

## **Civil Service Rule VI: Tests**

### **Section 1. Requirement for Tests:**

The Director shall, whenever vacancies exist within the classified service or in advance of such vacancies as seem likely to occur, prepare or direct the preparation, review, and rating of tests to determine the fitness of applicants for positions in the classified service. No person shall be appointed to a position in the classified service, except as otherwise provided by law and these rules, unless he shall have filed a completed application form as prescribed by the Director, passed the required examination, and been certified for appointment in accordance with these rules.

### **Section 2. Public Notice:**

The Director shall give public notice of each entrance test, at least two weeks in advance of such test, by posting notice of such test on the bulletin board maintained in or near the office of the Department of Personnel and publishing such notice in the official City Journal. When qualified applicants for vacant positions are extremely difficult to recruit, the test may be administered immediately to applicants who meet the entrance requirements and, therefore, the two weeks of advance notice is waived. The Director shall further publicize such tests as deemed appropriate through such media as he may determine best suited to the dissemination of information to qualified applicants for the positions in question.

### **Section 3. Content of Notices:**

Each official notice of a test shall state typical duties and pay of the position in the class for which the test is to be held, the qualifications required, the time, place, and manner of making application for admission to the test, and any other information which the Director considers pertinent and useful.

### **Section 4. Open Application Period:**

Whenever the Director finds that there is a shortage of qualified candidates for classes of positions in which there exists an urgent need for employees or that the needs of the service are best served by an open application period, he may announce, in the public notice of the test, that no time limit has been established for receiving applications and he may receive applications for such period of time as he finds necessary to establish a satisfactory employment or promotional list. When such satisfactory employment list has been established, no further applications will be received.

### **Section 5. Type of Test:**

(a) The tests of fitness shall be practical in character and designed to measure fairly the relative qualifications of candidates for the positions of the several classes. They shall take into consideration elements of character, education, aptitude, experience, knowledge, skill, physical fitness, and other matters deemed by the Director to be pertinent.

(b) The test components may be written or oral, physical, demonstrations of skill, performance evaluations and/or promotability ratings, the evaluation of training and experience of candidates as set forth in their applications, or by any combination thereof, as decided upon by the Director. Should a combination of these types of tests be used, the Director shall have the authority to assign weights to each section of the tests. The Director may review the test results and either cancel or amend the weights of the examination, as the need requires, if it is discovered that an examination component is psychometrically flawed or in violation of state or federal rules, regulations or law.

(c) The Director may select appointing authorities, supervisors and other suitable persons to assist in the development of examinations. It shall be deemed part of the official duties of all employees so selected to render such service in a confidential manner and, failing to do so, they may be subject to disciplinary action, including dismissal from their office or employment.

#### **Section 6. Admission to Tests:**

(a) Applications: All applications shall be made on forms prescribed by the Director. On such forms the Director may require information concerning training, experience, references, and such other information as he deems pertinent, including possession of certificates, licenses, or other evidence of competency required by law. No questions in the application form, nor in any other portion of the test, shall be so framed as to elicit information concerning the race, sex, political, fraternal or religious opinions, affiliations or service of any person. Applicants may be requested to state their race and sex on a separate form for information purposes only to meet the requirements of the federal government.

(b) Review of Applications: Applications are reviewed and applicants who meet the minimum qualifications are invited to compete on the examination. The review is conducted by the Department of Personnel and, when appropriate, other persons knowledgeable about the particular occupational class. The Department of Personnel may limit the number of applicants called for an examination to a group of the best qualified based on an evaluation of experience and training conducted by the Department of Personnel and, when appropriate, other persons knowledgeable about the particular class. Applicants who meet the minimum qualifications but, based on an evaluation of their experience and training, are not among the best qualified candidates will be eliminated or placed in a pending status. Applicants placed in a pending status may be called at a later date if it is necessary to examine additional candidates.

(c) Rejection of Applicants for Lack of Qualifications: The Director may reject the application of any person for admission to tests of fitness, or refuse to test any applicant who is found to lack any of the qualifications prescribed for admission to the tests as announced in the public notice, or who is physically unfit to perform effectively the duties of the class, or who is addicted to the habitual use of alcoholic beverages to excess or to the use of drugs, or who has tested positive for any illegal drug or controlled substance in tests conducted at the direction of the City of St. Louis, or who

has been adjudged guilty of a crime involving moral turpitude or infamous or disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has an unsatisfactory work record as a City employee, or who has made false statement of any material fact or who has practiced or attempted to practice deception or fraud in his application or in his tests, or who has otherwise violated provisions of Article XVIII, or these rules.

(d) Failure to obtain the Minimum Rating in the Weighted Portion of Test: The Director may exclude from any further participation in the tests of fitness any person whose rating in one weighed portion of the test is below the level established as passing for that portion of the test, or if all portions of the test have been completed, may declare such applicant as failing in the entire test.

(e) Failure to Pass an Unweighted Portion of a Test: Any applicant who fails to meet the necessary standard to pass an unweighted portion of the test may be excluded by the Director from any further participation in the tests of fitness and may be declared as failing the entire test.

(f) Rejection of Application for Lateness: The Director shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of tests, or after a specified number of applications, announced in the public notice of the test, have been received. Such applications, however, may be received and considered if the Director gives public notice, as defined in these Rules, providing for an extension of the time fixed for receipt of applications and giving equal publicity to the new announcement as was given to the original announcement and setting forth thereon the reason for the reopening of the application period. This provision shall not be interpreted to deny the Director the right to establish open application periods and open registers as provided for in Rule VI, Section 4, Section 7(d), and Section 14(a).

(g) Rejection of Application Because of Examination Cancellation: The Director may, in the event that the needs of the service do not require an examination be given after its announcement, reject all applications for the class of position announced. Under such circumstances the Director shall inform each applicant by mail, addressed to his residence as indicated on his application, that the examination has been cancelled and the reason for such cancellation.

(h) Reopened Examinations: An examination for a particular occupational class is identified by a unique examination number. Applicants must successfully compete on each component of an examination to qualify on the examination and have their names posted to the eligible list. The Director may reopen an examination under the same examination number, examine applicants, and add candidates to an eligible list during the life of an examination and eligible list. When an examination is reopened, applicants who have already competed may not take the examination again. However, candidates who were eliminated for failure to meet the experience and/or training requirements but who subsequently meet the requirements when the exam is reopened may be

considered again. The Director may grant similar exceptions on other examination components when deemed to be in the best interest of the service.

Any candidate whose name is posted to an eligible list may request that the Director of Personnel also post his name to the promotional list for that class of position, provided the candidate has attained permanent status and otherwise meets all of the requirements for the promotional examination.

(i) Right to Future Consideration: The fact that the application of a candidate has been rejected for admission to tests of fitness for a given class of position shall not in itself be cause for rejecting another application for any other class of position, nor for the same class of position, in the event a new examination is announced at a later date, nor shall such previous rejection be a factor in rating the tests of fitness for any class of position for a candidate. However, the Director may establish limitations on the future consideration of candidates who have tested positive for any illegal drug or controlled substance in tests conducted as part of the examination for employment.

(j) Rejection on Educational Grounds: The Director, in accepting applications for positions, shall construe liberally any requirements for formal education. However, when experience or other training may be substituted for formal education, it will be so stated on the examination announcement for the class of position. Where such educational qualifications are reflected in necessary registrations such as law, medicine or nursing, or where such requirements are set up as standards for receiving state or federal grants-in-aid, they shall be strictly enforced.

(k) Eligibility for Tests: Tests of fitness for original entrance shall be open to persons who meet the requirements for admission to the tests as established in the public notices therefor, or specified in these Rules. Such requirements may relate to experience, moral character, training, education and other qualifications having to do with the ability of the person to perform duties entailed in the class of position for which the examination is being held. Such requirements shall not relate to race, color, national origin, political or religious affiliations or beliefs, sex, age or physical disability, except when specific sex, age and physical requirements are bona fide qualifications for positions.

#### **Section 7. Conduct of Test:**

(a) Establishment of Procedures: The Director shall establish the procedures to be used in conducting the examination of candidates and shall devise safeguards which, so far as is possible and practicable, shall conceal the identity of candidates from examiners or other persons engaged in scoring, marking, or otherwise rating the candidates. The tests shall be conducted in as many locations as the Director may find necessary. The Director may designate monitors to take charge of examinations under instructions prescribed by him, provide for their pay, and make arrangements for the use of public buildings in which to conduct such examinations. The Director may disqualify any competitor for failure to comply with the procedures and regulations established by the Director for conducting the examination.

(b) Use of Municipal Employees: The Director may select suitable persons in the service of the City, with the consent of the appointing authorities under whom such persons serve, to act as examiners under his direction. It shall be deemed part of the official duties of all employees so selected to render such services without extra compensation therefor.

(c) Offices and Facilities: It shall be the duty of all employees of the City to allow the reasonable use of public buildings, and to heat and light them as conditions require, for holding examinations and in all other ways to facilitate the holding of such examinations.

(d) Time of Tests: Competitive tests for positions in the classified service shall be given as soon as possible following the closing date of the application, except that when an open application period has been announced each candidate may be tested as soon after his application has been received as the Director deems advisable.

(e) Military Experience: Experience gained in military service shall be properly evaluated and considered in determining the qualifications of candidates for positions to which such experience is relevant.

#### **Section 8. Competitive Tests:**

All original entrance tests for positions in the classified service shall be truly competitive in character and no provisions for noncompetitive tests for original appointment to the City service shall be permitted.

#### **Section 9. Promotional Examinations:**

(a) Competitive: Competitive examinations shall be held for those employees or former employees who are available and whose names appear on the reemployment from layoff list, to determine which employees with permanent or career-seasonal status shall be advanced or returned from layoff to fill a vacancy in a higher competitive class, except when such vacancies are filled by demotion, transfer, reassignment, reinstatement, reemployment from layoff, or reemployment.

(b) When to be Held: Promotional examinations shall be deemed to be practicable whenever there are qualified employees with permanent or career-seasonal status or former employees whose names appear on a reemployment from layoff list who are willing to compete.

(c) Type: Promotional examinations shall be based on the same standards of required qualifications as original entrance tests for the same class and may include a promotability rating by the employee's current supervisor or last supervisor prior to layoff as part of the examination.

(d) Use of Service Ratings: Service ratings received by employees as provided in Rule X shall constitute a factor in promotional examination and the weight to be given such factor shall be determined by the Director.

**Section 10. Scoring of Examinations:**

Normal scoring procedures shall be employed in processing examination papers and each applicant shall complete the examination papers, including the answer sheet, in accordance with the instructions set forth at the time the examination is administered. The applicant is responsible for completing the examination papers in accordance with the instructions provided. When an adverse effect results from the improper completion by the applicant of a part of the examination, the test results shall stand unchanged without the benefit of subsequent changes. An employee who is a promotional candidate who successfully passes an examination for a position in the classified service will receive a preference of five (5) points on a scale of one hundred (100) points on such competitive examinations. To receive the five-point (5) preference, candidates must have promotional status as defined in these Rules.

**Section 11. Notice of Test Results:**

Each person competing in any test shall be given written notice of his final earned rating. He shall also be given written notice of his relative standing on the employment list and/or the promotional list or of his failure to attain a place on the eligible list.

**Section 12. Review of Test Results:**

Each person competing in a test shall, during the business hours of the Department and within ten (10) calendar days after the date of mailing of notice of the results, be permitted to inspect his ratings and test papers that do not contain confidential test material, at the office of the Department under such conditions as the Director may prescribe. Such test papers, ratings or other submitted work shall be open to other persons only at the discretion of the Director.

**Section 13. Appeals:**

Candidates may appeal to the Director for correction of their ratings at any time during the ten (10) calendar days immediately following the publication of test results. Such appeals must be made in the form prescribed by the Director.

**Section 14. Corrections:**

If, after examination of the appeal filed by any candidate, the Director finds that any manifest error existed in rating, scoring or computation of the result, he shall make the required correction and place the name of the person on the list in its correct position by virtue of the correction. Such correction, however, shall not invalidate any appointment previously made from such a list.

## Section 15. Establishment of Eligible Lists:

(a) Employment Lists: From the results of tests for any class after each original entrance examination, the Director shall cause to be prepared an employment list for the class, with the names of those persons who have met the minimum requirements imposed for each test and who have received the rating required for eligibility, placed thereon in the order of such rating from the highest to the lowest. Whenever two or more candidates have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, their names shall be arranged on the list in the order established by the Director taking into account all the factors that have a bearing on the matter and that are necessary to be considered to achieve fairness and equity in resolving the tie. When such a list is prepared in the course of an open application period as provided in Rule VI, Section 4, and as a result of tests conducted under the exception provided in Section 7(d), the names of eligibles shall be incorporated in the list from time to time, as soon as they have completed the test process and their final earned ratings have been determined. Candidates for employment shall indicate at the time of examination their eligibility for and interest in appointment to permanent positions, per performance positions, limited-term positions and career-seasonal positions. Employees with permanent status in a permanent position who are on employment lists and who have been laid off for reasons not discreditable to them and who are eligible for reemployment from layoff shall remain on the employment lists for the life of the lists and shall be eligible for certification in the same manner as if they were currently employed.

(b) Reemployment Lists: Any person who had permanent status and who held a permanent position in the classified service from which he resigned in good standing shall be entitled to have his name placed on a reemployment list for certification to vacancies in the classified service, provided he so requests in writing within two (2) years from the date of his resignation. An exception to this two year limit shall exist in the case of an employee granted disability retirement who has such benefits withdrawn due to medical rehabilitation or an employee terminated after a workers' compensation injury of indefinite duration who becomes medically rehabilitated, subject to proof of medical rehabilitation by medical examination. The name of each person shall be placed on the reemployment list that is considered most appropriate by the Director. The order in which such names are arranged on each reemployment list shall be determined by the Director and shall take into consideration the service ratings obtained by former employees while in the service, the length of their previous City service, and the conditions surrounding their separation from the service.

(c) Reemployment from Layoff Lists: Any person who had permanent status in a position in the classified service and has been laid off for reasons not discreditable to him shall have his name placed on an appropriate reemployment from layoff list. The order in which such names are arranged on each reemployment from layoff list shall be determined by the Director and shall take into consideration the service ratings obtained by the former employees while in the service and the length of their previous City service.

(d) Promotional Lists: After each promotional examination, the Director shall prepare and keep available a promotional employment list of persons successfully passing the examination, arranged in order for final weighted ratings received. Whenever two or more persons have equal final weighted ratings, their names shall be arranged on the list in the order of their performance in the part of the test having the greatest weight; when such arrangement fails to resolve the tie, the order on the list shall be the same order as the date of their original appointment. Employees with permanent status in a permanent position who are on promotional eligible lists and who have been laid off for reasons not discreditable to them and who are eligible for reemployment from layoff shall remain on the promotional eligible list for the life of the lists and shall be eligible for certification in the same manner as if they were currently employed.

(e) Applicant Qualifications: Applicants who do not meet all the qualification requirements may be examined and have their names posted to an eligible list when the Director has determined that such action is necessary for the effective recruitment of qualified candidates for positions with advanced professional or technical qualifications. However, any applicant who is posted to an eligible list under these conditions must demonstrate completion of all qualification requirements prior to certification and appointment from the eligible list.

#### **Section 16. Duration of Lists:**

(a) Employment lists shall remain in force for the period of two (2) years unless previously exhausted or cancelled. The Director may cancel an eligible list when, in his judgment, the good of the service is served. No list, however, shall be cancelled sooner than six (6) months after the date of establishment.

(b) The life of an employment list may be extended beyond the original two-year period by the Director when continued use of the employment list is deemed to be in the best interest of the service. The Director shall specify the period of extension of the employment list and its amended expiration date.

(c) The names of persons on a reemployment list shall be removed therefrom two (2) years after the date of resignation from their position, excluding other subsequent appointments.

(d) Persons on a reemployment from layoff list shall remain on the list two (2) years after the date of their separation from the position.

#### **Section 17. Consolidation of Lists:**

If, in the opinion of the Director, the needs of the service require that an examination be held for a class of position for which an employment list already exists, prior to the expiration period he may consolidate the existing list with the list established as a result of the new examination when the content of the new examination is substantially the same as the original examination. In those cases that meet the criteria stated above, the

names of persons remaining on the old list shall be placed on the new list in accordance with their previous rating as though they had taken the new examination, but such names shall be removed from the list at the expiration of the original two (2) year period. Should such persons on the original list elect to take the new examination, their names shall be placed on the list in accordance with the new rating, if it is higher than the old; if it is lower, the higher rating will be used in the same fashion as if they had not taken the examination, and upon the expiration of the time limit, such names shall be removed as described above and replaced in accordance with the new rating achieved. However, the provisions of this Section 17 shall not be construed to enable any candidate to take the same examination more than once. A new examination for the same class of position is identified by the use of a new examination number of the examination announcement.

#### **Section 18. Removal of Names from Lists:**

Names of eligibles may be removed from an eligible list for any of the following reasons:

- (a) Refusal of the eligible to accept appointment that is offered under conditions previously indicated by the eligible as acceptable.
- (b) Refusal of the eligible to accept certification and interview, on three (3) separate occasions, for positions in which the eligible had expressed interest and availability.
- (c) Appointment through certification from such list to fill a permanent position.
- (d) Failure to receive appointment after three (3) certifications wherein an appointment is made from each certification.
- (e) Appointment through certification from the eligible list for another class at the same or higher compensation.
- (f) Appointment through certification from the eligible list for another class at a lower level of compensation with the option of being restored to the list, with the approval of the Director, for certification to a specific position for which he is eligible.
- (g) Filing of a statement by the eligible that he is not willing to accept appointment. Such statement of unwillingness may be restricted to a limited period of time or positions involving other conditions of employment as specified. The name of the eligible shall then be treated as not available and shall be passed over in certification to fill the vacancy under the condition specified, as though such name did not appear on the list. Any eligible filing such statement of unavailability may renew his eligibility at any time during the life of the eligible list by filing a new statement as to the time, place or other conditions under which appointment will be accepted.
- (h) Failure to respond, within the time specified in the notice, to any inquiry of the Director or appointing authority concerning availability for employment.

(i) Failure to report for work after accepting appointment.

(j) Expiration of the term of eligibility on an eligible list. In the case of a list consolidated with a later one, the names on the consolidated list resulting from the earlier examination shall be removed from the combined list at such time as the original list would have ceased to exist had it not been so combined.

(k) Notice by postal authorities of their inability to locate the eligible at his last known address.

(l) Death of the eligible.

(m) Discovery by the Director that the eligible lacks any of the qualifications prescribed as requirements for admission to the test for the class for which he has applied, or that he is physically unfit to perform effectively the duties to the class, or that he has tested positive for any illegal drug or controlled substance in tests conducted at the direction of the City of St. Louis, or that he is addicted to the habitual use of drugs or of intoxicating liquors to excess and which would adversely affect his work, or that he has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct, or his work performance in either previous public or private employment has been found to be unsatisfactory, or that he has been dismissed or forced to resign from the public service or private employment for inefficiency, delinquency or misconduct, or that he has made false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or in his tests or otherwise in securing eligibility for appointment.

(n) Upon determination by an appointing authority that an eligible is either unsuitable or unqualified for appointment either in the classification covered by the examination or for the City service, based upon information either unavailable to the Director at the time of the examination or not properly considered, and approval of such application by the Director.

#### **Section 19. Examinations for Licenses:**

The Department of Personnel, by agreement with any other department or other agency of the City government, may conduct examinations to determine the qualifications of applicants for licenses issued by such department or other agency, and certify the results thereof, subject to reimbursement of the reasonable costs of such service by transfer from the appropriations for the agency served to those of the Department of Personnel. Upon receipt of any such request from any other department or other agency of the City government, the Director shall investigate and report to the Commission his recommendations as to whether or not the Department of Personnel should enter into such agreement, but no such agreement shall be entered into, or if entered into, continued, if it shall be determined that it interferes in any way with the primary functions of the Department of Personnel.

**Section 20. Obstructing Right of Examination, False Representation, and Impersonation in Examination Forbidden:**

No person shall willfully, by himself or in cooperation with any other, defeat, deceive or obstruct any person in respect to his rights in relation of any tests of fitness or appointment to any position under the provisions of Article XVIII and any rules or ordinances made thereunder, or shall willfully and falsely mark, grade, estimate or report upon the test of fitness or proper standing of any person tested or certified pursuant to the provisions of Article XVIII or the service ratings of any employee, or aid in so doing, or shall willfully make any false representation concerning the same or concerning any person tested, or shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person in connection with any test or appointment, or shall impersonate any other person or permit or aid in any manner any other person to impersonate him in connection with any test or appointment or application or request to be examined.

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