

CIVIL SERVICE REGULATIONS  
CITY OF GAUTIER, MISSISSIPPI



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CIVIL SERVICE REGULATIONS

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CIVIL SERVICE RULES AND REGULATIONS

RULE 1

SCOPE AND DEFINITIONS

Section 1.1 Authority:

As authorized and directed by Section 21-31-9 of the Mississippi Code of 1972 as amended, these rules and regulations provide for an established system for the administration of civil service for the City of Gautier, Mississippi.

Section 1.2 Purpose:

These rules and regulations are intended to insure that (a) all appointments, promotions, and other personnel decisions are made solely on merit, efficiency, and fitness; (b) disciplinary actions are made in good faith for cause and only after employees are provided due process; and (c) other civil service requirements of the Mississippi Code are enforced.

Section 1.3 Coverage:

Except as specifically excluded by law, these rules and regulations shall apply to all full time paid employees in all departments as provided by City Ordinance Number 30.

Section 1.3.1 Incumbents:

All persons holding a covered position, who shall have served continuously in such position for a period of at least six (6) months preceding 20 September 1988 and are not currently serving in a probationary status, are hereby inducted into the civil service without examination or other act on their part. Incumbents who have not served the above requisite amount of time must meet all requirements for entry into the civil service, including qualification screening and examination; provided, however, that the City Manager may request waivers of said entry requirements for individual incumbents in accordance with the provisions of section 1.5 below. Failure to successfully meet entry requirements or to obtain a waiver from the Commission within sixty (60) days from issuance of this section of Rule 1 shall require the immediate termination of employment of all affected employees.

Section 1.4 Amendments:

These rules and regulations may be amended, repealed, or supplemented by the Commission at any time, and new rules adopted, provided that no such amendment, repeal, supplemental or new rule shall be adopted without providing interested parties an opportunity to comment.

### Section 1.5 Waivers:

The waiver of established rules and regulations will be granted only for good cause as determined by the Commission. Waiver requests shall be in writing and shall include complete justification and other information necessary for the Commission to render an objective decision. All waivers granted shall be recorded in the minutes of Commission.

### Section 1.6 Attempts To Influence The Commission

Except as otherwise provided by these rules and regulations, no attempt shall be made by anyone to influence the Commission in any way on any matter before the Commission. There shall be no discussion of any controversial matter with individual members of the Commission when such matter may come before the Commission for official determination.

### Section 1.7 Definitions:

As used in these rules and regulations:

- a) "Adverse Action" means the removal, suspension, demotion, or discharge of a covered employee.
- b) "Appointing Authority" means the individual or body having the power of appointment over covered employees.
- (R) c) "Board of Examiners" means the three member board appointed by the Civil Service Commission to conduct open tests and examinations of applicants to competitive class positions, except for test administered by Mississippi State Employment Office for secretarial, clerical and similar administrative positions. Rev. 3/9/89
- d) "Chairman" means the Chairman of the Civil Service Commission.
- e) "City" means the City of Gautier, Mississippi.
- f) "Commission" or "Civil Service Commission" means the Civil Service Commission for the City of Gautier.
- (R) g) "Competitive Class" means covered positions for which applicants must pass qualifying examination and testing in order to be eligible for appointment. Certified Applicants eligible for consideration as lateral transfers are not included in this definition. Rev. 8/13/09
- (R) h) "Conditional Appointment" means an employee's initial appointment subject to a probationary period, satisfactory completion of which is a prerequisite to induction into the Civil Service. Rev. 3/8/90
- (R) i) "Covered Employee" means all employees permanently appointed to covered positions. Once permanently appointed, an employee shall retain such status absent a break in service due to resignation or termination. Rev. 3/8/90

- j) "Covered Position" means all full time paid employees of the City subject to Civil Service rules and regulations.
- k) "Days", unless otherwise defined or limited, means calendar days and not workdays. In computing a period of time prescribed in this chapter, the day of the action or event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday, or a legal holiday in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday.
- l) "Demotion" means an involuntary change of a covered employee to a lower grade or rank, or to a position with a lower rate of pay.
- m) "Discharge" means termination of employment for reasons of misconduct vice performance-related grounds.
- n) "Eligibility List" means a certified listing of applicants who meet the minimum qualification requirements of a covered position.
- o) "Examination" means the process of testing the relative capacity and fitness of the persons examined for the position to be filled.
- p) "Exempt Class" means those top management/administrative positions for which applicants do not have to undergo competitive examination and testing in order to be eligible for appointment.
- q) "Extraordinary Circumstances" or "Extraordinary Situations" means circumstances and situations where retention of a covered employee would result in damage to municipal property, would be detrimental to the interest of municipal government or would result in injury to the employee, to a fellow employee or to the general public.
- (R) r) "Lateral Transfer" means an applicant certified by the State of Mississippi as a Police Officer or Firefighter currently employed by a law enforcement agency or fire department in good standing for whom testing may be waived. Rev. 8/13/09
- s) "Law" means the laws of Mississippi as may be codified in the Mississippi Code or established by judicial pronouncement.
- t) "Mississippi Code" means the Mississippi Code of 1972 as amended.

- u) "Noncompetitive Class" means covered positions, other than top management/administrative positions, for which applicants do not have to undergo competitive examination and testing in order to be eligible for appointment.
- v) "Promotion" means a change of an employee to a higher grade or rank, or to a position with a higher rate of pay.
- (R) w) "Register" means a certified listing of qualified applicants compiled in order of relative standing as determined by open examination scores and/or years of certified experience in accordance with MS Statute 21-31-19. Rev. 8/13/09
- x) "Removal" means termination of employment for reasons of unsatisfactory performance vice misconduct.
- y) "Suspension" means the placing of a covered employee in a temporary status without duties or pay for reasons of misconduct or unsatisfactory performance.
- z) "Tenure" means the period of time an employee may reasonably expect to serve under his current appointment.
- aa) "Termination" means the removal or discharge of a covered employee.

## RULE 2

### CIVIL SERVICE COMMISSION

#### Section 2.1 Composition:

The Commission shall be composed of three members appointed by the City Council. The Commission shall elect one of its members as Chairman who shall serve as such for a period of two (2) years. The Chairman shall have no additional authority except as provided by these rules and regulations.

#### Section 2.2 Secretary:

The Commissions shall appoint a Secretary who shall keep the records and preserve all reports made to the Commission; serve on the Board of Examiners and, in such capacity, record all examinations held under the authority or direction of the Commission; keep and record minutes of all Commission meetings; certify to the authenticity of all aforementioned records, reports, minutes and other documents issued by the Commission; and perform other duties as may be prescribed by the Chairman.

#### Section 2.3 Board of Examiners:

- (R) The Commission shall appoint a Board of Examiners comprised of the fire chief (or a person designated by the fire chief from the fire department to serve in his absence), the police chief (or a person designated by the police chief from the police department to serve in his absence), and a third member to be named by the commission, all of whom shall serve without compensation. Consistent with these rules and regulations, the Board of Examiners shall be responsible for the testing and grading of applicants for all appointments and promotions determined by the Commission to require testing. The members of the board are subject to suspension and discharge in the same manner as the commissioners.

Rev. 04/10/08

#### Section 2.4 Duties and Authority:

It shall be the duty of the Commission to make suitable civil service rules and regulations; and to ensure that these rules and regulations and all Civil Service laws of Mississippi are enforced. The Commission shall have the power to investigate complaints; investigate removals, suspensions, demotions and discharges; subpoena witnesses, administer oaths, and conduct hearings; initiate reviews in connection with the general subject of personnel administration; issue orders, reports, and findings; and perform other acts as allowed or required by state law.

#### Section 2.5 Meetings (General):

All official meetings of the Commission are declared to be public meetings and shall be open to the public at all times unless declared an executive session in accordance with the provisions of Section 25-41-7 of the

Mississippi Code. Two members of the Commission must be present in order to constitute a quorum. No official act may be taken unless there exists a quorum.

(R) Section 2.5.1 Regular Meetings:

The regular meeting of the Commissioners shall be the second Thursday of each month. Regular monthly meetings shall be held at City Hall and shall begin at 4:30 p.m. Rev. 02/11/16

Section 2.5.2 Special Meetings:

Special meetings and executive sessions may be called by the Chairman, or a majority of the members of the Commission, by providing written or oral notice to each member at least twenty-four (24) hours in advance. Said notice shall set forth the time and place of said meeting and the business to be conducted. No other business shall be considered at such special meeting. Attendance of a member shall constitute a waiver of the above notice requirement.

Section 2.5.3 Rules of Order:

The Chairman of the Commission shall preside over all meetings and, in this capacity, shall have all powers necessary for the orderly conduct of business including, but not limited to, the authority to: (a) convene and close meetings; (b) maintain decorum and exclude disruptive persons; (c) call for a vote of members; and, (d) recognize and grant permission to members and attendees wishing to address the chair. In the event that the chairman is absent from a meeting, one of the other members shall act as the presiding official. In the event that the chairman is absent and the other two members cannot agree on which one shall act as the presiding official, the presiding official shall be selected by coin toss.

Section 2.5.4 Minutes:

Minutes shall be kept of all meetings, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken; a record, by individual member, of any votes taken; and any other information that the Chairman, or a majority of the members, requests to be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection.

## RULE 3

### GENERAL PRINCIPLES

#### Section 3.1 Management Practices:

City management will conduct its relationship with covered employees in accordance with the following principles:

- a) There shall be no discrimination because of race, sex, marital status, age, color, religion, national origin, lawful political affiliation, or handicapping condition.
- b) Employees shall be placed in jobs for which they are qualified and shall be given equal opportunities for advancement. Selections to fill positions shall be made impartially on the basis of merit, efficiency, and fitness.
- c) Employee work performance shall be evaluated fairly and objectively and the results of such evaluations shall be discussed with the employee.
- d) Any employee having a grievance or complaint shall be accorded immediately a fair and prompt discussion with the supervisor concerned, and failing prompt and satisfactory adjustment, shall have the right to pursue the matter under an applicable grievance or complaint system. In presenting a grievance or complaint an employee shall be free of interference, restraint, or reprisal, and may be accompanied and assisted by a representative.

#### Section 3.2 Standards of Conduct:

City management and covered employees shall avoid any action, whether or not specifically prohibited by these rules and regulations, that might result in or reasonably be expected to create the appearance of:

- a) Using public office for private gain.
- b) Giving preferential treatment to any person or entity.
- c) Impeding City efficiency or economy.
- d) Losing complete independence or impartiality.
- e) Making a decision outside official channels, or
- f) Adversely affecting the confidence of the public in the integrity of the City.

Section 3.3 Violations:

Violations of the above practices and standards of conduct shall be reported to the Commission.

(R) Section 3.4 Whistle Blower Protection

Any city employee who has authority to take, direct others to take, recommend or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee permanently or conditionally appointed to a covered position (or applicant to any covered position) as a reprisal for:

a. Appearing before, or attending a meeting of, the Commission, City Council, or any other public body; or

b. Disclosing information which the employee or applicant reasonably believes evidences -

(1) A violation of any law, rule or regulation; or

(2) Mismanagement, a waste of funds, corruption, an abuse of authority, or a substantial and specific danger to public health or safety; if such disclosure is not specifically prohibited by law.

Rev. 8/10/89

RULE 4

POSITION CLASSIFICATIONS

Section 4.1 Position Descriptions:

The City Manager shall maintain current position descriptions for each covered position. They shall be written in a standardized format to the extent practicable and submitted to the Commission. They shall include the following: (Rev. 06/13/13)

- a) Identification of position, title grade/rank, and department
- b) Description of major duties and responsibilities
- c) Qualification requirements (see Section 4.2 below)
- d) Class Designation (see Section 4.3 below)

Section 4.2 Qualifications:

The City Manager shall establish minimum qualifications for each covered position. Minimum qualifications shall include all requirements set forth in the Mississippi Code for the position involved; the requirement for incumbents and applicants to be a citizen of the United States and elector of the County in which he or she resides; requirements established by City Ordinances; and other appropriate requirements approved by the Commission.

Section 4.3 Classification Categories:

The classification of jobs for the City of Gautier are divided into three categories: Exempt, Competitive, and Non-Competitive.

Section 4.3.1 Exempt Class:

The exempt classification covers all positions which require peculiar or exceptional qualifications of a scientific, managerial, professional, or educational nature, etc., and for which it would not be practicable, or otherwise in the interest of good civil service administration, to determine the fitness of applicants by competitive examination.

Section 4.3.2 Competitive Class:

The competitive class shall include all positions for which it is practicable to determine the merit and fitness of candidates by open competitive examination.

Section 4.3.3 Non-Competitive Class:

The non-competitive class shall include all positions held or to be held by unskilled, semi-skilled or skilled laborers.

RULE 5

MILITARY SERVICE PREFERENCE

Section 5.1 Previous City Employment

Notwithstanding other rules to the contrary, persons who previously left covered positions to participate in the armed forces of the United States shall have preference in reemployment and enjoy the rights and privileges of Civil Service as if their service had not been terminated.

RULE 6

RECRUITMENT

Section 6.1 Requisitions To Fill Vacancies:

Except as provided by Rule 11 with respect to positions filled by promotion, all requests to fill positions, both new and previously established ones, will be forwarded to the Human Resources Director via the City Manager with copy to the Commission. No action will be taken to staff the position unless the request to fill is accompanied by an approved position description. Rev. 07/11/13

Section 6.2 Announcements:

If an appropriate Master Register does not exist, or does not contain a sufficient number of names to prepare a Selection Register (see Rule 7, Section 7.4 below), the Human Resources Director shall announce the opening by newspaper publication, posting, and/or other means necessary to ensure that a reasonable number of qualified candidates can be located. Announcements shall include application procedures and a cutoff date for receipt of applications. Rev. 07/11/13

Section 6.3 Applications:

Applications for employment shall be made available to all interested candidates at Gautier City Hall. The date and time that the application was received shall be noted thereon by the receiving office.

## RULE 7

### COMPETITIVE APPOINTMENTS

Revised 08/14/09

#### Section 7.1 Qualification Screening:

The Human Resources Director shall review each application received to ensure that candidates meet the minimum qualification requirements established in the approved position descriptions. After completing the review, the Human Resources Director shall promulgate an "Eligibility Listing" identifying those candidates who meet minimum qualification requirements. The City Manager shall review the "Eligibility Listing", certify to its accuracy, and forward a certified copy to the Commission. Applicants not included on the listing are not eligible for further consideration. Rev. 07/11/13

#### Section 7.1.1 Lateral Transfers

Applicants seeking employment as lateral transfers must meet all minimum qualification requirements. Additionally, these applicants must possess current certification in their field (law enforcement or fire suppression) from the State of Mississippi; must be currently employed by a law enforcement agency or fire department; and must be an employee in good standing with their current agency. Applicant must submit a completed City of Gautier employment application with a copy of their minimum standards certificate and proof of current employment to the Human Resources Director.

Cadets and recent graduates of a State of Mississippi Law Enforcement or Fire Academy who will graduate with a minimum standards certification in their field of service may also be considered as lateral transfers. Applicants must complete a City of Gautier employment application and provide a copy of their minimum standards certificate within ninety (90) days of graduation date to the Human Resources Director. Applicants must also meet all minimum qualification requirements. Rev. 07/11/13

#### Section 7.2 Examinations:

If, after review by the Commission, the Eligibility Listing certified by the City Manager is approved, the Commission shall advise the Board of Examiners to proceed with the testing of applicants. Applicants meeting eligibility requirements for consideration as a lateral transfer per Section 7.1.1 will not be tested.

#### Section 7.2.1 Notification of Examinations:

Notice of the time, date and location of the examinations shall be made through written correspondence to all applicants whose name appears on an approved Eligibility Listing.

#### Section 7.2.2 Conduct of Examinations:

The Commission authorizes the Human Resources Director to select the examinations to be given by the Board of Examiners. The Commission shall also prescribe a system to conceal the identity of those being examined until such time as the examination has been graded. The grading of examinations shall be performed by the Board of Examiners. Results shall be delivered in a sealed envelope directly to the Human Resources Director to be picked up by the Chairman. The Human Resources Director is authorized to release test scores to applicants three (3) business days after test date. Rev. 07/11/13

#### Section 7.2.3 Passing Examination Scores

The Commission shall require a passing score of 70% on all entry level examinations. A passing score of 70% is required on promotional examinations for administrative and support personnel. A passing score of 50% is required on promotional examinations for certified Fire and Police Department personnel. A passing score of 50% shall be required on basic level software tests and 65% on intermediate level software tests.

#### Section 7.2.4 Retention of Examination Scores

The Commission shall allow an incumbent employee who has received a passing score on a specific test the option to use that score if that specific test is given again. The Commission shall allow applicants to maintain physical agility scores and examination scores for a period of one (1) year.

#### Section 7.3 Master Registers:

The Commission shall maintain Master Registers of all qualified applicants completed in order of their relative standing as determined by examination scores and/or years of certified experience in accordance with MS Statute 21-31-19. When two or more applicants have the same relative standing, priority of the date of filing applications shall determine their respective standing or, if the date is the same, then alphabetically. Applicant names will remain on Master Registers until such time as the Commission has reason to believe that individual applicants no longer are interested in pursuing employment with the City or until the test date has expired.

#### Section 7.3.1 Duration of Master Registers:

The duration of Master Registers, unless otherwise fixed by resolution of the Commission, shall not be for more than one year. When Master

Registers are reduced to five names or less, the Commission may void said Register(s).

#### Section 7.4 Selection Registers:

When requested by the City Manager, the Commission will prepare a Selection Register from the top of the appropriate Master Register. Selection Registers shall contain the names of a sufficient number of applicants to permit the City Manager, or his designee, to consider five (5) applicants for the first vacancy; two (2) additional applicants for each of the next five (5) vacancies; and one (1) additional applicant for each vacancy over ten (10).

#### Section 7.4.1 Appointment:

Following background investigations and other evaluations (e.g. interviews, reference checks, etc.) designed to determine the relative fitness and ability of applicants to perform the duties of the position applied for, the City Manager may conditionally appoint any candidate whose name appears on an approved Master Register or Selection Register without further approval by the Commission. Notification of conditional appointment(s) shall be provided to the Commission. However, appointments of all lateral hire applicants must be submitted to the Commission for review and ratification at the next scheduled meeting date following said appointment. The Commission reserves the right to review any and all appointments as stated per Rule 12.

### RULE 8

#### EXEMPT APPOINTMENTS

#### Section 8.1 Qualification Screening

The Human Resources Director shall review each application received to ensure that candidates meet the minimum qualification requirements established in the approved position descriptions. After completing the review, the Human Resources Director shall promulgate an "Eligibility Listing" identifying those candidates who meet minimum qualification requirements. The City Manager shall review the "Eligibility Listing", certify to its accuracy, and forward a certified copy to the Commission. Applicants not included on the listing are not eligible for further consideration. Rev. 07/11/13

#### (R) Section 8.2 Selection:

If, after review by the Commission, the eligibility listing certified by the City Manager is approved, the Commission shall so notify the City Manager. The City Manager shall make the selection of the exempt

position from the eligibility list. Once the selection is made, a copy of the conditional appointment shall be forwarded to the Commission.

Rev. 8/15/06

## RULE 9

### NON-COMPETITIVE APPOINTMENTS

#### Section 9.1 Qualification Screening:

The Human Resources Director shall review each application received to ensure that candidates meet the minimum qualification requirements established in the approved position descriptions. After completing the review, the Human Resources Director shall promulgate an "Eligibility Listing" identifying those candidates who meet minimum qualification requirements. The City Manager shall review the "Eligibility Listing", certify to its accuracy, and forward a certified copy to the Commission. Applicants not included on the listing are not eligible for further consideration. Rev. 07/11/13

#### Section 9.2 Selection and Appointment:

If, after review by the Commission, the Eligibility Listing certified by the City Manager is approved, the City Manager may conditionally appoint any individual(s) whose name appears on said listing without further approval by the Commission. Notification of conditional appointment(s) shall be provided to the Commission.

## RULE 10

### TEMPORARY APPOINTMENTS

#### Section 10.1 Prerequisites:

If there is no appropriate Master Register from which appointments can be made, and if it is in the best interest of the public that the delay necessary in establishing such a Register be avoided, any qualified person meeting as nearly as practicable the qualification for vacant positions may be temporarily appointed by the appointing authority after such interviews, investigations and other evaluations as the appointing authority may desire. Notification of temporary appointment shall be provided to the Commission.

#### Section 10.2 Affirmation of Appointment:

The Commission shall, at its next ensuing meeting, or as soon as possible thereafter, consider such temporary appointment and affirm such temporary appointment until such time as an appropriate Selection Register is established, but in no case longer than six months.

#### Section 10.3 Credit of Service Time:

During the establishment of the eligibility list, temporary appointees desiring consideration for a permanent appointment to the particular

position will have to apply for the position in accordance with established procedures. If successful, and appointed, time spent under the temporary appointment shall be credited to any probationary period established for the position.

## RULE 11

### PROMOTIONAL APPOINTMENTS

#### Section 11.1 Bases:

Promotions in the competitive class shall be based on a competitive written examination, physical condition and personal evaluation. Promotion Registers shall be created and promotions made there from as provided below.

#### (R) Section 11.2 Prerequisites:

When is impractical to fill the vacancy from a Promotion Register, or there is no Promotion Register available, on request from the City Manager, the Commission may offer an examination to all Covered employees before offering the examination to the general public. To initiate the process, the City Manager shall submit a certified Eligibility List of qualified applicants to the Commission for approval. Conditionally appointed employees are not eligible for promotional examination. Rev. 8/16/90

#### Section 11.3 Examinations: Rev. 04/13/17

A promotional examination will be conducted by the Board of Examiners for the purpose of establishing Promotion Registers. The examinations will consist of a written examination, oral assessment, and personal evaluation with the following weights assigned:

- a) Written Examinations - 35% of overall score.
- b) Oral Assessment - 35% of overall score.
- c) Personal Evaluation - 30% of overall score.
  - 1) Review of Personnel file - 50%. Review to include:
    - a. Time and attendance.
    - b. Disciplinary actions.
    - c. Commendations and recognitions.
    - d. Career development (education and training).
  - 2) Review of Performance reports - 50%.

#### Section 11.4 Selection:

The results of promotional examinations shall be submitted to the Commission which will prepare a Promotion Register listing those candidates eligible for promotion in order of their relative standing as determined by said examinations. The City Manager may select and promotionally appoint, without further Commission approval, from the

first three names appearing on the Register, or from the top ten (10) percent of the Register, whichever method provides the largest number of potential selectees.

Section 11.5 Probation:

The promotion of an eligible employee to any position shall be considered probationary and not deemed complete until a period of six (6) months has elapsed. During this probationary period, the promoted employee must perform to the standards of the position. During this period of probation, the promoted employee may be reverted to his original position or equivalent, in the event that the employee's performance does not meet required standards. The appointing authority shall advise the Commission of any said reversions.

## RULE 12

### REVIEW OF APPOINTMENTS

#### Section 12.1 Selection Reviews:

In cases where prior Commission approval is not required for the selection and conditional appointment of candidates to covered positions, the Commission does reserve the right to review the selection and appointment ex post facto to ensure that decisions regarding such were made solely on merit, efficiency, and fitness.

#### Section 12.2 Disqualification Factors:

In making selection and appointment decisions, the City Manager may consider any one of the following reasons adequate justification for not selecting from the top of Selection Registers or Eligibility Listings:

- a) Dismissal from employment for delinquency of misconduct;
- b) Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct;
- c) Intentional false statement or deception or fraud in application, examination, or appointment;
- d) Habitual use of intoxicating beverages to excess;
- e) Reasonable doubt as to the loyalty of the person involved to the City, State, or Government of the United States; or
- f) Any legal or other disqualification which makes the individual unfit for the service.

## RULE 13

### PROBATION AND INDUCTION

#### Section 13.1 Probation:

Following the conditional appointment of any candidate to employment with the City, a probationary period shall commence during which the employee must serve to the satisfaction of the appointing authority before appointment to civil service status and entitlement to the benefits thereof.

#### Section 13.2 Length of Probation:

The length of the probationary period may be established by the City Manager for each covered position for a period not to exceed one (1) year.

#### Section 13.3 Evaluation during Probation:

The probationary period shall be considered as an integral part of the induction process and shall be utilized for close evaluation of the employee's work, for securing the most effective adjustment of a new employee to his position and for terminating any conditional employee whose performance does not meet required standards. During the probationary period, conditional appointees may be discharged by the appointing authority without cause.

#### Section 13.4 Transfers during Probation:

If any employee is transferred to another department during his/her initial probationary period, probations shall be extended for a period of no more than six (6) months from the date of transfer.

#### Section 13.5 Further Deferral:

If, in the judgment of the Commission, the best interest of the City would be served by further deferring a permanent appointment, the Commission may, upon its own resolution, defer such appointment for an additional period not to exceed ninety (90) days. Any such deferment and justification therefore shall be recorded in the minutes of the Commission.

#### Section 13.6 Permanent Appointment:

After completion of an employee's probationary period and upon written notification of satisfactory service, by the City Manager, the Commission shall certify and induct the employee under civil service

as a permanent appointee, entitled to all benefits there under, as of the date of the initial conditional appointment.

## RULE 14

### TRANSFER, REDUCTION IN FORCE, REINSTATEMENT

#### Section 14.1 Transfer:

The City Manager may transfer or reassign personnel without the approval of the Commission in any manner consistent with these regulations. Transfer to a position with a higher grade, rank or rate of pay is deemed a promotion. Transfer to a position with a lower grade, rank or rate of pay is deemed a demotion.

#### Section 14.2 Reduction in Force:

If it becomes necessary, because of curtailment of expenditures, reduction in force, and like causes, to lay off employees within a given class and department, the last person or persons, including probationers, that have been appointed by the Department involved shall be the first to go until such reductions necessary have been accomplished.

#### Section 14.3 Reinstatement:

In the event that the Department(s) involved shall be increased in number later, those persons laid off under Section 14.2 shall be reinstated before any new appointments shall be made.

#### Section 14.4 Reemployment Lists:

To effectively administer Section 14.3, the City Manager shall establish Reemployment List(s) consisting of the names of former employees who have been laid off under the provisions of Section 14.2. The order in which names shall be placed on these lists shall be determined by the City Manager after consideration of efficiency records, length of service with the City, and other pertinent factors. Copies of Reemployment Lists shall be forwarded to the Commission for approval.

## RULE 15

### TENURE AND DISCIPLINE

#### Section 15.1 Grounds:

The tenure of all covered employees shall be only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges, or any combination thereof, for any of the following reasons: incompetency, inefficiency, or inattention of duty; dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee; or any other act of omission or commission tending to injure the public service.

#### Section 15.2 Standards:

All disciplinary actions shall be made for reasons other than political or religious; shall be consistent with, and not in violation of, civil service laws and these rules and regulations; and otherwise shall be made in good faith for cause.

#### Section 15.3 Prerequisites:

Before initiating disciplinary action against a covered employee, the official empowered to take action shall determine that (a) the underlying cause for the discipline actually exists; (b) the grounds for the discipline relate to the employee's failure to accomplish his or her duties satisfactorily, or serves some other legitimate interest(s) of the City; and (c) the particular disciplinary action selected.

#### Section 15.4 Choice of Discipline:

In determining the propriety of a particular disciplinary action, the following factors shall be considered:

- a) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- b) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;

- c) the employee's past disciplinary record;
- d) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
- e) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties;
- f) consistency of the penalty with those imposed upon other employees for the same or similar offenses;
- g) consistency of the penalty with any departmental guidelines, rules or regulations;
- h) the notoriety of the offense or its impact upon the reputation of the City;
- i) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- j) potential for employee's rehabilitation;
- k) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
- l) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

#### Section 15.5 Adverse Actions:

No covered employee, except for such persons as may be employed to fill a vacancy caused by the absence of a fireman or policeman while in service as a member of the armed forces of the United States, shall be removed, suspended, demoted or discharged, or any combination thereof, except for cause, and only upon the written accusation of the appointing power or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission.

#### Section 15.5.1 Suspensions and Demotions:

Unless "extraordinary circumstances or situations" (see Rule 1, Section 1.7 Definitions) exist, covered employees shall not be suspended or demoted until after he or she has been given the opportunity to respond, orally or in writing, to the Human Resources

Director or other Director/Department Head to who said employee is responsible. Once the employee has responded or has failed to respond within a reasonable time, and in cases where extraordinary circumstances or situations exist, the Human Resources Director, or other Director/Department Head, as appropriate, may suspend or demote the employee pending confirmation by the City Manager, which shall be within three (3) days. Employees shall be provided written notice of suspension or demotion, stating the reason(s) for the action and advising the employee of his or her right to file with the Commission a written demand for an investigation (see Rule 16, Section 16.2). A duplicate copy of all notices shall be filed with the Commission.

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#### Section 15.5.2 Ordinary Removals and Discharges:

In the absence of extraordinary circumstances or situations, before any employee may be removed or discharged, he shall be given written notice of the intended termination, which notice shall state the reasons for termination and inform the employee that he has the right to respond in writing to the reasons given for termination within a reasonable time and respond orally before the City Manager. The City Manager may, at his discretion, provide for a pre-termination hearing and examination of witnesses, and if a hearing is to be held, the notice to the employee shall also set the time and place of such hearing. After the employee has responded or has failed to respond within a reasonable time, the City Manager shall determine the appropriate disciplinary action, and shall notify the employee of his decision in writing at the earliest practicable date. Said notification shall advise the employee of his or her right to file with the Commission a written demand for an investigation (see Rule 16, Section 16.2). A duplicate copy of all intended termination notices, hearing notices, and decision notices shall be filed with the Commission.

#### Section 15.5.3 Extraordinary Removals and Discharges:

Where there are extraordinary circumstances which require the immediate discharge or removal of an employee, such employee may be terminated by the City Manager without a pre-termination hearing as required by section 15.5.2 above, but such employee shall be given written notice of the specific reasons for termination within twenty-four (24) hours after the termination. Said notice shall advise the employee that (a) he or she has the right to a post-termination hearing similar to the pre-termination hearing provided in Section 15.5.2 and, (b) he or she can file with the Commission a written demand for an investigation (see Rule 16, Section 16.2). Post-termination hearings before the City Manager shall take place, and a final decision made, within nine (9) days from the time of the discharge or removal. A duplicate copy of all notices shall be filed with the Commission.

## RULE 16

### INVESTIGATIONS

#### Section 16.1 General:

Except as provided below with respect to adverse action investigations, the Commission shall investigate all complaints presented to it relative to any matter affecting the Civil Service. The Commission also shall initiate investigations on its own accord whenever the Chairman, or a majority of its members, calls for such investigation. The investigation technique employed by the Commission (eg. Having a public hearing; directing the City Manager to investigate and file a report; conducting a study; etc.) shall be at its discretion. All actions taken by the Commission shall be entered on its minutes.

#### Section 16.2 Adverse Action:

Any covered employee removed, suspended, demoted, discharged or combination thereof may, within ten (10) days from the time of such disciplinary action, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such disciplinary action was or was not made for political or religious reasons and was or was not made in good faith for cause.

#### Section 16.2.1 Hearings:

All investigations made by the Commission pursuant to the provisions of Section 16.2 shall be by public hearing, after reasonable written notice to the accused and other interested parties of the time and place of such hearing, at which hearing the accused shall be afforded and opportunity of appearing in person and by counsel, and presenting his defense. Rules of order for the conduct of hearings shall be the same as prescribed for all Commission meetings (see Rule 2, section 2.5.3), except that the Presiding official shall have the following additional authority:

- a) administer oaths and affirmations;
- b) issue subpoenas;
- c) order the production of evidence and the appearance of witnesses;

- d) rule on the production of evidence and testimony of witnesses to ensure that such evidence and testimony is relevant, material, and otherwise non-repetitious; and
- e) impose sanctions for the failure of any party to comply with an order issued in connection with the proceeding.

A verbatim transcript of all adverse action hearings shall be made.

#### Section 16.2.2 Findings:

Upon completion of section 16.2 hearings, or within five days thereof, the Commission may, if in its estimation the evidence is conclusive, affirm the disciplinary action, or if it shall find that the disciplinary action was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which such person was removed, suspended, demoted, discharged or combination thereof, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay compensation from the time of such disciplinary action. The Commission upon such investigation may, in lieu of affirming the disciplinary action, modify the order of removal, suspension, demotion, discharge or combination thereof by directing a suspension, without pay, for a given period and subsequent restoration of duty, or by directing a demotion in classification, grade or pay, or by any combination thereof. The findings of the Commission shall be certified in writing to the appointing power, and shall be forthwith enforced by such officer.

#### Section 16.2.3 Appeals:

The findings of the Commission with respect to section 16.2 hearings shall be conclusive and binding unless either the accused or the municipality shall, within thirty (30) days from the date of the entry of such judgment or order on the minutes of the Commission and notification to the accused and the municipality, appeal to the Circuit Court of Jackson County. Any appeal of the judgment or order of the Commission shall not act as a supersedeas of such judgment or order, but the judgment or order shall remain in effect pending a final determination of the matter on appeal. Such appeal shall be taken by serving the Commission and the appellee, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to such judgment or order, be filed by the Commission with the court. The Commission shall, within thirty (30) days after the filing of such notice, make, certify and file such transcript with the court. The Circuit Court shall thereupon proceed to hear and determine such appeal. However, such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion, suspension or combination thereof made by the Commission, was or was not made in good faith for

cause, and no appeal to such court shall be taken except upon such ground or grounds.

## RULE 17

### PERFORMANCE APPRAISAL

#### Section 17.1 Written Plan(s):

The City Manager shall establish and submit to the Commission written performance appraisal plans describing the process by which the performance of covered employees will be appraised. Separate plans may be established for each Department and classifications of covered positions.

#### Section 17.2 Contents:

Performance appraisal plans shall include, as a minimum, the following requirements:

- a) to have standardized appraisal forms;
- b) to assign a summary rating (e.g. outstanding, satisfactory, unsatisfactory; 1, 2, 3, 4; etc.) on each covered employee's appraisal form;
- c) to have rating officials discuss appraisals with employees;
- d) to have employees sign their appraisal form and to provide employees the opportunity to include any comment they desire on their form; and
- e) to conduct appraisals at least annually.

#### Section 17.3 Re-Evaluation:

Any covered employee may request the Commission to reevaluate his or her appraisal. All requests for reevaluation shall be in writing and include the reason(s) why the employee does not agree with his or her appraisal.

RULE 18

SERVICE RECORDS

Section 18.1 Official Personnel Folders:

Each Department shall establish and maintain an Official Personnel Folder (OPF) for each employee occupying a position subject to these rules and regulations. OPF's shall include application for employment, performance appraisal forms, and other records affecting the employment, tenure and status of covered employees. There shall be only one OPF maintained for each employee regardless of service in various departments.

Section 18.2 Ownership of Folder:

The OPF of each covered employee is under the jurisdiction and control of, and is part of the records of, the Commission.

Section 18.3 Access:

Personnel records and applications for employment, except those which may be released to the person who made the application or with the prior written consent of the person who made the application, are exempt from the provisions of the Mississippi Public Records Act of 1983. Accordingly, said records shall be safeguarded and treated as privileged and confidential.

