee's prior position, the receiving department ~~shall~~ must notify the Personnel Director of the unsatisfactory performance and/or agreement and the Personnel Director ~~will~~ will initiate action

| to return the employee to the former position, if available, or to

~~2.~~ another vacant position in the same job classification and department where the employee was employed prior to the original promotion or transfer. If no position is available, the returned employee will be placed on Administrative Leave with pay and will be given thirty (30) days to apply for vacant positions. Should the employee not receive a job offer by the deadline, they will be released from employment, coded as a layoff and may be eligible for severance benefits.

~~33.~~ Employees promoting or interdepartmentally transferring into positions with a grade level equivalent to an AT-28 grade level or lower shall serve a probationary period of three (3) months ~~(i.e., AO-02, OT-19, EC-05, AT-28, IT-28, CS-60 and lower).~~ Employees promoting into sworn PD positions of Corporal~~Sergeant~~ and above ~~shall~~ serve a probationary period of three (3) months. The promotional and interdepartmental transfer probationary period for all EX and IS positions and those positions equivalent in grade level to an EX-32 grade level or higher ~~shall be~~ six (6) months ~~(i.e., AT-32, IT-32, CS-64 and higher classifications).~~ (See Section 206 for classification comparisons~~comparisons~~)

~~44.~~ The following stipulations ~~shall~~ apply to probationary periods:

.41 Any leave of absence, with or without pay, of ~~thirty (30)~~eighty (80) consecutive ~~calendar days~~hours within the probationary period ~~shall~~are not ~~be~~ counted toward completion of the probationary period.

.42 If the probationary period expires on the employee's regular day off, or on a weekend or holiday, the probationary period ~~shall be~~is extended to include the next regularly scheduled ~~work day~~workday that falls on a Monday through Friday.

~~55.~~ When an employee's position has been changed or upgraded through the reclassification process (i.e., the position was not advertised for promotion based on section ~~224.3222.2~~), the employee ~~shall~~is not ~~be~~ required to serve a probationary period in the newer position provided that all other probationary periods have been met.

~~118.~~ Transition of Agency Employees into the Classified Service

Purpose: ~~Whenever the Mayor approves the transition of functions and/or staff of an agency into the regular City structure, employees of the agency shall be considered as external applicants and, if appointed to a classified position, shall serve the appropriate initial probationary period; however, upon appointment, the reasonable transfer of seniority and related benefits will be made subject to the following conditions:~~

~~.1~~ Eligibility:

~~.11~~ Agency shall be defined as an established agency, board, trust or authority that is paid totally or partially by City funds or the City is the receiving agent for funds in behalf of the agency or the City is the beneficiary of the trust.

~~.12~~ For an agency to be covered by this policy, the Mayor must initiate the transfer of the function and/or staff of the agency or a significant segment of the function into the City structure.

~~.2~~ Employment Conditions:

- ~~.21 — The Personnel Director shall examine the agency policies concerning leave to determine their comparability to the Personnel Policies and Procedures Manual or applicable contracts. In no instance shall an agency employee transfer more sick leave or vacation than would be possible to accrue as a classified City employee. The Personnel Director shall determine the amount of leave that may be transferred.~~
- ~~.22 — The service length with the agency shall be considered as service with the City in computing benefits.~~
- ~~.23 — The agency employee's seniority date shall be the date of employment with the agency.~~
- ~~.24 — The Personnel Director shall set the rate of pay within the established pay range for the position.~~
- ~~.25 — The initial waiting periods may be waived with the concurrence of the Benefits Manager and/or insurance carriers for medical insurance, life insurance, LTD and the Municipal Employees Retirement Program.~~
- ~~.26 — The sections covering initial employment in the Personnel Policies and Procedures Manual or the appropriate contract shall govern all other employment conditions for those persons appointed to a classified position.~~

419.115. Eligibility for Police Promotional Examinations

Effective Date: July 8, 1998, Revised: May 19, 2008, Revised: May 9, 2012

.1 Educational Requirements

- .11 All officers, in order to be eligible to participate in the promotional selection process, shall be required only to possess the amount of education that was mandated on the ~~officer's~~officer's date of hire.

.2 Rank and Time-In Grade Requirements

- .21 Eligibility to take promotional examinations for the rank of ~~Corporal~~Sergeant shall be limited to Officers with a minimum of five (5) years of service. For purposes of this promotional policy, years of service begins upon graduation from the training academy.
- .22 Eligibility to take promotional examinations for the rank of ~~Sergeant~~Lieutenant shall be limited to ~~Corporals~~Sergeants with a minimum of one (1) year service in grade or Officers with ten (10) years in grade. Candidates with less than one (1) year in grade as a ~~Corporal~~Sergeant but with ten (10) or more years in grade as an Officer will be eligible to test for ~~Sergeant~~Lieutenant.
- .23 Eligibility to take promotional examinations for the rank of Captain shall be limited to ~~Sergeants~~Lieutenants with a minimum of two (2) ~~years~~years' service in grade.
- .24 Eligibility to take promotional examinations for the rank of Major shall be limited to Captains with a minimum of two (2) ~~years~~years' service in grade.

- .25 Eligibility to take promotional examinations for the ranks of Deputy Chief ~~and Police Chief~~ shall be limited to Majors ~~and Deputy Chiefs~~ who have a minimum of two (2) ~~years~~years' service in grade ~~as a Major or above~~.
- .26 Reinstated officers refer to Section ~~124.4 of this manual~~119 to determine eligibility.
- .27 Unless otherwise provided by law, any individual who requests and is granted an unpaid leave of absence will not receive credit towards promotional eligibility for the timeframe they were not actively employed as a sworn member of the Tulsa Police Department.

.3 Examination Schedules and Eligibility Cutoff Dates

- .31 Unless the City and the bargaining unit agree to a different schedule, a promotional examination for the rank of Lieutenant shall be given during the month of October every year and a promotional examination for the rank of Sergeant shall be given during the month of April every year ~~and a promotional examination for the rank of Corporal shall be given during the month of October every year.~~ The eligibility cutoff for the examinations for purposes of determining time in grade and level of education, if applicable, shall be the first of the month in which the applicable examination is given.
 - .311- Before the written examination each candidate shall receive written information explaining the components of the examinations, the statistical procedure being used, and examples of how the statistical procedure will work. In addition, a meeting will be conducted where candidates can attend and ask questions concerning the assessment process.
- .32 Assessments for the rank of Captain and above shall be scheduled as vacancies occur. An assessment for the appropriate rank shall be given no later than ninety (90) days from the date on which a permanent vacancy occurs in that rank.
- .33 The eligibility cutoff date for determining time in grade and level of education, if applicable, shall be the effective date of the Personnel Action ~~(TUL-4181)~~ initiating the vacancy. In addition, the posting date of the final eligibility list by the Police Chief will be no earlier than the date of the vacancy established by the Personnel Action ~~(TUL-4181).~~

.4 Discipline

- .41 Any final discipline resulting in a demotion or suspension without pay of more than twenty (20) hours within twelve (12) months of the exam eligibility date will exclude a candidate from eligibility to promote to any rank. The twelve (12) month timeframe will commence on the effective date of the suspension or demotion.
- ~~.42~~ Any eligible candidate with discipline as indicated in ~~419~~115.41 will be allowed to participate in the promotional process. If placed on the eligibility list, the candidate will remain on the list and other candidates will be promoted before the candidate until the twelve (12) month timeframe expires. After expiration of the twelve (12) month timeframe, the candidate will become eligible for promotion based on their respective

.42 place on the eligibility list as long as the eligibility list has not expired. No promotions described under ~~419~~115.42 will be made retroactive.

.43 If a candidate's discipline is modified due to a grievance making a candidate eligible according to ~~419~~115.41 and the candidate has already been passed over for promotion, the candidate shall be promoted retroactive to the date they would have originally been promoted. If the candidate has not been passed over, they will become eligible for promotion based on their respective place on the eligibility list as long as the eligibility list has not expired.

.5 Eligibility Lists for Police Promotional Examinations

.51 Upon the completion of promotional examinations for the ranks of ~~Corporal and Sergeant~~ and Lieutenant, lists of candidates eligible for promotion shall be prepared by the Human Resources Department. The list shall be compiled in rank order of finish and shall be expended in order. Candidates who score less than 60% on the overall composite score will not be placed on the eligibility list. The eligibility list for Lieutenant shall expire on October 1 of the year following the official posting of the list by the Chief of Police. The eligibility list for Sergeant shall expire on April 1 of the year following the official posting of the list by the Chief of Police. ~~The eligibility list for Corporal shall expire on October 1 of the year following the official posting of the list by the Chief of Police.~~ Any decision to reject a candidate is subject to review using the grievance procedure outlined in Section 416 of this manual.

.52 Candidates on the eligibility list for ~~Corporal and Sergeant~~ and Lieutenant shall be recommended by the Police Chief for promotion based on rank order of finish.

.521 Any vacancy occurring up to, and on the expiration date of the eligibility list, shall be filled from the current eligibility list. Only vacancies occurring after the list expires shall be filled from a new eligibility list.

.53 For Captain and above promotional examinations, the eligibility cutoff dates specified in ~~419~~115.33 above shall govern the use of eligibility lists. When an examination is administered, the resulting eligibility list shall remain effective one (1) year from the date of the posting of the certified eligibility list. A vacancy occurring within that one (1) year period shall be filled from the eligibility list. A vacancy occurring after one (1) year from the date the certified list was posted shall be filled from an eligibility list derived from a new examination according to the provisions of this section.

.531 For Captain and above promotional examinations, the final eligibility list will be ranked in order of finish. The top three candidates after all components of the examination have been completed will be certified as eligible for promotion. Candidates who score less than 60% on the overall composite score will not be placed on the eligibility list. The Police Chief may choose any of the three certified candidates to fill the vacancy at the time. If another vacancy should occur within the time frame provided for in Section ~~419-115.53~~, the two (2) remaining certified candidates, plus the next candidates on the ranked list will be certified and

considered for the vacancy position. Again the Police Chief may choose any of the three certified candidates for promotion. However, if a candidate who has been certified is passed over for promotion two (2) consecutive times, the Police Chief must submit in writing just cause for not promoting said candidate. The candidate will be dropped from consideration at that time until a new promotional process begins. A candidate who has been certified but dropped from the list for just cause has the right to grieve this action under the grievance procedure as outlined in Section 416 of this manual.

.532 For Captain and above promotional examinations, an eligibility list must be posted by the Chief of Police or his designee no later than thirty (30) days after the assessment center is completed.

.54 Police personnel may be placed on more than one (1) eligibility list at one time. A person selected for promotion from a list may accept or decline that promotion. If the promotion is declined, the name shall be removed from that list only. This action shall not affect the standing on any other eligibility list.

420:116. Factors of Police Promotional Examination Revised: May 9, 2012

.1 Weighing of Factors

.11 The competitive examination for the ranks of ~~Corporal and Sergeant~~ and Lieutenant may consist of, but not be limited to, a written examination of technical knowledge, an assessment center and a performance measurement component. Candidates who score less than 60% on the written ~~examination~~ examination will not be allowed to move forward and participate in the assessment center. Candidates will be notified of their scores on the written exam within ten (10) calendar days after the written exam. The weights of the exam components will reflect the relative importance of the required knowledges, skills, and abilities for the position of ~~Corporal and Sergeant~~ and Lieutenant as determined by the current job analysis. These weights shall not be changed without a joint review by the Human Resources Department and the Collective Bargaining Agent of the knowledges, skills, and abilities described therein.

.12 The competitive examination for the rank of Captain may consist of, but not be limited to an assessment center and a performance measurement component. The weights of the exam components will reflect the relative importance of the required knowledges, skills, and abilities for the position of Captain as determined by the current job analysis. These weights shall not be changed without a joint review by the Human Resources Department and the Collective Bargaining Agent of the knowledges, skills, and abilities described therein.

~~.13~~ The promotion process for the rank of Major and Deputy Chief may consist of, but not be limited to an assessment center and a performance measurement component. The weights of the exam components will reflect the relative importance of the required knowledges, skills, and abilities for the position of Major and Deputy Chief as determined by the current job analysis. These weights shall not be

~~.13~~ changed without a joint review by the Human Resources Department and the Collective Bargaining Agent of the knowledges, skills, and abilities described therein. Eligible candidates will participate in all components of the examination process.

.14 The competitive examination for promotion to the rank of Police Chief shall consist entirely of an oral interview.

.2 Statistical Procedure

.21 A statistical procedure based on standardized scores shall be utilized to combine the factors of the examination. For purposes of promotional procedures, all calculations are rounded to the nearest hundredth.

~~424.117.~~ Written and Oral Examinations in Police Promotional Procedures

Revised: May 9, 2012

.1 Administrative Procedures

.11 The development and administration of the examination process shall be the responsibility of the Personnel Director or designee.

.12 Assessment center assessors shall be individuals trained and deemed competent with the specific oral board process. The training shall consist of reviewing the dimensions, scoring procedures, and interviewing procedures.

.13 Assessment center exercises for ~~Corporal,~~ Sergeant, Lieutenant and Captain promotional examinations shall consist of a minimum of three (3) assessors chosen from other law enforcement agencies. Assessors must be of a rank at least equal to the rank of Captain or higher. Attempts will be made to convene assessor panels that are representative of the candidate pool with respect to gender and race.

.14 Assessment center exercises for Majors and above shall consist of a comprehensive assessment of the candidates based on job related factors. Assessment exercises will be made up of external assessors from other law enforcement agencies. Attempts will be made to convene assessor panels that are representative of the candidate pool with respect to gender and race.

.15 Announcements for ~~Corporal and Sergeant~~ and Lieutenant promotional examinations shall be posted no later than sixty (60) calendar days prior to the written examination. Announcements for Captain and above assessments shall be posted no later than thirty (30) calendar days prior to the date on which candidates must submit resume packets for the Performance Assessment Component.

~~.16~~ It is the employees' responsibility to notify the City of their intention to participate in the examination process. A sign-up deadline for each written exam or assessment center will be established and will be included in each exam announcement. All candidates who wish to participate must sign up with Human Resources to participate in promotional examinations by 5:00 pm on this deadline. Any candidate

.16 who does not sign up will not be allowed to participate in any part of the promotional process.

.17 For the ranks of ~~Corporal and~~ Sergeant and Lieutenant the number of items on the written examination will be determined by the promotional process vendor and posted before each exam within the exam announcement.

.18 In order to ensure the integrity and confidentiality of the promotional process, candidates for promotion at all ranks shall be required to sign a confidentiality statement. This statement is designed to eliminate any discussion of the components of the examination after a candidate has completed a component and had access to the test subject matter.

.181 The use of any electronic (recording or photographic) device by a candidate during any component of the examination process, written or oral, is prohibited.

.2 Written Examinations Study Materials: ~~Corporal and~~ Sergeant and Lieutenant Promotional Process

.21 A reading list and materials shall be made available to all candidates no later than sixty (60) calendar days prior to the written examination.

.211 The reading list may include, but not be limited to, pertinent statutes, pertinent City Policies and Procedures, Tulsa Police Department Rules and Regulations, Tulsa Police Department Policies and Procedures, Tulsa Police Department Training Bulletins, and other related documents. To the extent practical, candidates shall be responsible for obtaining these documents. Where candidates cannot be readily expected to have access to or possession of these documents, they shall be provided.

.212 The reading list may also include one or more textbooks to be purchased or otherwise obtained by candidates.

.213 Additional required readings in the form of magazine articles, professional journal articles, etc., may also be required. These may change from examination to examination and shall typically be provided.

.214 The Reading List shall specify those sections of the required reading materials for which candidates will be responsible.

422.118. Review of Police Promotional Examination by Candidates **Revised: May 9, 2012**

.1 After completion of the multiple choice examination for promotion to the ranks of ~~Corporal and~~ Sergeant and Lieutenant, exam review sessions will be held on the two (2) working days following the written exam. Following the written exam review sessions, candidates will have five (5) calendar days to protest any item(s) on the written exam.

~~.2~~ Candidates must request a review of question(s) from the written exam within the timeframe above. The deadline for protests will be posted within the exam

- ~~.2~~ announcement. If the protest deadline falls on a weekend or holiday observed by the City of Tulsa, the deadline shall be the next available date.
- .3 Candidates must file any protests with the Testing Coordinator within Human Resources. No protest items should be sent directly to the Chief of Police. All protest items will be sent by Human Resources to the Chief of Police for review. All protests will be sent to the Chief of Police without any notation of the name of the candidate filing the protest.
- .4 The Chief of Police, in conjunction with the vendor responsible for promotional testing, will review any protested item(s) and render a decision. Once a decision has been rendered, all candidates' scores will be adjusted accordingly.

~~123. — There is no policy that corresponds with this section number.~~

124.119. Police Reinstatement Policy

- .1 Conditions of Reinstatement. Provided vacancies exist, former sworn Tulsa Police employees may be reinstated into the sworn Police service subject to the following:
- .11 The effective date of reinstatement must be within one (1) year of the date of separation from the sworn Police service.
- .12 Former officers must have satisfactorily completed the one (1) year probationary period in the prior service.
- .13 Separation from prior service must have been with a Satisfactory Service separation.
- .14 Candidate must meet current selection standards.
- ~~.15 Candidates must complete any training requirements as determined by the Chief of Police.~~
- .2 Provisions upon Reinstatement
- .21 Candidates shall be reinstated into the classification of Police Officer (PD-01) only.
- .22 Former Police Officers (PD-01) shall be reinstated at a pay rate one (1) step lower than at the time of separation. ~~Former Corporals Sergeants~~ or above shall be paid at a pay rate determined by the PD-01E step. Police Chief and approved by the Personnel Director
- .23 Accrued sick leave from the former service shall be carried over in the reinstatement.
- .24 Accrued vacation leave shall not be carried over from prior service; however, former service shall be counted when computing accrual of vacation leave after reinstatement.
- .25 Seniority rights shall be provided in accordance with the current agreement between the City and the Fraternal Order of Police.
- ~~.26 — Former service shall be counted in determining the amount of clothing allowance provided.~~

~~.27.26~~ Former service shall be counted in determining longevity pay.

~~.28.27~~ Reinstated officers shall serve a ninety (90) day probationary period from the date of reinstatement.

.3 Reinstatement Procedure

.31 Reinstatement shall be subject to certification by the Personnel Director or designee on the basis of an examination of the candidate's work record as a Tulsa Police employee and in comparison to applicants for original hire.

.32 The appointing authority for the department shall make the final selection for reinstatement.

.33 The appointment date shall be adjusted to eliminate the time lost between the separation date of the prior service and the date of reinstatement. That time lost shall not be counted in computing time for any purpose.

.4 Promotional Procedures

.41 A reinstated officer shall meet time-in-grade requirements to compete in promotional examinations for ~~Corporal~~Sergeant. Prior service plus service after reinstatement shall be cumulative.

.42 A reinstated officer shall meet rank and time-in-grade requirements from the date of reinstatement in order to compete in promotional examinations for ~~Sergeant~~Lieutenant and above. Prior service shall not be counted for meeting these requirements.

.43 Reinstated officers shall not be eligible to compete in promotional examinations during the ninety (90) day probationary period.

.44 The reinstatement appointment date shall be used to determine educational requirements for promotional examinations.

~~125. City Employees with Disabilities Policy~~ — **Revised: January 22, 2002**

~~Employees who are no longer able to perform the essential functions of their current job as a result of a disabling condition shall be subject to the standards for reasonable accommodation or placement in another position for which they qualify as outlined in the Americans With Disabilities Act. For more information on job accommodation and the City's Disability policy see Section 600.~~

~~126.120. Absenteeism Guidelines for Promotional Opportunity~~

.1 An employee's ~~absence from work shall always be a factor to evaluate~~use of non-FMLA sick leave and leave without pay are considered when determining whether the employee is eligible to be certified for a promotional opportunity. ~~Absence for this purpose shall be defined as sick leave and unscheduled leave without pay.~~

.2 There is no simple, easy or routine method to evaluate absenteeism. The final decision must will be made by the Personnel ~~Department~~Director or designee upon

a thorough review of the available facts. ~~Reasonable accommodation for qualified persons with~~

~~disabilities will be made by the City. However, the candidate must be able to perform the essential functions of the job without imposing an undue hardship on day-to-day operations of the department.~~

~~.2 The following guidelines should be used for each employee applying for a promotion:~~

~~.21 Two (2) periods of time should be analyzed in respect to absenteeism:~~

~~(a) The one-year period ending on the closing date:~~

~~1. A general guideline shall be that leave taken in excess of ten (10) days per year shall be unacceptable. Leave shall be both sick leave and unscheduled leave without pay.~~

~~(b) The period from the date of hire to the closing date:~~

~~1. An employee should have accrued two (2) sick leave days per year of employment with the City (Example: 12 years with City x 2 = 24 days accrued sick leave).~~

~~.22 As a guideline, an employee who has accrued less than two (2) days per year since their date of hire has exhibited a pattern of absenteeism. A minimum of two (2) years' service is required to evaluate a pattern. When reviewing employees with less than two (2) years employment, their sick leave usage should be prorated.~~

~~.23 Usage in excess of either of the above guidelines may be reason for non-certification.~~

~~.24 Whether such leave is justified or not is very difficult to evaluate and not always relevant. Generally, leave taken one (1) or two (2) days at a time is less justified than that taken for several days in succession. Regardless of the reason, if an employee is absent from the job, the employee is not productive, work is not getting done, and other employees must cover for the absent employee. The higher the position, the more essential it is to have employees on the job at all times.~~

~~.25.21 One of the main considerations is whether the employee has exhibited a "pattern of absenteeism." The best way to predict future performance is to evaluate the past. If an employee has demonstrated a continual pattern of absenteeism throughout their employment, there is no reason to assume that the pattern will change after the promotion. That is not to say that behavior never changes - it can and does; however, the behavior (or absenteeism) should reflect a change prior to receipt of a promotion rather than hoping that it will change after promotion.~~

~~.2 .26 Employees who continually use all or most of their sick leave as it is accrued have established a pattern of absenteeism. This is true even if the employees has taken less than ten (10) days per year over the entire period of employment.~~

~~.27 Individual cases where an employee is absent for very obvious and justifiable reasons should be considered in light of the test for a pattern of~~

absenteeism as discussed above. If there is no pattern of absenteeism, such non-recurring and justifiable absences of five (5) days or more should not be counted against the employee in computing the amount of leave taken. The extended period should be counted as one (1) day.

427-121. Merit Grievances **Revised: January 22, 2002**

~~.1~~ It is the policy of the City of Tulsa that employees Employees may make a grievance known without fear of reprisal. ~~Probationary employees shall not have the right to file formal merit grievance actions. It is the responsibility of supervisors, department heads and the Human Resources Department to insure adherence to this policy.~~

.1 A grievance under this policy ~~shall be~~ is defined as any dispute involving the promotional process or alleged violation of the promotional policies and procedures established by the Civil Service Commission (Commission or CSC). Merit grievances include non-certification and non-selection grievances.

.2 Employee grievances of alleged discrimination ~~due to non-merit factor shall~~ must be filed in accordance with the procedures in this manual under "Discrimination Claims and Appeal Procedure" within PPPM Section 400421. No grievance ~~shall~~ will be heard under this policy when such grievance could have been filed under a grievance procedure established within a collective bargaining agreement. Probationary employees and employees applying through the external employment process do not have the right to file formal merit grievance actions.

.3 ~~No matter shall be considered a grievance unless it is filed within fifteen (15) calendar days after the occurrence of the event or after the employee becomes aware, or should have reasonably become aware, of the event giving rise to the grievance.~~ Merit grievances ~~shall~~ follow the steps outlined below:

Step 1: ~~If the employee's grievance involves promotional processes, For non-certification or and non-selection grievances, the employee must initiate a grievance by submitting the grievance in writing to the Personnel Director within fifteen (15) calendar days of receipt of the written notification of non-certification or non-selection. Within ten (10) working days after receipt of the grievance, the Personnel Director or designee may conduct a hearing for purposes of gathering facts relating to the case. The employee and one material witness may be present at the hearing without loss of pay. Within ten (10) working days after the hearing, the Personnel Director or designee shall submit to the employee a response to the grievance. For merit grievances other than non-certification and non-selection, the grievance must be submitted in writing to the Personnel Director within fifteen (15) calendar days after the occurrence of the event or after the employee becomes aware or should have reasonably become aware of the event giving rise to the grievance. The grievance will be investigated as necessary and a decision provided to the grievant within twenty (20) calendar days whenever possible.~~

Step 2: ~~If the employee wants to appeal the Personnel Director's decision, the The employee may file a written request appeal the decision to the Civil Service Commission for by filing a hearing on the issue written request with the CSC Secretary (within Human Resources) within fifteen (15) calendar days from the receipt of the Personnel Director's written response. Within ten (10) working days from receipt of the employee's written request for such hearing, the Personnel Director or designee shall provide to the~~

~~CSC Secretary and the employee, a “decision. The Civil Service Commission recommended resolution” relating to the grievance. The recommended grievance resolution shall include the date, time and location of the meeting when the matter will be submitted to the Civil Service Commission~~

.4

~~The Commission’s review process of the recommended resolution shall consist of:~~ is to determine whether the City complied with policy in the hiring process, and if the City did not, the Commission may recommend corrective action to the Personnel Director or the Mayor but does not determine which employee should be certified or selected for any position. The employee will be advised of the date and time of the hearing, and the process to exchange written materials for the Commission to review ten (10) calendar days before the hearing. The Commission’s process for merit grievances is set forth in its Internal Procedures, which are posted on the City’s website and print copies are available upon request.

- .4 The Commission will first hear a summary of the recommended resolution after which it may adopt or modify the recommended resolution which will conclude the matter at this step, or it can set the matter for an evidentiary hearing on a later agenda. At the initial stage, the process consists of:
- ~~.41 Commission review of written materials submitted by the Personnel Director or designee and grievant.~~
 - ~~.42 The Personnel Director or designee may make~~Each side makes a brief statement explaining their position on the recommended resolution~~issue.~~
 - ~~.43 The grievant or representative may make a brief statement explaining his/her objections.~~
 - ~~.44 .43 The Commission may question the two (2) parties and receive responses and other evidence as deemed appropriate by the Commission.~~
 - ~~.45 Neither party may present witnesses nor ask questions.~~
 - ~~.46 No additional information or issues may be presented by either party without the approval of the Commission.~~
- ~~.5 If the Commission adopts or modifies the recommended resolution, that resolution shall be final and binding on the parties involved. If the Commission determines that a full hearing is warranted, the following rules shall govern the hearing:~~
- ~~.51 The hearing shall be placed on the agenda for the next regularly scheduled meeting.~~
 - ~~.52 The grievant shall be notified in writing of the date, time and place of the hearing. If the grievant cannot attend on that date, he/she shall notify the Commission in writing and state the reason(s). If the grievant shows good cause why he/she cannot attend the hearing, the Commission may reschedule the hearing. If the grievant fails to notify the Commission of an absence or good cause is not shown, the grievance shall be dismissed.~~
 - ~~.53 The grievant may represent him/herself or be represented by a representative of the grievant's choosing. In the event of one or more grievances dealing with the same question(s), no more than one spokesperson from that group of employees may attend the hearing without loss of regular pay. The grievant shall also be allowed to have a maximum of three (3) material witnesses present at the hearing to testify in relation to the grievance. At the time a grievant files a written request for Civil Service Commission hearing, he/she shall also submit a witness list to the designated hearing officer and to his/her department section head. A witness required to attend a Civil Service Commission meeting must have knowledge and provide testimony relevant to the grievance~~records, but the parties do not otherwise present witnesses or evidence.
 - ~~.54 The grievant may attend the Civil Service Commission hearing without loss of pay. If an employee is requested to appear as a witness at a Civil Service Commission meeting, he/she shall be allowed to appear at no loss of pay as long as his/her attendance is required. If such hearing continues after~~.5 At the conclusion of or is outside the initial stage, the employee's regularly scheduled work hours, Commission may determine that an evidentiary hearing is warranted and follow the employee shall be receive regular pay or overtime pay as applicable, until hearing process set

forth in its Internal Procedures. After the conclusion of his/her testimony or until hearing, the employee's presence is no longer required for testimony.

~~.55 The grievant or his/her representative shall explain his/her objections to Commission may adopt or modify the recommended resolution.~~

~~.56 The and if it determines the City failed to follow policy make a recommendation to the Personnel Director or designee shall explain the reasons for his/her recommended resolution Mayor for corrective action.~~

128-122. Guidelines on Education in Determining and Experience for Certification

~~To provide consistency in consideration of formal education as a certification factor, the following guidelines shall be followed:~~

- ~~.1 All applicants involved in the hiring process or the promotional process shall be reviewed as concerns the desirable educational requirements specified within the job description.~~
- ~~.2 All education beyond high school, shall be documented by a certified copy of the transcript. This request of documentation shall occur regardless of the educational requirements of the position applied for. Applicant's failure to provide original documents within certification timeframes shall result in the non-consideration of the educational credentials.~~
- ~~.3 Certificate and license credentials shall be reviewed and proper value be established (Example — A Certified Public Accountant's credentials would be considered roughly equivalent to a Bachelor's level of attainment for an Accountant I level position).~~
- ~~.4 Credit hours considered under this policy shall be those hours of formal accredited education which are accepted by a recognized institution of higher learning. Thirty (30) credit hours shall be considered approximately equal to one (1) year of completed college course work. Completion of an actual degree program shall be considered preferable to related hours equivalency.~~
- ~~.5 The relevancy of a course work in relation to the required education specified in a job description shall be evaluated.~~
- ~~.6 The consideration of experience verses actual formal education requires the use of discretion. However, the maximum substitution of experience for formal education shall not exceed one-half of the required course work required in the job description.~~
- ~~.7 Experience will not be substituted for education for positions with specific degree requirements of positions that require specific course work (**Approved 6-24-93**).~~

The education and experience requirements on each job description are the minimum preferred requirements to carry out the duties and responsibilities of each position. However, when allowed on the specific job description, this policy allows relevant experience to substitute for some education requirements, and relevant education to substitute for some experience requirements. The Personnel Director has discretion and final authority to determine the application of any substitutions in making the certification decision.

- .1 Applicants are required to provide a certified copy of their post-secondary education transcript regardless of the position requirements. Applicants are also required to provide a copy of any certificate or license credentials required by the job description. Failure to timely provide these documents will disqualify the applicant from consideration for the position unless it is not possible to obtain the required documents, for example if the awarding

institution is no longer operating, in which case the Personnel Director has discretion to accept reasonable alternatives.

.2 Specialized jobs where a specific degree or experience is necessary (such as for attorneys, engineers and certified public accountants) cannot substitute the requirements with other degrees, credit hours or experience.

.3 To meet the position's education requirements, degrees and credit hours are accepted only if awarded by an institution accredited by the US Department of Education when the degrees and hours are earned. To meet the degree requirements for certain positions as stated on the job description, thirty (30) credit hours are considered equivalent to one (1) year of completed college coursework. Therefore, completion of sixty (60) credit hours are considered the equivalent to a two (2) year associate degree, and completion of 120 credit hours are considered the equivalent to a four (4) year bachelor's degree.

.4 For certain positions as stated in the job description, experience beyond the job requirements can substitute for up to one-half (1/2) of the education requirements where the experience is directly related to the position. For example, a position that requires a bachelor's degree and two years of experience can be met by substituting an associate degree (or sixty (60) credit hours) and four (4) years of related experience.

.5 For certain positions as stated in the job description, education beyond the job requirements can substitute for up to one-half (1/2) of the experience requirements where the coursework is relevant to the position. For example, a position that requires an associate degree (or 60 credit hours) in one or more specific fields of study and two (2) years of related job experience can be met by substituting a bachelor's degree (or 120 credit hours) in one of the listed fields of study and one (1) year of related job experience.

429-123. Reduction For Economy or Abolition of Position (Layoff)

Effective: November 30, 2001

When employees within any department are laid off, employee(s) with the least City seniority in the affected classifications shall be reduced to the next lower classification for which qualified in his/her department. The same process shall continue until a sufficient number of employees of least seniority in the affected classification(s) in the department are removed. Any person removed who makes written request to the Personnel Director within thirty (30) days shall be placed on a reemployment list with priority for reemployment in his/her classification in any department of the City according to seniority.

.1 The following definitions and methodologies shall be used in this policy:

- .11 Layoff: Shall be used to refer to any reduction of employees due to economy reasons, position abolishment or removal of a position on the staff of the Mayor from the classified service by designation of the Mayor.
- .12 Seniority:— In accordance with Charter provisions in Article X, Section 7, all references to seniority in this policy shall mean total City seniority (date employed in a classified or regular position). Date to position, date to classification, date to department, and temporary employment date shall not be used in interpreting the layoff policy.
- .13 Qualifications: Employee qualifications shall be determined by evaluating the employee's education, knowledge, skills, and abilities as compared to the classification description specifications. Variables such as skills testing, licenses, and certifications shall be considered according to normal internal promotion and employment processes in the determination of qualifications. However, competitive qualifications shall not be used as a selection methodology or determining factor that overrides the seniority of the involved employees. Additionally, performance variables such as performance evaluation ratings and attendance records are normally not considered.
- .14 The Personnel Director, after consultation with the affected department, shall determine the qualifications of employees in a layoff and the related possibility of placements into available jobs. Additionally, the Personnel Director shall be responsible to ensure proper consideration of classification families, groupings or job progressions to appropriately protect the more senior employees within those classification groupings.
- .15 Employees who are laid off shall have no right of appeal except and unless they raise a sustained jurisdictional issue to the Civil Service Commission that the layoff is actually being utilized inappropriately (in place of a disciplinary removal, etc.) rather than a reduction of position or an economy based layoff per the City Charter.

429 .2 Provisions of the layoff process shall be:

- .21 Employees who are to be laid off shall receive at least one week's notice prior to layoff unless otherwise required within the *Federal Worker Adjustment and Retraining Notification Act*.
- .22 This policy (429123) does not apply to employees in his/her initial probationary period. Employees in their promotional probationary period and subject to layoff shall be returned to his/her previous position, if vacant. If the previous position is not vacant or is also involved in the layoff, the employee is subject to all layoff policies and shall be treated as though the layoff occurs from their prior (non-probationary) classification.
- .23 An employee who has been laid off and elected recall shall have priority for re-employment in his/her same classification and based on comparative seniority provisions for a period of one (1) year from the layoff date.

- .24 When a position is to be filled within one (1) year after layoff, the most senior former employee who is qualified for and was removed from that classification shall be notified by registered or certified letter. That former employee then has fifteen (15) calendar days to express in writing his/her intention to return to work to the Personnel Director. If the former employee does not respond or does not want to accept the position, his/her name shall be removed from the recall list and the next most senior, former employee contacted.
- .25 An employee who is rehired through recall to the same classification or by external application processes for a different classification within one (1) year from the layoff date shall retain all previous seniority as regards leave accruals and/or City seniority.
- .3 The following steps shall normally be followed when a layoff is being implemented:
 - .31 The department head or designee shall notify the Human Resources Department of the position(s) to be vacated and if the position(s) is to be abolished.
 - .32 The Human Resources Department, in consultation with the department, shall determine precisely which positions and employees are involved.
 - .33 A meeting shall be conducted involving the affected employee(s), the Human Resources Department and the department head or departmental representative. The employee shall sign a form documenting this policy (~~429123~~) was explained and that he/she received a copy of the policy.
 - .34 After meeting and conferring with the department representatives, Human Resources shall notify the affected employee of any available placement options based on qualifications as determined by the Personnel Director. The placement options available shall be based upon an analysis of the employee's qualifications and, as appropriate, the employee's seniority. Once notified, the employee shall advise the Human Resources Department in writing of his/her position election within two (2) working days as concerns any available placement options.
 - .35 If the placement results in another employee being displaced and subject to layoff, the above steps shall be repeated.
 - .36 Employees who are not placed in another position and are to be laid off shall meet with representatives from the Human Resources Department and review benefit provisions, recall rights, layoff date, and severance pay issues.
 - .37 Within thirty (30) calendar days from the layoff date, the former employee shall notify the Personnel Director of his/her election or non-election of reemployment provisions. A former employee waives his/her recall right by failing to notify the Personnel Director of his/her election within thirty (30) calendar days from the layoff date. _

~~.4~~ .4 See PPPM Section 509507 for information concerning benefit provisions upon layoff.

