

Civil Service Rule IX: Separation and Disciplinary Actions

Section 1. Tenure:

Every employee who is legally appointed as a result of certification from an appropriate eligible list and who successfully completes his or her working test period shall have indefinite tenure of employment in the classified service during meritorious service.

Section 2. Layoffs:

Whenever there shall be no further need for employment in any position because of a stoppage of work, lack of work, or lack of available funds or for any other reason, such position may be abolished and regular employees and employees with permanent status in the classified service may be laid off without pay, despite any provisions of the rules concerning tenure. The Director shall establish procedures for such layoffs. Employees with permanent status who are laid off and who have a satisfactory service rating as defined by the Director, shall be reappointed and restored to the position they occupied at the time of layoff or to a position in the same class under the same appointing authority without a new working test period if their position is reestablished within two (2) years from the date of their layoff. All employees with permanent status who are laid off and have a satisfactory service rating as defined by the Director shall have their names placed on an appropriate reemployment from layoff list in the order established by the Director. All former employees on reemployment from layoff lists and also those on reemployment lists who have resigned in good standing in lieu of layoff for reasons not discreditable to them shall be given priority in referral to vacant positions in other agencies. In every case of layoff, the appointing authority shall give written notice of his proposed action to the Director and shall certify therein that the layoff is for reasons not reflecting discredit on the employee and shall designate the classes of positions and the number of positions in each class so designated that shall be laid off. The appointing authority shall withhold notification to the employee of his layoff until he has prior approval from the Director. In cases where the appointing authority refuses or fails to so certify, the action shall be deemed a dismissal and shall be so treated.

Section 3. Disciplinary Action:

Employees in the competitive service may be dismissed, demoted, reduced in pay, suspended without pay, or reprimanded for just cause.

(a) Appointing authorities may take one of the following disciplinary actions for just cause:

1. Reprimand the employee.
2. Suspend the employee without pay for a period not to exceed twenty-eight (28) calendar days. Suspension of a Fair Labor Standards Act exempt employee shall be governed by the Fair Labor Standards Act and appropriate regulations.
3. Reduce the pay of the employee to a lower rate within the range of pay provided for the class of position in accordance with provisions in the compensation

ordinance then in effect. A Fair Labor Standards Act exempt employee cannot be reduced to a lower rate within the range of pay provided for the class.

4. Demote the employee to a class of position in which, in the opinion of the appointing authority, the employee will be able to function successfully.
5. Dismiss the employee from the City Service.

(b) Employees in the competitive service who have not attained permanent civil service status may be removed or otherwise disciplined and shall not have right of appeal in accordance with Rule XIII.

Section 4. Procedure in Disciplinary Actions:

(a) Reprimand: The appointing authority shall notify the Director of Personnel, in the manner and form prescribed by him, whenever an employee is issued a written reprimand. Such written reprimand shall be placed in the employee's official Department of Personnel employment file.

(b) Suspensions without pay and reductions in pay: The appointing authority shall notify the Director, in the manner and form prescribed by him, whenever any employee is suspended or reduced in pay indicating the reasons therefor and the duration of the suspension or reduction in pay and such action shall not be revocable by the Director, except in instances when such actions are not in compliance with the provisions of the Charter and ordinances and these rules. Suspensions shall not exceed twenty-eight (28) calendar days for any one offense and suspensions shall not total more than twenty-eight (28) days in any twelve (12) successive months. Any reduction in pay shall be made in accordance with procedures established in the compensation ordinance.

(c) Dismissal and Demotion: Any dismissal or demotion shall be reported to the Director in the manner and form prescribed by him. A copy of said notice shall be given to the employee and shall include a notice of the employee's right of appeal and the reasons for the action. The Director shall, within a reasonable time, in every such case, review the circumstances surrounding the action to assure that it is being taken on the grounds of merit and fitness. In the event the action is approved, the Director shall advise the employee of the approval. In the event the action is disapproved, the Director shall notify both the appointing authority and the employee and the employee shall be continued in the same status in the position, providing, however, that the appointing authority shall retain the right of appeal to the Commission. Such appeal from the decision of the Director shall be taken in accordance with Rule XIII.

(d) Removal by the Director for fraud or other acts to the prejudice of the service. The Director shall remove any employee at once if he finds, after investigation and after giving the employee notice and an opportunity to be heard, that the employee was appointed as the result of fraud or a material misstatement of fact, or that the employee

has committed a serious act to the prejudice of the service in connection with an examination or other official function carried out by the Department of Personnel.

Section 5. Resignation:

(a) Submission of resignation: Any employee in good standing who shall decide to leave the City Service for any reason, shall submit a formal resignation in writing to his appointing authority, a copy of which shall be forwarded to the Director.

(b) Review: Upon receipt of the resignation, the Director shall conduct a review as he shall deem proper and necessary to determine that the resignation was submitted in good faith by the employee. In the event the Director determines that the resignation was forced, such action shall be deemed to be dismissal from the City Service and the employee shall retain any right of appeal provided by the rules.

(c) Whenever resignations within any organizational unit are, in the opinion of the Director, excessive, the Director may determine that it is appropriate to conduct an investigation, and in such case he shall have the power to investigate the cause of such resignations and to initiate action to remove such causes.

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