

## ARTICLE I. - IN GENERAL

### Sec. 38-1. - Purpose.

It is the purpose of these rules to set forth the principles and procedures which will be followed by the city in the administration of its personnel program. They are intended to establish an efficient, equitable, and functional system of paid personnel administration based on merit principles which govern the appointment, promotion, transfer, layoff, dismissal, discipline, and other related conditions of employment.

(Comp. Ords. of 3-28-2006)

### Sec. 38-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Allocation* means the establishment of a position in a department budget.

*Anniversary date* means the effective date of any salary increase or decrease shall constitute the employee anniversary date for pay purposes (except for across-the-board wage adjustments).

*Appeal* means that any permanent employee in the city service who is separated, demoted, or suspended without pay shall have the right of appeal to the civil service commission.

*Appointing authority* means the city manager having the power of appointment and removal of subordinate positions in any office, department, or any person or group of persons having the power by virtue of the city code, or other lawfully delegated authority to make appointment to positions in the city service.

*Appointment* means the designation to a position in the city service of a person on an appropriate eligible list who has qualified for the appointment through an appropriate examination; or appointment status deemed appropriate by virtue of this Code.

*Assembled examination* means an examination for which applicants are required to appear at a specific place for the purpose of taking a written test.

*Certification* means the act of the city manager in supplying a department head with an appropriate number of names of applicants who are eligible, in accordance with the provisions of this Code and these rules, for recommendation for appointment to a position for which certification is required.

*Class* means one or more positions sufficiently similar in respect to assigned work duties and responsibilities, which justify assignment to the same salary range.

*Class series* means the arrangement in a sequence of classes that are alike in kind of work and responsibility, but not at the level of assigned work and responsibility.

*Classification* means the original assignment of a position to an appropriate class on the basis of the kind, difficulty, and responsibility of work to be performed.

*Demotion* means the movement of an employee from one position to another position having a lower maximum salary rate because of disciplinary reasons, incapacity to perform the work, inefficiency or unsatisfactory work performance.

*Department* means any of the departments in the city government, now or as hereafter established under the provisions of the this Code.

*Department head* means the official head of any department.

*Eligible* means a person whose name is on a current eligible list and who may under these rules be certified for appointment to a position in the city service.

*Emergency* means a sudden and unforeseen happening that requires the unscheduled services of an employee to protect the health welfare and safety of the community.

*Employment date* means the date of official appointment to a position in the city service for any period of continuous service.

*Grievance* means a disagreement relating to employment and working conditions or relationships between an employee and his supervisor or other employees.

*Layoff* means the separation of an employee from the city service which has been made necessary by lack of work or funds or other reasons not related to fault delinquency or misconduct on the part of the employee.

*Normal hourly rate*, for the purpose of payroll computations, shall be deemed a 40-hour week.

*Permanent employee* means a regular employee who has successfully completed the probationary period.

*Position* means a group of current duties and responsibilities assigned or delegated by competent authority requiring the fulltime, parttime, or temporary employment of one person.

- (1) The term "regular position" means a position included in the adopted annual budget that is neither specified as parttime or temporary employment nor limited for a period of less than the budget year; also any such position established during a given budget year unless the appointing authority certifies to the director that such person shall not be continued in the succeeding year's budget.
- (2) The term "parttime position" means employment in a permanent position for work on a basis of less than eight hours a day or less than 80 hours in a biweekly pay period which may be of regular or intermittent nature.
- (3) The term "temporary position" means a position comprising duties which occur, terminate and reoccur seasonally or intermittently according to the needs of a department; nonpermanent employment lasting less than 1,040 hours.

*Position description* means a written statement of the characteristic duties, responsibilities and qualification requirements that distinguish a specific position from other positions.

*Probationary period* means a 12-month working test period during which a newly appointed employee is required to demonstrate his fitness by actual performance of the duties of the position to which he is appointed.

*Promotion* means the movement of any employee after proper examination and certification from one position to a position having a higher maximum salary rate.

*Promotion examination* means an examination for positions in a particular class, admission to which is limited to permanent employees in the city service who meet the qualifications set forth in the examination announcement notice.

*Promotional list* means the names of persons arranged in descending order of their final ratings on promotional examinations for classes of positions for which they have competed and are qualified for appointment.

*Reclassification* means the official determination by the city manager that a position be assigned to a class different from the one to which it was previously classified.

*Regular employee* means an employee who has been appointed to a permanent position in the city service in accordance with these rules.

*Resident* means a person whose principal place of domicile is within the corporate boundaries of the city.

*Traditional sick leave* means sick leave accrued prior to the adoption of the city's personal time off (PTO) Ordinance on December 11, 2018. Traditional sick leave can be used but no longer accrued.

Traditional sick leave can only be used for employees who are eligible for sick leave with pay for absence due to an employee's own illness or injury.

*Transfer* means the movement of an employee from one department division or unit of the city government to another from one position to another position of the same class or to another class having the same maximum salary range.

*Unassembled examination* means an examination process which consists of the rating of training and work experience and/or oral interview test.

*Vacancy* means a duly created position which is not occupied and for which funds have been provided.

(Comp. Ords. of 3-28-2006; Ord. No. 5897, § III, 12-11-2018)

Sec. 38-3. - Penalties.

Any person who violates any of the provisions of this Code or these rules shall be subject to discipline up to and including removal from the service of the city.

(Comp. Ords. of 3-28-2006)

Sec. 38-4. - Positions covered by rules.

These rules shall apply to all city employees with the exception of all persons filling elective offices, members of appointed boards, commissions and committees, persons engaged under contract to supply expert professional or technical services for specified periods of time, and volunteer personnel.

(Comp. Ords. of 3-28-2006)

Sec. 38-5. - Administration of rules.

The city manager shall be charged with the responsibility for the administration of these rules.

(Comp. Ords. of 3-28-2006)

Sec. 38-6. - Departmental regulations.

These rules shall not be construed as limiting in any way the power and authority of any department head to make departmental operating rules and regulations governing the conduct and performance of employees. Departmental operating rules and regulations shall not conflict with provisions of these rules or ordinances. Departmental rules shall be approved by the city manager and shall be published and a copy furnished each employee to whom they apply. Such rules and regulations when approved, published, and distributed as herein provided, shall have the force and effect of rules of that department, and disciplinary action may be based upon breach of any such rules and regulations.

(Comp. Ords. of 3-28-2006)

Sec. 38-7. - Prohibition of political activity and discrimination.

- (a) No person employed with the city, or seeking admission thereto, shall be appointed, promoted, demoted, removed, or advanced on any basis or for any reason other than qualification, merit, and fitness for the service or lack thereof.

- (b) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position within the city, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing a vote or political action of any person.

(Comp. Ords. of 3-28-2006)

Sec. 38-8. - Unlawful acts prohibited.

- (a) No person shall make any false statement, certificate, mark, rating, or report in regards to any application for employment, test, certification, or appointment held or made under these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions for the rules and regulations made thereunder.
- (b) No persons seeking appointments, promotion or retention in the city service shall either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, proposed appointment, promotion or proposed promotion.
- (c) No employee shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment, promotion or retention in the city service.
- (d) No employee in the service of the city, or seeking admission thereto, shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his race, sex, color, national origin, political affiliation, disability, veteran status or religious opinions or affiliations.

(Comp. Ords. of 3-28-2006)

Sec. 38-9. - Annual review of personnel rules and regulations.

Once each calendar year the civil service commission, together with all department heads and/or department personnel shall review the personnel rules and regulations for the purpose of making appropriate recommendations to the city council for changes/amendments/modifications thereto.

(Comp. Ords. of 3-28-2006)

Sec. 38-10. - Civil service system and commission established.

- (a) There shall be a merit based civil service system for the city. All city employees shall be appointed by the city manager and shall hold their status under this section. The merit based personnel rules and regulations apply to all employees of the city, with the exception of all persons filling elective office, members of appointed boards, commissions and committees, persons engaged under contract to supply expert professional or technical services for specified periods of time, and volunteer personnel.
  - (1) The city manager shall hold employment status under the merit based personnel rules and regulations that apply to all city employees, with the only exception being the initial appointment or removal by the city council.
  - (2) All department heads shall hold employment status under the merit based personnel rules and regulations that apply to all city employees, with the only exception being the initial appointment or removal by the city manager.

- (b) This Code shall provide for the existence of the office of city treasurer, tax collector, finance department, public works department, fire department, police department, board of adjustments, plan and zoning commission, library board, parks and recreation department, law department, city administrative department, and board of trustees of the policemen's and firemen's retirement fund.
- (c) The city manager shall implement merit based rules and regulations for the administration of the civil service system. Any subsequent amendments to the rules and regulations may be adopted by the city council, and implemented by the city manager only after a public hearing held in the manner prescribed in the city Charter. All rules and regulations adopted shall be consistent with the provisions of this section. Such merit based rules and regulations shall provide for the following matters in addition to such other matters as may be necessary and advisable in carrying out the intent and purpose of this section:
  - (1) General terms and provisions of the merit based rules and regulations.
  - (2) Open and competitive recruitment and selection of all employees, excluding all department heads and the city manager for initial appointment. Included are other personnel actions taken with the city covering all employees.
  - (3) List of eligibles, appointments and probationary periods.
  - (4) Equitable and adequate compensation for all city employees under the civil service system.
  - (5) Hours of work, leave of absence, and other benefits.
  - (6) Separation and disciplinary actions.
  - (7) Appeals, grievances, and investigations.
  - (8) Employee relations, employee service ratings, and employee conduct.
  - (9) Records and reports.
  - (10) Prohibitions and penalties.

Fair treatment of applicants and employees in all aspects of personnel administration shall be without regard to political affiliation, race, color, national origin, sex, sexual orientation, gender identity, disability, veteran status or religious creed and with proper regard for their privacy and constitutional rights as citizens. Employees shall be protected against coercion for partisan and nonpartisan political purposes and shall be prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

- (d) For the benefit of the public service and by reason of the enactment of this personnel code, an employee holding a city position at the time this section takes full effect, who was serving in that same or comparable position at the time of its adoption and who would be covered by the personnel system, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system established by this chapter; however, such employees shall be required to come within the provisions of the civil service system where the job classification is covered by the system, and the requirements thereof in order to qualify for advancement.
- (e) There shall be a civil service commission which shall consist of five members to be appointed by the city council. No person shall be appointed to that commission who holds a salaried public office or employment. No person while on the commission shall hold or be a candidate for an office of public trust. Nor shall any member be appointed to or remain on the commission at the same time as a relative is in the employ of the city. A relative shall be understood as any member of one's immediate family by reason of relationship of son or daughter, wife, mother-in-law, father-in-law, brother or sister-in-law, aunt, uncle, or grandparents or grandchildren. In such instance the related incumbent member of the civil service commissioner is ipso facto removed, and the council shall appoint a new member to complete the unexpired term of the removed commissioner.
  - (1) Of the first civil service commission to be appointed, two commissioners shall hold office until the first Tuesday in April of the second year after their appointment, two until the first Tuesday in

April of the third year after their appointment; and one until the first Tuesday in April of the fourth year after his appointment.

- (2) When civil service commissioners have been appointed under the provisions of this section, each succeeding city council shall, as soon as practicable after organization, appoint commissioners for four years who shall take the place of those whose terms of office expire.
  - (3) The chairperson of the commission shall be elected by a majority of the commission for a term of two years without the right of succeeding himself by re-election to another term. This shall not prohibit a person from being elected to consequent terms, provided the terms do not succeed and are not consecutive to each other. Three members shall be present to transact business.
  - (4) Before entering upon the duties of their office each commissioner shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitutions of the United States and the State of Missouri and to obey the laws and aim to secure and maintain an honest and efficient merit based civil service system free from partisan distinction or control, and to perform the duties of his office to the best of his ability.
  - (5) A member of the commission may be removed by the affirmative vote of four members of the council after being given a written statement of the charges against the commission member and a hearing, which shall be a public hearing, if the commission member so requests.
  - (6) The commission shall, whenever necessary and under such rules and regulations as may be prescribed by the commission, hold examinations for the purpose of determining qualifications of the applicants for positions; which examinations shall be practicable and shall fairly test fitness of persons to discharge the duties of the position to which they seek appointment.
  - (7) The commission shall, upon the request of the city council or upon its own initiative, inquire into the administration of the personnel system and, on the basis of the inquiry, make recommendations regarding the system.
  - (8) The commission shall hear whatever written appeals to the personnel rules provide for the commission to hear and, after hearing such appeal, certify findings and recommendations regarding the appeal to the city council, city manager, and the employee or supervisor who filed the appeal.
  - (9) A written appeal from a department head can be heard by the civil service commission in accordance with the merit based rules and regulations governing all employees. The findings and recommendations of the civil service commission regarding the appeal shall be discussed with the city manager.
  - (10) A written appeal from the city manager can be heard by the civil service commission in accordance with the merit based rules and regulations governing all employees. The findings and recommendations of the civil service commission regarding the appeal shall be discussed with the city council.
- (f) The civil service commission may contract or otherwise arrange for such technical services in connection with personnel selection, administrative, and legal services as may be desired, including the giving of examinations.
  - (g) The city council shall appropriate such funds as are necessary to carry out the provisions of this section. The city council shall provide suitable rooms in which the civil service commission may hold its meetings.
  - (h) Notice of each appointment or removal in the city service shall be submitted by the city manager to the city council within five days.

(Comp. Ords. of 3-28-2006; Ord. No. 5679, § IV, 9-25-2012)

Sec. 38-11. - Status and rights of city employees.

Employees who have secured permanent status under previously existing personnel systems of the city shall be considered to have attained the status of permanent employees as provided by these rules; those who are serving probationary periods under previously existing systems shall continue in a probationary status until they have successfully completed such periods as defined under preceding systems, at which time they shall attain the status of permanent employees.

(Comp. Ords. of 3-28-2006)

Secs. 38-12—38-38. - Reserved.