

St. Louis County Government

Civil Service Rules February 2021

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RULE I Definitions

As used in these rules, the following terms, shall have the meanings indicated below, unless the content clearly requires otherwise:

| <u>Term</u> | <u>Definition</u> |
|------------------------|---|
| Applicant | a person who has submitted an application for employment within the publicized recruiting time period, and on the prescribed form or documents, in accordance with these rules. |
| Appointing Authority | the head of a department, agency, office or organizational unit within a department, agency or office who has the power by law, statute, Charter, ordinances, or lawfully delegated authority to hire, promote, discipline and/or discharge employees within their respective organizational units. |
| Appointment | the induction of a person into employment after being designated by an Appointing Authority to fill a particular position within the merit system. |
| Article VII | Article VII of the Charter of St. Louis County, Missouri, as revised, relating to the merit system. |
| BFOQ | Bona Fide Occupational Qualification. The consideration, when reasonably necessary for the normal operations of business, of an applicant's sex, age, religion or national origin in assessing suitability for or ability to carry out the duties of a particular position. |
| Certify, Certification | providing the appropriate Appointing Authority with names of applicants qualified for appointment to particular positions within the merit system. The term may also be used to describe the actions of the Personnel Director or designee in processing additions, deletions and changes in payroll for employees in the merit system. |
| Certification Variance | a change in the certification procedures which has been reviewed and approved by the Commission. |
| Certification Waiver | withdrawal from consideration by a qualified applicant for a particular vacancy while remaining under consideration for future vacancies. |
| Class Of Positions | see Job Class. |
| Classification | the assignment of an individual position to a job class based upon the nature of work, difficulty of duties and level of responsibility. |
| Classification Plan | the arrangement of job classes and descriptions based on the nature of the work, difficulty of duties and level of responsibilities. |
| Commission | the St. Louis County Civil Service Commission. |
| Commissioner | a member of the St. Louis County Civil Service Commission. |

Rule I: Definitions

| <u>Term</u> | <u>Definition</u> |
|--------------------------|---|
| Compensatory Time | time off granted to an employee in lieu of monetary payment for overtime worked or time worked on a holiday or previously scheduled and approved vacation. |
| Continuous Examination | an ongoing evaluation of applications for a particular job class whether or not vacancies currently exist. |
| Continuous Service | uninterrupted employment with St. Louis County. |
| County | St. Louis County, Missouri. |
| Days | calendar days unless otherwise specified in a particular rule. |
| Demotion | assignment of an employee from a position in one job class to a position in another job class with a lower maximum rate of pay. |
| Department | any County agency or office with positions in the merit system. |
| Disabled Veteran | any person who is currently receiving compensation from the United States Veteran's Administration for service incurred disabilities. |
| Discharge | the involuntary separation of a person from County employment for cause or as otherwise provided in these rules. |
| Domestic Partner | two people who: declare that they are in a relationship of mutual support, caring and commitment; share a residence; share the common necessities of life; are not related by blood in a manner that would bar marriage according to Missouri State law; are not married or in any other domestic partnership; are at least 18 years of age; and are competent to enter into a contract. The term includes opposite- and same-sex partners. |
| Eligible List | any of the lists of names of applicants qualified for appointment to positions within the merit system. |
| Emergency Employee | a qualified employee appointed to a position for a period not to exceed 30 days to meet an urgent work situation. |
| Employee | any person legally appointed and serving in a position in the merit system who receives pay for service rendered. |
| Establishment, Job Class | the creation of a job class in the Classification Plan, including the development of a descriptive title, class specification or job description, unique job class code, and the assignment to a pay range, into which positions may be classified in the Classification process. |
| Establishment, Position | the creation of a position within a department, which is assigned a group of current duties and responsibilities to which an employee may be appointed; a unique fund/department/account/position number in a department's budget. |
| Examination | the evaluation process used to measure and rank the relative qualifications of applicants for a particular job class. This may include, but is not limited to interviews, written or performance tests and assessment of prior training and experience. |

Rule I: Definitions

| <u>Term</u> | <u>Definition</u> |
|------------------------------------|---|
| Exempt Service | all positions in the County service to which the merit system does not apply as provided in Article VII of the Charter. |
| Flex Time | an alternative to the standard workweek, which allows employees to schedule their own hours, within limitations established by their Appointing Authority. |
| Full-Time Employee | a person who is regularly engaged on a biweekly basis in employment of 80 hours. |
| Hearing Officer | a member of the Civil Service Commission who presides at formal hearings concerning personnel matters required and/or authorized by Ordinance, these rules or the Civil Service Commission. |
| Holiday Differential Pay | additional compensation authorized by the Commission to an employee who works holidays as part of the employee's normal work schedule. |
| Intermittent Employee | a former County employee who is currently receiving a retirement benefit from the County and who is appointed to a position to work for up to 640 hours per year, or as otherwise authorized by ordinance. |
| Interruption Of Service | any period of time during which an employee performs no services and receives no pay. |
| Job Class | a category of work into which one or more positions sufficiently similar with respect to the nature of work, difficulty of duties, and level of responsibilities may appropriately and equitably be grouped and assigned the same pay range. |
| Job Class Specification | the written duties and characteristics of a job class which, in their entirety, differentiate it from other job classes. |
| Job Opportunity Announcement (JOA) | the official notice of availability of positions within the merit system, containing the general duties, qualifications and dates during which applications will be accepted. |
| Layoff | the termination of employment due to a shortage of funds, lack of work, bona fide abolishment of the position occupied or reorganization. |
| Layoff List | a list of names of persons who had permanent status in positions within the merit system from which they were laid off in accordance with these rules. |
| Maintenance | food, clothing, housing or related necessities furnished an employee by St. Louis County for job related reasons. |
| Merit System | the system of personnel administration for the appointment of all County employees and appointive county officers, except as otherwise provided in the Charter, on the basis of merit ascertained as nearly as practical by competitive evaluation process and for the retention of employees and officers on the basis of merit and ability. |

Rule I: Definitions

| <u>Term</u> | <u>Definition</u> |
|------------------------------|--|
| On-Call Employee | a person appointed to fill a position on an as needed basis who is paid only for the hours actually worked. |
| Open Competitive Examination | an examination available to all persons, whether employed by the County or not, who possess the necessary qualifications for consideration for positions within a particular job class. |
| Open Pay Range | a schedule of pay rates including minimum and maximum rates with no designated intermediate steps. |
| Ordinance | with respect to these Rules, the St. Louis County Revised Ordinances, Chapter 202, as amended. |
| Organizational Unit | a subdivision of a department, agency or office constituting a functionally distinguishable entity. |
| Paid Time Off (PTO) | a plan involving the accrual of time per pay period to be used for absence due to illness, injury, and/or vacation. |
| Part-Time Employee | a person who is employed on a biweekly basis to work less than 80 hours or a person occupying a full-time permanent position who for seven consecutive pay periods is regularly engaged on a biweekly basis of employment of less than 80 hours. |
| Pay Period | a period of 14 consecutive calendar days. |
| Pay Plan | one or more schedules of pay ranges, which includes the assignment of job classes to pay ranges, flat rates, session rates, trainee rates and hourly rates, and which contain provisions for administration approved by the Commission. |
| Pay Range | the minimum and maximum pay rates to which a specific job class is assigned, together with intermediate pay steps, if applicable. |
| Permanent Employee | an employee in the merit system who has satisfactorily completed a probationary period and whose retention has been approved by the Appointing Authority. |
| Personnel Director | the Chief Administrative Officer of the merit system; as used in these rules, the term may denote the individual, the office or the subordinate staff. |
| Position | a group of current duties and responsibilities which are properly assigned and require the employment of one person; the unique fund/department/account/position number, to which an employee may be assigned. |
| Probationary Period | the final step in the selection process consisting of a six month period which may be extended for up to an additional six months during which an employee is required to demonstrate fitness for the particular position by actual performance of the duties of the position. |
| Promotion | the movement of an employee from a position in one job class to a position in another job class with a higher maximum rate of pay. |

Rule I: Definitions

| <u>Term</u> | <u>Definition</u> |
|-------------------------|---|
| Promotional Examination | an evaluation process limited to employees within the merit system holding positions in job classes with lower maximum pay rates than the position to be filled, and including the various methods used to measure and rank the relative qualifications of applicants. |
| Public Hearing | a hearing held after public notice at which any person may have a reasonable opportunity to be heard. |
| Public Notice | a notice posted on the official bulletin board of the Division of Personnel, which is accessible to the public during business hours. |
| Reclassification | a change in classification of a position by either raising it to a higher level job class, reducing it to a lower level job class, or reassigning it to another job class at the same level, on the basis of significant changes in the nature of work, difficulty of duties, or level of responsibility of the work performed. |
| Reinstatement | the noncompetitive reappointment within two years from the date of separation of a formerly permanent, on-call, or term qualified employee to a position in the same job class or a lower job class in the same series, and under the same Appointing Authority as previously appointed. The on-call or term employee must have successfully completed six months employment. |
| Resident | individuals living in St. Louis County for at least one year prior to date of making application for employment. |
| Revision | a modification to an existing job classification which includes changes to one or more of the following: the job class title, definition, duties or functions, requirements or minimum qualifications, job class number, and pay range assignment. |
| Seasonal Employee | a qualified person appointed during the period and under the conditions approved by the Commission. |
| Seniority | the length of continuous employment without any unpaid or unauthorized interruption or break in service exceeding a specified number of hours. |
| Series Of Job Classes | two or more job classes similar in nature of work and skills, but varying in difficulty of duties and level of responsibility, and constituting a normal line of advancement. |
| Shift Differential | additional pay provided employees based upon specified evening or night shifts. |
| Standby Service | a requirement for immediate availability for duty. |
| Status | denotes type of employment, i.e., probationary, permanent, temporary, seasonal, emergency, on-call, or term, which determines applicable benefits and appeal rights under these rules. |
| Supervisor | an individual with superior rank within the organizational unit who is responsible for training, organizing and assigning work, and who is responsible for evaluating an employee's work performance. |

Rule I: Definitions

| <u>Term</u> | <u>Definition</u> |
|--------------------------|---|
| Suspension | an involuntary, unpaid leave of absence for disciplinary purposes or pending investigation of charges brought against an employee. |
| Temporary Employee | a qualified person appointed to occupy a position which will exist for a period of time not to exceed six months. |
| Term Employee | a qualified person appointed to fill a position of limited duration, under the conditions approved by the Commission, which is clearly of a project nature financed in whole or part under federal assistance or other governmental program which terminates upon completion of the project. |
| Traditional Time Off | a plan involving the accrual of sick and vacation time per pay period to be used for absence due to illness, injury, and/or vacation. |
| Transfer | a change in assignment of an employee from one department to another department; a change within the same department from one position to another position in the same job class or from a position in one job class to a position in another job class in the same pay range or having the same rates of pay. |
| Veteran | a person who was separated with an honorable discharge or under honorable conditions from active duty in the armed forces and who performed: <ul style="list-style-type: none"> A. in a war; or B. in a campaign or expedition for which a campaign badge has been authorized; or C. during the period beginning April 28, 1952, and ending July 1, 1955; or D. for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955 and ending October 14, 1976; or E. in the armed forces at any time and is a disabled veteran as defined in this Rule. |
| Weekend Differential Pay | additional compensation authorized by the Commission to an employee who works weekends as part of the employee's normal work schedule. |

Rule II: General Provisions**RULE II**
General Provisions

Section A. Statement of policy

- 1 It is the purpose of these rules to give effect to the requirements of Article VII of the St. Louis County Charter. These rules shall be applied to assist the County in achieving the following objectives:
 - 2 a To provide a system of personnel administration designed to increase effectiveness and promote economy in the services provided by the County to its residents;
 - 3 b To offer fair and equal employment, conditions of employment, and promotional opportunities for all persons without discrimination based upon race, color, religion, sex, national origin, age, disability/handicap condition, sexual orientation, gender identity, marital status, veterans status, political affiliation, or other non-merit factors, and to appoint, retain, promote or remove employees on the basis of merit and ability;
 - 4 c To provide a work environment free from sexual harassment and demonstrate values to ensure consistent and equitable treatment of employees;
 - 5 d To establish and administer a uniform job classification plan based upon the duties, responsibilities and functions of positions in the merit system;
 - 6 e To establish and administer a pay plan with due consideration of both employee and taxpayer, based on the principle of equal pay for equal work, and to assure that the pay range is proportionate to the difficulty, responsibility and qualification requirements of the work performed;
 - 7 f To make the County service attractive as a career and to elicit each employee's best service to the County and its residents;
 - 8 g To provide Appointing Authorities freedom of action consistent with legitimate employee security, and positive employee relations.
- 9 2 The Civil Service Commission and the Personnel Director shall encourage and exercise leadership in fostering change and innovation and in the practice of effective personnel administration within the departments of the County. We welcome suggestions from employees and residents to the end that the conditions of employment and the quality of service to the County be continually improved.

Section B. Application of these rules

These rules, authorized by the Charter and the Ordinance, shall apply to all positions in the merit system.

Section C. Adoption of rules

These rules shall be approved by the Commission only after public notice and a public hearing open to any resident or employee of St. Louis County.

Section D. Amendment of rules

These rules may be amended, repealed or replaced as necessary from time to time. Amendments shall become effective upon approval by the Commission after public notice and public hearing. Personnel actions taken prior to the effective date of new, abolished or amended rules shall be governed by the rules in effect on the effective date of the action.

Section E. Adoption of administrative procedures

Rule II: General Provisions

42 The Commission may from time to time adopt, rescind or amend administrative procedures for the
43 implementation, administration and enforcement of these rules.

44 Section F. Validity of rules

45 If any part of the Charter, the Ordinance, these rules or subsequent amendments thereof is held to be
46 invalid, every other part not so held shall continue in full force and effect as if the invalid part had not
47 been included.

48 Section G. Violations of these rules

49 Any person who shall willfully or through culpable negligence violate or conspire to violate any
50 provision of these rules shall be subject to the penalties provided in the Charter, Ordinance or these
51 rules. Nothing in this section shall be construed to supplant or in any way affect any prosecution that
52 may be initiated under any other provision of public law relating to the nonfeasance, malfeasance, or
53 misfeasance of public officers.

54 Section H. Effective date of rules

55 All rules and amendments shall become effective upon the date of adoption by the Commission or
56 upon the date specified by the Commission.

Rule III: Organization and Administration**RULE III****Organization and Administration**

Section A. General Provisions

The St. Louis County merit system is under the policy direction of the Civil Service Commission and administrative direction of the Personnel Director. The Personnel Director shall be in the Department of Administration unless otherwise authorized by ordinance.

1 The Civil Service Commission

The Civil Service Commission is the rule making and policy determining body of the merit system and is composed of three residents of St. Louis County who are known to be in sympathy with the merit system of public employment. They shall be appointed by the County Executive, subject to confirmation by the County Council, and shall hold no other public office. Each member of the Commission shall be appointed for a four-year term beginning with the date of expiration of the term for which his/her predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term. No member shall be appointed for more than two consecutive full terms. Each member of the Commission shall hold office until a successor is appointed and qualified. The Commission shall annually elect one of its members to serve as Chairman and one as Vice-Chairman, each for a term of one year or until a successor is duly elected. The Vice-Chairman shall serve in the absence of the Chairman. The Personnel Director shall act as Secretary for the Commission.

2 Personnel Director

The position of Personnel Director is in the merit system. The Personnel Director is appointed by the County Executive and functions as chief administrative officer of the merit system. The Personnel Director shall direct and supervise all administrative and technical activities of the merit system and shall perform those duties specifically designated in the Charter, Ordinance, these rules, and any other lawful acts which are necessary or desirable to carry out the purposes and provisions of these rules. The Personnel Director shall appoint such other assistants and employees as are necessary to carry out these duties and functions and any others which may be authorized by ordinance. Except in the case of disability or other necessary absence, the Personnel Director shall attend meetings of the Commission and shall present such matters as require action by the Commission. The Personnel Director shall have the right to participate in the discussions but shall have no vote. Any act of the Personnel Director or of a member of the Division of Personnel staff which is inconsistent with the proper administration of the Charter, Ordinance, or these rules shall be subject to abrogation, reversal or modification by the Commission.

Section B. Organization and procedure of the commission**1 Meetings**

The Commission shall meet at least monthly at such times and places as shall be specified by call of the Chairman or the Personnel Director. Meetings may be open or closed, as designated by the Commission but shall be held consistent with Chapter 610 Revised Statutes of Missouri.

2 Quorum

Two members of the Commission shall constitute a quorum for the transaction of business.

3 Rules of order

Rule III: Organization and Administration

43 The Commission shall not be bound by any rules of order, nor shall technical rules of evidence apply in
44 its meetings, hearings, or investigations consistent with the provisions of the Administrative Procedure
45 and Review Act, Missouri Revised Statutes.

46 4 Power to take action

47 Neither the Commission nor any member shall have power to take action except by majority vote,
48 except that a tie vote on an employee appeal shall constitute an affirmance of the action of the
49 Appointing Authority.

50 5 Minutes

51 The minutes of the proceedings of the Commission shall be prepared and maintained by the Personnel
52 Director on behalf of and subject to the approval of the Commission. The time and place of each
53 meeting of the Commission, names of Commissioners present, all official acts of the Commission, the
54 votes of each Commissioner except when the acts are unanimous and, when requested, a
55 Commissioner's dissent or approval with reasons shall be recorded in the minutes. The official copy of
56 the minutes signed by the Chairman of the Commission shall be kept at the office of the Personnel
57 Director and shall, subject to reasonable regulations, be open to public inspection.

58 Section C. Official bulletin board

59 The Personnel Director shall maintain an official bulletin board in a place accessible to the public during
60 business hours upon which shall be posted such notices as the Commission or the Personnel Director
61 may deem of interest to others. The posting of any required notice upon this official bulletin board shall
62 be deemed requisite public notice unless some other form of notice is required in a particular instance
63 by law or by these rules.

Rule IV: Applications and Applicants**RULE IV****Applications and Applicants**

Section A. Form and filing of applications

1 Application form

Application shall be made on the official form prescribed by the Personnel Director. The application shall be signed by the applicant and the truth and completeness of all statements shall be verified by this signature. Information indicating race, color, national origin, religion, sex, disability/handicap, sexual orientation, marital status, age, or political affiliation of an applicant shall not be used to discriminate in the selection process.

2 Acceptance of application

Applications must be received in the Division of Personnel office by the closing date specified in the Job Opportunity Announcement (JOA) if a closing date is specified. Qualified applicants shall be notified of the date, time and location of such examination.

3 Application for more than one job class

Applicants desiring to apply for more than one recruitment number must file a separate and complete application and all specific forms for each recruitment number unless otherwise specified in the job announcement or authorized by the Personnel Director.

4 Submission of supplementary information

Persons whose applications have been rejected because they were incomplete and who wish to be considered further must submit sufficient written supplementary information to complete their application prior to the date of the examination.

5 Property of the Division of Personnel

All applications received by Division of Personnel shall become the property of the County.

6 Applications for job classes for which examinations have not been scheduled

The Personnel Director with the approval of the Commission shall establish the minimum period of time applications shall be retained.

Section B. Qualifications for examinations

1 General

The Personnel Director shall develop or modify necessary qualifications for examinations. The Personnel Director shall consult with appropriate Appointing Authorities as necessary.

2 Residence

The Personnel Director with the approval of the Commission shall determine those examinations if any in which County residents shall be given preference.

3 Age

a The Personnel Director may establish any reasonable minimum age limit as a requirement for examinations consistent with County, State and Federal legislation on age requirements. These age limits shall be published in the JOA.

Rule IV: Applications and Applicants

39 b When age limits are specified in the JOA, applications of persons who are outside the stated limits
40 on the last date for filing applications will not be accepted.

41 c An applicant whose age does not conform to the requirements established for appointment to
42 service in that job class may not be placed on an eligible list.

43 4 Sex

44 The Personnel Director may limit applicants for an examination to either sex if the Appointing
45 Authority can substantiate in writing that a particular gender is a bona fide occupational qualification
46 (BFOQ). The BFOQ based on sex must be specified in the JOA.

47 5 Physical standards

48 a An applicant for an examination or a person eligible for appointment may be required to furnish a
49 medical certificate by a licensed physician designated by the Personnel Director. The certificate
50 shall show that the applicant is physically competent to perform the duties of the position for
51 which the applicant seeks appointment. Employment may be contingent upon successful
52 completion of a physical examination.

53 b An applicant who fails to meet the physical standards established for a particular position, shall not
54 be accepted for examination, or if accepted conditionally pending the completion of the physical
55 examination, shall not be placed on the eligible list until physical standards are met or it is
56 determined that reasonable accommodations can be made.

57 6 Knowledge, skills, abilities and personal characteristics

58 a The Personnel Director, after consultation with appropriate Appointing Authorities, shall establish
59 such qualifications as to knowledge, skills, abilities and personal characteristics deemed necessary
60 for appointment to a particular position.

61 b The Division of Personnel may reject the application of any person who does not meet the
62 necessary qualifications as specified in the JOA.

63 c An applicant who does not meet the necessary qualifications but who will meet them upon
64 completion of further educational work which the applicant has scheduled during the three
65 months immediately following the closing date for applications may be permitted to participate in
66 the examination, but the applicant cannot be considered eligible for appointment until the Division
67 of Personnel has been furnished with proof of the successful completion of the required academic
68 work.

69 d In examinations for scientific, technical, professional, or other specialized positions, the Division of
70 Personnel may require proof of the possession of certificates of competency, or such licenses as
71 may be required by law for the practice of the profession, art or trade involved, and may reject
72 applicants who fail to furnish such proof or who do not produce valid certificates or licenses.

73 e For positions requiring certificates or licenses an applicant must show eligibility for such certificate
74 or license at the time of taking the examination and must possess the required certificate or license
75 before certification and appointment unless the Personnel Director shall authorize in a uniform
76 manner an extended period of time in which to meet this requirement.

77 7 Investigation of applicants

78 a Before or after examination or appointment the Division of Personnel may inquire into an
79 applicant's record and background. The inquiry may include, but shall not be limited to, conviction
80 records, driving records, education and employment verification and pre-employment drug testing.

Rule IV: Applications and Applicants

b The Personnel Director may disqualify any person from examination whose record or background reveals a disqualifying factor as set forth in Section C. of this rule. The Personnel Director may use a disqualifying factor to remove a person from the eligible list.

Section C. Disqualification of applicants and eligibles

1 Reasons for disqualification

- a fails to meet the requirements for examination specified in the JOA;
- b fails to submit the application correctly or within the prescribed time limits specified in the JOA;
- c makes a false statement as to any material fact or has practiced or attempted to practice deception or fraud in an employment document;
- d has attempted to use prior to, during, or subsequent to the examination, deception, fraud, or influence of any kind for the purpose of obtaining a better grade on the examination or certification for appointment to any position;
- e has directly or indirectly obtained information regarding examinations to which an applicant is not entitled or has taken part in the compilation, administration, or grading of the examination in which they are participating;
- f has a record of previous unsatisfactory service, in County employment or elsewhere, of such a nature as to demonstrate lack of fitness for employment in the position for which the applicant has applied;
- g has been convicted of violating a municipal, county, state or federal law which bears upon the person's proposed employment with the County;
- h fails to meet the physical standards established for the position;
- i abuses alcohol, any over-the-counter drug, any prescribed drug or uses any illegal drug;
- j has otherwise violated the provisions of the Charter, the ordinance or these rules.

2 Conditional admission

Where doubt exists as to whether an applicant meets the requirements for examination, the Division of Personnel may authorize conditional examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until all requirements are met.

3 Right of appeal

Any person who is denied permission to compete in an examination, whose eligibility is cancelled or who is removed from any position under the provisions of this rule may appeal in writing to the Commission within 10 calendar days after notice of action. The Commission will render a final decision in accordance with Rule XXII, Appeals, Hearings and Investigations.

Rule V: Recruitment and Examination**RULE V
Recruitment and Examination**

Section A. Announcement and recruitment

1 Call for examinations

The Division of Personnel shall announce open competitive or promotional examinations to fill vacancies in the merit system and to provide eligible lists for classes of positions where vacancies are likely to occur and shall prepare, announce, and administer them in the manner provided in these rules.

2 Public announcement of examinations

a The JOA shall specify the title and pay range or pay rates of the job class, the nature of the work to be performed, any necessary qualifications which may be required for examination, the time, place and manner of making application for examination, and all other conditions of competition, including the relative weights assigned to the various parts of the examination, and whether failure in any one part of the examination will disqualify an applicant.

b The announcement of promotional examinations shall specify, in addition to the above information, the organizational unit or units for which the examination is given and, where appropriate, the job class or job classes of employees which shall be considered eligible to compete for the available position.

(1) Public notice of open-competitive examinations shall be given at least 10 calendar days in advance of the last date for filing of applications by means of a JOA posted on the official bulletin board of the Division of Personnel.

(2) JOAs of all examinations shall be given such other publicity as the Division of Personnel deems warranted in the interest of attracting adequate numbers of qualified applicants.

(3) In the case of promotional examinations, announcements shall be made available to each Appointing Authority under whom there are employees eligible to compete and it shall be the duty of the Appointing Authority to make such notices available to all eligible employees in the department.

3 Extension of closing date or cancellation of examination

If an insufficient number of qualified candidates apply for an open-competitive or promotional examination, the Personnel Director may extend the last filing date of the date of examination. The Personnel Director may cancel any examination which becomes unnecessary.

4 Continuous recruitment

a The Division of Personnel may establish a continuous recruitment program for those job classes where a substantial and recurring need for qualified applicants is expected. Under this program applications may be accepted at any time and examinations held whenever a sufficient number of applications have been received to assure adequate competition.

b For those job classes requiring continuous recruitment, a statement shall be included in the JOA to the effect that applications will be accepted until further notice.

Section B. Character of examinations

1 Open-competitive examinations

Rule V: Recruitment and Examination

- 42 a In open-competitive examinations, any practical means or measures may be used to test the ability
43 and fitness of candidates to perform the duties and responsibilities of positions for which the
44 examination is held. These means or measures must be job related.
- 45 b No test or question in any examination shall intentionally call for or lead to disclosure of any
46 information concerning race, color, national origin, political, or religious affiliations, age,
47 disability/handicap condition, sexual orientation, marital status, preferences, or opinions. Any such
48 voluntary disclosures by the applicant shall be discouraged and any such information which may
49 nevertheless be revealed shall be disregarded.

50 2 Competitive promotional examinations

- 51 a The goal of promotional examinations shall be to assure broad consideration of the largest
52 practical number of most qualified candidates and to increase opportunities for merit employees.
- 53 b The Division of Personnel may limit competitive promotional examinations to employees of a single
54 department or an organizational unit or they may be countywide.
- 55 c An employee must meet the qualifications for the higher job class.
- 56 d Competitive promotional examinations shall include any tests prescribed for open-competitive
57 examinations for the higher job class.

58 3 Non-competitive promotions

- 59 a A non-competitive promotion may be authorized by the Division of Personnel in cases where five
60 or fewer qualified employees have applied.
- 61 b A non-competitive promotion shall be approved only if an employee meets the necessary
62 qualifications for the higher job class including successful completion of any tests prescribed for
63 open-competitive examinations for the higher job class.
- 64 c The procedure for determining eligibility shall be established by the Personnel Director and shall
65 take into consideration approved practices.
- 66 d Departments are encouraged to interview the candidates and to maintain a record of their
67 evaluation.

68 Section C. Preparation and administration of examinations

69 1 Consultation with appointing or other qualified authorities

70 The Division of Personnel may consult with appropriate Appointing Authorities and other qualified
71 authorities regarding the content of examinations.

72 2 Establishment of procedures

- 73 a The Division of Personnel shall establish procedures to be used in conducting the examination of
74 applicants.
- 75 b The examinations may be conducted in as many locations in the County or elsewhere as required.
- 76 c The Division of Personnel may designate examiners or interviewers to administer the examinations
77 or interviews under instructions prescribed by the Personnel Director and may make arrangements
78 for the use of public buildings in which to conduct the examinations.
- 79 d The Division of Personnel may disqualify any applicant for failure to comply with the procedures
80 and regulations established for conducting the examination.

81 3 County employees and others as examiners/interviewers

Rule V: Recruitment and Examination

- 82 a The Personnel Director may select suitable County employees with the consent of the appointing
83 authorities under whom these persons serve or other appropriate persons to act as interviewers.
- 84 b These interviewers shall act under the sole direction of the Personnel Director or designees and
85 shall not take into account any influence or attempted influence from other sources.
- 86 c Interviewers so selected shall serve on regular working days with no extra compensation.

87 4 Confidential nature of test material

88 Test material used in examinations shall not be available for public inspection, but this shall not be
89 interpreted to prohibit the exchange of test material with other regularly established personnel
90 agencies.

91 5 Re-Examination

- 92 a Any applicant who has failed an examination shall be eligible for re-examination for the same exam
93 according to a time schedule determined by the Personnel Director.
- 94 b No person who has passed the required examination for a job class may be re-examined for the
95 same job class or retake the same examination for the purpose of improving the score on the
96 examination unless:
- 97 (1) a new JOA is issued prior to the expiration of the existing eligible list, in which case, eligibility
98 on the new or consolidated list shall be based on the provisions of Rule VI, Eligible Lists; or,
- 99 (2) not less than six months after the examination a qualified applicant requests re-examination
100 and can demonstrate that additional training or experience has been gained which would have
101 a logical bearing on the applicant's performance on the examination. Ranking on the eligible
102 list resulting from the re-examination shall be in accordance with the provision of Rule VI,
103 Eligible Lists.
- 104 c Other exceptions relating to eligibility for re-examination may be authorized by special action of
105 the Personnel Director.

106 Section D. Rating examinations

107 1 System of rating

108 Accepted techniques and procedures of merit system administration shall be used in rating
109 examinations and interviews and in determining the relative ranking of the applicants. In selecting an
110 appropriate system for rating examinations, the Personnel Director shall give due regard to the number
111 of applicants and to the number of vacancies which may reasonably be expected to occur during the
112 life of the eligible list.

113 2 Minimum grades

- 114 a In all examinations the minimum grade by which eligibility may be achieved shall be established by
115 the Personnel Director. Applicants shall be required to attain at least a minimum grade on each
116 part of the examination in order to receive a qualifying grade or to proceed further in the selection
117 process.
- 118 b Failure in one phase of an examination shall be grounds for the Division of Personnel to declare the
119 applicant as failing the entire examination, or disqualified from further consideration in the
120 selection process.
- 121 c The final grade shall be determined by averaging the earned grade on each part of the examination
122 in accordance with the weights established for each part of the examination.

Rule V: Recruitment and Examination

3 Applicants to be examined

The Personnel Director may indicate at the time of announcement of an examination the maximum number of applicants to be placed on the eligible list or who shall be permitted to compete in any of the separately weighted parts of the examination. The number of qualified applicants will be limited to those scoring the highest on the examination up to the designated maximum. The balance of the examination shall be offered only to the applicants who scored highest on the completed portions of the examination up to the maximum designated.

4 Rating of competitors for lower job class

An applicant who fails to gain eligibility for employment in a higher job class may, at the discretion of the Personnel Director, elect to accept eligibility for a lower job class if the grades on all appropriate parts of the examination are sufficient to qualify for the lower job class.

5 Evaluation of training and experience

- a If training and experience form a part of the total examination, the Personnel Director shall determine a procedure for the evaluation of these factors which shall consider the quality, recency, and the amount of prior experience and related training.
- b The Personnel Director may verify statements contained in the employment documents submitted by an applicant.
- c If, after an eligible list is established, information is received which materially affects the rating of an applicant, the Personnel Director shall issue a revised eligible list reflecting the appropriate adjustment in the applicant's rating or remove the applicant's name from the eligible list, and so notify the applicant and the appropriate Appointing Authority.

6 Interviews or tests

When an interview or test is a part of the examination, the Personnel Director shall appoint an interview examiner or interview examination boards as needed.

Section E. Veterans preference

1 Non-disabled veterans

In open-competitive examinations, all non-disabled veterans who have met the necessary qualifications for each test and have received at least the qualifying grade required for eligibility in the examination shall have five points added to their earned rating.

2 Disabled veterans

In open-competitive examinations, all veterans who are currently receiving compensation from the United States Veterans Administration for service incurred disabilities, who have met the necessary qualifications for each test and have received at least the qualifying grade required for eligibility in the examination shall receive 10 points added to their earned rating.

3 Promotional examinations

Veteran's preference does not apply in promotional examinations.

4 Proof of eligibility for veteran's preference

- a To be entitled to veteran's preference an applicant must file with the application for examination a copy of an official document or documents issued by the United States Department of Veteran's Affairs, General Services Administration's National Records Center (Military Personnel Branch) which indicate the applicant is a veteran.

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- 164 b Within the time limit prescribed by the Division of Personnel, a disabled veteran must also file a
165 certificate or statement from the United States Department of Veterans Affairs showing the
166 existence of a currently compensable service incurred disability.
- 167 c An applicant must request veteran's preference in accordance with procedures established by the
168 Division of Personnel.
- 169 Section F. Notice of examination results
- 170 Upon request, applicants shall be entitled to information concerning their final grade and relative
171 position on an eligible list.
- 172 Section G. Review of test results
- 173 An applicant or their authorized representative may inspect the applicant's test papers within 90
174 calendar days following establishment of the eligible list. Statements of former employers, character
175 investigations and other inquiries shall remain confidential.

RULE VI
Eligible Lists

1
2
3
4 Section A. Types of lists

5 Eligible lists shall be of three types: layoff, promotion, and original appointment.

6 Section B. Establishment of lists

7 1 Layoff lists

8 a When a layoff occurs in a department without an approved performance management program
9 the employees are placed on a departmental layoff list by job class in inverse order of seniority
10 regardless of performance even if the layoff was by organizational unit.

11 b When a layoff occurs in a department with an approved performance management program, there
12 shall be two types of layoff lists as follows:

13 (1) Organizational unit layoff list

14 This list shall consist of all permanent employees for a job class who have been laid off or
15 demoted in lieu of layoff by an organizational unit.

16 (2) Departmental layoff list

17 If the layoff was by department, this list shall consist of all permanent employees in a job class
18 who have been laid off or demoted in lieu of layoff.

19 c Individual eligibility expires two years after placement on the layoff list.

20 2 Promotion lists

21 a Promotion lists shall consist of the names of all persons employed in the County or
22 department(s)/organizational unit who have passed the examination for the job class for which the
23 list is established.

24 b The names of all persons who attain eligibility in a promotional examination shall be placed on the
25 list in the order of their final qualifying grades.

26 3 Original appointment lists

27 a Original appointment lists shall contain the names of successful applicants in an open-competitive
28 examination for a given job class, ranked in accordance with their final qualifying grades, except
29 that applicants residing in St. Louis County for at least one year may be ranked ahead of other
30 eligibles in examination for job classes requiring no special skill or scientific, technical, managerial,
31 professional, or educational qualifications. Such classes shall be determined by the Personnel
32 Director after consultation with appropriate appointing authorities and approval by the
33 Commission and shall be published in the examination announcements.

34 b When an original appointment list is prepared as a result of a continuous examination, the names
35 of candidates shall be incorporated on the list at periodic intervals as soon as possible after the test
36 process has been completed and final grades have been determined.

37 4 Duration of eligibility

38 The Personnel Director shall determine the period during which candidates remain on promotion and
39 original appointment lists. This period shall not be less than three months nor more than two years
40 from date of preparation of the eligible list.

Rule VI: Eligible Lists

41 Section C. Precedence of lists

42 For appointment purposes, lists shall have precedence in the following order: 1. organizational unit
43 layoff, 2. departmental layoff, 3. promotional and/or original appointment.

44 Section D. Addition to lists

45 1 If the Personnel Director decides that the needs of the merit system require that an examination be
46 held for a job class or position for which an original appointment or promotional list already exists,
47 prior to its expiration, the Personnel Director may add to the existing eligible list with the list
48 established as a result of the examination.

49 2 The names of persons remaining on the old list shall be placed on the new list in accordance with their
50 previous final grade but such names may be removed from the list at the expiration of the specified
51 time from their original placement on an eligible list. Should such persons elect and be eligible for re-
52 examination their names shall be placed on the list in accordance with the new final grade.

53 Section E. Consolidation of lists

54 When necessary the Personnel Director may consolidate existing eligible lists of similar job classes in
55 the same pay range.

56 Section F. Cancellation of lists

57 Promotional and original appointment lists

58 The Personnel Director shall determine the period during which eligibles remain on promotion and
59 original appointment lists, but this period shall not be less than three months nor more than two years
60 from date of preparation of the eligible list. When an eligible list exists for any job class and the
61 Personnel Director deems it necessary to establish another such list for the same job class, the existing
62 list may be cancelled or the Personnel Director may combine a new and existing list as provided in
63 these rules.

64 Section G. Availability of qualified applicants

65 1 It shall be the responsibility of qualified applicants to notify the Division of Personnel in writing of any
66 changes in address, telephone number or other changes affecting availability for employment.
67 However, the Division of Personnel may contact qualified applicants at any time to determine their
68 continuing availability.

69 2 Whenever a qualified applicant restricts the conditions of availability for employment, the applicant's
70 name may be withheld from all certifications that do not meet the conditions specified.

71 Section H. Removal of names from lists

72 Names may be removed from eligible lists by the Personnel Director for the following reasons:

- 73 1 appointment through certification from such lists to fill a position;
- 74 2 when the applicant has been certified and considered for three vacancies and other persons have been
75 appointed;
- 76 3 appointment to fill a permanent position at the same or higher pay range from a different list;
- 77 4 statement by the applicant which indicates unwillingness to accept appointment;
- 78 5 declining a job offer under such conditions as the applicant had indicated previously would be
79 acceptable;

Rule VI: Eligible Lists

- 80 6 failure to respond to an inquiry of the Division of Personnel or an Appointing Authority within seven
81 calendar days from the date of mailing regarding availability for appointment, or failure to accept
82 appointment or report for duty within a reasonable time prescribed by the Appointing Authority;
- 83 7 replacement of a promotion or original appointment list by a list resulting from a new examination for
84 the job class;
- 85 8 separation from the County service of an employee on a promotion list;
- 86 9 medical disability that would prevent the applicant from performing the duties of the position
87 satisfactorily and without hazard to the applicant or others;
- 88 10 in the case of departmental promotion lists, appointment, transfer, demotion, or return to duty from a
89 leave of absence of an employee to another department or organizational unit;
- 90 11 failure to maintain a record of the current address and telephone number at the Division of Personnel.
91 For this purpose the return of a letter by postal authorities if properly addressed to the last address on
92 record shall be deemed sufficient ground for removal of the applicant's name;
- 93 12 expiration of the term of eligibility on an eligible list. In the case of a list combined with a later one, the
94 names on the combined list resulting from the earlier examination shall be removed from the
95 combined list at such time as the original list would have expired;
- 96 13 violation of any of the provisions of the Charter, the Ordinance or these rules;
- 97 14 a positive pre-employment drug test;
- 98 15 for any other cause specified in these rules for the rejection of applications. The Personnel Director
99 shall notify an applicant of the removal for cause of the applicant's name from an eligible list and of the
100 right to review as set forth in Section I. hereafter.
- 101 16. Retirement from County service.

Section I. Restoration of names of lists

- 103 1 Request for restoration
- 104 a An applicant whose name is removed from an eligible list as provided above may make a written
105 request to the Personnel Director for restoration to such list for the duration of the list. This
106 request shall specify the reasons for restoration of the name to the list.
- 107 b The Personnel Director may restore the name to the list or may refuse such request. The applicant
108 shall be notified of the Personnel Director's action and if the decision is unfavorable the applicant
109 may make a written appeal to the Commission within 10 days of the mailing of such notification.
- 110 2 Restoration to promotional list
- 111 A former employee rehired by the County in the same department shall be restored to any
112 departmental promotion list from which the employee was removed because of separation from the
113 County service, provided the Personnel Director and the Appointing Authority approve the employee's
114 written application for such action.

Rule VII: Certification and Appointment**RULE VII****Certification and Appointment**

Section A. Types of appointment

1 Appointment from eligible lists

All vacancies in the merit system shall be filled by emergency, temporary, term, original, seasonal, intermittent, or on-call appointment, reinstatement, promotion, transfer, demotion or appointment from the layoff list.

2 Appointment by transfer or demotion

a When an Appointing Authority desires to fill a position by transfer or demotion within the department, such action if approved by the Division of Personnel shall take precedence over appointment from an eligible list.

b Term employees are not eligible for transfer or demotion to a permanent position if an organizational unit or departmental layoff list exists for the position.

3 Reinstatement

a An Appointing Authority, with approval of the Personnel Director, may reinstate an individual to that person's former job class or a lower job class in the same series within two years from the date of separation if the person had permanent status or had completed 13 continuous pay periods of employment in a term or on-call position.

b A person who is reinstated shall be reinstated to their former status.

c A position may not be filled by reinstatement if an appropriate layoff list exists.

Section B. Position must be established

No position shall be considered as properly established and no appointment, reinstatement, promotion, transfer, or demotion shall be made to it until the official forms have been submitted to the Division of Personnel and the position properly classified.

Section C. Request to fill a vacancy

When a vacancy in the merit system is to be filled, the Appointing Authority shall notify the Division of Personnel in the manner prescribed by the Personnel Director. If possible, each vacancy shall be anticipated sufficiently in advance to permit the Division of Personnel to determine who may be available for appointment, and, if necessary, to establish a job class, and an eligible list.

Section D. Certification of qualified applicants

1 Order of certification

a Layoff Lists not based upon approved performance management system. The one person highest on the departmental layoff list shall be certified for the vacancy and the Appointing Authority shall make an appointment accordingly.

b Layoff Lists based upon an approved performance management system.

(1) The person highest on the organizational unit layoff list shall be certified for the vacancy and the Appointing Authority shall make an appointment accordingly.

Rule VII: Certification and Appointment

39 (2) If an organizational unit layoff list does not exist, then the person highest on the departmental
 40 layoff list shall be certified for the vacancy and the Appointing Authority shall make an
 41 appointment accordingly.

42 c Promotional and original appointment lists

43 Appointing Authorities may request a certification from either the promotional and/or original
 44 appointment eligible list.

45 (1) One vacancy

46 The names of the five highest scoring persons and all persons tied with the fifth highest
 47 scoring person shall be certified and the Appointing Authority shall make an appointment
 48 accordingly.

49 (2) Multiple vacancies

50 If more than one vacancy in an organizational unit is to be filled, in addition to the number of
 51 names provided in (1) above, the names of the two next highest scoring persons, plus all
 52 persons tied with the second highest scoring person shall be certified for each additional
 53 vacancy.

54 (3) Selection for multiple vacancies shall be made from the top of the certification downwards.

55 The first selection shall be made from the top five highest scoring persons and all persons
 56 tied with the fifth highest scoring person; the second selection shall be from among those
 57 eligible for the first appointment plus those certified for the second vacancy, etc.

58 d Applicants shall be certified in order of examination rating, without regard to sex or special
 59 qualifications, except that an Appointing Authority may request and receive selective certification
 60 limited to one sex or based on other special qualifications, provided the reasons supporting such
 61 request are submitted in writing and approved by the Personnel Director as a bona fide
 62 occupational qualification (BFOQ) for that position.

63 e Whenever an applicant indicates that appointment is unacceptable under the conditions applying
 64 to the position to be filled, that person's name shall be passed over in certifying to fill the position.

65 2 Concurrent certifications

66 When vacancies are to be filled simultaneously in more than one organizational unit, this section shall
 67 not require simultaneous listing of the same name on different certifications.

68 3 Incomplete certification

69 If appropriate eligible lists do not contain the names of a sufficient number of persons willing to accept
 70 appointment to make possible the certification of persons with the appropriate number of grades, the
 71 names of all qualified applicants willing to accept appointment shall then be certified. Under such
 72 circumstances, the Appointing Authority shall not be required to make an appointment from the
 73 names certified. The Appointing Authority, with the permission of the Personnel Director, may make a
 74 temporary appointment in accordance with these rules.

75 4 Certification from related lists

76 The Personnel Director may certify from lists for higher job classes to vacancies in lower job classes or
 77 from lists for one job class to vacancies in another job class for which the Personnel Director
 78 determines that the examination reasonably measures the qualifications of an applicant to perform the
 79 duties in the job class for which certification is made.

80 5 Withdrawal of certification

Rule VII: Certification and Appointment

In the event action on a certification is not reported by the Appointing Authority within 10 calendar days of the date of certification, the Personnel Director may withdraw such certification and may certify to any Appointing Authority the names of persons included in such certification on the next certification submitted for the appropriate job class.

6 Waiver of certification

Applicants who are not available for appointment when offered may be granted a waiver of certification for appointment.

7 Certification affected by appeals

Certification may be made immediately after the establishment of a list, and an appointment from it shall not be affected by the results of any appeals which may change the order of names on the list. However, if an appointment has not been made before the results of appeals are known, and if the order of names on the list is changed by such results, then the original certification may be withdrawn and a new one issued in accordance with the revised eligible list.

8 Certification variances

- a If the Appointing Authority can demonstrate that application of existing certification rules for a specific job class or specific circumstances restricts the selection of qualified individuals, the Personnel Director may recommend to the Commission that corrective procedures be adopted.
- b If the Personnel Director determines that for a specific job class or under specific circumstances the application of the certification rules is not consistent with merit principles, the Personnel Director may issue corrective procedures approved by the Civil Service Commission.

Section E. Temporary appointments

1 Use of temporary employment agencies

- a Appointing Authorities shall contact the Division of Personnel as soon as the need for a temporary employee is known to determine if qualified persons are available on currently established eligible lists or from a pool of persons hired as County employees for the purpose of providing temporary services. Departments may be required to establish a temporary position.
- b If qualified persons are not available within reasonable time constraints, the Appointing Authority may approve employment through temporary employment agencies for a period not to exceed six full pay periods at the conclusion of which the Appointing Authority shall fill a position or request in writing an extension of the period for employment through a temporary agency along with appropriate justification.
- c If a requested extension is not approved by the Personnel Director, the Appointing Authority may appeal to the Civil Service Commission.

2 Requirements for temporary appointments

Temporary appointments to established positions without examination may be authorized by the Personnel Director under the following conditions:

a Pending establishment of eligible list

- (1) When an Appointing Authority finds it essential to fill a vacancy for a permanent position and the Personnel Director is unable to certify qualified applicants for such vacancy for the following reasons:

- (a) there is no appropriate eligible list;

Rule VII: Certification and Appointment

- 122 (b) there is not a sufficient number of persons on appropriate eligible lists who are available
 123 and qualified for appointment;
- 124 (c) there is not sufficient time to conduct an examination and establish an eligible list.
- 125 (2) The Appointing Authority shall submit an official employment application for the person
 126 nominated for temporary appointment with other information in such form as may be required
 127 by the Personnel Director.
- 128 (3) The Personnel Director may approve the temporary appointment if the nominee appears to
 129 possess the necessary qualifications for the position.
- 130 b Filling positions of limited duration
- 131 (1) An Appointing Authority may fill a vacancy in a position which will exist for a limited period of
 132 time, not to exceed six months, if the Personnel Director is unable to certify qualified
 133 applicants for a temporary position for the following reasons:
- 134 (a) there is no existing appropriate eligible list;
- 135 (b) there is not a sufficient number of qualified persons on appropriate eligible lists who are
 136 available for short-term appointment.
- 137 (2) The Personnel Director may approve the temporary appointment if the nominee appears to
 138 possess the necessary qualifications for the position.
- 139 3 Termination of temporary appointment
- 140 a The Appointing Authority is responsible for terminating a temporary appointment not later than six
 141 months from the date of appointment.
- 142 b A temporary appointee who is employed pending the establishment of a list of eligibles may be
 143 carried on the payroll not to exceed two calendar weeks after certification has been made to fill
 144 the vacancy.
- 145 4 Limitations
- 146 No person shall serve in the merit system under temporary appointment for more than six months in
 147 any 12-month period.
- 148 5 Effect of temporary appointment
- 149 a The acceptance or refusal of a temporary appointment shall not affect a person's standing on the
 150 eligible list. The period of temporary service shall be counted as a part of the period of time during
 151 which an applicant remains on the eligible list.
- 152 b The period of temporary service may be counted as a part of the person's probationary period in
 153 the case of subsequent appointment to a permanent position without a break in service to the
 154 same job class.
- 155 Section F. Emergency appointments
- 156 When unforeseen circumstances involve the potential loss of public property, a serious inconvenience
 157 to the public or stoppage of public business and it is impossible to fill a position under any other
 158 provision of these rules, an emergency appointment without examination may be made by the
 159 Appointing Authority subject to the following conditions:
- 160 1 An Appointing Authority may appoint any qualified person to such a position without prior approval of
 161 the Personnel Director, but each such appointment shall be reported to the Personnel Director as soon

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162 as possible but not later than one calendar week after the date of appointment. Such report shall
 163 contain an official employment application for the person appointed, date of appointment, and the
 164 reasons for the appointment.

165 2 In any case in which the need for filling a vacancy shall have been known far enough in advance to
 166 afford opportunity for appropriate action under some other provision of these rules, no emergency
 167 shall be deemed to exist for purposes of appointment.

168 3 Any emergency appointment shall expire automatically 30 calendar days from the date of
 169 appointment, and shall not be extended or renewed beyond that time. If the emergency continues,
 170 the position shall be filled by an appointment from the appropriate eligible list. If there is no
 171 appropriate eligible list, the position shall then be filled in accordance with the provisions for
 172 temporary appointment as specified in this rule.

173 Section G. Term appointments

174 Term appointments may be made under conditions and procedures authorized by the Commission to
 175 fill positions that are clearly of a project nature; financed in whole or in part under the various federal
 176 assistance or other governmental programs; and will terminate upon completion of the project. Term
 177 appointment does not confer permanent status.

178 Section H. Seasonal appointments

179 Seasonal appointments may be made by appointing authorities when specifically authorized and under
 180 regulations issued by the Commission. Seasonal appointments are limited to the time period
 181 established by the Commission.

182 Section I. On-call appointments

183 1 On-call appointments are utilized to fill positions on an as needed basis. On-call employees must have
 184 an irregular work schedule throughout the year or a regular work schedule for a portion of the year or
 185 a combination of the two.

186 2 The Personnel Director shall determine whether or not the use of an on-call appointment is
 187 appropriate for a specific vacancy.

188 3 On-call employees do not receive benefits and do not receive permanent merit system status entitling
 189 them to appeal if discharged.

190 The period of on-call service may be counted as a part of the person's probationary period in the case
 191 of subsequent appointment to a permanent position without a break in service to the same job class.

192 Section J. Intermittent appointments

193 1 Intermittent appointments are utilized to fill positions on an as needed basis, not to exceed 640 hours
 194 per calendar year, or as otherwise authorized by ordinance.

195 2 Intermittent employees shall not receive benefits or permanent merit system status.

196 3 Detailed information regarding intermittent appointments can be found in a separate policy.

197 4 Intermittent appointments shall be made by Appointing Authorities without a competitive process, in
 198 accordance with the ordinance.

199 5 A position may not be filled by an intermittent appointment if an appropriate layoff list exists and a laid
 200 off employee is willing to perform the part-time or temporary duties.

201 Section K. Transfers

Rule VII: Certification and Appointment

202 1 Within a department

203 An Appointing Authority may at any time transfer an employee under the Appointing Authority's
204 jurisdiction from one position to another position in the same job class.

- 205 a With the prior approval of the Personnel Director the Appointing Authority may also transfer an
206 employee from a position in one job class to a position in another class if the pay ranges are equal
207 and the employee meets the necessary qualifications for the job class to which the employee is
208 being transferred.

209 2 Between departments

210 a Transfer of an employee from a position under the jurisdiction of one Appointing Authority to a
211 position under the jurisdiction of another Appointing Authority may be made with the approval of
212 the Personnel Director, the employee, and both appointing authorities, provided the positions are
213 in the same or a similar job class, have the same pay range and the employee meets the necessary
214 qualifications for the job class to which the employee is being transferred.

215 b A transferred employee's accrued sick leave, if any, shall be assumed by the department to which
216 the employee is transferred.

217 c A transferred employee's paid time off, vacation, and compensatory time shall be assumed by the
218 receiving department or paid by the employee's former department, so that the employee is
219 compensated for or permitted to retain all such accumulated time.

220 3 Transfer during probation

221 An employee may be transferred during the probationary period to a position in another job class for
222 which an eligible list exists, with the prior approval of the Personnel Director.

223 4 Requirement of non-competitive examination

224 An employee who is to be transferred from a position of one job class to a position in another job class
225 may, at the discretion of the Personnel Director, be required to pass a non-competitive examination to
226 determine the employee's qualifications for the position to which the employee is transferred.

227 5 Status of transfer

228 In the case of transfer the status of the employee in the new position shall be the same as that in the
229 former position.

230 6 Non-authorization of transfer

231 The Commission shall have the right to review any transfer made and shall refuse to authorize the
232 transfer of an employee when it finds that the transfer is made or proposed because of political
233 influence or other non-merit factors and is not in the best interest of the County.

Rule VIII: The Probationary Period**RULE VIII
The Probationary Period**

Section A. Purpose

The probationary period is an integral part of the examination process and shall be utilized for closely observing the employee's work, facilitating effective adjustment of a new employee to the position and, if circumstances warrant, for determining whether a probationary employee's performance meets required work standards.

Section B. Duration of probationary period

- 1 Every person appointed or promoted to a permanent position shall serve a probationary period of no less than six months before the appointment shall be considered permanent. For the purposes of this rule the six-month period shall consist of 13 pay periods.
- 2 A person appointed or promoted during the first week of a pay period shall receive credit for the entire pay period, however, a person appointed or promoted the second week of a pay period will not receive credit for that period.
- 3 Except as provided in subparagraph 5 of Section B. and except as provided in Section E. of this rule, the probationary period shall conclude at the close of business on the employee's last workday of the thirteenth pay period.
- 4 A person appointed from a layoff list under a different Appointing Authority may be required by the new Appointing Authority to serve a new probationary period.
- 5 The Personnel Director may approve an extension of the probationary period for an additional period up to six months if the Appointing Authority requests such an extension in writing prior to the expiration of the probationary period. In any case, the period of probation is not to exceed one year before appointment or promotion may be made complete.
- 6 Service under a temporary, term, or on-call appointment may be counted as part of the probationary period providing at least 40 hours were worked each pay period, in the same job class and in the same department or organizational unit which immediately preceded appointment to the permanent position.

Section C. Interruption of probationary period

- 1 Any interruption of service during the probationary period shall not be counted as a part of the six months total service.
- 2 Service prior to the interruption shall be counted toward completion of the probationary period, except that the Appointing Authority may, with approval of the Personnel Director, require the employee to serve a full six-month period upon return to duty.
- 3 If an employee is transferred during the probationary period from a position under one Appointing Authority to a position under another Appointing Authority, the employee shall serve a full six-month probationary period under the second Appointing Authority unless the second Appointing Authority requests at the time of the transfer, that the employee be credited with previous service toward completion of the probationary period.

Section D. Discharge during probationary period

- 1 During the probationary period, the Appointing Authority may discharge an employee if, in the judgment of the Appointing Authority, the employee has failed to demonstrate the willingness or

Rule VIII: The Probationary Period

43 ability to perform the job duties satisfactorily or the employee's work habits and dependability are
44 such that they do not merit continuance in the merit system.

45 2 The Appointing Authority shall notify the Personnel Director and the probationary employee in writing
46 of the reasons for the discharge and the effective date of the action, prior to the expiration date of the
47 probationary period.

48 3 The employee has no right of appeal to the Commission from a decision to discharge during the
49 probationary period.

50 Section E. Completion of probationary period

51 1 An employee shall acquire permanent status in his or her position automatically upon completion of
52 the probationary period unless the Appointing Authority notifies the Personnel Director in writing prior
53 to the expiration of the probationary period either:

54 a that the services of the employee were unsatisfactory and employment is terminated; or

55 b an extension of the probationary period is requested and the employee will continue in his or her
56 position if the extension is granted.

57 2 The Appointing Authority shall inform the employee in writing of action taken under SECTION E.1.a. or
58 E.1.b. above.

59 Section F. Promotion during probation

60 The serving of a probationary period shall not prevent an employee from being promoted. The
61 probationary period for the job class to which the employee is promoted shall begin with the date of
62 promotion to that job class.

63 Section G. Probationary period on demotion

64 An employee shall retain the same status from the higher level position in the lower level job class. A
65 permanent employee shall not be required to begin a new probationary period when demoted either
66 voluntarily or involuntarily to a lower job class. Upon demotion during probation, credit for the length
67 of the probationary period in the higher job class shall count toward completion of the probationary
68 period in the lower job class.

69 Section H. Probation upon promotion

70 An employee with permanent status in one position shall serve a new probationary period upon
71 promotion to another position. If the promoted employee does not successfully complete this
72 probationary period the employee shall be returned to a position in the same job class occupied
73 immediately prior to the promotion. If the promotion involved two separate Appointing Authorities,
74 the receiving Appointing Authority is obligated to return the employee to a position in the job class
75 that the employee occupied immediately prior to the promotion or a position in a comparable job
76 class. In the event that no vacancy exists or is anticipated within 30 calendar days, the employee with
77 the least service in the same or in a comparable job class shall be transferred, demoted or laid off to
78 effect this action.

RULE IX
Seniority

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Section A. Definition

Seniority is the length of continuous employment without interruption in merit system and non-merit system positions in the County except that the following shall not be considered as interruptions of service:

- 1 Military leave, vacation leave or sick leave and other paid leaves authorized by these rules;
- 2 Authorized leaves of absence of 40 hours or less without pay;
- 3 Layoffs not exceeding two years in length, provided that the length of such layoff shall be deducted from the length of continuous employment in computing seniority;
- 4 Periods of voluntary separation provided that the length of such separation shall not exceed two years and shall be deducted from the length of continuous employment in computing seniority.
- 5 Disciplinary suspensions in accordance with the Rule on Suspensions and Discharge provided that the length of separation shall be deducted from the length of continuous employment in computing seniority, however any disciplinary suspension of 40 hours or less will not be deducted from the length of continuous service when computing seniority;
- 6 Discharge withdrawn by the Appointing Authority or rescinded by direction of the Civil Service Commission or by judicial order.

Section B. Computation

- 1 The seniority of an employee appointed to a permanent position from an eligible list shall be measured from the effective date of appointment.
- 2 Service as a temporary, emergency, term, or on-call employee is not creditable for purposes of computing seniority. However, service as a temporary, emergency, term, or on-call employee immediately preceding appointment to a permanent position shall be credited from the beginning date of continuous employment, provided the employee worked more than 40 hours each pay period.
- 3 Seniority of regular part-time employees shall be computed prorata on the basis of the employees' regular workweek.
- 4 Computation of seniority shall not include time worked in excess of the employees' regular workweek.

Section C. Uses

Seniority shall be used as a factor in determining order of layoff.

RULE X
Attendance and Holidays

Section A. Attendance

- 1 Attendance schedules for full-time employees shall be based on an eight-hour day and a 40-hour week, except as otherwise authorized by these rules. Appointing Authorities may establish reporting times, lunch periods and closing hours. Appointing Authorities may also establish flextime schedules for their employees.
- 2 All employees shall follow the work schedules established for their departments, subject to the provisions of these rules with references to hours, holidays, paid time off, vacation, sick, military and other authorized leaves of absence.
- 3 All departments shall keep daily attendance records of employees and shall submit them in the manner and according to a schedule approved by the Personnel Director.

Section B. Holidays

1 General provisions

- a Full-time probationary and permanent employees shall be entitled to time off with pay, compensatory time off or pay in lieu thereof on the following legal holidays, subject to the provisions specified further in this section:

- New Year's Day January 1
- Martin Luther King Day..... Third Monday in January
- Presidents' Day Third Monday in February
- Memorial Day Last Monday in May
- Juneteenth..... June 19
- Independence Day..... July 4
- Labor Day..... First Monday in September
- Veterans Day November 11
- Thanksgiving Fourth Thursday in November
- Day after Thanksgiving The Friday following the fourth Thursday in November
- Christmas Day..... December 25
- Personal Holiday..... As Scheduled (if in the Traditional Time Off Plan)

- b Any additional holidays must be declared and recognized as a holiday by a lawful County Authority before time off with pay can be authorized.
- c Temporary, seasonal, emergency, intermittent, and on-call employees, and employees compensated on a session rate basis, are not entitled to paid holiday time off. Such employees who work on a holiday shall be compensated only at straight-time rates for the time actually worked unless otherwise provided by these rules.
- d Holiday benefits for term employees shall be determined at the time of appointment and in accordance with the nature and length of their term appointments.

2 Administration of holiday leave

Rule X: Attendance and Holidays

- 40 a Holidays falling on Sunday will normally be observed on the Monday following such holiday.
41 Holidays falling on Saturday will normally be observed on the Friday preceding such holiday.
- 42 b If an employee is off on authorized leave without pay on either two or more work days before or
43 two or more work days after a holiday, the holiday is forfeited. An employee who is off for
44 unauthorized leave on either the work day before or the workday after a holiday forfeits the
45 holiday.
- 46 c When the first day of work for a new employee follows the holiday, the employee shall not be paid
47 for the holiday. This provision does not apply to an employee transferred from one department to
48 another without a break in service.
- 49 d An employee absent without authorization on a holiday on which the employee is scheduled to
50 work forfeits all rights to holiday benefits for that day.
- 51 e A part-time employee who is regularly engaged on a biweekly basis in employment of 40 hours or
52 more in accordance with a definite work schedule shall be entitled to holiday benefits in direct
53 proportion to the amount of time normally worked.
- 54 f An employee who is engaged in a part-time employment of less than 40 hours on a biweekly basis
55 shall receive no holiday benefits for holidays falling on days which are scheduled work days for the
56 employee. Such an employee shall be compensated only at the straight time rate for time actually
57 worked when required to work on a holiday.
- 58 g The following conditions shall govern the administration of the Personal Holiday:
- 59 (1) An employee must be in the Traditional Time Off Plan.
- 60 (2) An employee must have completed the initial 13 pay periods of the probationary period to be
61 eligible for the holiday.
- 62 (3) The employee must notify the department in the manner required by the Appointing Authority
63 prior to taking the Personal Holiday so the department can effectively schedule its operations.
64 If the department's services would be seriously affected by granting the Personal Holiday, the
65 Appointing Authority can require the employee to reschedule the holiday.
- 66 (4) The Personal Holiday cannot occur on the last day of work for a terminating employee. If the
67 Personal Holiday has not been taken, the terminating employee will not receive pay for the
68 Personal Holiday.
- 69 (5) A Personal Holiday not taken during the calendar year in which it occurs cannot be accrued and
70 taken in a succeeding calendar year, except under special circumstances requested by the
71 Appointing Authority and approved by the Civil Service Commission.
- 72 (6) The Personal Holiday must be taken on one day.

73 3 Payment for holidays worked

74 Employees eligible for holiday time off with pay who are required to work on a holiday shall be
75 compensated in accordance with the provisions of Rule XIII, Pay Plan.

76 4 Effects on other leaves

77 Holidays falling within a period of paid time off, vacation leave, or approved sick leave shall not be
78 counted in computing such leave.

79 5 Leave for voting

Rule X: Attendance and Holidays

- 80 a Employees are urged to vote outside of working hours. Where this is not possible on any election
81 day, all employees scheduled to work eight hours shall be entitled to vote and whenever necessary
82 for the purpose of voting shall be entitled to three consecutive hours without any loss in pay
83 between the opening and closing hours of the polls provided the employee is eligible to vote and
84 has notified the Appointing Authority by the previous day of the intention to take time off to vote.
- 85 b An employee whose work schedule is such that the employee starts or quits the work day three
86 hours after the opening of the polls or three hours before the closing of the polls is not eligible for
87 time off from work for voting purposes.
- 88 c Leave for voting shall be granted to a part-time employee only when scheduled to work eight hours
89 on an Election Day.

Rule XI Time Off

Section A. Paid time off (PTO)

1 Accrual of paid time

- a Each full-time permanent or probationary employee in the paid time off plan shall be entitled to earn and accrue paid time off leave in accordance with the provisions of this Section.
- b Each part-time permanent or probationary employee in the paid time off plan shall be entitled to earn and accrue paid time off leave in proportion to the actual time in pay status, provided the employee is regularly engaged on a pay period basis in employment of 40 hours or more, in accordance with the provisions of this Section.
- c Paid time off shall not be granted to temporary, emergency, seasonal, intermittent or on-call employees or to employees compensated in accordance with session rate schedules.
- d Paid time off benefits for term employees shall be determined at time of appointment and in accordance with the nature and length of the term of appointment. These benefits shall be recommended by the Appointing Authority and are subject to approval by the Civil Service Commission.

2 Required employment period for paid time off

If an employee is in the paid time off plan, paid time off leave shall be earned from the effective date of appointment to a permanent position. Any employee appointed or reinstated to a permanent or term position on or after January 1, 2002 shall be enrolled in the paid time off plan.

3 Paid time off allowance

- a Paid time off leave shall be earned by each employee with four years or less of continuous service at a maximum proportional rate of 6.16 paid time off hours for each pay period resulting in an annual paid time off leave of 160.16 hours.
- b Paid time off leave shall be earned by each employee with more than four years and 9 years or less of continuous service at the maximum proportional rate of 7.70 paid time off hours for each pay period resulting in an annual paid time off leave of 200.20 hours.
- c Paid time off leave shall be earned by each employee with more than 9 years and 19 years or less of continuous service at the maximum proportional rate of 9.24 paid time off hours for each pay period resulting in an annual paid time off leave of 240.24 hours.
- d Paid time off leave shall be earned by each employee with more than 19 years and 29 years or less of continuous service at the maximum proportional rate of 10.77 paid time off hours for each pay period resulting in an annual paid time off leave of 280.02 hours.
- e Paid time off leave shall be earned by each employee with more than 29 years of continuous service at the maximum proportional rate of 12.31 paid time off hours for each pay period resulting in an annual paid time off leave of 320.06 hours.

4 Definition of continuous service and required service

An employee in the paid time off plan will accrue paid time off benefits in proportion to time in pay status for that pay period. Time in pay status constituting more than eighty hours per pay period shall

Rule XI: Time Off

not be counted in the calculation of entitlement to earn and accrue paid time off leave. Receipt of short-term disability and long-term disability do not constitute pay status for these purposes.

5 Deferment of paid time off

An employee with the approval of the Appointing Authority may defer paid time off but any deferred paid time off accrued may not exceed one and a half times the hours earned annually or 480 hours, whichever is less. The following list is illustrative of years of service and maximum hours of paid time off which may be deferred:

| Years of <u>Service</u> | Maximum Deferred Paid Time Off <u>Allowed</u> |
|----------------------------|---|
| < 5 | 240.24 |
| 5 < 10 | 300.30 |
| 10 < 20 | 360.36 |
| 20 < 30 | 420.03 |
| 30+ | 480.09 |

6 Application for paid time off

a Application for paid time off should be made by the employee to the Appointing Authority in advance of the absence, when possible. Paid time off for those qualifying shall be scheduled by the Appointing Authority in such manner as to protect the effective operation of the department and the public interest.

b Earned paid time off shall normally be taken as time off. In unusual cases, however, if the workload of the organizational unit makes the granting of paid time off impractical or undesirable, the employee may be granted pay by the Appointing Authority in lieu of paid time off, subject to the approval of the Personnel Director. However, no employee shall be required to work more than one and a half years without using some paid time off.

(1) Any absence chargeable to paid time off leave shall be reported in increments of tenths of an hour.

(2) Only those hours for which an employee normally would have been required to work and receive pay shall be charged against accrued paid time off. A holiday as authorized in these rules falling on a workday within a period of paid time off is not considered as part of the employee's paid time off leave.

7 Effect of transfer, promotion and demotion upon paid time off

An employee who moves from one department or organizational unit to another shall at the time of such move have accrued paid time off leave transferred as an obligation of the new employing department or be paid by the employee's former department.

8 Effect of reinstatement

An employee who is reinstated within two years of separation from work shall accrue paid time under the PTO pay according to years of service at the time of separation. Any previous sick time will not be reinstated.

9 Effect of other leaves upon paid time off

Rule XI: Time Off

- 81 a All accumulated and unused paid time off shall be credited to any employee returning from a leave
82 of absence.
- 83 b An employee on military leave without pay shall not accrue paid time off during the period of such
84 leave, but the period of such leave shall be counted in the length of continuous service for
85 determining the paid time accrual rate.

86 10 Payment of paid time off upon termination

- 87 a A permanent employee or an employee who has completed six months of service, who leaves
88 County employment, shall receive a lump sum payment for accrued paid time off leave up to and
89 including the last day of employment.
- 90 b Employees who leave County service during the first six months of employment shall not receive
91 payment for accrued paid time off leave.
- 92 c Regardless of the employee's length of service any accrued paid time off leave due an employee
93 who dies in service shall be paid to the employee's estate unless the employee previously had
94 directed the Chief Accounting Officer, in writing, to make the payment in a different manner.

95 Section B. Traditional time off plan

96 1 Accrual of vacation time

- 97 a Each full-time permanent or probationary employee in the traditional time off plan shall be
98 entitled to earn and accrue vacation leave with full pay in accordance with the provisions of this
99 Section.
- 100 b Each part-time permanent or probationary employee in the traditional time off plan shall be
101 entitled to earn and accrue vacation with pay in proportion to the actual time in pay status,
102 provided the employee is regularly engaged on a pay period basis in employment of 40 hours or
103 more, in accordance with the provisions of this Section.
- 104 c Vacation shall not be granted to temporary, emergency, seasonal, or on-call employees or to
105 employees compensated in accordance with session rate schedules.
- 106 d Vacation benefits for term employees shall be determined at time of appointment and in
107 accordance with the nature and length of the term of appointment. These benefits shall be
108 recommended by the Appointing Authority and are subject to approval by the Civil Service
109 Commission.

110 2 Required employment period for vacation leave

111 If an employee is in the traditional time off plan, vacation leave shall be earned from the effective date
112 of appointment to a permanent position but may not be used or paid until an employee has completed
113 six months of continuous service and has met the other requirements specified in this section. Any
114 exceptions to this section must be approved in advance by the Civil Service Commission. However, any
115 employee appointed or reinstated to a permanent or term position on or after January 1, 2002 shall
116 not be allowed to enroll in the traditional time off plan.

117 3 Vacation allowance

- 118 a Vacation leave shall be earned by each employee with four years or less of continuous service at a
119 maximum proportional rate of 3.08 vacation hours for each pay period resulting in an annual
120 vacation leave of 80.08 hours.

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- 121 b Vacation leave shall be earned by each employee with more than four years and 11 years or less of
122 continuous service at the maximum proportional rate of 4.62 vacation hours for each pay period
123 resulting in an annual vacation leave of 120.12 hours.
- 124 c Vacation leave shall be earned by each employee with more than 11 years and 20 years or less of
125 continuous service at the maximum proportional rate of 6.16 vacation hours for each pay period
126 resulting in an annual vacation leave of 160.16 hours.
- 127 d Vacation leave shall be earned by each employee with more than 20 years and 30 years or less of
128 continuous service at the maximum proportional rate of 7.70 vacation hours for each pay period
129 resulting in an annual vacation leave of 200.20 hours.
- 130 e Vacation leave shall be earned by each employee with more than 30 years of continuous service at
131 the maximum proportional rate of 9.24 vacation hours for each pay period resulting in an annual
132 vacation leave of 240.24 hours.

4 Definition of continuous service and required service

134 An employee in the traditional time off plan will accrue benefits in proportion to time in pay status.
135 Time in pay status constituting more than 80 hours per pay period shall not be counted in the
136 calculation of entitlement to earn and accrue vacation leave. Receipt of long-term disability does not
137 constitute time earned in pay status.

5 Deferment of vacation

139 Vacation should normally be taken annually. However, an employee with the approval of the
140 Appointing Authority may defer vacation but any deferred vacation accrued may not exceed twice the
141 hours earned annually or 320.32 hours, whichever is less. The following list is illustrative of years of
142 service and maximum hours of vacation which may be deferred:

| | Maximum Deferred |
|----------------------------|---------------------------------|
| Years of <u>Service</u> | Paid Time Off <u>Allowed</u> |
| 146 0 – 1 | 80.08 |
| 147 1 – 4 | 160.16 |
| 148 4 – 5 | 200.20 |
| 149 5 – 11 | 240.24 |
| 150 11 – 12 | 280.28 |
| 151 12+ | 320.32 |

6 Application For Vacation

- 153 a Application for vacation must be made by the employee to the Appointing Authority in advance of
154 the absence. Vacations for those qualifying shall be scheduled by the Appointing Authority in such
155 manner as to protect the effective operation of the department and the public interest.
- 156 b Earned vacations shall normally be taken as time off. In unusual cases, however, if the workload of
157 the organizational unit makes the granting of vacation impractical or undesirable, the employee
158 may be granted pay by the Appointing Authority in lieu of vacation, subject to the approval of the
159 Personnel Director. However, no employee shall be required to work more than two years without
160 a vacation.

Rule XI: Time Off

- 161 (1) Any absence chargeable to vacation leave shall be reported in increments of tenths of an hour.
- 162 (2) Only those hours for which an employee normally would have been required to work and
- 163 receive pay shall be charged against accrued vacation. A holiday as authorized in these rules
- 164 falling on a workday within a period of vacation is not considered as part of the employee's
- 165 vacation.
- 166 7 Effect of transfer, promotion and demotion upon vacation
- 167 An employee who moves from one department or organizational unit to another shall at the time of
- 168 such move have accrued paid time off leave transferred as an obligation of the new employing
- 169 department or be paid by the employee's former department.
- 170 8 Effect of other leaves upon vacation
- 171 a Vacation leave shall continue to accrue during authorized paid time off.
- 172 b All accumulated and unused vacation shall be credited to any employee returning from a leave of
- 173 absence.
- 174 c An employee on military leave without pay shall not accrue vacation during the period of such
- 175 leave but the period of such leave shall be counted in the length of continuous service for
- 176 determining the vacation accrual rate.
- 177 9 Payment of vacation upon termination
- 178 a A permanent employee or an employee who has completed six months of service, who leaves
- 179 County employment, shall receive a lump sum payment for accrued vacation leave up to and
- 180 including the last day of employment.
- 181 b Employees who leave County service during the first six months of employment shall not receive
- 182 payment for accrued vacation leave.
- 183 c Regardless of the employee's length of service any accrued vacation leave due an employee who
- 184 dies in service shall be paid to the employee's estate unless the employee previously had directed
- 185 the Chief Accounting Officer in writing to make the payment in a different manner.
- 186 Section C. Sick Leave
- 187 1 Sick leave use
- 188 Sick leave is to be used with the approval of the Appointing Authority when an employee is unable to
- 189 perform job duties because of illness, injury, pregnancy, pregnancy related disabilities; when an
- 190 employee's immediate family member is ill or injured; or other appropriate reasons, including but not
- 191 be limited to:
- 192 a medical, dental or optical examinations and treatment, when such examinations or treatment
- 193 cannot be scheduled outside the employee's work hours;
- 194 b exposure to contagious disease which might jeopardize the health of other employees and/or the
- 195 public they serve.
- 196 c the employee's immediate family member includes spouse, domestic partner, children, domestic
- 197 partner's children, stepchildren, or a relative living in the same household.
- 198 2 Accrual of sick leave
- 199 a Each full-time permanent or probationary employee in the traditional time off plan shall be
- 200 entitled to earn and accrue sick leave with pay in proportion to the time in pay status. Time in pay

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- 201 status constituting more than 80 hours per period shall not be count in the calculation in the
202 entitlement to earn and accrue sick leave.
- 203 b Each part-time permanent or probationary employee in the traditional time off plan shall be
204 entitled to earn and accrue sick leave with pay in proportion to time in pay status, provided the
205 employee is regularly engaged on a pay period basis in employment of 40 hours or more and
206 provided further that illness or injury interrupts an actual period of scheduled part-time work. Time
207 in pay status constituting more than 80 hours per period shall not be counted in the calculation in
208 the entitlement to earn and accrue sick leave.
- 209 c Emergency, on-call, temporary, seasonal employees or employees compensated in accordance
210 with session rate schedules are not eligible for sick leave with pay. Sick leave benefits for term
211 employees shall be determined at the time of appointment and in accordance with the nature and
212 length of the term appointment. These benefits shall be recommended by the Appointing
213 Authority and be subject to approval by the Civil Service Commission.
- 214 3 Required employment period for sick leave
- 215 Sick leave with pay shall be earned from the commencement of employment if the employee is in the
216 traditional time off plan. An employee in the paid time off plan shall not be eligible to earn sick leave.
- 217 4 Method of accrual and unlimited accumulation
- 218 a Sick leave shall be earned by each eligible employee, regardless of service time, at a maximum
219 proportional rate of three hours per pay period.
- 220 b There shall be no limit to the maximum number of sick leave hours an employee may accumulate.
- 221 c Sick leave shall continue to accrue during the time an employee is on authorized paid time off.
- 222 5 Application for sick leave
- 223 Detailed information regarding use of sick leave will be included in a separate policy.
- 224 6 Annual recognition for exemplary attendance
- 225 a A full-time employee who has accrued sick leave in the traditional time off plan in each biweekly
226 pay period and who has used no more than eight hours of paid sick leave, excluding time covered
227 under family leave in either eligibility period of January 1 – June 30 or July 1 – December 31 of the
228 calendar year shall receive an additional eight hours of pay for each eligibility period in which the
229 employee has qualified for the sick leave recognition award.
- 230 (1) At the employee's option, the additional eight hours awarded in each eligibility period may be
231 taken as time off with pay during the following eligibility period in lieu of a cash payment.
- 232 (2) If required for administrative or cost reasons, or for program effectiveness, the Commission
233 may make such other order relating to increasing or decreasing the recognition award or the
234 requirements for receiving the award as in its discretion may be proper.
- 235 b Any cash payment under this provision shall be made within six biweekly pay periods after the
236 employee has qualified for the sick leave recognition award, and no deferment to any subsequent
237 pay period shall be made unless specifically authorized by the Commission. Payment shall be made
238 at the employee's current hourly rate including shift differential when applicable.
- 239 c A part-time employee who is regularly engaged on a biweekly basis in employment of 40 hours or
240 more and who is in the traditional time off plan may qualify and be compensated for the sick leave
241 recognition award on a pro rated basis in direct proportion to the employee's regular work hours.

Rule XI: Time Off

242 d An employee in the paid time off plan shall not be eligible for the sick leave recognition award.

243 7 Conversion of sick leave balance at employee's retirement

244 a No employee shall be reimbursed for accrued sick leave at the time of the employee's termination
245 of County employment, except that employees retiring under the provisions of the County
246 retirement plan immediately upon their termination of County employment shall have one-half of
247 their total sick leave accumulation credited as paid leave immediately prior to retirement or at the
248 discretion of the Appointing Authority be paid in cash upon retirement.

249 b If an employee, eligible for retirement benefits under the provisions of the County retirement plan,
250 dies prior to receiving the sick leave benefits described in subparagraph a. above, such sick leave
251 benefits shall be paid to the employee's estate unless the employee previously had directed the
252 Chief Accounting Officer in writing to make the payment in a different manner.

253 c Any cash payment under these provisions shall be computed on the basis of the employee's basic
254 hourly rate at time of retirement or death, not including shift differential pay.

255 8 Sick leave and other personnel transactions

256 a An employee who is returned to duty from a leave of absence or transferred, promoted, demoted,
257 appointed from a layoff list or rehired without an interruption of service as defined by Rule IX,
258 Seniority, shall at the time of such action have their accrued sick leave reinstated by the employing
259 department.

260 b An employee who returns to active County service and who had received upon retirement an
261 additional benefit based upon the employee's sick leave accrual shall return with a zero sick leave
262 balance.

263 9 Workers compensation leave

264 a Any merit system employee in pay status who shall suffer from an accident or illness arising out of
265 and in the course of County employment shall be compensated in accordance with the provisions
266 of the Workers Compensation Laws of the State of Missouri and County ordinances.

267 b Accrued compensatory time, sick, paid time off or vacation leave shall be used as a supplement to
268 Workers Compensation Temporary Total Disability benefits to retain full pay following the salary
269 extension period provided by County Ordinance for a job-related condition.

270 c Any merit system employee who is absent from work for more than 40 hours in a pay period due
271 to an accident or injury covered under Worker's Compensation shall not be eligible for the sick
272 leave recognition award for that eligibility period.

273 10 Catastrophic sick leave

274 The Civil Service Commission may establish a catastrophic leave policy. Details of such a policy are to
275 be included in a separate document.

276 Section D. Military leave

277 1 Active duty in reserve corps

278 In addition to leaves of absence otherwise authorized in these rules, employees who are required to
279 participate in periods of training as members of organized units of the Reserve Corps of the Army,
280 Navy, Air Force, Marines Corps, Coast Guard, and the National Guard and who are ordered to active
281 duty shall be granted leave with full pay for up to a total of one hundred twenty hours in any federal
282 fiscal year, upon submission of evidence of receipt of competent orders. Employees engaged in the
283 performance of duty or training in the service of the State of Missouri at the call of the governor shall

Rule XI: Time Off

- 284 be granted a military leave for the entire period of service without loss of time, pay, regular leave or
285 any other rights or benefits.
- 286 2 Physical examinations
- 287 An employee shall be allowed time off with pay not to exceed one work day when required to take a
288 pre-induction physical examination by a Selective Service Board having jurisdiction over the employee,
289 provided that advance notice is given by the employee to the Appointing Authority.
- 290 3 Military service
- 291 A permanent or probationary employee who leaves the merit system to enter the armed services of
292 the United States shall be granted a leave of absence without pay to extend for 90 days beyond the
293 date of termination of such military service or release from treatment in a veteran's hospital if such
294 hospitalization immediately follows termination of military service.
- 295 a Prior to the expiration of such leave of absence the employee shall be reinstated to the job class
296 occupied at the time military leave was granted, if still qualified to perform the duties of such
297 position, or to a position of like seniority, status and pay.
- 298 b If not qualified to perform the duties of their former position by reason of service incurred
299 disability, but qualified to perform the duties of another position in the County service, the
300 employee shall be reinstated to another position that will provide like seniority, status and pay, or
301 the nearest approximation thereof, consistent with the circumstances.
- 302 c If a job class to which the employee has reinstatement rights has, during the period of military
303 leave, been in any way divided, altered, combined with other job classes, or abolished, the
304 employee shall be reinstated to a position in a comparable job class, the duties of which the
305 employee is capable of performing, which will provide like seniority, status and pay. If no such
306 vacant position exists, a vacancy shall be created, if necessary, by demotion or layoff of another
307 employee in accordance with these rules.
- 308 d An Appointing Authority, with the approval of the Commission, may grant an employee returning
309 from a leave of absence for service in the armed forces of the United States additional leave for the
310 purpose of receiving further training under federal or state laws applying thereto whenever such
311 leave is considered to be in the best interest of the County service. Such leave shall not exceed a
312 period of 12 months. Upon the expiration of the additional leave of absence, the employee shall
313 be reinstated to the job class occupied at the time the leave was granted or a comparable job class.
314 Failure of an employee to report for duty promptly at the expiration of the leave of absence shall
315 result in termination of reinstatement rights.
- 316 e An employee on military leave receiving a dishonorable discharge from the armed forces shall not
317 be entitled to reinstatement in the County service.
- 318 4 Active duty pay supplement
- 319 a Employees committing to return to County service from Military leave for active duty occasioned
320 by call-up of reservists or the National Guard in connection with enforcement of a United Nations
321 Resolution or North Atlantic Treaty Organization (NATO) Obligation shall receive a salary
322 supplement in an amount equal to their County salary less (a) their military pay and (b) salary paid
323 under paragraph 1. above. Such persons shall continue to accrue vacation time or paid time off up
324 to the maximum allowed by these rules and shall continue to accrue sick leave, if the employee is
325 in the traditional time off plan, and shall be entitled to all other rights and benefits of County
326 employees not inconsistent with active military duty.

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- 327 b The employee shall evidence commitment to return to County service by letter addressed to the
328 employee's Appointing Authority. The letter shall state the employee's intent to return to County
329 service, shall promise to provide notice of any change of rank or status affecting the employee's
330 military compensation, and shall authorize the County to have access to any military records
331 necessary to implement this program. The employee shall also forward a copy of the employee's
332 most recent military Leave and Earnings statement or other proof of military pay.
- 333 c An employee's County salary shall be calculated as the salary attributable to the range and rate of
334 pay occupied by the employee at the time leave commences. For full-time employees, the salary
335 will be based on a 40-hour workweek. For part-time employees, the salary will be based on the
336 average hours worked during the preceding five pay periods. Salary shall not include overtime,
337 shift or weekend and holiday differentials, pay increases for which the employee would be eligible
338 during the employee's military leave, auto allowance, incentive payments, nor maintenance
339 allowances.
- 340 d Military compensation shall be calculated as the employee's base pay plus other recurring sums,
341 such as flight pay and hazardous duty pay, not intended as reimbursement of expenses, but
342 excluding quarters allowances or other sums designated as reimbursements.
- 343 e Any employee who does not return to County employment at the expiration of this military leave,
344 if able to do so, shall refund all amounts received. Return to County employment shall be
345 governed by paragraph 3. above.

346 Section E. Leave of absence without pay

347 1 Reasons for leave of absence without pay

348 A permanent or probationary employee, upon application in writing to and upon written approval of
349 the Appointing Authority may obtain a leave of absence without pay, whenever such leave is
350 considered to be in the best interest of the County service or for other reasons, including but not
351 limited to:

- 352 a physical or mental disability of the employee;
- 353 b pregnancy and/or maternity;
- 354 c the employee has expressed the intent to become a partisan candidate for elective office, or to
355 take part in the management of a political party or partisan political campaign, or has been
356 appointed to public office;
- 357 d the employee is entering upon a course of training for the purpose of improving the quality of
358 service to the County or preparing for promotion;
- 359 e the employee in accordance with any agreement by St. Louis County with a recognized employee
360 organization is assuming the duties of a regular full-time position with the organization, such leave
361 of absence being governed by the conditions and limitations specified in the agreement consistent
362 with Section D of this Rule.
- 363 f because of extraordinary reasons, sufficient in the opinion of the Appointing Authority to warrant
364 such leave of absence.

365 2 Conditions for granting leaves of absence without pay

366 Leaves of absence without pay for any of the above reasons shall be subject to the following
367 regulations:

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- 368 a A copy of the written request for a leave of absence must be filed by the Appointing Authority with
369 the Personnel Director and sent with the payroll form granting the leave.
- 370 b Such leaves shall not be granted for more than 12 months, but upon written application prior to
371 the expiration of such leave, the Appointing Authority with the approval of the Personnel Director,
372 may grant an extension of leave not to exceed 12 months at a time and subject to a total
373 continuous leave of 48 months if such leave appears to be in the best interest of the County and/or
374 the employee.
- 375 c The individual may, upon making written application and with the approval of the Appointing
376 Authority, be returned to active duty prior to the expiration of a leave of absence, provided a
377 vacancy exists in a job classification which is the same as or comparable to the position held by the
378 employee prior to the leave or provided the employee's position has been held vacant or filled on a
379 temporary basis only as recommended in writing by the Appointing Authority and approved by the
380 Personnel Director.
- 381 d At the expiration of a leave of absence, the employee upon written request shall be returned to
382 active duty provided a vacancy exists in a job classification which is the same as or comparable to
383 the position held by the employee prior to the leave or provided the employee's position has been
384 held vacant or filled on a temporary basis only as recommended in writing by the Appointing
385 Authority and approved by the Personnel Director. Upon restoration after a leave of absence
386 without pay, the employee shall be granted the seniority possessed on the date of leave. If a
387 position in a job classification which is the same as or comparable to the position held by the
388 employee prior to the leave is not available upon an employee's return from a leave of absence,
389 the leave of absence shall automatically be extended for an additional 90 calendar days. If after
390 the conclusion of this extended period a position still is not available in a job classification which is
391 the same as or comparable to the position held by the employee prior to the leave the employee
392 shall be terminated.
- 393 e If an appropriate vacancy exists, failure on the part of an individual to report for work within three
394 consecutive workdays after the expiration of a leave of absence or an extension, except for valid
395 reasons submitted in writing in advance, shall be considered a resignation without notice.
- 396 f Information regarding the impact of a leave of absence on an employee's benefits is available from
397 the Division of Personnel.
- 398 3 Family and medical leave (added July 23, 1993)
- 399 a Any permanent employee is entitled to a total of 12 workweeks of leave during any 12-month
400 period provided that the employee has at least 1,040 hours in pay status in the 12-month period
401 immediately preceding the requested leave, and the leave is taken for one or more of the following
402 reasons:
- 403 (1) an employee is unable to perform the functions of the employee's position because of the
404 employee's own serious health condition;
- 405 (2) the birth of a son or daughter of an employee and to care for the child;
- 406 (3) the placement of a son or daughter with an employee for adoption or foster care; and/or,
- 407 (4) to care for the spouse, domestic partner, son, daughter, domestic partner's son or daughter, or
408 parent of an employee, if the family member has a serious health condition.
- 409 b An employee who requests a family and medical leave and whose request is approved will
410 continue to receive their County paid medical benefits during the leave and will be guaranteed to

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- 411 return to their position or an equivalent position at the conclusion of the leave. It is the Appointing
412 Authority's responsibility to designate family and medical leave.
- 413 c Employees will be required to substitute accrued paid leave for any part of the 12 weeks granted
414 under the law as follows:
- 415 (1) Employees who request leave under the Family and Medical Leave Act (FMLA) for their own
416 serious health condition including giving birth to a child will be required to substitute accrued
417 sick leave, any accrued vacation, any accrued paid time off, and then compensatory time
418 before receiving unpaid leave;
- 419 (2) Employees who request leave under the FMLA for the serious health condition of others will be
420 required to substitute accrued sick leave, accrued vacation, accrued paid time off, and then
421 compensatory time before receiving unpaid leave;
- 422 (3) Employees who request leave under the FMLA for the care of a child after birth or the
423 placement of a child with the employee for adoption or foster care will be required to
424 substitute accrued vacation, accrued paid time off, and then compensatory time before
425 receiving unpaid leave.
- 426 (4) When an employee substitutes paid leave for unpaid leave, and the substituted paid leave is
427 less than 12 weeks in duration, the Appointing Authority will provide an additional period of
428 unpaid leave so that the total of paid and unpaid leave provided equals not more than 12
429 weeks during any 12-month period.
- 430 (5) A husband and wife, or domestic partners who are both employed by St. Louis County and are
431 both eligible for leave under FMLA are permitted to take only a combined total of 12 weeks of
432 leave during any 12-month period for birth or placement for adoption or foster care of a child.
- 433 (3) Any compensatory time used for family leave purposes will not count toward the 12 weeks of
434 time in a 12-month time period.
- 435 d An employee requesting FMLA will do so using the forms provided by the Director of Personnel.
- 436 e Employees will be required to provide appropriate certification to support a request for leave
437 under the FMLA.
- 438 f If an employee requests and is denied a family and medical leave, the employee may file a
439 grievance directly to the Appointing Authority.

440 Section F. Absence without leave

441 Any absence of an employee from duty that is not authorized by the employee's Appointing Authority
442 under the provisions of these rules shall be deemed to be an absence without leave. Any such absence
443 shall be without pay and may constitute grounds for disciplinary action up to and including discharge.
444 An employee who is absent from duty for three consecutive scheduled work days without
445 authorization shall be deemed to have resigned without notice from the County service.

446 Section G. Time off with pay

447 An employee shall be granted time off with pay by the Appointing Authority for any of the following
448 reasons:

- 449 1 For absence due to a death in the employee's immediate family, not to exceed three work days at any
450 one time, except that time off for death in the family may be extended at the discretion of the
451 Appointing Authority upon presentation of good and sufficient reason by the employee. "Immediate
452 family" includes spouse, domestic partner, parents, stepparents, grandparents, grandchildren,

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- 453 brothers, sisters, children, stepchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law,
454 brother-in-law, sister-in-law, or domestic partner's parents, stepparents, grandchildren, brothers,
455 sisters, children, stepchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-
456 law, sister-in-law, or a relative living in the same household.
- 457 2 For appearance before a court, legislative committee, or other judicial or quasi-judicial body as a
458 witness in their capacity as a County employee.
- 459 3 For service on a jury, but the employee shall only be paid the difference between regular pay and pay
460 as a juror.
- 461 4 For participation in promotional examinations held by the Division of Personnel or the Commission or
462 in other examinations which the employee may be required to take by the ordinance or these rules.
- 463 5 Upon request by the Appointing Authority or employee, the Personnel Director may authorize time off
464 with pay under other unusual circumstances, in which the grant of the leave would comport with the
465 intent of this provision.
- 466 Section H. Administrative time off
- 467 With the prior approval of the Appointing Authority an employee may be granted time off with pay for
468 any of the following reasons:
- 469 1 attendance at professional conferences, institutes, or meetings when such attendance in the opinion of
470 the Appointing Authority may be expected to contribute to the betterment of the County service
471 and/or the employee's professional development.
- 472 2 attendance at in-service training and other courses designed to improve the employee's performance.
- 473 Section I. Cancellation of leaves of absence
- 474 If necessary for the efficient operation of the business of the County, an employee on leave, other than
475 sick or military leave, may be notified by the Appointing Authority of an early termination of leave and
476 to return to duty within a reasonable period of time. Failure to return to duty within a reasonable time
477 after receipt of such notice may result in disciplinary action. Any disciplinary action taken pursuant to
478 this section may be appealed to the Commission.
- 479 Section J. Enforcement of leave regulations and records maintenance
- 480 The Appointing Authority is responsible for the enforcement and effective administration of paid time
481 off, vacation, sick, military and other leave regulations in that department or organizational unit. The
482 Personnel Director is responsible for prescribing the form and manner of recording and reporting leave
483 accumulations and absences and for records maintenance.

Rule XII: The Classification of Positions**RULE XII****The Classification of Positions**

Section A. Adoption

The Civil Service Commission, in accordance with County Charter requirements, shall adopt and make part of these rules the basic classification plan for all positions in the merit system. This plan, consisting of the class titles and specifications, shall be set forth in a supplement to these rules known as the Classification Plan.

Section B. Interpretation of the classification plan**1 Job classes**

Positions under the Classification Plan are grouped into categories, or job classes, according to the nature of work, difficulty of duties, level of responsibility and qualification requirements. Each job class includes positions sufficiently similar in duties, responsibilities and nature of work to justify the same qualification requirements and the same pay range or rates of pay for all positions in the job class. Class specifications shall be interpreted in their entirety and in relation to the others in the Classification Plan when assigning any position to a job class.

2 Format and definitions

The format and definitions of terms used in class specifications shall be determined by the Commission and included in the introduction to the Classification Plan.

Section C. Maintenance of classification plan**1 Establishment of job classes**

Where the work needed to be performed differs in difficulty, accountability, nature, and training and experience required for proper performance, from that of existing job classes, the Division of Personnel shall recommend to the Commission the establishment of a new job class for inclusion into the Classification Plan. The recommendation shall include a descriptive title, class specification or other job description acceptable to the Commission, unique class code number, the means of assignment to a pay range, and the recommended pay range assignment. No position may be classified to a job class until the job class has been established by formal approval of the Commission.

2 Classification of positions

The Division of Personnel shall assign each position to its appropriate job class, placing in each job class those positions which are substantially similar with respect to difficulty, accountability, and nature of work and require generally the same training and experience for proper performance and to justify equal pay range assignments.

3 Establishment of new positions

Requests for new positions shall be initiated by appointing authorities in the manner and on the forms approved and provided by the Personnel Director. No person shall be appointed to, employed, or paid in a new position in the merit system until the position has been properly classified by the Division of Personnel and approved by Budget.

4 Reclassification of positions

a It shall be the responsibility of an Appointing Authority to report to the Division of Personnel organizational and program changes which will significantly alter or effect changes in existing

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42 positions. Whenever a permanent and material change is made in the duties and responsibilities
43 of a position, the Appointing Authority shall update and forward a detailed description of the
44 duties and responsibilities to the Division of Personnel.

45 b The Division of Personnel, upon its own initiative or upon the written request of an employee or
46 Appointing Authority, shall review the duties of positions affected by changes in organizational
47 structure, assigned duties and responsibilities, or for other appropriate reasons. Departments and
48 employees in positions under review shall be required to complete a detailed written description,
49 in the form and manner prescribed by the Division of Personnel, of the duties and responsibilities
50 of the positions and provide any other necessary information as determined by the Division of
51 Personnel. Upon approving or denying a request for reclassification, the Division of Personnel shall
52 notify the Appointing Authority and the employee affected of such action.

53 c Reclassification shall not be used to avoid the provisions of these rules in connection with layoffs,
54 appointments, demotions, promotions, reinstatements and discharges. Following the
55 reclassification of a vacant position from one job class to another class regardless of level, the
56 method of filling the position shall be determined in accordance with the rules regarding
57 appointments, reinstatements, transfers, demotions, or promotions, as may be appropriate.

58 5 Status of employee upon reclassification of positions

59 Upon reclassification of a filled position, the incumbent shall be granted the same status in the new job
60 class as held in the former job class, subject to the conditions for upward reclassification of filled
61 positions.

62 6 Conditions for upward reclassification of filled positions

63 a Reclassification of filled merit system positions to higher-level job classes will be subject to the
64 following conditions:

65 (1) completion of the probationary period in the lower-level job class prior to reclassification
66 unless otherwise authorized by the Commission;

67 (2) the basis for reclassification is the gradual accretion of duties and responsibilities during the
68 period of service of the employee or under conditions approved by the Division of Personnel,
69 or is the result of a necessary and logical assignment of work within the organizational unit
70 which was not done to avoid the competitive process;

71 (3) a determination that continuation of the added duties and responsibilities is compatible with
72 sound organization principles;

73 (4) a determination that the added duties and responsibilities upon which the reclassification is
74 based could not reasonably have been assigned to any other position; and

75 (5) prior approval of the employee's qualifications by the Division of Personnel.

76 b When a position has been changed materially over a relatively short period of time by the addition
77 of duties and responsibilities not appropriate for the current classification, and the knowledge and
78 skills required for the position are substantially different from those required when the incumbent
79 filled the position, the employee shall be required to compete for continued employment in the
80 position.

81 c If any position is reclassified to correct an error in its previous classification, the employee shall be
82 entitled to continue to occupy the position with the same status in the new class as held in the
83 former job class unless directed otherwise by the Civil Service Commission.

Rule XII: The Classification of Positions

7 Conditions for downward reclassification of filled positions

a Reclassification of filled merit system positions to lower-level job classes will be subject to the following conditions:

- (1) the basis for reclassification is the gradual erosion of duties and responsibilities during the period of service of the employee or under conditions approved by the Division of Personnel, which is the result of changes in organizational needs, work processes or technological improvements;
- (2) determination by the Division of Personnel that continuation of the reduced duties and responsibilities is compatible with sound organization principles, and that the reduction was not done to avoid the administration of discipline; and
- (3) responsibilities upon which the reclassification is based could not reasonably have been addressed through training or other performance intervention.

b If any position is reclassified to correct an error in its previous classification, the employee shall be entitled to continue to occupy the position with the same status in the new class as held in the former job class, unless directed otherwise by the Civil Service Commission.

8 Periodic review of classifications

The Division of Personnel may establish a periodic review program requiring appointing authorities to verify that their employees are performing work appropriate to their classification or indicating where there have been significant changes in assigned duties and responsibilities. Departments will be required to provide supporting documentation as necessary.

9 Compliance Required

a No employee shall be regularly assigned duties other than those appropriate to the classification of the position occupied except upon authorization of the Commission. Pursuant to a policy of temporary assignment compensation approved by the Commission, the Personnel Director may authorize temporary assignments to other duties for a period not to exceed six months (13 pay periods) without changing classification, to meet emergencies, to train an employee, or to adjust work due to the temporary absence of other employees. The Temporary Assignment Policy is a separate document and is available in the Division of Personnel.

b All assignments to merit system positions shall include only work appropriate to their classifications. Relief work during vacation periods, holidays, or other paid time off shall not justify a change in classification. Each Appointing Authority is responsible for maintaining the integrity of the classification plan by limiting employees to the performance of duties appropriate to their classifications. No employee shall be required to perform duties generally performed only by employees occupying positions in other job classes except in case of emergency, for training purposes or to adjust work due to the temporary absence of other employees.

c The Commission shall investigate complaints and allegations concerning abuse of the classification system within County departments and agencies, particularly those which may involve the misuse of County funds or which may be in serious violation of sound organizational principles.

Section D. Right of appeal

If an employee or Appointing Authority believes that a position has been improperly classified or reclassified, or that duties and responsibilities appropriate to the job class have been removed or that duties and responsibilities not appropriate to the job class have been assigned for a period greater than 60 days without a request for reclassification or temporary assignment pay, a review by the Personnel

Rule XII: The Classification of Positions

127 Director may be requested. The decision of the Personnel Director may be appealed to the
128 Commission in accordance with the Civil Service Commission Rule on Appeals, Hearings and
129 Investigations.

130 Section E. Amendment of the classification plan

131 The Classification Plan may be amended by the Commission. In order to meet management's needs
132 and to respond to changing program and organization requirements, the Personnel Director may
133 initiate a recommendation, or upon recommendation of an Appointing Authority may recommend to
134 the Commission, the establishment or abolishment of job classes or revision of existing job classes. The
135 Personnel Director may anticipate the formal action of the Commission by, tentatively, establishing or
136 abolishing a job class or revising an existing job class, after consultation with the Commission. Such
137 action shall be subject to the formal approval of the Commission at a later meeting. The Commission
138 may also direct the Division of Personnel to conduct special classification and compensation projects
139 and pilot programs in support of innovations and improvements in the facilitation of work and delivery
140 of pay to County employees.

RULE XIII
The Pay Plan

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4 Section A. Adoption

5 The Civil Service Commission shall establish an official pay plan consisting of the standard pay ranges,
6 the assignment of job classes in the official Classification Plan to pay ranges, flat rates, session rates,
7 trainee rates or hourly rates, and the necessary provisions for equitable administration. The official
8 pay plan for all positions in the merit system shall be set forth in a supplement to these rules titled
9 "Pay Plan of St. Louis County Civil Service Commission."

10 Section B. Assignment of pay ranges, flat rates, session rates, trainee rates, and hourly rates

11 1 Standard pay ranges

12 The standard pay ranges for job classes in the merit system are included in a supplement to these rules
13 and printed under separate cover in the Pay Plan.

14 2 Flat rates

15 The Commission may assign positions subject to flat rates of payment for those job classes so specified
16 in the Pay Plan which do not warrant a progression of pay increases due to the nature of employment
17 or whose rate of payment is related to a Federal or State legal requirement or rate of pay.

18 3 Session rates

19 The Commission may establish a schedule of session rates for those part-time employees who do not
20 work a regular work schedule, and who work less than one-half time. This schedule shall be included in
21 the Pay Plan. Employees who work one-half time or more but less than full time shall be subject to the
22 provisions for payment of part-time employment applying to regular employees, as specified
23 elsewhere in this Rule.

24 4 Trainee rates

25 The Civil Service Commission may establish trainee pay rates for specific job classes for recruitment
26 and upward mobility purposes.

27 5 Hourly rates

28 The Civil Service Commission may establish hourly rates of pay for seasonal or temporary job classes
29 which bear an appropriate relationship to the rates established for the job classes assigned to the
30 standard pay ranges.

31 Section C. Interpretation of the pay plan

32 1 Basic workweek

33 All rates prescribed in the standard pay ranges are the rates authorized for full-time employment.
34 Forty hours shall constitute the regular required weekly hours of service for all County employees
35 occupying positions in the merit system, except as provided by the Commission.

36 a The Commission may authorize the inclusion of the meal period as actual time worked for shift
37 positions.

38 b The hours of service for shifts shall be determined by the Appointing Authority consistent with this
39 rule.

40 2 Total remuneration

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41 The standard pay ranges shall state monthly pay, converted to biweekly equivalents for full-time
42 service in every form except reimbursement for the use of a personally owned automobile which is
43 required to be supplied by the employee, reimbursement of necessary expenses authorized and
44 incurred incident to employment, and flat rates, session rates, trainee rates and hourly rates. This
45 provision shall not preclude the payment of an overtime premium or differential for evening and night,
46 weekend, holiday, or other differential for authorized services.

47 3 Maintenance, benefits and perquisites

- 48 a Full or partial maintenance given for the convenience and necessity of the employer shall not be
49 considered as pay and shall not be deducted from employee pay.
- 50 b Full or partial maintenance given for the benefit and convenience of the employee shall be treated
51 as partial payment and shall be deducted from employee pay.
- 52 c Whenever maintenance is allowed in addition to or in lieu of pay, a schedule of such charges shall
53 be submitted by the Appointing Authority for the information of the Divisions of Personnel and
54 Fiscal Management.
- 55 d Where maintenance is available, it shall be optional with the employee to accept such
56 maintenance unless necessary for the proper performance of the duties of the position occupied.
- 57 e Maintenance, benefits, and perquisites shall be reported by the County in accordance with Federal
58 and State income tax laws and regulations.

59 4 Evening and night shift differential

- 60 a Employees who work evening and night shifts shall be paid a differential applied to their present
61 base pay rate. The Civil Service Commission shall determine the authorizations, exceptions,
62 conditions and differential rates for specific shifts, job classes and positions.
- 63 b Shift differential shall be paid for hours worked between 3:00 p.m. and 8:00 a.m. only when at
64 least four hours are worked during this period. In specific situations, the Commission may approve
65 the payment of shift differential for other established shifts.
- 66 c Shift differential pay will be provided to an employee on authorized paid time off from scheduled
67 differential shifts who works differential shifts on a regular basis. Shift differential pay shall be
68 included in the base rate of pay in effect for calculation of the overtime premium for any overtime
69 hours worked by an employee scheduled to work a differential shift.

70 5 Weekend and holiday shift differential

- 71 a Employees who work weekend shifts or who work holidays as part of the normal work schedule
72 may be paid a differential applied to their present base pay rate with the prior approval of the Civil
73 Service Commission. The Commission shall determine the authorizations, conditions and
74 differential rates for specific shifts, job classes, and positions, and limit such authorizations to
75 situations that require payment to provide needed staffing.
- 76 b Weekend and holiday differential shall not be paid for overtime hours worked on a weekend or
77 holiday shift if the employee is not normally scheduled to work such shifts.
- 78 c Weekend and holiday differential pay shall be included in the base rate of pay in effect for
79 calculation of the overtime premium for any overtime hours worked by an employee scheduled to
80 work weekend and holiday shifts.
- 81 d Weekend and holiday differential will be provided to an employee on authorized paid time off who
82 works such shifts on a regular basis.

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6 Compensation for standby services

Compensation for standby services shall be provided employees in specific job classes at rates, with benefits, and under the conditions authorized by the Commission for such period as the employee performs such standby services.

Section D. Incentive pay

1 The Commission may establish a performance based Incentive Pay Program to reward outstanding employees for productivity, effectiveness and service to the County and the public.

2 The Commission shall recommend the flat dollar amounts or average percentage of base pay to be awarded and shall establish guidelines for incentives based upon relative differences in performance. Employees in departments which do not have an approved performance management program will not be eligible to participate in the Incentive Pay Programs.

Section E. Performance and recognition awards, Special Merit Increases

1 The Civil Service Commission may establish programs to provide incentives and recognition to individual employees for outstanding contributions or achievements or in recognition of length of service with St. Louis County.

2 In any case where rigid adherence to the Pay Plan would cause a manifest injustice to any employee or a serious handicap to departmental operations due to unusual circumstances, a Department Director may request, in writing, that the Civil Service Commission award a special merit increase to the employee, and the Civil Service Commission may make such order relating thereto as in its discretion may be proper. In its request, the Department Director should:

- a. identify the unusual circumstances that create the situation that a rigid adherence to the pay plan would cause a manifest injustice to an employee or a serious handicap to departmental operations;
- b. state the job classification, the pay range, the current pay rate, the requested percentage pay increase and the resulting pay rate, if the request is approved, for each employee whose pay is requested to be increased; and,
- c. state whether the Department has money in the budget to pay for the increase if the Commission grants the increase.

Section F. Administration of the Pay Plan

1 General application

- a No person holding a position covered by the Pay Plan shall receive pay that is less than the minimum rate nor greater than the maximum rate of pay assigned to the job class to which the position is classified without specific approval of the Commission, except as otherwise provided in these Rules.
- b Any employee receiving a rate of pay equal to or in excess of the maximum rate of pay assigned to the job class to which the position is classified shall not receive an increase in pay except by a change in hours of the workweek, a revision in the pay plan providing an increase in excess of the current rate, or a promotion to a position classified to a job class assigned to a higher pay range or rate of pay. Any such higher rate being paid above the established maximum shall be deemed to be an additional established rate to be paid only to the employee currently occupying the position.
- c For employees whose positions are reclassified by the Division of Personnel pursuant to a project of review of the County Classification Plan, a policy of over-maximum salary administration

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(Overmax Policy) shall be utilized for the phased reduction in the rate of pay to the maximum of the pay range or pay rate to which the new job class is assigned.

2 Progression through pay ranges

The Civil Service Commission may authorize the progression of employees in specific job classes through uniquely structured or open pay ranges which have minimum and maximum rates set forth by ordinance and included in the Pay Plan. Such uniquely structured or open ranges will be used to facilitate management efforts in improving productivity and providing performance based pay increases.

3 Payment for part-time employment

Whenever an employee regularly works for a period less than the established number of hours per week for full-time employment, the amount paid shall be proportionate to the time actually worked. The payment of a separate rate from two or more departments for duties in each is permissible if the employee's combined regular schedule does not exceed 40 hours per week.

4 Administration of overtime

a All employees shall be required to work overtime as necessary but it shall not be the policy of the County to have its employees work frequent or substantial overtime.

b Overtime work shall be limited to conditions which endanger the public health, welfare or safety; or for services required for the protection or preservation of public property; or to perform essential functions which cannot be deferred and which cannot be reasonably performed with the personnel available during the normal work schedule; or for other purposes for which specific authorization for overtime work has been made by the Appointing Authority or by the County Executive.

c Forty hours shall be the standard workweek for determining the amount of overtime worked but the Commission may approve the establishment of other workweeks for specific positions or job classes. The Commission may authorize different workweeks in accordance with hours scheduled, or may establish other criteria for determining overtime hours worked in accordance with the nature of the work performed or the employment cycle of specific positions and job classes, providing such authorization is not restricted by the Fair Labor Standards Act.

d All authorized time worked in excess of 40 hours in a standard workweek shall be compensated under the conditions, exceptions, and at the overtime rate as provided in this Rule. Authorized absences with pay during the workweek because of illness or injury, vacation, holidays, military leave or other excused leave with pay shall be considered authorized time worked. Rescheduling or flexing of hours worked during a specific workweek shall not constitute overtime if it does not result in authorized time worked in excess of 40 hours.

e Authorized overtime work performed by employees occupying positions in job classes which are classified as non-exempt from the overtime provisions of the Fair Labor Standards Act shall be compensated according to the following conditions and exceptions:

(1) The administration and payment of overtime shall be governed by the Fair Labor Standards Act of 1938 (FLSA), as amended, except when the provisions in this Rule exceed the requirements of that Act.

(2) An employee performing authorized overtime work in excess of 40 hours in a scheduled workweek shall be compensated at the rate of one and one-half times the employee's regular

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- 166 rate of pay, except as otherwise provided in this Rule. Authorized time worked which is not in
167 excess of 40 hours in a specific workweek shall be compensated at the straight time rate.
- 168 (3) A flexible work schedule may be authorized for an employee or class of employees by the
169 Appointing Authority to accommodate extended hours of work in a work day or for other
170 business needs, provided the flexible work schedule is not designed to exceed 40 hours worked
171 for the workweek on a regular basis.
- 172 (4) Compensatory time for overtime hours worked may be authorized at the time-and-one-half
173 rate to a maximum accumulation of 80 hours if the Appointing Authority determines that for
174 the purposes of economy or work scheduling it would not be feasible to provide monetary
175 payment for the overtime worked.
- 176 (5) An employee's maximum accumulation of compensatory time shall include time earned for
177 holidays worked and for work performed on previously scheduled vacation days off.
- 178 (6) Each employee's compensatory time balance shall be reduced to zero hours either by granting
179 compensatory time off or by a monetary payment at the conclusion of the fiscal year in which
180 the compensatory time was earned, unless another date is approved by the Commission.
- 181 f Upon request from the Appointing Authority, the Commission may authorize overtime eligibility for
182 specific job classes classified as exempt for purposes of the FLSA, if it determines such action to be
183 in the best interest of the County. Such authorization shall not be interpreted or construed to
184 defeat or otherwise erode the classification of a job class as exempt from the overtime
185 requirements of the FLSA, regardless of the payment of overtime, nor whether paid at the straight
186 time rate, time-and-a-half, or such other rate as the Commission may determine.
- 187 g Authorized overtime worked by employees occupying positions in exempt job classes and which
188 have received prior authorization for overtime eligibility from the Commission shall be
189 compensated in accordance with the following conditions and exceptions unless otherwise
190 provided by the Commission:
- 191 (1) An employee performing authorized overtime work in excess of the standard hours for the
192 base period shall be compensated at the straight time rate, except as otherwise provided.
- 193 (2) Overtime shall be compensated in compensatory time off. However, employees shall be paid
194 for overtime work which would exceed the authorized maximum accumulation of
195 compensatory time.
- 196 (3) Compensatory time may be accumulated to the maximum accumulation of 80 hours, including
197 time earned for holidays worked and for work performed on previously scheduled vacation
198 days off.
- 199 h Employees shall receive a monetary payment upon termination for any accumulated compensatory
200 time at the average regular rate of pay for the final three years of employment or the employee's
201 final regular rate, whichever is higher.
- 202 i Monetary payments for overtime shall be made at the employee's regular rate of pay in effect at
203 the time of payment. The employee's regular rate of pay shall include, where applicable, standby,
204 shift differential pay, holiday differential pay, weekend differential pay, or other premium pay
205 regularly paid the employee. Calculation of the rate of pay in effect shall equal at least the average
206 of the differential and other premium pay factors, weighted by the number of hours worked at
207 each differential or premium pay rate during the workweek.

Rule XIII: The Pay Plan

- 208 j The overtime requirements of this Rule shall apply to all employees including emergency,
209 temporary, seasonal, on-call and term employees if otherwise eligible for overtime under the
210 provisions of this Rule. Any hours resulting from an employee's dual employment in the County
211 Service which in total are in excess of 40 hours in the workweek shall be considered overtime hours
212 for employees otherwise eligible for overtime.
- 213 k The standard base period of a 40-hour workweek shall be a fixed and regularly recurring period of
214 168 hours, consisting of seven consecutive 24-hour periods. The Commission may establish other
215 base periods for specific positions and job classes in accordance with the provisions of this Rule
216 and the provisions of the Fair Labor Standards Act.
- 217 (1) The standard workweek base period shall be a seven-day period beginning on Sunday and
218 concluding on Saturday, except that Appointing Authorities may establish workweeks
219 beginning at other specific times during the calendar week for employees under their direction.
220 The workweek may be any recurrent 168-hour period considered appropriate by the
221 Appointing Authorities and may be established differently as required for various operating
222 units or employees under their control. Such established workweeks shall be reported as a
223 matter of record to the Division of Personnel and the Division of Fiscal Management.
- 224 (2) Base periods other than the workweek base period may be established by an Appointing
225 Authority only after prior approval of the Civil Service Commission.
- 226 (3) Employees shall be notified of the base period which applies to their positions. Appointing
227 Authorities shall maintain a record of the various base periods established for employees
228 under their supervision and shall maintain a record showing the employees have been notified.
229 Employees shall be notified of changes in their workweek or other base period at least one full
230 pay period prior to the change.
- 231 l Overtime credit shall be computed in increments of tenths of an hour.
- 232 m Employees working shifts when clocks are changed to and from Daylight Savings Time will be
233 credited for the actual number of hours worked and compensated accordingly.
- 234 n An employee scheduled to be off due to a regular shift assignment, approved vacation time off or
235 approved time off on a legal or personal holiday who is subsequently required to work with less
236 than twenty-four hours' notice, or an employee on authorized personal holiday, paid time off or
237 vacation leave who is recalled to work during this previously scheduled time off, shall be paid a
238 minimum of three (3) hours at the rate of one-and-one-half times the regular hourly rate for non-
239 exempt employees, and at the straight time rate for exempt employees, for the hours worked on
240 such days. However, this provision specifically excludes employees who receive maintenance
241 standby compensation. In addition, the employee shall receive compensatory time off or pay on a
242 straight time basis for the lost holiday or vacation day. When a legal holiday occurs on a weekend
243 and is observed on another day, both the legal and observed holidays may be considered as
244 holidays for the purpose of paying time and one-half overtime to employees previously scheduled
245 to be off.
- 246 (1) An Appointing Authority may elect to grant compensatory time off on a time- and-one-half
247 basis for non-exempt employees and a straight-time basis for exempt employees in lieu of
248 making a monetary payment for time worked on such a holiday or on a vacation day, provided
249 the accumulation is not more than the maximum number of compensatory time hours
250 authorized.

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- 251 (2) Non-exempt employees assigned to work on a holiday as part of the employee's normal work
252 schedule_or on a day that the employee would otherwise be required to work but for the
253 holiday shall be entitled only to compensatory time off or pay at the straight time rate in lieu of
254 the holiday in addition to straight time pay for hours worked if the employee has at least
255 twenty-four hours' notice of the requirement to report for duty. Employees must be
256 compensated in cash for hours worked on a holiday if the granting of compensatory time
257 would bring their accrued compensatory time above the authorized maximum.
- 258 o The Appointing Authority shall be responsible for authorizing and controlling overtime work.
259 Employees who perform unauthorized overtime work shall be subject to appropriate disciplinary
260 action by the Appointing Authority.
- 261 (1) An employee claim for overtime compensation not previously paid by the Appointing Authority
262 shall not be considered unless received by the conclusion of the pay period following the pay
263 period in which the overtime was worked.
- 264 (2) The Appointing Authority shall be responsible for ensuring that proper records are prepared
265 and maintained for a three-year period in accordance with the provisions of the Fair Labor
266 Standards Act.
- 267 (3) Overtime worked by employees shall be recorded and reported by the Appointing Authority in
268 accordance with reporting forms and procedures developed by or approved by the Division of
269 Personnel and the Division of Fiscal Management.
- 270 p The Commission may periodically review the extent to which overtime is being authorized. The
271 Commission may require departments to submit periodic reports, supplementary information or
272 other data relative to the need for the overtime work; may investigate the cause and justification
273 for such overtime; and may propose to the County Executive such departmental regulations as in
274 its opinion may be required to appropriately control and restrict the use of overtime.
- 275 q An employee shall be permitted to take compensatory time within a reasonable period following a
276 request for such time off, provided that the taking off of such time would not unduly disrupt
277 departmental operations.
- 278 r If an employee with accumulated compensatory time or credited overtime hours is promoted,
279 demoted or transferred between departments, the new employing department shall assume the
280 obligation for such accumulated compensatory time or credited overtime hours, unless a prior
281 agreement with the transferring department has been made. Any reduction in the employee's
282 compensatory time balance shall be made within six pay periods from the effective date of the
283 promotion, demotion, or transfer.
- 284 s In scheduling overtime work the Appointing Authority:
- 285 (1) Shall attempt to equitably distribute such overtime among all qualified employees and where
286 practicable in the most appropriate job class for the work to be performed;
- 287 (2) Shall when possible give employees reasonable advance notice either orally or in writing of
288 their assignment of overtime work;
- 289 (3) Shall compensate an employee with a standard base period for a minimum of three work hours
290 when reporting for duty at a regular reporting station after being called back for overtime work
291 interrupting a period of time off; and
- 292 (4) Shall insure that employees are informed of the conditions, rate of earnings and method of
293 overtime compensation prior to the working of overtime.

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294 t When the Appointing Authority has determined that sufficient personnel with appropriate skills are
 295 not available on a voluntary basis to perform required overtime work, employees who then refuse
 296 to work assigned overtime or who fail to report upon reasonable notice for overtime work may be
 297 subject to appropriate disciplinary action, depending upon the nature of the conditions requiring
 298 the overtime work.

299 u The Commission may authorize exceptions to the conditions, rate of earnings, and method of
 300 compensation for overtime work if rigid application to the above provisions of this rule in a specific
 301 situation would cause injustice to an employee or a serious handicap to departmental operations
 302 due to unusual circumstances, subject to the provisions of the Fair Labor Standards Act.

303 5 Pay Adjustment For Reinstatement, Promotion, Transfer, Demotion And Reclassification

304 If an employee is transferred, promoted, demoted, reinstated, or the employee's position is
 305 reclassified, the rate of pay for the new position shall be determined as follows:

306 a If the rate of pay in the former position or job class is less than the minimum rate established for
 307 the new position or job class, the Appointing Authority shall have the discretion that the rate of
 308 pay shall be advanced to the minimum or within the discretionary hire rate, except as otherwise
 309 provided in these rules.

310 b If the rate of pay in the former position is more than the maximum rate established for the new job
 311 class, the rate of pay shall be reduced to the maximum rate of the new range or an intermediate
 312 rate between the former pay rate and the maximum rate in the new range, according to the
 313 following:

314 (1) For reclassifications, a policy of over-maximum salary administration (Overmax Policy) shall be
 315 utilized.

316 (2) For demotions, whether voluntary or involuntary, the rate of pay shall be reduced immediately
 317 upon implementation to the maximum rate of the new pay range or by 10% provided that the
 318 new rate is within the pay range to which the new job class is assigned; however, the
 319 Commission may authorize exceptions upon a showing of unusual circumstances or
 320 requirements.

321 c If the rate of pay of the former job class falls within the new pay range, the pay rate shall be
 322 administered as follows:

323 (1) For promotions, the Appointing Authority shall have the discretion that the rate of pay may be
 324 increased by up to 10% or within the discretionary hire rate, but not beyond the maximum of
 325 the pay range or rate of the new job class; however, the Commission may authorize exceptions
 326 upon a showing of unusual circumstances or requirements;

327 (2) For reclassifications, the Appointing Authority shall have the discretion that the rate of pay
 328 shall remain the same, may be increased by up to 10%, but not beyond the maximum of the
 329 pay range or rate of the new job class, or within the discretionary hire rate; however, the
 330 Commission may authorize exceptions upon a showing of unusual circumstances or
 331 requirements;

332 (3) For transfers, the rate of pay shall remain the same. However, the Commission may authorize
 333 exceptions upon a showing of unusual circumstances or requirements; and

334 (4) For demotions, the Appointing Authority shall have the discretion that the rate of pay may
 335 remain the same or it may be decreased by up to 10%, but not beyond the minimum pay rate
 336 of the pay range of the new job class; however, the Commission may authorize exceptions

Rule XIII: The Pay Plan

337 above the 10% limit upon a showing of unusual circumstances or requirements or as otherwise
338 provided in these rules.

339 d When an employee is reinstated to a job class in the merit system which the employee held at the
340 time of the previous separation, pay shall be at the rate of pay in the pay range for the job class in
341 which the employee is being reinstated as closely equivalent to the rate assigned when separated.
342 Credit shall also be allowed for past service toward eligibility for the next step or rate increase. The
343 employee may be paid a higher or a lower rate in the range upon recommendation by the
344 Appointing Authority and approval by the Division of Personnel.

345 For promotions, transfers, demotions and reclassifications, merit dates will remain the same.

346 Section G. Amendments to the pay plan

347 Amendments to the pay plan may be recommended by the Division of Personnel to the Commission
348 whenever pertinent economic, organizational, or management considerations warrant such action or
349 pursuant to relevant St. Louis County Council action. Amendments shall become effective upon
350 approval by the Commission or as set forth by the Council. Whenever new classes become a part of
351 the classification plan, the pay ranges and intermediate steps or rates for such classes shall be adopted
352 in this same manner.

Rule XIV: Performance Management**RULE XIV****Performance Management**

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4 Section A. Definition of performance management

5 Section B. Establishment of a performance management system

6 1 the establishment by the employee and supervisor of mutually developed, written performance
7 expectations;

8 2 mutual responsibility for the monitoring and documentation employee job performance with ongoing
9 feedback and coaching of the employee for improved job performance and self-development;

10 3 a written appraisal of employee job performance;

11 4 a face-to-face meeting to discuss the written appraisal, and goal setting and planning to address
12 employee development goals and improvement needs;

13 5 accountability on the part of management and supervisory personnel in defining, developing and
14 appraising performance;

15 6 training for employees and rating supervisors, including initial system training, and refreshers and
16 updates as the system is modified. Appointing authorities shall ensure that their employees attend or
17 schedule to attend the appropriate program (for employees or rating supervisors) within six months
18 after appointment or as soon as offered, and as modifications to the system are implemented.

19 Section C. Uses of the written performance appraisal

20 1 to determine the retention or discharge of employees serving a probationary period;

21 2 as a factor in determining eligibility for a pay increase, incentive or recognition;

22 3 as a factor in promotions;

23 4 as a factor in determining the order of layoff and the order in which names are to be placed on the
24 layoff list;

25 5 to substantiate personnel actions such as discipline, transfer, demotion or discharge when an
26 employee does not meet performance expectations; and

27 6 to assist in selecting employees for appropriate training for the purpose of improving performance and
28 self-development.

29 Section D. General administration of a performance management system

30 1 a method for submission to the Personnel Director of written performance appraisals completed by
31 supervisors for employees;

32 2 a method by which employees shall review their written performance appraisals and be given an
33 opportunity to correct any areas of their performance which do not meet expectations;

34 3 an identification of who shall have access to the written performance appraisal, including not only the
35 employee, but the Appointing Authority, and at the discretion of the Personnel Director, any other
36 appropriate personnel involved in decisions regarding the promotion, transfer, demotion, or retention
37 of the employee; and,

38 4 a system for the resolution of appeals regarding the written performance appraisal.

39 Section E. Establishment and maintenance of a performance management system

Rule XIV: Performance Management

- 40 1 A taskforce with appropriate representation from line departments shall be appointed to develop and
41 monitor the implementation of a civil service performance management system under the direction of
42 the Director of Personnel.
- 43 2 Similar taskforces shall be appointed to review the status of the system and recommend changes as
44 appropriate at least every five years.
- 45 3 Departments may petition the Civil Service Commission to adopt specific changes to the system in
46 order to meet department operational needs.
- 47 4 The criteria for an approved performance management system shall be outlined in a separate manual.

Rule XV: Employee Training and Development**RULE XV****Employee Training and Development**

Section A. Philosophy and purpose

Training and developing County employees to their fullest potential is vital to insure quality service to the community. The Civil Service Commission is committed to providing all employees with the opportunity to develop to their maximum potential those skills necessary for success and advancement in the merit system.

Section B. Establishment of countywide training and development programs

- 1 The Personnel Director, in cooperation with appointing authorities, shall identify countywide training needs, develop and present programs to meet those needs, and evaluate employee on the job performance to measure the effectiveness of training. In general, training and development programs shall be for the purpose of:
 - a helping employees improve their job performance in order to provide better quality service to the community;
 - b increasing the abilities, knowledge and skills of employees enabling them to advance within the County.
- 2 The Division of Personnel shall be responsible for conducting an Orientation for New Employees Program. Appointing authorities shall ensure that their employees attend this program within three months of and no later than six months after appointment.
- 3 The Division of Personnel shall be responsible for conducting an orientation for new supervisors program. All newly appointed supervisors with less than two years prior supervisory experience shall attend or schedule to attend this program within six months of their appointment.
- 4 For the purpose of this Rule, a supervisor shall be defined as an employee who is responsible for employee training, the organization and assignment of work, and the evaluation of employee work performance.

Section C. Establishment of a management development / continuity program

- 1 The Personnel Director, in cooperation with Appointing Authorities, shall establish, administer and evaluate a management development program. The purpose of the management development program shall be to:
 - a promote professional management practices in all areas of County Government;
 - b promote leadership competencies among talented and promising employees;
 - c establish and maintain a pool of qualified applicants for managerial vacancies.
- 2 The program shall include but not be limited to:
 - a assessment of managerial competencies and identification of developmental needs;
 - b education and training in the theory and practice of management in the public sector;
 - c developmental job assignments that expose participants to all aspects of managing, including but not limited to planning, budgeting, implementing, and controlling.
- 3 A description of the management development program shall be maintained in a separate manual.

Section D. Establishment of departmental training and development programs

Rule XV: Employee Training and Development

- 41 1 Departments shall have the primary responsibility for developing specialized training programs to meet
42 their respective needs.
- 43 2 Upon request, the Division of Personnel shall assist departments in identifying their specific training
44 needs and developing and presenting programs to meet those needs. The Division of Personnel may
45 also assist in evaluating employee job performance to measure the effectiveness of the training.
- 46 Section E. Use of outside the county resources
- 47 The Personnel Director may make arrangements with outside resources for assistance in meeting the
48 training and development needs of the County.
- 49 Section F. Establishment of a tuition assistance program
- 50 1 The Personnel Director shall establish a program through operating departments to provide financial
51 assistance to employees for educational courses which are:
- 52 a applicable to the employee's job responsibilities and duties;
- 53 b required for an applicable degree program; or
- 54 c of such nature and quality to directly contribute to the employee's value and potential growth in
55 the County.
- 56 2 A description of the Tuition Assistance Program shall be in a separate manual.

RULE XVI
Promotion

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Section A. General policy

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1 A promotion is the filling of a vacancy by the advancement of an employee to a position assigned to a job class with a higher pay range than that of the employee's current position.

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2 Vacancies, unless filled by recall from layoff list, transfer, or demotion shall be filled whenever practical by promotion of employees holding positions in a lower job class.

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3 Promotion shall be on a competitive basis whenever practical.

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4 Appointing Authorities are encouraged to make employees aware of promotional opportunities by posting vacancies or other written notification.

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Section B. Eligibility for promotion

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1 Promotions shall be open to all merit system employees who meet the necessary qualifications for the position.

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2 Promotional competition may be open Countywide or may be limited to permanent employees only, or probationary, term, on-call and permanent employees of a single department or organizational unit.

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Section C. Competitive promotion

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The Appointing Authority with the approval of the Personnel Director may choose to fill a vacancy from a promotional list.

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Section D. Non-competitive promotion

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1 If five or fewer employees have applied and possess the necessary qualifications, the Personnel Director may approve a non-competitive promotion.

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2 The Personnel Director may require such tests or evidence of fitness as deemed appropriate.

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3 Promotion between departments shall not be made non-competitively.

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Section E. Probationary period necessary

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An employee who is promoted shall be required to serve a probationary period as provided in Rule VIII, Probationary Period.

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Rule XVII Demotion

Section A. Causes for demotion

An Appointing Authority may demote an employee under the following conditions:

- 1 When an employee is not rendering satisfactory service in the position held; or,
- 2 In lieu of layoff. When an employee is demoted in lieu of layoff the employee's name shall be placed on the appropriate layoff list or lists for the job class from which the employee was demoted; or,
- 3 When it becomes necessary to vacate the position, in order to return a permanent employee with reinstatement rights to the position; or,
- 4 When the employee voluntarily agrees to a demotion in writing.

Section B. Necessary qualifications for lower job class must be met

No demotion shall be made unless the employee meets the necessary qualifications for the lower job class.

Section C. Notice of action and right of appeal

- 1 At least 10 days prior to the effective date, the Appointing Authority shall furnish a written statement to the employee and the Personnel Director setting forth the reasons for an involuntary demotion, and the effective date. The statement shall also notify the employee of the right to reply in writing within 10 days of the receipt of the written statement and of the right to appeal in writing to the Commission within the same 10-day period. The written statement shall inform the employee that any written appeal must set forth specific reasons for claiming that the demotion action was taken without proper cause.
- 2 No notice of action is required for voluntary demotions. An action submitted for a voluntary demotion must contain a written statement signed by the employee that the demotion was voluntary.

RULE XVIII
Layoffs

Section A. General provisions

- 1 An Appointing Authority may lay off an employee when necessary by reason of lack of work or shortage of funds, the abolition of the position, material change in the duties of the position through reorganization or for other related reasons which are outside the employee's control and which do not reflect discredit on the service of the employee (i.e. completion of a special program or project, abolishment of a program or function, technological change, etc.).
- 2 Layoffs for periods not exceeding 15 calendar days may be made by the Appointing Authority in any order for reasons approved by the Personnel Director.
- 3 No employee laid off shall have any right or precedence over any other permanent employee in the same job class within another department, or in another organizational unit within the same department which is not involved in the layoff.
- 4 The layoff procedure shall not be used to effect either a temporary or permanent separation of an employee as a penalty or disciplinary action.
- 5 Individuals on layoff lists shall be given priority over any other appointment in the same job class and organizational unit from which they were laid off.

Section B. Order of layoff

- 1 The order of layoff shall be established in the following manner:
 - a The Appointing Authority shall determine the total number of employees to be laid off.
 - b The Appointing Authority shall select those job classes which shall be involved in the layoff.
 - (1) A layoff cannot apply in a higher-level job class in a series unless the layoff also applies in a successively lower job class or job classes in the series.
 - (2) A list of the job classes in which a layoff will occur shall be submitted to the Division of Personnel.
 - c The Appointing Authority shall determine the specific number of employees to be laid off in each job class selected for layoff. Whenever practicable, there shall be a reasonable relationship between the number of employees selected for layoff in one job class in a series and the number of employees selected for layoff in other job classes in the same series.
 - d Emergency, temporary, on-call, intermittent, and probationary employees shall be laid off before permanent employees in the same job class and organization unit. Emergency, temporary, on-call, intermittent, and probationary employees may be laid off in any order according to the preference of the Appointing Authority. Term employees are not considered in layoffs since they are employed until the termination of the project for which hired.
 - e Permanent employees shall be laid off in accordance with a uniformly applied procedure in which the order of layoff shall be by inverse order of seniority. If it is found that two or more employees in the unit in which layoff is to be made have an equal seniority rating, the order of layoff shall then be determined by the employees' most recent performance evaluation ratings or in a manner recommended by the Appointing Authority and approved by the Civil Service Commission.

Rule XVIII: Layoffs

- 41 f The Commission may make an exception to the order of layoff by inverse order of seniority by
42 approving a request by an Appointing Authority for layoff of one employee to retain the service of
43 another employee who would immediately meet the needs of the department. This request must
44 include the specific job duties which will be performed and the reasons the employee
45 recommended for retention should be retained and the other employee laid off.

46 Section C. Notice of layoff

- 47 1 In every case of layoff in excess of 15 days, the Appointing Authority shall notify the Personnel Director
48 and the employee in writing not less than 30 calendar days prior to the effective date of layoff.
- 49 2 The employee's notification must include a statement advising the employee of the right to request an
50 investigation by the Personnel Director concerning the layoff.
- 51 3 Any permanent employee who does not believe the layoff properly conforms with the layoff rule shall
52 have the right to request an investigation thereof by the Personnel Director. Such request must be
53 submitted in writing and be received by the Personnel Director no later than 10 calendar days
54 following notification of the effective date of layoff. The written request must state each and every
55 reason why the employee believes the layoff does not conform with the layoff rule.
- 56 4 After receipt of such written request, the Personnel Director shall investigate such claim and report the
57 findings to the Commission. The Commission may, in its discretion, schedule a hearing on the subject.

58 Section D. Placement of names on eligible lists

- 59 1 The names of permanent employees who are laid off shall be placed, in inverse order of layoff, on the
60 appropriate layoff lists for the job class, unless the employee indicates in writing to the Personnel
61 Director that the employee is no longer interested in employment in that job class.
- 62 2 The names of probationary and on-call employees who are laid off shall be restored to the original
63 appointment list from which certification was made or to a successor list and the names of such
64 employees shall not be placed on a layoff list.

RULE XIX
Resignations

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4 Section A. Method of resignation

- 5 1 A merit system employee may resign in good standing by submitting a written resignation to the
6 employee's Appointing Authority, at least 14 calendar days before the effective date of the resignation.
7 A copy of the written resignation must be submitted by the Appointing Authority to the Personnel
8 Director with the payroll form terminating employment.
- 9 2 Failure of the employee to give 14 calendar days notice, unless the Appointing Authority consents to a
10 shorter period of notice, may be cause for an employee not to be recommended for future
11 employment with the County.
- 12 3 An employee who is absent from duty without authorized leave for three consecutive workdays shall
13 be considered to have resigned. Failure to notify the appropriate supervisor of the reasons for an
14 absence of three consecutive workdays or any employee who fails to report and return to duty within
15 three workdays after the expiration of a leave of absence or a recall after layoff, shall be considered to
16 have resigned, provided that the failure to give such notice was not caused by unavoidable
17 circumstances. Such separation shall be treated as a resignation without notice.

18 Section B. Undated and postdated resignations unacceptable

19 A resignation filed without an effective date or with a future effective date and not intended to be a
20 bona fide and voluntary resignation to be acted upon at the time of filing shall not be accepted as a
21 resignation. Each separation under such circumstances shall be deemed a discharge and the provisions
22 of these rules relating to discharges shall apply.

23 Section C. Required resignation

- 24 1 An employee in the merit system shall resign in writing or obtain a leave of absence without pay prior
25 to taking any part in the management of a political party or of any partisan political campaign or prior
26 to seeking or accepting nomination, election, or appointment as an officer of a political club or
27 organization or serving as a member of a committee of any such club or organization.
- 28 2 An employee in the merit system shall resign in writing, or obtain a leave of absence without pay, prior
29 to filing as a partisan candidate for any elective office or accepting an appointment to fill the unexpired
30 term of any elective office.

31 Section D. Written resignation not required of emergency, temporary, or seasonal employees

32 Separation of an emergency, temporary, or seasonal employee from the merit system at the end of
33 such employment period shall be deemed to constitute an automatic separation and need not be
34 accompanied by a written resignation.

Rule XX: Conflict Resolution and Grievance Procedure**RULE XX****Conflict Resolution and Grievance Procedure**

Section A. Establishment of conflict resolution procedure

The Civil Service Commission shall establish a conflict resolution procedure which shall in general provide for an informal process involving a trained, neutral facilitator who acts as a conduit between conflicting parties. The facilitator assists the parties by using a step-by-step approach to reach a mutually agreeable resolution to the conflict. This process can be useful in resolving conflicts between co-workers, employee and supervisor, and employee and organization.

Section B. Establishment of grievance procedures

The Civil Service Commission shall establish formal grievance procedures to ensure prompt and fair resolution of employee complaints. The procedures will provide for an orderly and systematic review of employee complaints or grievances.

Section C. Employee and department responsibility

- 1 Employees are encouraged to discuss any problems or complaints with the immediate supervisor as the problem occurs. Supervisors are to follow policy or procedural protocol for investigating and reporting problems or complaints as dictated by the nature of the policy or complaint.
- 2 Conflict resolution and the grievance procedures are to operate without discrimination, restraint, coercion or reprisal on the part of any Appointing Authority, supervisor or employee.
- 3 The initiation of the conflict resolution process or the filing of a grievance or the intention to file does not relieve an employee in any way of the responsibility to perform any and all assigned duties promptly.

Section D. Issues of conflict resolution or grievance

The following lists the major types of employee problems, which may be included in conflict resolution or a grievance:

- 1 Methods and working conditions which the employee uses and meets on the job;
- 2 Suspensions of 30 days or less in any 12-month period, subject to the limitations set forth in the St. Louis County Employee Grievance Policy and Procedure regarding suspensions;
- 3 The implementation of the County merit system rules or departmental rules, regulations or procedures as applied to the employee.

Section E. Non grievable issues

The following issues are not grievable:

- 1 Examinations and promotions;
- 2 Classification of positions;
- 3 Compensation, including overtime provisions;
- 4 Appeal of performance appraisals;
- 5 Employment status including dismissals, layoffs, demotions and suspensions of more than 30 days in any 12-month period;
- 6 Workers' Compensation.

Rule XX: Conflict Resolution and Grievance Procedure

40 Section F. Manuals

41 Details of the Conflict Resolution Procedure and Grievance Procedures will be outlined in separate
42 manuals.

Rule XXI: Suspension and Discharge**RULE XXI****Suspension and Discharge**

Section A. Policy statement

It is the policy of the Civil Service Commission to support an Appointing Authority's prerogative to enforce discipline and require courteous and efficient service from employees in the merit system. The continued employment of every employee shall depend upon the quality of their work and the delivery of efficient service. Any employee may be suspended or discharged for cause.

Section B. Causes for suspension and discharge

Although suspension or discharge may be based upon causes other than those enumerated, the following are declared to be adequate causes for suspension or discharge, namely, that the employee:

- 1 has willfully violated any provision of the Charter, the Ordinance, these rules or departmental work rules;
- 2 is incompetent or inefficient in the performance of assigned duties or has been unwilling or unable to perform duties in a safe and acceptable manner;
- 3 has been careless or negligent in the care of County property or has, without authorization, used or allowed the use of County property for personal benefit or the benefit of others;
- 4 has been guilty of abusive or improper treatment of an inmate or patient of any County institution or of a person in custody, or of an individual entrusted to the employee's care;
- 5 has been offensive in conduct or language toward the public or employees;
- 6 has failed to maintain effective working relationships;
- 7 has been excessively tardy or absent from duty, or has refused to perform a reasonable amount of emergency work outside working hours when directed to do so by a supervisor;
- 8 has engaged in criminal, dishonest, immoral or notoriously disgraceful conduct which is prejudicial to the County or to County's reputation;
- 9 has possessed opened containers of alcoholic beverages while on duty or on the premises without securing prior permission from a supervisor;
- 10 has possessed or sold a controlled substance or an illegal drug while on duty or on the premises;
- 11 has violated or failed to obey any lawful and reasonable official policy, order, or direction made and given to the employee by a supervisor;
- 12 has induced or attempted to induce any officer or employee of the County to commit an illegal act or to act in violation of any lawful and reasonable official policy, order, or direction;
- 13 has directly or indirectly aided or in any manner been involved with or participated in assessing, soliciting, collecting, or receiving money or other valuable things from anyone for any political purposes whatsoever;
- 14 has used, promised to use, or attempted to use directly or indirectly any official authority or influence to secure for any person an appointment or advantage in appointment to any position, or any increase in pay, promotion, or other advantage in employment;
- 15 has falsified an employment or payroll document;

Rule XXI: Suspension and Discharge

- 40 16 has been convicted of violating a municipal, county, state or federal law which bears upon the
41 employee's employment with St. Louis County;
- 42 17 is unable to do his or her job due to physical disability or illness when the physical disability or illness is
43 of a permanent or continuing nature and all the employee's unused sick leave has been exhausted;
- 44 18 has a confirmed positive drug or alcohol test result.

Section C. Suspensions

- 45 1 An Appointing Authority may suspend an employee without pay for discipline or pending an
46 investigation.
47
- 48 2 An employee who is suspended shall be given a written statement, which contains the beginning and
49 ending dates of the suspension and basis for the suspension. The written statement shall be provided
50 to the suspended employee and to the Personnel Director not later than five calendar days after the
51 beginning of the suspension or two working days after the conclusion of the suspension, whichever
52 comes sooner. If the suspension results in the employee being suspended for more than 30 days in any
53 12-month period, the Appointing Authority shall advise the employee in the written statement of the
54 employee's right to appeal the suspension to the Commission. If the suspension is appealable the
55 written statement shall inform the employee that he or she may appeal to the Commission and that
56 any appeal to the Commission must be received by the Commission not later than 10 days after receipt
57 by the employee of the written statement. If the suspension is grievable, the written statement shall
58 so inform the employee.
- 59 3 Appealable suspensions
- 60 Except for pretermination suspensions and investigative suspensions, an employee, who is suspended
61 in multiple suspensions for more than 30 calendar days in any 12-month period, shall have the right to
62 appeal the suspension, or the last suspension if multiple suspensions aggregate to exceed the 30
63 calendar days herein specified, in the same manner as a discharge.
- 64 4 Non-appealable suspensions
- 65 The following are suspensions from which no appeal lies to the Commission:
- 66 a Pretermination suspensions provided in Section D.1.b. of this Rule;
- 67 b Investigatory suspensions provided in Section C.5. of this Rule;
- 68 c Suspension or suspensions of 30 days or less in any 12-month period.
- 69 5 Investigatory suspensions
- 70 An employee who has been charged by or who is under investigation by a competent law enforcement
71 authority for the violation of a municipal, county, state or federal law which bears upon the employee's
72 employment with St. Louis County or an employee who is under investigation by a competent law
73 enforcement authority for a matter which could be the basis of suspension or discharge under Section
74 B. of this Rule may be suspended without pay until the investigation has been finally resolved. An
75 employee who is under investigation by an Appointing Authority for a violation of a matter which could
76 be the basis of suspension or discharge under Section B. of this Rule, and which threatens the health,
77 welfare or safety of the County, or its employees, may be suspended without pay, for a reasonable
78 time, not to exceed 30 days, pending resolution of the investigation. Nothing in this subsection,
79 however, precludes the Appointing Authority from discharging an employee for cause during the
80 period of investigatory suspension. Following the final resolution of the charges or the investigation:

Rule XXI: Suspension and Discharge

- 81 a The employee may be returned to duty in the same position, a position in the same job class, or,
82 upon approval of the Personnel Director, a position in another job class. If the employee is not
83 returned to duty, the Appointing Authority must follow discharge or layoff provisions as
84 appropriate.
- 85 b If the employee is acquitted, or the charges against the employee are dismissed, or if the
86 employee is otherwise exonerated of the matter investigated, the employee shall receive the same
87 pay and benefits which would have been earned, but for the investigatory suspension, during the
88 period of said suspension, unless the Commission specifies a lesser amount. Any pay authorized
89 under this subsection shall be reduced by any income earned or received by the employee from or
90 related to employment during the period of investigatory suspension including but not limited to
91 wages, salary, tips, unemployment compensation, and worker's compensation.
- 92 c If the employee is convicted of any charge, whether original or amended, resulting from the
93 underlying basis of the investigatory suspension or if the basis for investigation is otherwise
94 substantiated, the employee shall not receive any pay or benefits which would have been earned
95 during the period of investigatory suspension.
- 96 d The employee may be suspended or discharged, pursuant to Section B. of this Rule, based upon the
97 substance of the investigation or charges. Any resulting suspension, without pay, pursuant to said
98 Section B., shall be reduced by the total number of days the employee has been on investigatory
99 suspension. The reduction in the length of suspension, pursuant to Section B., shall not be
100 included to determine whether the employee has the right of appeal or grieve that or any
101 subsequent suspension.

Section D. Discharge

1 Written statement of discharge

- 104 a When an Appointing Authority determines that cause exists for a permanent employee to be
105 considered for discharge the Appointing Authority shall provide the employee, by personal service
106 or by first class mail, with a written statement setting forth the basis and reasons why disciplinary
107 action could be taken against the employee. The written statement shall include the nature of the
108 discipline contemplated and the right and time period in which the employee is obligated to
109 respond to the charges to the Appointing Authority orally or in writing. A copy of the written
110 statement shall be provided contemporaneously to the Personnel Director.
- 111 b On receipt of the written statement, or on the third day from the date of mailing if the written
112 statement is mailed, the Appointing Authority may place the employee in the unpaid status of
113 pretermination suspension which status shall continue until the employee is discharged or
114 returned to duty. If the Appointing Authority determines that pretermination suspension should
115 be utilized he shall inform the employee of that fact in the written statement.
- 116 c If a written statement is mailed it shall be deemed received on the third day from the day of
117 mailing.

2 Pretermination hearing

- 119 a Within five days after personal receipt of the written statement or within eight days of the mailing
120 of the written statement the employee has the right to reply to the charges orally or in writing to
121 the Appointing Authority or request a hearing before the Appointing Authority. When the written
122 statement cannot be given personally or by first class mail due to the employee's unavailability or
123 refusal to accept the mail, the five-day period during which the employee may request a
124 pretermination hearing shall begin on the third day after the written statement is mailed.

Rule XXI: Suspension and Discharge

- 125 b If an employee requests a hearing before the Appointing Authority, the hearing should be held
126 within 10 days after the employee has received the written statement setting forth the basis and
127 reasons why discharge is being considered. At the hearing the employee may present an oral
128 and/or written statement setting forth the reasons why discharge should not be considered.

129 3 Notification of final action by Appointing Authority

- 130 a Following a pretermination hearing or after the time for requesting a pretermination hearing has
131 expired without a request, the Appointing Authority shall make a decision regarding the proposed
132 action. If the Appointing Authority decides that the employee's discharge is warranted, the
133 Appointing Authority shall notify the employee with a written discharge letter which shall be
134 provided the employee, by personal service or by first class mail. The discharge letter shall contain
135 the basis and reasons for the discharge, the effective date of discharge and a statement of the
136 employee's right to appeal the discharge to the Commission within 10 days after the effective date
137 of discharge. The effective date of discharge shall be the day the employee is personally served
138 with a discharge letter or the third day after mailing if mailing is used to deliver the discharge
139 letter. A copy of the discharge letter shall be provided to the Personnel Director at the same time
140 it is provided to the employee.
- 141 b The discharge letter must be given to the employee by personal service or first class mail within 15
142 days after the employee receives the written statement concerning potential discharge. When the
143 written notice and reasons for discharge cannot be given personally or by first class mail due to the
144 employee's unavailability or refusal to accept the mail, the period for appeal shall begin to run on
145 the third day after the discharge letter or disciplinary letter as provided in subparagraph c. below
146 has been mailed to the employee's last known address as shown on County records.
- 147 c If the Appointing Authority decides that a disciplinary action other than discharge is warranted the
148 employee shall be informed with a disciplinary letter which shall contain the basis and reasons for
149 the discipline as well as the discipline to be imposed. If the discipline imposed involves reduction
150 in pay, demotion or suspension in excess of 30 days, the discipline letter shall contain a statement
151 of the employee's right to appeal the discipline to the Commission within 10 days after the
152 effective date of the discipline.
- 153 d The written basis and reasons for disciplinary action, the employee's written reply to the initial
154 charges, if any, and the Appointing Authority's decision shall be filed as a public record with the
155 Division of Personnel.

156 Section E. Time periods

157 The time periods set forth in Section C. and Section D. of this Rule are directory with the exception
158 of the time period provided for responding to or requesting a pretermination hearing under
159 Section D.2.a. and with the exception of the 10-day period for appealing to the Commission. The
160 time period for responding to or requesting a pretermination hearing is mandatory and the 10-day
161 period for appealing to the Commission is mandatory and jurisdictional.

162 Section F. Nonpermanent employee

163 A probationary employee or other employee who does not have permanent status may be
164 discharged at any time at the discretion of the Appointing Authority. The Appointing Authority's
165 decision to discharge is not appealable to the Commission.

Rule XXII: Appeals, Hearings and Investigations**RULE XXII****Appeals, Hearings, and Investigations**

Section A. Appeals from administrative decisions

The Civil Service Commission shall accept and review any appeal from a decision of the Personnel Director, by an Appointing Authority, an employee or an applicant. Review of appeals from the following types of administrative decisions shall be governed as follows:

1. Review by commission

a. Applications, examinations and ratings

- (1) Rejection of applications, examination ratings, experience or other qualifications, and removal of names from the eligible list are subject to review by the Personnel Director and appeal to the Commission. Requests for reconsideration of such items shall be made in writing to the Personnel Director within 10 calendar days of the notice of the rejection, rating or removal from the eligible list and should contain sufficient pertinent information to enable re-evaluation of the original decision.
- (2) The request for reconsideration must include a statement of each reason why the applicant believes the original decision was not proper, what factors were not given adequate weight and why the applicant believes reconsideration is warranted.
- (3) The Personnel Director will reconsider the rating or decision, notify the applicant in writing of his decision and of the applicant's right of appeal to the Commission.
- (4) Appeals must be in writing, contain specific reasons for appealing and be received in the Division of Personnel within 10 calendar days of notification of the Personnel Director's decision.
- (5) Acceptance of an application, amendment of the examination rating, or restoration to an eligible list shall not affect any certification or appointment which may have been made from the eligible list prior to the change.

b. Classification or reclassification of position

- (1) If an employee or Appointing Authority believes that a position has been improperly classified or reclassified, an appeal requesting review by the Commission may be submitted within 10 calendar days of written notification of such classification or reclassification.
- (2) An employee classification appeal will be accepted only for the position currently occupied by the appellant.
- (3) Each appeal submitted shall include a statement of the basis for the appeal and any exhibit or written material setting forth all facts which the appellant desires to have considered.
- (4) The Commission may require the appellant to complete forms and may require additional information prior to consideration of the appeal.
- (5) The Commission or designated Commission member may hold a hearing or review the written record to determine the facts in each case and the Commission shall make its decision on the basis of the facts.

c. Nature of commission review

Rule XXII: Appeals, Hearings and Investigations

- 41 (1) Review of appeals from decisions of the Personnel Director may be conducted at regular
42 Commission meetings, or such other time as the Commission may direct. The Commission
43 shall act upon a requested review within 30 calendar days of the receipt of such written
44 requests.
- 45 (2) The Commission may permit the appellant to be heard, if so requested.
- 46 (3) The decision of the Commission shall be final. Any applicant, employee, or Appointing
47 Authority affected by a decision under this section shall be notified of the Commission's
48 decision in writing.

49 Section B. Appeals from reduction in pay, demotion, suspension and discharge

50 1 General provisions

- 51 a Any permanent employee reduced in pay, ordered suspended for longer than 30 calendar days in
52 any 12-month period, involuntarily demoted, or discharged, may appeal to the Commission from
53 such action by filing a written request for a hearing together with a written answer to the charges
54 made against the employee. An appeal must be received in the Division of Personnel within 10
55 calendar days after receipt of the notice of reduction in pay, suspension, demotion, or discharge
56 and shall set forth the substantive reasons for believing that the action of the Appointing Authority
57 was improper. The right of appeal shall not apply to an employee suspended for more than 30
58 calendar days in any 12-month period who has been charged with or is under investigation by a
59 competent law enforcement authority for the violation of a municipal, county, state, or federal
60 ordinance, statute or law affecting the employee's employment with St. Louis County or an
61 employee who is involved in a matter which could be the basis of discharge under Section B. of
62 Rule XXI, Suspensions and Discharge, and the right of appeal shall not apply to pretermination
63 suspensions.
- 64 b Upon receipt of the appeal the Personnel Director shall forward a copy to the Appointing Authority
65 and the Commission.
- 66 c The Personnel Director may mail to the appellant a form on which the appellant shall state the
67 specific reasons for appeal and the specific remedy sought. The completed form must be returned
68 to the Personnel Director within 10 calendar days of receipt.
- 69 d The Commission shall set a date for hearing the appeal as soon as possible after receipt of the
70 appeal.

71 2 Hearing procedure

- 72 a In conducting hearings and investigations the Commission shall act as a body, but special
73 investigation and detailed work may be delegated to a member, to the Personnel Director or to a
74 person or agency designated by the Commission. Hearings may be held by the Commission, or by
75 any member thereof authorized to serve as the hearing officer, but the decision shall be rendered
76 by the entire Commission after consideration of all testimony and evidence adduced at the
77 hearing.
- 78 b All hearings held under the provisions of these rules shall be public, except that in a hearing on a
79 suspension for more than 30 calendar days in a 12-month period, or a dismissal, the Commission
80 may grant an employee's or Appointing Authority's request for a closed hearing consistent with
81 Chapter 610 R.S. MO.
- 82 c All hearings shall be informal and shall not be subject to the technical rules relating to evidence
83 and witnesses.

Rule XXII: Appeals, Hearings and Investigations

- 84 d The appellant shall appear personally before the Commission and may not be excused from
85 answering questions and supplying information. Either party may be represented by legal counsel
86 at such hearings.
- 87 e Hearings involving several appellants having a common issue may be considered jointly or
88 individually, at the discretion of the Commission.
- 89 f In the course of any hearing or investigation, the Commission, members of the Commission, or the
90 Personnel Director shall have the power to administer oaths, to subpoena and require the
91 attendance of witnesses and the production of records and documents pertinent to any matter of
92 inquiry. Each member of the Commission shall have the power to examine such witnesses under
93 oath in relation to any matter involved in the proceeding.
- 94 g Merit system employees shall be required to attend and testify without subpoena. If any
95 employee shall willfully refuse to testify or answer any questions relative to the matter being heard
96 by the Commission on any grounds, other than rights secured to individuals by the Fifth
97 Amendment to the United States Constitution, the employee shall forfeit his position and shall be
98 summarily discharged. The Commission may take such notice of and draw such inference from an
99 appellant's refusal to testify based upon Fifth Amendment grounds as the law shall allow. A merit
100 system employee who is required to be present as a witness at an appeal hearing before the
101 Commission and who is otherwise eligible shall receive overtime compensation from the
102 employee's Appointing Authority as provided in the Commission Pay Plan Rule. The earning of
103 compensatory time under this provision shall be subject to any administrative regulations which
104 the Commission finds necessary for the control of such compensatory time.
- 105 h Unless incapacitated, failure of the appellant to appear at the hearing shall be deemed a
106 withdrawal of the appeal and the action of the Appointing Authority shall become final.

3 Decision of commission

- 107 a The Commission may affirm, modify or reverse the Appointing Authority's action.
- 108 b Compliance with Commission decisions on appeal is mandatory for the Appointing Authority. If the
109 action of the Appointing Authority is affirmed by the Commission, the effective date shall stand as
110 issued by the Appointing Authority.
- 111 c If the action of the Appointing Authority is reversed the employee shall be reinstated to the same
112 position, or one of like seniority, status and pay, and shall be reimbursed by the employing
113 department for lost pay, in an amount determined by the Commission, provided that earnings
114 from private or other public employment, unemployment compensation, workers' compensation,
115 retirement benefits, or reasonable value of any maintenance given during the period of suspension
116 or discharge shall be deducted from this amount.
- 117 d If the action of the Appointing Authority is modified by the Commission, retroactive pay and/or
118 other benefits shall be in accordance with and proportionate to the extent of such modification or
119 as set forth in the Commission's decision.
- 120 e The Commission shall issue written Findings of Facts and Conclusions of Law and render a decision
121 within a reasonable time after the hearing. Copies of the decision shall be furnished to the
122 Appointing Authority and the employee.
- 123

Section C. Authority for investigations

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Rule XXII: Appeals, Hearings and Investigations

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1 The Commission may upon its own initiative make inquiries or investigations and hold public hearings as it deems warranted regarding the administration and effect of the Charter, Ordinance and these rules.

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2 The Commission shall receive and consider any suggestion or complaint by the public, an employee or Appointing Authority in any matter concerned with the administration of the Charter, Ordinance and these rules as they relate to personnel administration, and after consideration, investigation or hearing shall initiate any remedial action it deems warranted.

RULE XXIII
Political Activity

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4 Section A. General political activity

5 1 Political speeches and campaigning

6 No person holding a position in the merit system shall use or promise to use directly or indirectly their
7 official authority or influence to coerce the political action of any person or body, or to interfere with
8 any partisan election, take part in the management of any political party or of any partisan political
9 campaign; seek or accept nomination, election, or appointment as an officer of a political club or
10 organization; serve as a member of a committee of any such club or organization; circulate, seek or
11 secure signatures to any partisan petition provided for any primary, general or special election; or
12 distribute literature, badges, labels, or insignia favoring or opposing a candidate for nomination or
13 election, whether federal, state, county or municipal.

14 2 Political rights of employees

15 No provision in these rules shall be construed to prohibit or prevent any employee in the merit system
16 from becoming or continuing to be a member of a political club or organization or from attendance at
17 political meetings, from enjoying entire freedom from all interference in casting their vote, from
18 expressing privately their opinions on all political questions, or from seeking or accepting appointment
19 or election to public office, provided that no campaign for nomination or election shall be conducted
20 by an employee unless the employee shall first resign or obtain a leave of absence without pay as
21 provided in these rules.

22 3 Nonpartisan election or appointment

23 a The provisions in these rules relating to political activity of employees shall not be construed to
24 prohibit an employee in the merit system from becoming a candidate for and holding public office
25 subject to nonpartisan election or from participation in such activities as membership on a charter
26 revision commission, delegate to a state or national constitutional convention, or as a member of a
27 local school board.

28 b A leave of absence or resignation shall not be required for candidacy or selection in nonpartisan
29 elections or appointments unless the nonpartisan elective/appointive office is in conflict with their
30 duties.

31 4 Participation in elections

32 Employees in the merit system may participate in elections under the following conditions:

33 a participation means the employee may serve as an election judge; assist with setting up and
34 shutting down equipment at the office of the Board of Elections or inside any polling location;
35 assist in the maintenance of equipment and delivering supplies for election judges in the week
36 preceding an election, on election day and in the week following an election; and, answer phone
37 calls on behalf of the board of election in connection with an election.

38 b participation is a voluntary act on the part of the employee, without coercion from supervisors or
39 Appointing Authority;

40 c employee performs any activity in this regard on the employee's own time, and if the employee is
41 otherwise scheduled to work, time off may be granted, subject to Appointing Authority approval;
42 and,

Rule XXIII: Political Activity

43 d the employee shall not wear any designation of County employment, including but not limited to a
44 County uniform or identification badge, nor shall the employee's conduct reflect to the public the
45 employee's primary County employment.

46 e Notwithstanding the provisions contained in Section A. 4 a-d, employees in the merit system may
47 participate in elections upon approval by the Commission of a County-wide program shown to be
48 necessary because of unusual circumstances.

49 5 Resignation or leave of absence required for public office

50 a No employee in the merit system shall become a partisan candidate for any elective office without
51 first resigning or obtaining a leave of absence without pay, prior to making a formal announcement
52 that the employee is seeking nomination or election, beginning the solicitation of votes, or filing or
53 otherwise qualifying as a candidate for nomination or election, whichever is earlier.

54 b Such leave of absence without pay shall extend through the campaign period and until it has been
55 officially declared that the candidate has been nominated, or defeated for such political or public
56 office, at which time the employee may request reinstatement to their merit system position if the
57 employee was not successful in attaining nomination or office, providing a vacancy exists.

58 Section B. Assessments and contributions prohibited

59 1 No employee in the merit system shall be required, directly or indirectly to pay or promise to pay any
60 assessment, subscription, or contribution for any candidate for elective office, elective office holder, or
61 political organization or purpose, or solicit or take part in soliciting any such assessment, subscription
62 or contribution from any other employee in the merit system.

63 2 As used in these rules, the terms, "assessment", "subscription", and "contribution" are defined to
64 include money and/or property.

65 Section C. Authority for opinions on political activity

66 Employees in doubt as to whether a proposed activity is barred as political activity should seek an
67 opinion from the Commission before engaging in such activity. Employees may also consult the
68 Commission's Guidelines on Political Activities.

Rule XXIV: Certification of Payroll Documents**RULE XXIV****Certification of Payroll Documents**

Section A. Purpose of preaudit of payroll documents

For the purpose of assuring the legality of appointment and payment of County employees subject to the provisions of Article VII of the Charter and the ordinance and rules adopted, the Personnel Director or designee shall examine and certify by an approval signature processing all additions, deletions and changes in payroll for employees subject to the merit system.

Section B. Submission of payroll documents

Prior to submitting payrolls, Appointing Authorities shall report all additions, deletions and changes in status and pay for employees subject to the merit system on forms approved by the Personnel Director.

Section C. Certification of payroll documents

- 1 Prior to the payment of any compensation or wages for personal services by the Chief Accounting Officer or any other County authority, all documents authorizing additions, deletions and changes in appointment, status and pay shall be sent by appointing authorities to the Personnel Director for audit and certification by an approval signature.
- 2 No additions, deletions or changes in the payroll shall be accepted or moneys authorized or paid by the Chief Accounting Officer or any other County authority for personal services of any employee in the merit system unless such additions, deletions or changes bear the approval signature of the Personnel Director or designee.
- 3 The Personnel Director shall withhold approval of additions, deletions and changes in status and pay of employees in the merit system which are not in conformity with the requirements of the Charter, the ordinance and these rules.
- 4 If any employee feels that the Personnel Director is wrongfully withholding approval of payroll documents for the employee's personal services, such employee may appeal to the Commission or institute legal action to compel the Personnel Director to approve the change.

Section D. Excessive or illegal payments

When, by reason of unreported absences, clerical errors, excess leave, or for any other reason, an employee receives excessive or illegal pay, the amount of any such excessive or illegal pay shall be entered as a deduction on a succeeding payroll of the employee following the discovery of the excessive or illegal payment.

RULE XXV
Records and Reports

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4 Section A. Official roster of employees

5 The Personnel Director shall maintain a complete record of employees showing for each: name, social
6 security number, job class, appointment date, status, rate of pay, and subsequent changes in each, and
7 such other information concerning appointment, status, pay, or service, as may be desirable. The form
8 and manner of maintaining such information shall be determined by the Personnel Director.

9 Section B. Authority to maintain other records and files

10 1 The Division of Personnel shall be authorized to maintain such other personnel records and files as may
11 be desirable and as required elsewhere by these rules.

12 2 Employees or Appointing Authorities shall furnish information or reports which in the judgment of the
13 Civil Service Commission or Personnel Director are essential to the successful operation of the merit
14 system.

15 Section C. Reports from departments

16 1 Each Appointing Authority shall report changes in positions or any other personnel changes to the
17 Division of Personnel in such form, and together with such supporting or pertinent information as the
18 Personnel Director may prescribe in conformity with these rules.

19 2 Forms or supplementary instructions to Appointing Authorities shall explain which changes call for
20 prior approval of the Personnel Director before they may become effective, which require reports
21 when made, and which need to be reported in advance of the end of the payroll period.

22 Section D. Access to records

23 1 The Commission and the Personnel Director shall have access to examine departmental personnel
24 records, documents, and papers which will aid them in the discharge of their duties.

25 2 Appointing Authorities shall have access to the personnel records maintained by the Division of
26 Personnel, provided nothing herein shall be so construed as to impair the confidential nature of
27 examination records and material.

28 3 Employees shall have access to their own personnel files.

29 Section E. Records closed to public inspection

30 1 The following records of the Commission and the Division of Personnel are closed records pursuant to
31 Chapter 610 Revised Statutes of Missouri:

32 a applications and resumes of applicants for County employment;

33 b employment references;

34 c reoccurring testing and examination materials;

35 d eligibility records;

36 e personnel record cards of specific employees;

37 f employee grievance files;

38 g employee complaint and consultation files;

39 h EEO charge files relating to specific employee;

Rule XXV: Records and Reports

- 40 i transcripts and exhibits of employee appeal hearings;
- 41 j reoccurring employee training examinations for certificate programs;
- 42 k any and all records relating to the hiring, firing, disciplining or promoting an employee of the
43 County except that any vote on hiring, firing, disciplining or promoting shall be made available to
44 the public in the time and manner prescribed by Section 610.021 (3) R.S. MO.;
- 45 l files relating to legal actions, causes of action or litigation involving the Commission or its members
46 or involving the Division of Personnel or its staff or which relate to an action taken by the
47 Commission or the Division of Personnel;
- 48 m individually identifiable personnel records, performance ratings or records pertaining to employees
49 or applicants for employment, except that the names, positions, salaries and lengths of service of
50 officials and employees once employed shall be available to the public;
- 51 n preparation, including any discussions or work product, on behalf of St. Louis County or its
52 representatives for negotiations with employee groups; and
- 53 o software codes for electronic data processing and documentation relating to employee records
54 and data.

55 2 Nothing in this Section E. shall preclude the Commission from closing, by resolution, other records or
56 class of records as authorized by law.

57 3 Nothing in this Section E. shall preclude the Commission from opening, by resolution, any record or
58 class of records.

59 Section F. Preservation of records

60 Official personnel records, and minutes of Commission meetings shall be retained permanently. Other
61 records in the Division of Personnel shall be retained in accordance with the Division of Personnel
62 Records Retention Policy. Any records of the Commission or of the Division of Personnel not to be
63 retained shall only be destroyed as authorized by Sections 109.500-109.510 R.S. MO and Sections
64 101.010-101.0110.

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