



CIVIL SERVICE COMMISSION

RULES & REGULATIONS

REISSUED July 14, 2000

FOREWORD

The purpose of these rules and regulations is to promote economy and efficiency in City government through the selection, employment, and effective utilization of qualified persons.

Continuing application of these standards will result in the reasonable assurance of a proper basis for personnel administration, promote a career service, and result in increased operating efficiency and program effectiveness.

It is expected that all supervisors and their employees become thoroughly familiar with the contents. Rights and privileges of the City and its employees, as well as their responsibilities, have been spelled out in detail. When this is done, our most valuable resource, "people", is utilized in the most effective manner.

These rules and regulations supersede those dated December 1, 1975, May 28, 1986, November 16, 1988, February 1, 1996, December 14, 2000 and become effective July 14, 2000.

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ARTICLE I - GENERAL

Section A - Civil Service Commission The Civil Service Commission, hereinafter referred to as the commission, shall be composed of three members, to be appointed by the Mayor and City Council for overlapping six-year terms. The commission shall elect a new chairperson annually thereafter.

Section B - Secretary The Director of Personnel for the city shall serve as Secretary and Chief Examiner. In the absence of a Personnel Director, the Secretary and Chief Examiner will be appointed according to Nebraska State Statute 19-1830. This person shall keep all records and reports, supervise and keep a record of all examinations and perform such other duties as the commission may prescribe.

Section C - Rules and Regulations of the Commission The commission shall adopt such rules and regulations as it deems necessary to provide for the enactment of the provisions of the Civil Service Act of the State of Nebraska. These rules and regulations may be amended by the commission as it sees the need. Copies of these rules and regulations shall be printed and made available to the public. One copy of the rules and regulations and any amendments shall be given to each full-time firefighter and full-time police officer.

Section D - Classified Service The classified service shall be composed of all full-time firefighters and full-time police officers, including the chiefs of the Fire and Police Departments of the City of Grand Island, Nebraska.

Section E - Equal Opportunity The employment policy and practices of the Civil Service Commission of the City of Grand Island, Nebraska, are to recruit and hire qualified employees without discrimination because of race, creed, color, age, sex, religion, or national origin, and to treat them equally with respect to compensation and opportunities for advancement, including upgrading, promotion and transfer. The commission emphasizes its policy in this regard to ensure compliance with the Nebraska Fair Employment Practices Act, the Equal Employment Opportunity Act, and other laws and regulations which pertain or may pertain to equal employment opportunity.

ARTICLE II - QUALIFICATIONS

Section A - Requirements An applicant for a position of any kind under civil service must be able to read and write the English language; and be of good moral character. These facts are to be ascertained in such manner as the commission may deem advisable. (Residency requirement removed CSC meeting minutes 10-6-99).

Section B - Age All applicants for the firefighter classification must be not less than eighteen years of age. All applicants for the police officer classification must be not less than twenty-one years of age.

Section C - Job Qualifications Applicants shall meet the minimum job qualifications of the position as established by the appointing authority.

Section D – Citizenship All applicants for the Police Officer classification must be citizens of the United States. (minutes 5-10-99)

ARTICLE III - EXAMINATIONS

Section A - Application for Examinations

1. All applications for employment in the classified service shall be made on standard application forms to be furnished by the City. An applicant may be required, by the commission, to furnish additional information to support his or her application. An applicant shall be required to disclose his or her past employment history and his or her criminal record, if any.
2. Any individual who expects to receive Veteran's preference credit on the examination must furnish a copy of his or her honorable discharge papers with the application or prior to taking the examination. If this is not done, the Veteran's preference credits will not be allowed.
3. The commission may refuse to examine an applicant, or after examination, refuse to certify as eligible, an applicant who:
 - a. does not meet the minimum job qualifications for the position for which he or she has applied as set forth in the job specification.
 - b. has not successfully completed a physical examination when required.
 - c. has been convicted of a felony, or, for the police officer classification has been convicted of a domestic violence offense (per Nebraska Statute – minutes dated 5-10-99).
 - d. is addicted to the habitual use of intoxicating beverages or drugs.
 - e. has been dismissed from a public service for cause.
 - f. has intentionally made a false statement in any material fact, or practiced or attempted to practice any deception or fraud in making application or in the examination or in the securing of his or her eligibility or appointment.
 - g. for any good and sufficient reason, which in the judgement of the commission makes the applicant undesirable as a public employee.

Section B - Notice of Examination Not less than ten (10) days prior to the date of entry level examination, the secretary shall insert an official notice of examination in a legal newspaper. Notice of the examination shall also be placed on City Hall bulletin boards, and any other place designated by the commission.

Section C - Notification of Applicants Each applicant who, according to his or her application, qualifies for the examination, will be so notified and will be given authorization to report for the examination.

Section D - Tests All tests shall be practical and consist only of subjects which will fairly determine the

capacity of persons who are to be examined to perform the duties of the position to which an appointment is made, and may include tests of physical fitness, medical fitness, manual skills, and psychological testing. The commission shall determine the content of each individual examination. The time and date of examinations shall be established by the appointing authority.

Section E- Veteran's Preference Any applicant for an entrance examination who, in time of war or in any expedition of the armed forces of the United States, has served in and been honorably discharged from the armed forces, shall be given a credit of ten percent on his or her score. This credit shall only apply to entry level positions as defined by the appointing authority.

Section F - Examination Papers The written examination and other examinations shall be graded on a scale as may be determined by the commission from time to time after the completion of each such examination. Completed examination papers are not public documents. An individual applicant may, at the discretion of the Chief Examiner, be given an opportunity to review his or her own paper. Candidates who have completed promotion testing must make a written request for review of the examination to the Civil Service Secretary, Personnel Department of City Hall within 10 calendar days of the date results were mailed. The review will occur as follows:

1. Review only the items that the candidates answered incorrectly.
2. Candidates may be told which incorrect answer they selected.
3. Candidates may not be told what the correct answer is.
4. Candidates may not review their answer sheet or the answer stencil.
5. Candidates may not copy down or reproduce items.
6. The review must take place one-on-one with an authorized individual whose signature is on the test providers Standard Test Security Agreement - STSA. (Civil Service Meeting 6-21-00)

Section G - Re-Examination When, upon completion of an examination, the commission decides the applicant has failed, the applicant shall not be permitted to retake an examination for the same position for a period of six months from the date of the examination which he or she failed; provided, that when there is no one certified for the position and the commission deems it in the best interest of the City, applicants may retake an examination after ninety days.

Section H - Eligibility Lists

1. **Established** An eligibility list shall be established after each examination, showing the names of all successful applicants in the rank order of their general average score. This score can be a composite of written examination score and any other physical fitness, manual skills, oral interview, and psychological scores.

2. Removal of Names from List Names of individuals may be removed for any of the following reasons:
 - a. failure to report for an interview.
 - b. declining an appointment without satisfactory reason.
 - c. inability to locate.
 - d. applicant becomes incapable of performing the duties of the position.
 - e. conviction of a felony, or, for the police officer classification has been convicted for a domestic violence offense (minutes 5-10-99).
 - f. the discovery of any cause which would make the applicant undesirable for public appointment.

3. Expiration of Eligibility List An eligibility list shall expire twelve months from the date it was established unless a different period of time is established by the appointing authority.

Section I - Notification of Examination Results Persons examined will be notified by mail of the commission's decision not more than thirty (30) days after the examination is held.

Section J - Obstructing Examination by Defeat or Deceit No commissioner or any other person shall, by himself or herself, or in cooperation with one or more persons (1) defeat, deceive, or obstruct any person in respect to the right of examination or registration, according to these rules and regulations; (2) falsely mark, grade, estimate or report upon the examination and standing of any person examined or certified according to these rules and regulations, or aid in so doing; (3) make any false representation concerning the same or concerning the persons examined; (4) furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified; or (5) persuade any other person or permit or aid in any manner any other person to personate him or her in connection with any examination, application, or request to be so examined.

ARTICLE IV - APPOINTMENTS

Section A - Requisitions Whenever a position subject to the Civil Service Act becomes vacant, the appointing authority shall make requisition upon the commission for the names and addresses of the persons eligible for appointment and may decline to fill such vacancy for an indefinite period.

Section B - Certification Upon the request of the appointing authority, the commission shall certify the names of the persons who are the three highest on the eligibility list, following the most recent examination, and whose qualifications have been validated by the commission for the vacant position. If fewer than three names are on the eligibility list, the commission shall certify those that do appear. If the commission certifies fewer than three names for each vacancy to the appointing authority, the appointing authority may appoint one of such persons to fill the vacancy, may decline to fill the vacancy, or may order that another examination be held by the commission.

Section C - Temporary Appointment If a vacancy occurs and there is no eligibility list for the position, or if the commission has not certified persons from the eligibility list, a temporary appointment may be made by the appointing authority. Such temporary appointment shall not continue for a period longer than four months. No person shall receive more than one temporary appointment or serve more than four months as a temporary appointee in any one fiscal year.

Section D - Appointment Probation

1. Any person so notified of his certification who fails to respond within ten days of the date of the notice shall forfeit eligibility to the position and his or her name shall be stricken from the eligibility list.
2. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the service shall be deemed complete until after the expiration of a period of six months' probationary service for firefighters and one year after certification by the Nebraska Law Enforcement Training Center for police officers, during which time the appointing authority may terminate the employment of the person appointed by it if, during the performance test thus afforded and upon observation or consideration of the performance of duty, the appointing authority deems such person unfit or unsatisfactory for service in the department. The appointing authority may appoint one of the other persons certified by the commission and such person shall likewise enter upon such duties until some person is found who is fit for appointment.

3. Employees discharged during the probationary period do not have the right to appeal or to a hearing on such discharge.
4. If an employee fails to perform the duties of the position in a proper manner when he or she is in a promotion probation status, the appointing authority shall return the employee to the position he or she formerly held. Any other employee promoted to fill vacancies as a result of such probationary appointment shall be returned to their former position. This demotion shall be recorded as being without prejudice. (Minutes 5/6/87)

Section E - Appointment If the appointing authority fills a vacancy in a position subject to the Civil Service Act, the appointing authority shall consider factors including, but not limited to:

1. The multiple job skills recently or currently being performed by the applicant which are necessary for the position;
2. The knowledge, skills, and abilities of the applicant which are necessary for the position;
3. The performance appraisal of any applicant who is already employed in the department, including any recent or pending disciplinary actions involving the employee;
4. The employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto;
5. Required federal, state, or local certifications or licenses necessary for the position; and
6. The qualifications of the applicants who are already employed in the department and have successfully completed all parts of the examination for the position.

ARTICLE V - DISCHARGES

Section A - Employees Not To Be Removed After Permanent Appointment Except For Cause No person in the civil service who shall have been permanently appointed or inducted into civil service under the Civil Service Act shall be removed, suspended, demoted, or discharged except for cause and then only upon the written accusation of the police or fire chief, appointing authority, or any citizen or taxpayer.

Section B - Reasons for Removal, Suspension, etc. The tenure of a person holding a position of employment under the Civil Service Act shall be only during good behavior. Any such person may be removed or discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation, or other privileges, except pension benefits, for any of the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty;
2. Dishonesty, prejudicial conduct, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service, any willful failure on the part of the employee to properly conduct himself or herself, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act;
3. Mental or physical unfitness for the position which the employee holds;
4. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of his or her position.
5. Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of his or her position;
6. Any other act or failure to act which, in the judgment of the civil service commissioners, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service; or

Section C - Accusation The governing body of the municipality shall establish by ordinance procedures for acting upon such written accusations and the manner by which suspensions, demotions, removals, discharges, or other disciplinary actions may be imposed by the appointing authority. At least one copy

of the rules and regulations, and any amendments to such rules and regulations shall be made available for examination and reproduction by members of the public. One copy of the rules and regulations and any such amendments shall be given to each full-time firefighter and full-time police officer.

Section D - Investigation Any person so removed, suspended, demoted, or discharged may, within ten days after being notified by the appointing authority of such removal, suspension, demotion, or discharge, file with the commission a written demand for an investigation, where upon the commission shall conduct such investigation. The governing body of the municipality shall establish procedures by ordinance by which the commission shall conduct such investigation. At least one copy of the rules and regulations, and any amendments to such rules and regulations, shall be made available for examination and reproduction by members of the public. One copy of the rules and regulations and any such amendments shall be given to each full-time firefighter and full-time police officer. Such procedures shall comply with minimum due process requirements. The commission may be represented in such investigation and hearing by the municipal attorney if authorized by the appointing authority. If the municipal attorney does not represent the commission, the commission may be represented by special counsel appointed by the commission for any such investigation and hearing. The investigation shall be confined to the determination of the question of whether or not such removal, suspension, demotion, or discharge was made in good faith for cause which shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

Section E - Public Hearing After such investigation, the commission shall hold a public hearing after giving reasonable notice to the accused of the time and place of such hearing. Such hearing shall be held not less than ten or more than twenty days after filing of the written demand for an investigation and a decision shall be rendered no later than ten days after the hearing. At such hearing, the accused shall be permitted to appear in person and by counsel to present his or her defense. The commission may affirm the action taken if such action of the appointing authority is supported by a preponderance of the evidence. If it shall find that the removal, suspension, demotion, or charge was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such person in the position or employment from which such person was removed, suspended, demoted, or discharged, which reinstatement shall, if the commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion, or discharge. The commission upon such hearing in lieu of affirming the removal, suspension, demotion, or discharge, may modify the order of removal,

suspension, demotion, or discharge by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. The findings of the commission shall be certified in writing to and enforced by the appointing authority.

Section F - Appeal If such judgement or order be concurred in by the commission or a majority thereof, the accused or governing body may appeal to the district court. Such appeal shall be taken within forty-five days after the entry of such judgement or order by serving the commission with a written notice of appeal stating the grounds and demanding that a certified transcript of the record and all papers, on file in the office of the commission affecting or relating to such judgement or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify, and file such transcript with and deliver such papers to the district court. The district court shall proceed to hear and determine such appeal in a summary manner. The hearing shall be confined to the determination of whether or not the judgement or order of removal, discharge, demotion, or suspension made by the commission was made in good faith for cause which shall mean that the action of the commission was based upon a preponderance of the evidence, was not arbitrary or capricious, and was not made for political or religious reasons. No appeal to such court shall be taken except upon such ground or grounds.

If such appeal is taken by the governing body and the district court affirms the decision of the commission, the municipality shall pay to the employee court costs and reasonable attorney's fees incurred as a result of such appeal and as approved by the district court. If such appeal is taken by the governing body and the district court does not affirm the decision of the commission, the court may award court costs and reasonable attorney's fees to the employee as approved by the district court.

ARTICLE VI - POLITICAL SERVICE

Section A - Political Service Disregarded No person holding any position subject to civil service shall be under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever. No person shall be removed, reduced in position or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service, or promise or threaten to do so, for giving, withholding, or neglecting to make any contribution of money, services, or any other valuable thing for any political purpose.

ARTICLE VII - LEAVE OF ABSENCE

A leave of absence, without pay, may be granted by the appointing authority to any person under the civil service; provided, that the appointing authority shall give notice of such leave to the commission.

ARTICLE VIII - TRANSFERS; RESIGNATIONS

Section A - Transfers Transfers by employees from one classified job to another will not be allowed without the employee involved having followed the same procedure, set out elsewhere in these rules and regulations, which any person, not in a classified job, must follow to receive an appointment.

Section B - Resignations To resign in good standing an employee must give the appointing authority written notice at least fourteen calendar days prior to termination unless the appointing authority agrees to a shorter period.

ARTICLE IX - MEETINGS

Section A - Notice of Meetings The secretary shall cause notice of each meeting of the commission to be published in a legal newspaper one (1) time prior to the day on which the meeting is to be held; provided, if, because of the exigency of the situation, time is not sufficient then posting on the City Hall bulletin board and announcement on a local radio station shall be sufficient notice.

Section B - Notice to Commissioners Simultaneously with publication, the secretary shall cause a notice to be delivered to each member by United States mail to the usual place of residence of the member within the City or at such other place within the City as the member shall previously have authorized by a written statement on file in the office of the secretary.

Section C - Type of Meeting The notice shall state whether the meeting is a regular or special meeting, and the date, hour, and place of the meeting. If the meeting is a regular meeting, the notice also shall state that an agenda of the meeting kept continually current is available for public inspection at the office of the secretary, but that a majority of the appointed members of the commission may modify the agenda at the meeting. If the meeting is a special meeting, the notice shall state, instead, the purpose of the meeting, and that other business may be transacted at the meeting if all of the members of the commission are present, and consent thereto.

Section D - Record of Notices There shall be filed in the office of the secretary, a copy of each notice that has been published along with a statement signed by each commission member acknowledging receipt of this notice.

Section E - Agenda of Meeting An agenda of a forthcoming meeting of the commission kept continually current by the secretary shall be available for public inspection at the office of the secretary from the time when notice of the meeting is published; provided, a majority of the members of the commission may modify the agenda of any meeting.

Section F - Additions to Agenda Subsequent to the meeting, there shall be filed in the office of the secretary attached to the original agenda and, as the case may be, any additions thereto or other changes therein which were made prior to the meeting, a certificate of the secretary identifying the original agenda and any additions thereto or other changes therein which were made prior to the meeting, and stating that

the agenda as thus changed was kept continually current and available for public inspection in the office of the secretary.

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