

Office of Human Resources
Proposed Changes to the City of Saint Paul's Civil Service Rules
October 10, 2017

2 Definitions

The term "Commission" used alone shall mean the Civil Service Commission.

The term "Director" used alone shall mean the Human Resources Director.

The term "office" shall mean the Office of Human Resources.

The terms "regular appointee" or "regular appointment" shall mean any appointee or appointment in the Classified Service other than a temporary, provisional, or emergency appointee or appointment.

The term "position" shall mean any specific employment for the performance of certain duties and for the exercise of certain responsibilities by one individual. A position may be either occupied or vacant.

The term "class" shall mean a group of positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class, that the same entrance qualifications may be required of applicants for employment, that the same tests of fitness may be used to choose qualified employees, and that the same rate of pay may be applied with equity to all positions in the class. (E.g. Clerk-Typist I)

The term "ungraded class" shall refer only to classes for which there are contracts establishing a single rate or very narrow range of rates which prevail in industry in the local area; or in which employment is always intermittent, or is paid for on a basis other than actual hours worked. All other positions are graded.

The term "grade" shall mean a group of classes of positions sufficiently similar with respect to the level of duties and responsibilities, or with respect to the prevailing rates of pay in this area for comparable work, that the same pay rates may be applied with equity to all classes of positions in the grade.

The term "internal" shall refer to employees who have been certified into a classified position.

The term "internal only" shall refer to examinations open to employees who have been certified into a classified position.

The term "longevity step" includes the five-year step and all steps thereafter.

The terms "open entrance" or "open eligible" shall refer to examinations open to the general public.

The term "promotion" shall mean any change of an employee in the classified service from a position of one class to a position of another class for which there is a higher maximum rate of pay.

The term "promotion rights" shall refer to only to classifications in the AFSCME Clerical and Technical bargaining units or sworn police and fire promotional positions in accordance with Rule 14.

The term "sickness" shall mean bodily disease or affliction, when such disease or affliction is in fact disabling, and shall include any disabling ailment or condition due to bodily injury. Mental affliction or chemical dependency may be recognized as sickness but only while the employee is under medical treatment for such dependency.

The term "appointing officer" shall mean the department or office director or any person they may designate. The term shall include the appointment body also, where the appointment is not made by an individual officer.

5. D Residence

Applicants for original (non-promotional or non-internal) entry to a position in the classified service of the City of Saint Paul who have been a resident of the City of Saint Paul for at least one (1) year immediately prior to the application deadline for said position shall receive an additional ten (10) points on their final examination score for rank-ordered examinations, provided that the applicant must attain a passing grade before the additional ten (10) points are added. This section 5D shall have no applicability for employment in Independent School District No. 625. For those bargaining units which have residency clauses in their Collective Bargaining Agreement, the provisions of their Agreement shall control.

7 Eligible Lists

The names of all applicants who pass the examination shall be placed on an eligible list in the order of their examination scores, and shall remain on the list until they are hired or until the list expires. If any applicant's scores are equal to the scores of anyone certified under Section 8.A. of these Rules, their names shall also be certified. In the case of an open continuous examination, all applicants who pass the examination can be certified in accordance with Section 8 of these Rules as if there was a new examination for such title each day; applicants shall be eligible for hire for one year from the date their name was added to the list; after that year their name will be removed. The names of those not immediately employed shall be placed on an eligible register in the order of their scores.

If any applicant is a Veteran, additional points shall be added to their score, in accordance with State Law.

If two promotional eligible lists for the same position are in force, the second list shall be treated as a continuation of the first list.

Eligible lists shall expire one year from the date of their establishment. However, the Human Resources Director may extend an eligible list for such period, not exceeding one year, or not exceeding three years for the title of Fire Fighter as may be advisable for the best interests of the City.

The eligible list for Library Aide shall expire six months after the date it is established.

Examinations may be announced as open, internal only or promotion only. Internal only shall refer to examinations open only to employees who have been certified into a classified position. Promotion only shall refer only to classifications in the AFSCME Clerical and Technical bargaining units and sworn Police and Fire promotional examinations.

When an examination is scheduled for both promotion and original entrance, the names of eligibles shall be entered on separate eligible lists; those who have promotional rights shall have their names entered on a list called the "Promotion List," and all other eligibles shall be entered on the list known as the "Original Open Entrance List." If there is a Veteran on the open eligible list and a promotion list exists, the lists shall be merged as an open eligible list.

~~The names of persons eligible for reinstatement after resignation shall be considered as the highest names on the original entrance list.~~

Any person who resigns from the City Service shall not, during such separation, be certified from any eligible list as promotion or internal eligible. ~~but may, if such separation is without fault or delinquency on their part, be granted the rights of an original entrant on such list.~~

~~Employees on leaves of absence shall not be included on any certifications unless they request in writing that their names be included.~~

8 Filling Vacancies

8.A.1

Whenever a vacancy in a Classified position occurs, unless the vacancy is to be filled by reduction, transfer, reinstatement after layoff, or reinstatement after voluntary reduction, the appointing officer shall make a requisition for certification of the form prescribed by the Human Resources Director. The vacancy shall be filled whenever possible in the following order:

1. By reduction
2. By transfer
3. By reinstatement after layoff
4. By reinstatement after voluntary reduction
5. By promotion
6. By reinstatement after resignation or from the internal only or open eligible lists ~~and by original entrance.~~

Appointing officers have the authority to appoint and employ, in accordance with the titles and grades in these Rules, the number of persons authorized by the City Budget in effect and approved by the Budget Director.

In the absence of an eligible list for a position requested, the Office of Human Resources may certify from higher classes to vacancies occurring in lower classes, or from the eligible list of the nearest equal or higher graded appropriate list, where the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made.

Certification from a related list as described in this paragraph shall be made only from an internal only or open ~~original-entrancee~~ eligible list.

8.A.2

Employees whose positions have been reclassified in accordance with Section 25.C of these Rules shall have preference in certification to their positions from the promotional only or internal only eligible lists, irrespective of their standing on the list. The Director may authorize an appointing authority to promote an incumbent without further competitive examination to a classified position, which has been reallocated to a different classification because of changes in job duties, and responsibilities, which are not the result of planned management action. This authorization may occur only if the incumbent has performed the critical duties of the higher position for one year or more, meets the minimum qualifications, has been certified into a classified position, ~~has promotion rights~~, and has demonstrated satisfactory performance in their position.

8.A.3

Vacant positions shall be filled from a promotion eligible list ~~or from a list of promotion eligibles on an open list~~ in the following manner:

Single vacancy from a requisition shall be filled as follows:

The Office of Human Resources shall certify to the appointing officer a list of eligibles, which shall include the top three eligibles, plus the top three eligibles from the appointing division plus ties. If the top three certified eligibles are from the appointing division, no further names shall be certified.

Multiple vacancies from a single requisition shall be filled as follows:

The Office of Human Resources shall certify to the appointing authority the number of eligibles on the list necessary to fill the number of vacancies, plus two additional scorers, plus ties.

If the top three certified eligibles are not from the appointing division, then the certification shall be expanded to include the required number of eligibles from the appointing ~~division~~ department. The term 'division' used in this paragraph shall mean 'department' in all cases where a department is not divided into divisions. For the purpose of this paragraph's provisions, the following are considered to be divisions of the Mayor's Office; Human and Civil Rights; Office of Human Resources. For the purpose of this provision, Legislative Operating shall be considered a division of the Fire and Safety Services Department, the Department of Public Works shall be considered as one division, the Department of Planning and Economic Development shall be considered as one division, and the Department of Finance and Management shall be considered as one division.

8.A.4

Section 8.A.3 shall not apply to titles represented by the Professional Employees bargaining unit or the Professional Supervisory Employees bargaining unit.

8.B.1.

Vacant positions shall be filled from an open eligible ~~original-entrancee~~ list in the following manner:

8.B.1.a

Vacancy Filled from an open eligible ~~Original Entrancee~~ List

8.C

~~The appointing officer may reject the eligibles if fewer than three entrants are listed. However, if fewer than three are certified from a promotion list for a title represented by the Professional Supervisory Employee Bargaining Unit, and if an appointment is made, the appointing officer must appoint one of the eligibles.~~

9 Reporting for or Waiving Employment

Eligibles must report to the appointing officer within five days from the time the officer mailed notification to them, or notified them in person or by telephone. Failure to report to the officer or refusal to accept the appointment shall remove them from the eligible list.

An eligible removed from a list in accordance with this Section may be restored to such list at any time during the life of the list for any reason for which a waiver after certification would be accepted, provided a satisfactory reason is given why the eligible did not file a waiver before their name was removed.

However, the Human Resources Director may permit eligibles to waive appointment for the following reasons only:

- a. If the appointment being offered is temporary or part-time only;
~~however, for the purpose of this section the position of Driver-Operator shall not be considered temporary or part-time.~~
- b. If the appointment being offered is for a position other than that for which the eligible was specifically examined.
- c. If, because of sickness, physical disability or otherwise, the eligible at the time of receiving the appointment is not reasonably able to report.
- d. If an eligible on a promotion or internal only eligible list is certified to a department other than the one in which they are employed, but such eligible thereafter shall be certified only to the department in which they are employed.
- e. If an eligible on a promotion or internal only eligible list is certified to a position in the department in which they are employed, but such eligible shall be allowed only one such waiver.

Under the scenarios 9d and 9e above, an employee may waive a maximum of two times, once for a department other than their own and once for their own department. If the employee has waived promotion for any of the reasons stated above, and the Department in which they are employed is reducing the number of positions in the class/classes affected by the waiver so as to adversely affect the employee's chances of promotion, they may retract their waiver with the approval of the Human Resources Director.

10 Probation

The probationary period shall be one year for all ~~original and promotion appointees and employees.~~ This includes employees who have been transferred at their own request or reinstated after resigning. For those bargaining units which have probationary clauses in their Collective Bargaining Agreement, the provisions of their Agreement shall control.

~~in the Professional/Administrative units, supervisory bargaining units, police and fire units, and those employees appointed to confidential positions who are not represented by the above units only because of the confidentiality of their positions. All other employees in the above categories shall have a six month probationary period. In the cases of one-year probation, employee progress reports shall be submitted to the Human Resources Director at the end of the fourth and eighth month of employment and in the case of six month probationary employees, progress reports shall be submitted at the end of the second and fourth months.~~

10.E

~~If a former probationary employee was found to be incompetent or unqualified as set forth in 10.C of these Rules, they may petition the Director of the Office of Human Resources for reinstatement to the eligible list from which they were certified if the list has not expired. The Human Resources Director may grant or deny such petition at his or her discretion. If the former probationary employee was separated because of fault or delinquency on their part, they may not be reinstated to the eligible list for one year following their separation of probation. If reinstatement is granted, the former probationer will be placed on the eligible list in the order of their original examination score.~~

~~This rule 10.E shall not apply to promotional eligible lists. In the case where a former probationer was hired from a promotional eligible list, and if an original entrance list exists and has not expired, the former probationary employee may petition to be placed on the original entrance list that was established from the examination that created the promotional eligible list from which they were hired. If reinstatement to the original entrance list is granted for the promotional employee, the former probationer will be placed on the eligible list in the order of their original examination score.~~

~~Notwithstanding 10.B as set forth in these Rules, if re-hired under either of the above provision, the employee's probationary period and seniority date will begin upon commencement of their new date of hire.~~

14 AFSCME Clerical and AFSCME Technical and Sworn Police and Fire Promotional Examination Promotion Requirements

For the purpose of this Section 14, the term promotion shall mean:

1. Any appointment from a classified position to any other classified position except to Parking Enforcement Officer, Community Liaison Officer, Fire Medic Cadet, and any positions within the sworn Police and Fire Fighting groups.
2. Any appointment from a classified position in the sworn Police group to any other classified position in the sworn Police group.
3. Any appointment from Fire Medic Cadet, and any classified position in the sworn Fire Fighting group to any other classified position in the sworn Fire Fighting group.

~~Any~~ Classified AFSCME Clerical, AFSCME Technical or Sworn Police and Fire employees may enter an examination on a promotion basis, if they can meet the following requirements:

1. The employee must meet the minimum requirements for the position.
2. The employee must have had a satisfactory performance evaluation rating at the time of the last rating prior to the examination. An employee who has a performance evaluation of “unsatisfactory” shall not be considered a promotional candidate until the employee has received a satisfactory evaluation in accordance with Section 15 of these Rules. The employee shall not be considered a promotional candidate within four months of the date of an unsatisfactory performance evaluation, except in the case of the promotional or transferee probationer found unsatisfactory in performing the duties of the position in which the employee had been certified or transferred. When reinstated to the former position, such probationer shall assume the performance rating received at such former position, and if satisfactory, be eligible for consideration as a promotional candidate.
3. The employee must have held a Classified position or positions for not less than two years prior to the examination date and shall during their tenure with the City have actually served for at least 2080 hours in regular certified appointments with no separation due to discharge, resignation or for periods longer than those fixed by the applicable bargaining unit agreements.

Employment prior to any resignation or temporary, emergency, or provisional employment shall not be counted, except that this latter provision shall not apply in the case of a regular employee who accepts temporary, emergency, or provisional employment.