# RULES OF THE

# BOARD OF CITY SERVICE COMMISSIONERS

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**CITY CIVIL SERVICE RULES**

## *RULE I*
## *Definition of Terms*

Section 1. **Definitions**. The several terms hereinafter mentioned whenever used in these rules or in any regulations in force thereunder shall be construed as follows:

a. The "city service of the City of Milwaukee," hereinafter referred to as "city service," includes all offices and positions of trust or employment which are subject to the rules of the Board of City Service Commissioners promulgated under ss. 63.18 through 63.53.

b. The term "exempt" or "exempt service" shall include all offices and positions specifically mentioned in Section 63.27 of the Statutes or in any other statute as exempt from the provisions of the Civil Service Law and those positions exempted by the Board of City Service Commissioners.

c. The term "class" is used to designate one or more positions sufficiently distinct from all other positions in duties, responsibilities, accountability, and qualifications required to warrant a separate title.

d. The term "level" is used to designate the degree of relationship which one class bears to other classes.

e. The term "series" is used to designate a number of classes related to each other in terms of ascending accountability, difficulty and responsibility of work within the same occupational field.

f. The term "title" is used to designate the descriptive title assigned to a job class.

g. The term "classification" is used to designate the process by which the proper class title and level for each position are determined.

h. The term "advancement" is used to designate a salary increase within a range of compensation provided for in the salary ordinance.

i. The term "promotion" is used to designate a change from one class to a higher class.

j. The term "Commission" when used by itself refers to the Board of City Service Commissioners.

k. The term "appointing officer" or "appointing authority" refers to officer, commission, board or body having the power of appointment to subordinate

offices or any municipal department, office, board or institution.

l. The term "position" when used by itself refers to any office, position, or employment in the city service.

m. The term "regular appointment" is an appointment to the city service made in accordance with the rules and procedures of the City Service Commission other than provisional, temporary, emergency or exempt appointments.

n. The term "provisional appointment" is an appointment made according to Rule IX, Section 1 of the rules of the Commission.

o. The term "temporary appointment" is an appointment made according to Rule IX, Section 2 of the rules of the Commission.

p. The term "emergency appointment" is an appointment made according to Rule IX, Section 4 of the rules of the Commission.

q. The term "exempt appointment" is an appointment to a position defined in s. 63.27 as not being subject to the rules of the Commission.

r. The term "underfill" is used to designate the condition where an employee has been appointed to a class which is at a level lower than for which is authorized by the City of Milwaukee Positions Ordinance.

s. The term "days" when used in these rules refers to calendar days unless business days are specified.

t. The Department of Employee Relations hereinafter referred to as "DER" is the City of Milwaukee agency responsible for employee selection, compensation administration, position classification, labor relations, benefit administration, equal employment opportunity/affirmative action, training and employee safety.

## *RULE II*
## *Classification*

Section 1. **Classes**. All positions in the city service shall be arranged by DER in classes and, to the extent possible, series, occupational groups and appropriate Equal Employment Opportunity/Affirmative Action categories. This arrangement of positions shall be according to the general duties, responsibilities, and qualifications required in each position, without regard to the special abilities, skills, or aptitudes of the incumbent.

Section 2. **Job description sheets**. Up-to-date job description sheets for all positions in the city service shall be maintained by DER. The statement of the job duties and responsibilities on file and any other relevant information and/or an analysis of the position by DER shall be the basis for a classification analysis of the position. Each department head must submit an up-to-date job description sheet to DER immediately upon a significant and permanent change in the duties assigned to the incumbent of any position, provided that when such assignments are of a temporary nature and are not anticipated to continue beyond 120 days no revised statement of duties need be submitted. Unless a changed job description has been submitted, the job description previously filed with DER will be considered as accurate.

Job description sheets shall be prepared on a form or blank to be prescribed by DER and shall bear such signatures or certifications as DER may deem necessary.

In order to insure continuous classification maintenance, jobs for which new descriptions have been submitted shall be audited and their proper classification determined.

Section 3. **When classification surveys are made**. A position may be audited and its classification redetermined whenever:

a. A revised job description sheet is submitted to DER by the appointing authority, or

b. A department head requests that a study be made, or

c. Periodic surveys are being conducted in any department, or

d. The Mayor, Common Council, City Service Commission, or DER deem it advisable. (CSC: 1/30/96; Mayor: 2/7/96; effective 2/23/96)

Section 4. **Reclassification of a position**. When a position may be under investigation as provided in Section 3 of this rule,

DER may recommend to the Commission and the Common Council that the said position should be reclassified upward or downward based upon a permanent and significant change in duties and responsibilities to the extent it is no longer the same position. When the Commission and Common Council approves the recommendation, the incumbent of the position will be advanced

or reduced the first day of the first payroll period after the publication of the ordinance approved by the Common Council.

Prior to the submission of a recommended change in classification to the Commission, DER shall notify the affected department head, incumbent and bargaining unit and inform them of the appeal procedure.

Section 5. **Compensation impact of a position reclassified to a lower level**. Where reclassification downward occurs because of changes in duties and responsibilities, incumbents shall be compensated according to the provisions of the City's Wage and Salary Ordinance as the result of such action.

Section 6. **Classifying new positions**. Whenever a new position may be proposed, a job description shall be submitted by the department head to DER for classification purposes. DER shall investigate the position and recommend its findings to the Commission and the Common Council.

Section 7. **Appeal of classification decisions**. In order to provide a fair and uniform method for hearing appeals of classification decisions, the following procedures shall apply:

a. Timeframes. Appellants shall have ten days from the date of distribution of a classification report to file an appeal. This appeal shall be in writing and must specifically describe the point in fact or issue upon which the appeal is being made. Upon receipt of the written appeal, the staff shall schedule an appeal hearing for a subsequent City Service Commission meeting and the appellant shall be notified of the date in writing. Department heads shall receive a copy of the appeal, and related correspondence, and an invitation to appear if they so choose. The appellant may request an alternate hearing date and the Commission Secretary is authorized to grant such a request.

b. Documentation. Any documents, exhibits or supplementary material intended for use at the hearing shall be provided by both the staff and the appellant at least five working days prior to the scheduled hearing. The Commission Secretary shall ensure that these materials are provided to the Commission and the respective parties as soon thereafter as possible. The Commission will not accept new or additional documents, exhibits, or written materials on the date of the hearing.

c. Hearing. During the actual classification appeal hearing, each side is authorized up to nineteen minutes for making a presentation. The suggested format includes the following: Opening Statement (2 minutes maximum time allotted); Factual Arguments (15 minutes maximum time allotted); Rebuttal (2 minutes maximum time allotted). Either side is free to call witnesses. However, the testimony of any witness counts against the maximum time allotment. The Commission shall insist upon and enforce strict adherence to these time limits.

d. Department Head Input. Department heads wishing to do so may provide statements concerning their perception of the merits of the appeal. These statements may be made either in person or in writing. If a written statement is provided, it is subject to the same advance receipt requirements as are other written materials or documents.

e. Scope of Inquiry. In the City's classification system, a presumption exists that jobs are properly classified. In an appeal case, it is up to the appellant to prove -- with specific and convincing evidence -- that major changes have occurred in level and duties and responsibilities of the job. In other words, that it has become a fundamentally different job. This is the factual basis upon which the Commission may reclassify jobs.

Factors the Commission will not consider in the classification appeal cases include the following: the volume of work being performed; technological changes which alter the way the work is done rather than the work itself; individual job performance; individual qualifications of the appellant; and seniority in the job or length of service with the City.

f. The decision of the City Service Commission will be submitted to the Common Council and the reclassification will be effective the first day of the first payroll period after the publication of the ordinance approved by the Common Council.

Section 8. **Title structure**. Titles shall be as descriptive as possible of the general duties and responsibilities involved in the proper performance of each position and indicative of its level, and shall be the same for all positions requiring the same kind of service. Such titles shall be used to designate the position in all the reports to and records of the Commission, and on all payrolls or accounts, and other official records of the city.

## *RULE III*
## *Applications*

Section 1. **Applications.** Applications must be filed with DER. No person shall be admitted to an examination whose application therefor has not been presented and accepted under the conditions prescribed. Every application must be in writing in the form prescribed, and signed by the applicant. Persons for whom appointment is requested under Section 63.41 of the Statutes shall be required to fill out and file an official application prior to date of public hearing. Provisional and temporary appointees not already in the classified service are also required to complete an application.

Section 2. **Defective applications.** Defective applications may be amended or corrected, provided that amendment or correction in those points required by law must be made before the applicant's name can be placed on the eligible list. Copies of applications shall be retained by DER for a period not greater than five years from the date of the examination.

Section 3. **False statements in application.** Any false statement knowingly made by any applicant on the application or accompanying documentation made at the applicant's request or with the applicant's knowledge, or any other fraudulent conduct, shall be regarded as cause for exclusion from such examination or for removing the applicant's name from any register or eligible list.

Section 4. **Residence requirements.** A person to be eligible for appointment to any position in the city service shall meet the residence requirements of the City of Milwaukee as set forth in Section 5.02 of the City Charter. The Commission may waive residence requirements in accordance with the provisions of the City Charter.

Section 5. **Acceptance of applications for minors.** Minimum age limits in any examination may be set corresponding to the prohibitions on employment of minors in this state, provided that persons whose age lacks less than one year of the minimum set for an examination may file application and be examined, but certification of the name of any such person shall not be made until such time as the person has reached the minimum age required.

Section 6. **Evidence of meeting requirements.** Applicants may be required to provide necessary evidence that they possess any requirement for a position either prior to examination or appointment as determined by DER.

Section 7. **Time limits in filing applications.** The limits of time within which applications for a given examination shall be at least ten days from the date of the exam announcement.

Section 8. **Disqualifications and appeal.** DER may refuse to examine an applicant or certify an eligible or remove an eligible from the eligible list for any of the following reasons:

a. Is found to lack any of the established preliminary requirements for the position

and grade for which application was made; or

b. Has a mental or physical disability which would impair his/her ability to perform the job or limit his/her capacity to work, provided that the City is not able to provide a reasonable accommodation for such applicant/eligible; or

c. Has been convicted of a crime the circumstances of which are substantially related to the position for which the applicant/eligible seeks employment; or

d. If said applicant/eligible's activity would merit discharge or suspension under the City's Drug Free Workplace Act obligations; or

e. Has been dismissed from the City service for cause or resigned in lieu of dismissal for cause; or

f . Has used or attempted to use any personal or political influence to further eligibility or appointment; or

g . Is found to have committed any act, either while in the service of the city or otherwise, which, under Rule XIII, Section 5 constitutes cause for discharge from the city service; or

i. Lacks the requisite qualifications for the position applied for.

Persons may appeal their rejection or removal by filing a written appeal to the Commission. Such appeal must be received by the Commission no later than ten calendar days after notification of rejection has been mailed and must include the basis upon which the appeal is made. The Commission may act upon such requests with or without a hearing.

## *RULE IV*
## *Promotion*

Section 1. **Promotional examination.** Promotion to positions in the city service may be by means of examination or otherwise as provided in these rules. Examinations for promotion may be held as needed in accordance with Rule V, Section 1.

Section 2. **Notice of examination.** Notice of promotional examinations shall be posted as required for original examinations and delivered for posting in the department or bureau in which the promotion may be made, for ten days prior to such examination.

Section 3. **Eligibility for promotional examinations.** A person shall be eligible for promotional examinations after actual service in a position in the City Service. The requirements necessary to qualify for a promotional examination shall be prescribed in the notice of examination. Qualified persons on leave of absence or on reinstatement lists, who have met the prescribed qualifications shall be eligible to take promotional examinations. Persons serving in provisional, temporary or emergency appointments as their initial employment in the City Service are not eligible for promotion.

Section 4. **Rules applying to original examinations to apply to promotional examinations.** Eligible lists resulting from examinations held under the foregoing sections shall in all respects have the same standing and be subject to the same restrictions as eligible lists resulting from original entrance examinations. A person who has been permanently separated from the service cannot be certified and must be removed from promotional eligible lists.

Section 5. **Promotion within department.** Promotional examinations shall be open to all persons properly qualified, without regard to the department of the city service in which they may have been serving. In making certification from promotional lists, however, the highest ranking person serving in the department, commission or board in which the vacancy to be filled exists, is to be certified along with persons on the same list serving in other departments, bureaus or boards.

Section 6. **Promotion after underfill.** In cases where a position is filled through regular appointment at a level below that which is authorized in the positions ordinance, such appointment must be approved by DER taking into consideration the criteria established for recruitment under Rule V, Section 1. The conditions and requirements necessary for promotion must be established by the appointing authority with the approval of DER and the person to be appointed is to be notified of all such conditions and requirements before the underfill appointment is made. Upon completion of the specified conditions and requirements by the incumbent the appointing officer must report such completion to DER and may recommend, and with the approval of DER, shall promote the incumbent to the appropriate level. If the appointing officer does not recommend promotion, DER will review the underfill and determine if it should continue for an additional period or if other appropriate action should be taken.

Section 7. **Promotion following creation of higher position with overlapping duties.** Whenever, by action of the Common Council, a new position shall be created and an old position of different title abolished or discontinued, the new position being of higher grade or higher salary than the old position, and the duties of said two positions being of an overlapping nature, the promotion of the incumbent in the old position to the new position may be recommended by the appointing authority and approved by DER either without examination or with such tests or evidence as DER may see fit to require. Similar action may be taken in the case of a new position being created where the duties of the new position overlap the duties of an existing position and the existing position, although not abolished or discontinued, has taken from it a substantial part of its most responsible duties. Nothing in this section shall be construed to authorize a mere change of title or change of salary which would be in contravention of Section 63.23 of the Wisconsin Statutes.

Section 8. Persons appointed to positions of lower grade than the eligible list from which they were appointed shall retain their standing on such list.

Section 9. **Promotion without examination.** Where a vacancy exists, and it is shown to the satisfaction of DER that there is a person otherwise eligible for promotion, who has been serving in a lower or different position and whose familiarity with the work of the position vacant and whose ascertained qualifications make it desirable for the best interests of the city and the efficiency of the department desiring to make the promotion, DER may approve the promotion of such person either without examination or with such tests or evidence of fitness as it may see fit to require.

# *RULE V*
## *Examinations and Recruitment*

Section 1. **Conditions for examinations and recruitment.** DER shall recruit and hold examinations for positions in the city service that will best meet or anticipate the needs of the service and take into consideration equal employment opportunity, affirmative action goals, department employment goals, staff development patterns, availability of qualified persons employed by the city or employing unit and effect upon employee morale or turnover, designated promotional patterns in the class series, availability of trained people in the labor market, value of bringing new personnel into the service, current pay and benefits hiring practices for the types of positions, the interests of other departments which may use the eligible lists and the efficiency in conducting recruitment programs and examinations, including provision, when necessary, for continuous recruitment and examination. Continuous examinations may be readvertised as needed. It is the policy of the city service to fill positions efficiently, with the best qualified available persons and to promote a career service which will make the greatest possible use of each employee's ability and knowledge. Nothing in this section shall be construed to prevent the Commission from directing that applicants for certain positions be entered upon and/or certified from eligible lists in accordance either with examination ratings or priority of application or both where the degree of knowledge, skills and ability needed for the position are limited and/or testing is impractical.

Section 2. **Notice of examination.** A circular of information announcing the examination and qualifications or limitations, definition of duties, potential subjects and weights of examination, and such other data as may be desirable shall be prepared and posted in the offices of DER for ten days prior to such examination and furnished in advance of the examination to every person requesting information concerning the examination.

Section 3. **Notice to persons on eligible lists of new examinations.** When a new examination is announced for which an eligible list which is less than one year old is in existence, the persons whose names are on such existing eligible list shall be notified of the opportunity to take the new examination. This requirement shall not extend to those lists compiled on the basis of priority of application. Persons on an eligible list resulting from an examination held on a continuous basis may retake such examinations only after six months; this same period of time shall apply to persons who fail such examinations.

Section 4. **Examinations - how conducted.** Every examination, shall be under the responsible direction of DER which shall consult when necessary with appointing officers concerning the qualifications required for particular positions; but such examinations shall be free from the domination or control in any manner of the appointing officer. All examinations shall be:

a. Based upon information from either job analysis, position analysis or other equivalent information documenting actual job tasks to be performed or skills and knowledges required to perform job tasks;

b. Developed in such a manner as to establish the relationship between skills and knowledges required for successful performance on the test and skills and knowledges required for successful performance on the job;

c. If appropriate, supported by data documenting that the skills and knowledges required for successful performance on the test are related to skills and knowledges which differentiate among levels of job performance;

d. In compliance with appropriate professional testing standards for reliability and validity.

Section 5. **Tests and weights.** Each examination shall consist of one or more tests, to which weights shall be assigned, the weight given to each test to represent its value in ascertaining the fitness of applicants. A test may consist of any appropriate number of sub-tests. DER shall determine the tests and relative weight given to each test.

Section 6. **Verifying identity.** DER may require applicants to furnish proof of identity prior to participation in examinations. Persons unwilling or unable to furnish proper identification may be barred from the examination.

Section 7. **Medical and physical examinations.** All applicants for positions in the city service shall meet job related physical standards required for the position for which they are being considered. Such fitness may be determined by means of medical examinations or other means as determined by DER. Medical examination may be required of persons taking promotions or transfers. Tests of physical strength by the use of apparatus or other means may be prescribed and given a job related weight in any examination.

Section 8. **Oral examinations and practical tests.** DER may include oral examinations or practical tests of fitness. Whenever oral questioning is prescribed as part of any examination, so far as practicable a record of such oral questions and of the answers thereto shall be maintained for a period to coincide with the retention of the papers of the candidates.

Section 9. **Postponement or continuance of examinations.** Whenever there is an insufficient number of applicants for any examination, either original or promotional, or for any other good and sufficient reason, DER may postpone or continue said examination to a later date. All persons who have applied shall be immediately notified of the postponement or continuance and shall be further notified of the time at which they are to appear for such examination.

## *RULE VI*
## *Marking and Rating*

Section 1. **Papers - how marked.** Examinations shall be objectively rated.

Section 2. **Minimum rating required.** No person shall be placed upon an eligible list whose test score is less than a passing score or where an examination consists of two or more parts and a candidate fails any part of such test, such candidate may be excluded from further consideration. In any case, where the number of candidates is large or where it may be found administratively best to do so, any portion or portions of the examination may be given first, and only those obtaining a satisfactory rating or number of those sufficient to meet the needs of the appointing authority may be summoned for the remainder of the examination.

Section 3. **Notification of competitors of result of examination.** Candidates shall be notified of their ratings and comparative standing. Only persons who are rejected solely due to insufficient training and/or experience from an examination where a training and experience questionnaire (T & E) was used for initial screening and as a ratable examination component may review their T & E to ensure the accuracy of what they submitted or to provide further clarification which may result in their being considered as qualified. Persons rejected for this reason only may personally inspect their examination papers within ten days after notification is sent during the office hours of DER, and in the presence of some officer or employee of DER. Such persons may appeal their rejection in writing to the Commission within ten days after notification is sent. Such appeal must state the basis upon which the appeal is made. (CSC: 3/3/92; Mayor: 3/6/92; effective 3/26/92)

Section 4. **Review of examination.** No examination ratings or papers connected with any examination, shall be subject to revision after the generation of an eligible list resulting therefrom, except that DER may correct errors of examiners at any time before the cancellation of such list; provided, however, that no person already appointed from such list whose revised rating is above the minimum rating prescribed by this rule shall be separated from the service by reason of such correction; provided, further, that no person already appointed from such list whose revised rating is below the minimum rating prescribed by this rule, shall be separated from the service except upon the approval of the Commission. No candidate's ratings, resulting from any examination, shall be corrected at any time unless the papers of all candidates resulting from that examination are reviewed at the time of such correction, except that purely clerical errors may be corrected without reference to other papers. DER may not release examination information including, but not limited to: copies of examination booklets, rating

guides and scoring keys; written comments of examination raters, including oral board raters; tapes of examination sessions; scores of candidates identified by name; and, answers to specific items on examinations.

Section 5. **Special credit for war veterans and spouses of disabled or deceased wartime veterans.**

a. A preference shall be given to those veterans and to those spouses of veterans specified in subds. 1 to 6 who gain eligibility on any competitive employment register and who do not currently hold a regular permanent appointment or have mandatory reinstatement rights to a permanent appointment to any position. A preference means the following:

(1) For a veteran, that 10 points shall be added to his or her grade.

(2) For a disabled wartime veteran, that 15 points shall be added to his or her grade.

(3) For a disabled wartime veteran whose disability is at least 30%, that 20 points shall be added to his or her grade.

(4) For the spouse of a disabled wartime veteran whose disability is at least 70%, that 10 points shall be added to the spouses's grade.

(5) For the unremarried spouse of a veteran who was killed in action, that 10 points shall be added to the spouse's grade.

(6) For the unremarried spouse of a veteran who died of a service-connected disability, that 10 points shall be added to the spouse's grade.

b. An applicant who is certified for a position after receiving a preference and who is appointed to that position may not obtain a preference for any other civil service position for which the applicant subsequently applies.

When an individual receives a regular appointment, any preference points granted for any other active eligible lists are to be deducted.

c. A veteran, for purposes of administering this rule, is any person who served on active duty under honorable conditions in the U.S. armed forces, except service on active duty for training purposes, who was entitled to receive either the armed forces expeditionary medal established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada, Lebanon, Panama or a Middle East crisis under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order 10957 dated August 10, 1961.

d. Proof of eligibility for preference for veterans and spouses of veterans must be established at time of application by the submission of the original, a duly certified copy or photostat of the Honorable Discharge, Certificate in Lieu of Lost or Destroyed Discharge, Statement of Service or other official statement issued by the Army, Navy, Air Force, Marine Corps, or Coast Guard, indicating that a period of active service in the military or naval forces of the United States during a period of war was terminated under honorable conditions and when appropriate, a letter or form from the Veterans Administration certifying the degree of disability and eligibility of a spouse of a disabled or deceased veteran.

e. Nothing in this Rule, or in Chapter 72 of the Laws of 1929, shall be construed to authorize or direct the placing of the name of any person on any eligible list who does not meet the physical standards established for the position for which said eligible list has been created. (CSC: 6/2/92; Mayor: 6/5/92; effective 6/22/92)

Section 6. **Penalty for deceit in examination.** An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass such examination may be excluded from further participation in such examination. If, however, such applicant shall deny the fact of such deceit, or if the examiner in charge of the examination shall believe extenuating circumstances to exist, the applicant shall be permitted to finish the examination, and the circumstances shall be reported to the Commission. The applicant may be given an opportunity to be heard. Should the Commission find the applicant guilty of deceitful conduct in connection with the examination, it may either cancel the examination papers of such applicant, or may remove the applicant from the eligible list if such deceit was discovered after the compilation of the eligible list.

Section 7. **Tie ratings.** In case two or more persons receive the same rating, the tie shall be resolved as follows, each lettered paragraph being resorted to in case all preceding paragraphs have failed to break the tie:

a. If the persons tied are already in the classified service, the one having greater seniority shall have precedence on the list.

b. If one of the persons tied is already in the classified service he shall have precedence over the tied person or persons not in the classified service.

c. If experience is a ratable element in the examination, the tied person having the higher experience rating shall have precedence.

d. The tied person who has been a resident of Milwaukee for the greatest continuous length of time immediately preceding the examination shall have precedence.

## *RULE VII*
## *Eligible Lists*

Section 1. **Eligible lists.** Eligible lists shall be in force from and after their final generation by DER. The names of those applicants who have attained at least the minimum average rating required shall be placed in the order of their relative standing on the proper list of eligibles.

Section 2. **Medical and physical examination of eligibles.** At any time before appointment, in anticipation of, or after, receipt of request for certification, persons whose names appear upon an eligible or reinstatement list may be required to pass medical and physical examinations. Such examination may be required even though there have been previous medical examinations of the said eligibles.

Section 3. **Consolidation of eligible lists.** When there are names of persons on an eligible list for a position for which a new list is approved, both lists shall be consolidated and all persons placed on the consolidated list. Those names from the first list may be removed from the consolidated list on the expiration or cancellation of such earlier list.

Section 4. **Cancellation of eligible list for special expert positions.** The appointing officer, for a position in the special expert class, shall notify DER in writing, if he or she desires the cancellation of the list as soon as appointment has been made.

Section 5. **Life of eligible lists.** Except as otherwise hereinafter provided, eligible lists shall expire two years from the date of the holding of the examinations creating them. However, if better qualified applicants might be secured in a new examination an existing list may be canceled at any time. An eligible list may be extended for one year from the date of its expiration. A list which has been abolished or which has expired may be revived within a period of four years from the date of the examination creating it and in any such case such a list shall expire not later than the date it would have expired had the action been originally one of extension instead of revival. A list which has been abolished or which has expired may still be used to complete a certification which has been made before the abolition or expiration of the list. Consolidated lists shall continue in effect with time being reckoned from the date of the last examination entering into such consolidated list but names resulting from earlier examinations shall be dropped from such consolidated lists in accordance with the plan above set forth. An eligible list for a position in the special expert class shall be subject to abolition as provided in Paragraph 4 of Section 63.40 of the Statutes.

Section 6. **Appointment to be recorded on eligible list.** When an applicant has been appointed to a position in the city service, such appointment shall be entered upon the eligible list from which he was certified. Once appointed from an eligible list, the person so appointed shall be removed from the list unless the position for which the appointment was made was a lower level than for which the eligible list was created.

Section 7. **Removal from eligible list on account of non- appointment.** DER may remove from the list the name of an eligible who fails of appointment three times; provided, that after the third certification without appointment, the appointing officer(s) may be asked for information concerning the applicant for the purpose of administering this rule. Certification for temporary appointment and certification on which waiver is requested and approved shall not count as one of such certifications.

Section 8. **Removal from eligible list on account of losing any preliminary requirement.** The name of any eligible who no longer fulfills any preliminary requirement demanded at the time of examination (such as the possession of a license) shall be removed from the eligible list. Names of persons may also be removed from eligible lists whose work record or employment references are unsatisfactory as documented by the appointing authority or for any of the causes specified in other parts of these rules.

Section 9. **Removal from promotional lists of persons permanently separated from the city service.** Except as otherwise provided in these rules, the names of persons permanently separated from the city service on account of resignation, discharge or other cause, shall be removed from any and all promotional lists, except that the names of persons who have resigned but who are eligible and approved for reinstatement following separation may be restored to a list provided the list from which they were removed is still in effect. The names of persons suspended shall not be certified from such list during the period of suspension.

Section 10. **Removal from lower list if appointed from higher list.** A person whose name is on lists of different grades or lists with different salary schedules shall be removed from a lower grade eligible list or one with a lower salary schedule upon appointment to a higher grade position or one with a higher salary schedule. Upon giving up such appointment to the higher grade position employees may have their names restored, upon their request, to any eligible list from which it was taken under this section provided such list is still in effect.

Section 11. **Circularization of eligible lists.** In anticipation of request for certification DER may circularize the persons on any eligible list as to whether they will accept appointment or wish their names to remain on the list, and will be governed in certification and the keeping of such names on the list by the returns from such circularization. Another circularization of the same list need not be made within a period of six months provided the positions to be filled are not of greater salary or greater permanency, and eligibles who decline need not be certified to new vacancies within said period; provided, however, that eligibles who have declined but who shall thereafter notify DER of their willingness to accept shall not be passed over.

## *RULE VIII*
## *Requisitions, Certifications and Appointments*

Section 1. **Requisitions.** The appointing officer shall make requisition to DER for eligibles to fill vacancies in the city service. Requisition shall be made on the form prescribed by DER and shall specify the title and number of vacancies which it is desired to fill, the class, grade, salary, whether permanent or temporary, and any other information which will assist DER in making proper certification under the rules of the Commission. DER may require of the appointing officer a statement of the authority for the position and the duties thereof before making certification.

Section 2. **Certification.** DER shall certify to the appointing officer, upon receipt of a requisition, the names and addresses of eligibles in the following order as indicated below; provided, however, that there are no other persons who have reinstatement rights as a result of recall from layoff under collective bargaining agreements or as a result of other reinstatement rights enumerated in these rules, three names shall be certified for one vacancy and one name for each additional vacancy plus additional eligibles whose score, with preference points, equals or exceeds the lowest score of the names initially certified, up to three names plus one for each additional vacancy. In all cases where a reinstatement is being made to the same department and class in which the incumbent was formerly employed, one name only shall be certified for each vacancy. However, if the requisition is for a managerial, supervisory or confidential position, and a reinstatement is not being made, five names shall be certified for one vacancy, or if at the time interview notices are mailed, the register is more than 50, the top 10%, with any fraction rounded to the next whole number, up to a maximum of 10 names, shall be certified for the first vacancy and one name for each additional vacancy plus additional eligibles whose score, with preference points, equals or exceeds the lowest score of the names initially certified, up to the number initially certified.

The term "reinstatement" as here used shall not include certification from an examination list even though a person so certified may have been formerly employed. In cases of reinstatement, however, reinstatements are to be made in order of seniority of the persons included within each of the groups a., b., c. or d..

a. First, persons returning from medical leave of absence.

b. Second, persons returning from non-medical leaves of absence.

c. Third, persons who have been laid off for lack of work or other good and sufficient reason for positions for which they are qualified.

d. Fourth, persons who have reported for service at the expiration of leaves of absence but for whom no vacancy existed at that time and who are not included in the first or second classes described in Paragraphs a. and b..

e. Fifth, persons whose requests for reinstatement following resignation, expiration

of leave of absence or disability retirement provided however, that such requests have been approved by the department or bureau from which the person resigned, retired or which expired the leave of absence.

f. Sixth, persons for whom a transfer from one department or bureau to another has been approved under the rule governing transfers.

g. Seventh, persons standing upon promotional list for said position if there be such list.

h. Eighth, persons standing upon original list, according to specific provisions, if any, stated upon the examination announcement.

Additional names shall be certified as needed; this is to mean that when the number of names as provided under Section 63.39 of the Wisconsin Statutes are not available from the promotional list, additional names are to be certified from the original entrance list up to the number required by law.

i. Ninth, from the reinstatement list or from the eligible list of another position comparable fairly to the position to be filled; provided that when making certification from an eligible list the examination for such other position is an adequate test for the position to be filled. Certification from such reinstatement or eligible list may be made ahead of all other lists in any case in which the position in question requires specialized training or ability, possessed by the person proposed to be appointed from said list but not sufficiently possessed by the persons on the lists mentioned in the preceding sub-sections.

j. Whenever certification and appointment has been made from a reinstatement or eligible list for a position of higher grade than the position in which the vacancy exists, the status of the eligible employee on the higher grade reinstatement or eligible list is not affected provided the eligible employee is in good standing on the reinstatement or eligible list. Subsequent certification from the higher level list shall include, in the order in which they stood on such list, the name or names of any persons certified to lower grade positions.

k. Any position made vacant by reason of the taking of a leave of absence on the part of a regularly appointed employee, when such leave of absence shall be because of sickness, as described under Paragraph (a), shall be filled temporarily only where such leave of absence is of three months or less duration or for the period required by section 103.10 of the Wisconsin Statutes. It is hereby declared to be the policy of the Commission that it is desirable that positions made vacant because of leaves of absence taken for other reasons than sickness shall be filled temporarily only where such leave of absence is of one month or less duration.

A person returning from leave of absence taken because of sickness or any leave required under section 103.10 of the Statutes, as described in Paragraph a., shall

be reinstated forthwith where such leave of absence is of three months or less duration or the period required under section 103.10 of the Statutes. In all cases in which a person shall return from leave of absence taken for other reasons, as described in paragraphs b. and d., the person shall be reinstated forthwith where such leave of absence is of one month or less duration. When a leave of absence taken because of sickness exceeds three months or exceeds the periods required under Section 103.10 of the Statutes, or a leave of absence taken for reasons other than sickness exceeds one month, and the vacancy has in the meantime been filled by making a regular permanent appointment, the regular and permanently appointed employee shall not be displaced but the person returning from said leave of absence shall be eligible to such vacancies as may occur in the order of preference as above set forth.

l. A laid off employee may decline a temporary reinstatement when the work offered appears to be of short duration, without suffering any loss of standing. It is the declared policy of the Commission to encourage seasonal employees to obtain other employment during their periods of layoff and not to compel them to relinquish such outside employment in order to return to work for the City for very brief periods. (CSC: 6/2/92; Mayor: 6/5/92; effective 6/22/92.)

Section 3. **Selective Certification.** If a vacancy exists which requires specialized experience or training as identified by the appointing authority, which is not held by all persons on an eligible list, either promotional or original; or in order for an appointing authority to meet approved employment objectives, the Commission may, after public hearing and in their judgment for the good of the service, limit certification to those persons on the eligible list meeting the special requirements or those persons which would allow the department to meet the approved objectives.

Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that a bona fide occupational qualification for the specific sex does, in fact, exist.

Section 4. **Notice to be sent.** A notice of the certification of a person's name for reinstatement or appointment shall be sent such person at his last known address. It shall be the responsibility of eligibles to notify DER of any change of address.

Section 5. **Failure to respond to notice of certification.** The failure of eligible persons to report to the appointing head upon notice of certification within four days after the mailing of such notice to their address as last shown on the eligible list shall be considered sufficient cause for removal from the list. On notice from an appointing officer that a person named in a certification has declined appointment or on receipt, in writing, by DER from such person of a declination or of evidence of the failure of such person to respond to a notice properly sent, certification shall be made of the eligibles next in order on the list if requested by the appointing authority.

Section 6. **Waiver.** Persons on the eligible list may waive certification, or, when their names have been certified for reinstatement or appointment, to waive such reinstatement or appointment. Waivers must be filed with DER within four business days from the date of

certification and the name of such eligible shall not be certified until the waiver has been withdrawn or expired. Waivers, whether continuous or otherwise, shall not be permitted for a period longer than one year.

Section 7. **Objection by appointing officer.** If the appointing officer has information regarding any person certified tending to show unfitness or unavailability for the position to be filled on the part of said person, such appointing officer may request, in writing to the Commission that such eligible either be bypassed for certification or removed from the eligible list. As a result of such request, the Commission may withdraw from the certification the name of the eligible for the position under consideration and certify an additional name for each eligible so withdrawn. The Commission may also determine in each such case whether there is sufficient cause to remove the name of the person affected from the eligible list.

Section 8. **Probationary period.** A person appointed to a position or transferred to a different department or bureau or reinstated to a different department or bureau with the exception of those positions designated below in subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), and (j) shall serve a probation period of six months of actual service. A person shall serve only one probation period in each class title in the same department or bureau. The Commission, however, may specify at any time, for any position or group of positions, a probation period of a length longer than as specified herein. The Commission may also at the request of the appointing officer extend a probation period. (However, a request to extend an Electrical Mechanic's probation beyond nine (9) months, shall not be considered unless submitted by mutual agreement of the appointing officer and a designated representative of the Union.) When such request is received prior to the expiration of the probation period, such probation period shall be extended until the appointing officer receives written notification of the Commission action on the request. Probation period shall not include time served as a temporary or provisional appointee but shall date from time of appointment from a certified eligible list, promotion under Civil Service Rule IV, or from time of transfer, reinstatement or layoff from one position to another. A probation period is deemed completed upon the Commission's receipt of a report of satisfactory completion from the appointing officer, or upon completion of the probation period without notice of termination.

Persons in the herein-stated positions shall serve the following probation period:

a. Persons appointed to a position covered by the Management Classification and Pay Plan shall serve a twelve-month period.

b. Except for persons initially hired to one of the following positions, persons appointed as Arborist I, Bridge Laborer, Cement Finisher Helper, City Laborer (Regular), Custodial Worker II-City Laborer, Environmental Health Laborer (Seasonal), Garage Attendant, Garage Custodian, Harbor Signal Maintenance Worker, Laborer (Electrical Services), Meter Shop Laborer, Nursery Laborer, Power Plant Laborer, Sewer Laborer I, Sewer Laborer II, Special Buildings and Grounds Laborer, Landscape Gardener I, Special Municipal Equipment Laborer, Special Pipe Yard Laborer, Special Service Laborer, Special Street Repair Laborer, Water Department Laborer, Water Distribution Laborer and Water Plant

Operator Trainee shall be on probation for a period of three months. Persons initially hired to one of those positions shall be on probation for a period of four months. (CSC: 11/21/95; Mayor: 12/5/95; effective 12/21/95.)

c. Persons transferred, promoted, or laid off to a position in pay ranges 200 through 235 (with the exception of Arborist Trainee), 300 through 335, 400 through 440 (with the exception of Library Circulation Assistant I, Library Technician I and II, and in the Office of the City Treasurer: Accounting Assistant I, Office Assistant III, Customer Service Representative I and Customer Service Representative II), 500 (with the exception of Sanitation Inspectors), 600, or reduced in classification at the person's request when a City function in which the person was engaged is abolished, shall have a probation period of three months, or 50% of the usual probation period for the position to which the person is reduced, transferred, or promoted, whichever is greater. (CSC: 12/17/96; Mayor: 12/23/96; effective 1/23/97.)

d. Persons appointed to seasonal positions who frequently move between departments and bureaus shall serve a probation period of nine months of actual cumulative service in the position in various departments and bureaus unless the person has previously completed a probation period in a department or bureau in accordance with above provisions herein-stated.

e. Apprentices, who are employed under the terms of indenture contracts with the State of Wisconsin which contain removal and appeal procedures, are not subject to the provisions of this rule.

f. Persons appointed as Boiler Inspector, Building Construction Inspector, Sprinkler Construction Inspector, Code Enforcement Inspector I, Community Sanitarian Specialist, and Electrical Mechanic shall serve a nine-month probation period.

g. Persons appointed to a Nutritionist, Public Health Educator I, Public Health Educator II, Systems Specialist I, Systems Specialist II, Microcomputer Analyst, Operations Analyst, Project Assistant, Programmer Analyst and Market Analyst shall serve a twelve-month probation period. Persons initially appointed or persons promoted from a nonprofessional position to one of the following professional positions shall serve a twelve-month probation period: Architectural Designer I, Civil Engineer I, Electrical Engineer I, Mechanical Engineer I, Traffic Control Engineer I, Architectural Designer II, Civil Engineer II, Electrical Engineer II, Mechanical Engineer II, Plan Examiner II, Traffic Control Engineer II, Architect III, Civil Engineer III, Electrical Engineer III, Mechanical Engineer III, Plan Examiner III, Traffic Control Engineer III and Civil Engineer IV. (CSC: 5/23/95; Mayor: 5/26/95; effective 6/15/95.)

h. Persons appointed as Public Works Inspector I shall serve a ten-month probation period.

i. Persons initially hired to the City to the position of Librarian III or Librarian IV in the Milwaukee Public Library shall serve a twelve-month probation period.

j. Individuals who serve for 520 hours or more in a regular appointment to a temporary position included in the Clerical Pool (Temporary Clerk I, Temporary Clerk II, Temporary Stenographer I, Temporary Stenographer II, Temporary Typist I and Temporary Typist II), and are subsequently appointed to a non-temporary position corresponding to the Clerical Pool position shall serve a three month probationary period in the non-temporary position.

Section 9. **Residence requirements after appointment.** Except as otherwise allowed by the Commission, all persons included in the city service and subject to the rules of the Commission, shall have their homes and maintain their bona fide legal and actual residence within the City of Milwaukee within six months of appointment. The Commission may make temporary exceptions in accordance with the authority delegated to it by the City Charter. DER shall not certify the salary of any employee who shall ignore or refuse to comply with the Commission's orders regarding residence.

Section 10. **Nepotism prohibited.** Except as result of regular certification from an original or promotional eligible list established as a result of examination, no person shall hereafter be appointed to any position in the city service subject to these rules, who is related by blood (whether of whole or half blood), or through marriage to the appointing officer or to any member of the appointing board or body or to any direct superior or to any elective or appointive city official. This prohibition shall extend to and include appointments made under the authority of Section 63.41 of the Wisconsin Statutes, and shall also include all provisional appointments, all temporary appointments, except when made by regular certification from an appropriate eligible list, and all emergency appointments. It shall be the duty of every appointing officer to inquire of all prospective appointees (except those certified from an original or promotional eligible list) whether any such relationship exists and to report immediately to the Commission whenever any such relationship is known or reported to exist. The Commission may direct DER to refuse to certify the salary of any person appointed without compliance with the provisions of this section. Relationship, as here defined, shall extend to all persons related as closely as first cousin when the relationship is by blood, or more closely related than first cousin where the relationship is through marriage, and shall include the cases of husbands of sisters-in-law and wives of brothers-in-law.

Section 11. **Establishment of fixed terms for certain positions.** On recommendation of an appointing authority, the Commission may, in its discretion, direct that an appointment be for a fixed term, the length of the said term to be specified in the examination announcement and a specification that a reappointment without examination and on the basis of ascertained merit and efficiency in service may be permitted for subsequent terms each not exceeding in length the original term. The establishment of such fixed terms of service shall be made only in cases where it appears to the Commission to be to the best interests of the city to continue the employment of such persons only during the period in which the establishment of a position created to perform a specific project and its continuation as full time occupation is not

contemplated.

Section 12. **Delegation of certification.** The Commission may delegate certification tasks for appointments from any eligible lists to appointing authorities. Such authorization shall remain in effect until rescinded by the Commission.

Section 13. **Employees of suburban communities to become City of Milwaukee employees after consolidation or annexation.** Whenever a town, village, or city is consolidated with the City of Milwaukee or whenever an area of a town has been annexed to the City of Milwaukee, officers and employees of said town, village, or city residing in Milwaukee or in the annexed or consolidated area (but exclusive of elected officials), shall by reason of their status as officers or employees of said town, village, or city, be accepted in suitable positions in the service of the City of Milwaukee for which their experience, training, and physical condition shall fully qualify them. In cases where positions in the two communities are not comparable in description or salary, DER is directed to make every effort to arrange equitable employment by placing such persons on suitable reinstatement lists. City pensioners who are covered by this rule shall not be employed unless they shall first forego their pensions. The Commission's rule relating to the probation period shall apply in all cases of annexation or consolidation where there is no local civil service system already in existence; but in any case where a local civil service system or merit system is in existence, persons who have been employed thereunder and who are received into the service of the City of Milwaukee shall be deemed to have completed successfully their probation periods.

## *RULE IX*
## *Provisional, Temporary and Emergency Appointments*

Section 1. **Provisional appointment.** Upon receipt of a requisition for persons to fill a vacancy for which no eligible list exists, or for which, after certification of names on the list, no one responds or will accept appointment, the appointing officer may make a provisional appointment pending examination; the making of such provisional appointment will constitute a request for examination. As soon as an eligible list is secured for a position filled by provisional appointment, DER shall certify to the appointing officer in the usual manner the names of the eligibles standing highest on such eligible list and the appointing officer shall make regular appointment within fourteen days of the date of such certification. If no such appointment shall be made the provisional appointment shall terminate at the expiration of the aforesaid fourteen days, unless otherwise ordered by the Commission.

Section 2. **Temporary appointment.** When services are to be rendered of a temporary character and for a limited period, or during the leave of absence, of an employee who will return to the service of the city, the appointing officer shall inform DER, stating the duration of such period, the rate of compensation, the authority for employing such temporary service, and other conditions of employment, and may select for such employment one of the persons on the eligible list who could have been certified for regular appointment and, after notice of the conditions, is willing to accept appointment. In case of acceptance of appointment for temporary service, the eligible so appointed shall retain all rights to certification for permanent appointment as though no temporary appointment had been given. In the event that it is not practicable to make such temporary appointment from the eligible list, the employment of a non-eligible is limited for a period of 90 days or until regular appointment or reinstatement can be made in accordance with the Civil Service Law. The Commission may authorize temporary appointments of longer periods. Provisional or temporary appointment shall not confer upon the appointee any privilege of promotion, transfer or reinstatement to any other position in the service.

Section 3. **Temporary appointment made regular.** In any case where a position is open for what had originally been believed to be for temporary service only and where a temporary appointment had been made from an appropriate eligible list, the person who was appointed temporarily may be certified for regular appointment, but only if it is shown to the satisfaction of the Commission that the fact that the position would become permanent was not known to the appointing officer or department at the time the temporary appointment was made. An instance of the applicability of this section would be in case a person is temporarily appointed to fill a position made vacant by sickness or by a leave of absence and where it is necessary to canvass an eligible list and appoint a lower eligible because of the supposed temporary nature of the work, but where because of death or other separation from the service, the person regularly occupying this position does not return and the department head desires to take advantage of the training which the temporary appointee had had in the position.

Section 4. **Emergency appointment.** In cases of emergency, and for the purpose of preventing the stoppage of necessary public business, the appointing officer may make an emergency appointment for a period of not to exceed fourteen (14) days. Successive emergency appointments of the same person shall not be permitted. Immediate report in writing of emergency appointments must be made to DER.

## *RULE X*
## *Layoff, Leave of Absence, Resignation and Reinstatement*

Section 1. **Layoff.** Regularly appointed employees who were last appointed shall be laid off first; unless the Commission approves an efficiency based method as provided under Rule XII , and provided further that temporary, provisional and regularly appointed employees serving in their probationary periods shall be laid off prior to other regular employees. The intention of this provision is that, while in laying off employees the rules of seniority shall govern; nevertheless, it is the intention of the Commission to permit those employees not represented by certified bargaining units whom it finds less efficient to be laid off first, regardless of seniority. Layoff from positions which are seasonal and where employees work in different crews or gangs, or with such crews or gangs, may be made at the time the work of the crew or gang is completed, irrespective of seniority; provided that if the work of another crew or gang in the same department employing the same class of employees, extends more than seven calendar days beyond that of the first crew or gang, reinstatement of any employees who have greater seniority in the service than those working, shall be made, the efficiency of the employees being equal. The Commission may investigate any layoff or the cause thereof. If the appointing officer wishes the names of the persons to be laid off on the basis of seniority certified the appointing officer shall inform DER of the number to be laid off and names of the proper persons for such layoff shall be so certified. This section shall not apply to persons covered under collective bargaining agreements.

Notwithstanding the above, in the event of reduction in force or layoff of employees not represented by collective bargaining agreements, the Commission may adopt, after hearing, any reduction-in-force or layoff plan which in its judgment is for the general good of the city.

Section 2. **Leave of Absence.** The head of a department may grant leave of absence to an officer or employee for a period not to exceed one year except unless otherwise provided. The request for leave of absence, together with the reasons therefor and the period of leave desired, together with a full statement as to the desire or intention of the employee to return to the city service, shall be made in writing on the forms prescribed; provided that when leave of absence is necessary on account of absence from duty of employees, through sudden sickness, injury, or pregnancy-related disability, the same may be made by the department head without securing the signature of the employee on the above form, and when approved by the department head shall be forwarded to DER. Leave of absence from duty shall in no case be granted to an officer or employee who has been in the service of the city for less than three months immediately preceding the date of leave, except in case of sickness, disability, pregnancy-related disability or upon entry into the armed forces or urgent necessity, in which case application for leave shall be accompanied by such proof as DER may require, and said leave shall be granted only upon the approval of DER based upon the rules of the Commission. When leaves of absence are requested on account of sickness, disability, or pregnancy-related disability or on account of an employee entering the armed forces of the country or to accept a position in the exempt or fire and police service, or a position of honor or trust in the service of the United States, the State of Wisconsin or Milwaukee County, or because of attending any institution of learning in which employees take a course to increase their knowledge to perform better the duties of their

positions, such leaves may be granted and extended for periods of one year but only during the actual sickness, disability, or pregnancy-related disability of the employees or during their service for the country or while they are holding positions in the exempt or fire and police service or holding the said positions of honor or trust or while they are attending the said institution of learning. Extension for more than one year may also be granted and approved for other causes of an exceptional nature.

Except as hereinafter stated, leave of absence shall not be granted to any officer or employee included in the city service to engage in a business venture or to practice a profession or occupation outside of the City Service except as otherwise provided in this rule. A leave of absence which has been granted for any other reason shall automatically be terminated should it be found that the person on such leave has engaged in a business venture or practiced a profession or occupation outside of the City Service. The restrictions of this paragraph shall not apply, however, in any of the following situations:

a. If the person affected has been appointed or elected to a position of honor or trust in the service of the City of Milwaukee, the County of Milwaukee, the State of Wisconsin or the United States;

b. If the person in question has entered or is entering the U. S. armed forces;

c. Should the Commission, after holding a hearing thereon, make a finding, in accordance with a request from the department or bureau head on behalf of such employee, that unusual circumstances exist constituting an urgent necessity for such leave and for permission to work as requested, the said circumstances to be fully set forth in the Commission's minutes.

Section 3. **Failure to return after leave.** At the expiration of a leave of absence, the department from which the employee took leave shall report (1) the return and reinstatement of the employee, if a vacancy exists which it is desired to fill, or, (2) the return from leave with a request for placing the name of the employee on a reinstatement list, if no vacancy exists, or, (3) the failure of the employee to report at the expiration of the leave. Failure to report at the expiration of a leave of absence or if a leave or extension of a leave has been disapproved or revoked and canceled by the appointing authority, shall be a separation from the service; provided, however, that if the officer or employee so separated shows to the satisfaction of the Commission that such absence or failure to report was excusable, the Commission may then order reinstatement or the person's name restored to the reinstatement list.

Section 4. **Resignation.** The resignation of an officer or employee from a position in the classified service shall be filed with DER by the head of the department receiving and accepting the same. DER shall prescribe the forms for such resignation. An appointing authority may permit the withdrawal of a resignation at any time within ten days after the filing of the resignation with DER.

Section 5. **Absence without leave.** It is declared to be a breach of discipline for officers or employees to be absent without leave and without immediately seeking permission and giving

a proper satisfactory explanation to their superior officers (provided such communication is physically possible) and any such absence without leave, regardless of its length, may be made the basis of disciplinary action. Failure to report for duty at the time and place designated by the proper superior officer is hereby declared to be absence without leave, and willingness or alleged willingness to work at some other place or at some other time or at some other task or under some other conditions shall not prevent such action from being considered absence without leave. Nothing in this section or in any other part of the City Civil Service Rules shall be construed to give officers or employees the right to take a leave of absence at their own discretion.

Section 6. **Reinstatement following layoff.** The names of persons laid off in accordance with Section 1 of this rule, shall be placed on reinstatement lists, in the reverse order of layoff and reinstatement made in accordance with the provisions of Rule VIII. Except as provided otherwise in these rules, reinstatement lists shall have preference over other lists. A person laid off by one department, bureau or board shall be reinstated in a different department, bureau or board only with the consent of the latter. Employees laid off in any department, bureau or board shall have preference for vacancies in that bureau or board, and in such cases there shall be certified only the names of the persons laid off from the positions in question. The names of employees laid off shall be stricken from the reinstatement list at the expiration of two years from their entry thereon unless the Commission shall, for reasons to be stated in the minutes, extend or revive any such reinstatement list beyond said time. The Commission may abolish any reinstatement list or strike names therefrom at any time. The provisions of this section regarding length of eligibility to reinstatement shall also apply to cases of reinstatement following leave of absence and to cases of reinstatement following resignations.

Section 7. **Reinstatement following leave of absence.** Upon notification to their department head of their desire to return at, or prior to, the expiration of a leave of absence, an officer or employee shall be reinstated in his or her former position; provided, however, that if such absence with leave exceeds one month, or, in the case of injury in the service, sickness or other disability, three months or exceeds the period required under Section 103.10 of the Statutes, and the position in the meantime has been filled by regular appointment, the name of such officer or employee shall be placed on a reinstatement list and certified therefrom in accordance with the rule governing certification; provided that any officers or employees granted leaves of absence on account of service in the U. S. armed forces or due to appointment to the exempt service, as provided in this rule, shall be entitled to be reinstated in a position previously held in the city service regardless of length of absence provided they possess greater seniority under Rule XII than the person who would be displaced.

Section 8. **Reinstatement following resignation or voluntary demotion.** Any person who has held a position by regular appointment under the Civil Service Rules and has resigned in good standing or has taken a voluntary demotion may, upon approval of the appointing authority of the agency to which the person desires to be reinstated, be reinstated or be placed on a proper reinstatement list. Such request must be made to the appointing authority of the agency where reinstatement is sought within one year from the date of resignation. The appointing authority must report all such proposed reinstatements to DER. The Commission may approve requests with the consent of the department head after more than one year. Not more than two

reinstatements after resignation shall be granted any person.

Section 9. **Reinstatement in positions having sliding salary scale.** A person reinstated in a position having a sliding salary scale shall be reinstated with the same salary rights formerly held.

Section 10. **Reinstatement for temporary employment of person who has held preceding temporary appointment.** Any person who has been appointed to a temporary position from an eligible list, being one of the persons on said list who could have been certified for regular appointment at the time, may be reinstated for temporary appointment either before or after the abolition of the list upon which the person's name appeared; provided such reinstatement is requested by the department head. Such reinstatement may be made notwithstanding the fact that there may be any number of eligibles with higher ratings willing to accept temporary appointment at the time such reinstatement is effected.

Section 11. **Removal from reinstatement list.** The Commission may require any person on any reinstatement list to show physical fitness by means of a new medical examination, and may remove from the reinstatement list any person not having the physical qualifications required for the position in the service to which appointment is to be made. The Commission may remove from any reinstatement list any person whose qualifications do not come up to the standards set for the vacancy to be filled at the time said reinstatement is proposed to be made.

Section 12. **Reinstatement to be governed by rule regarding certifications.** The provisions of Rule VIII, Section 2, regarding certifications, insofar as they apply to cases to reinstatement, are to be considered as a part of this rule, and all reinstatements are to be made subject to the provisions and restrictions thereof.

Section 13. **Reinstatements and adjustments following return from military leave.** The provisions of Section 45.51 of the Wisconsin Statutes, insofar as they affect persons or positions included in the city service, and the provisions of Section 45.50 of the Wisconsin Statutes insofar as they affect persons or positions included in the city service of the City of Milwaukee, and the provisions of Section 350.36 of the Milwaukee Code of Ordinances insofar as they affect persons or positions included in the city service, are hereby made a part of the City Civil Service Rules, and all leaves of absence to enter the armed forces of the United States and all reinstatements following such leaves of absence shall be made in conformity thereto.

Section 14. Any person who is displaced by the reinstatement as a result of the return from a leave of absence of a person from the armed forces of the United States or the exempt service, and who was previously serving regularly in a different position in the city service, shall, on being displaced by the return of the person to whom such leave of absence was granted, be returned to the position formerly held when such return can legally be made in accordance with Rule XII, and in like manner any other person or persons who have been appointed, promoted, transferred or reinstated and who are affected by such action shall be demoted, transferred or laid off, in order to restore, as nearly as possible, all persons affected by such return from leave of absence to their original status.

The Commission may, in its discretion, grant reinstatement rights to any person who has resigned from a position in the city service to enter the armed forces of the United States to the same extent and subject to the same provisions as though such person had been granted a leave of absence, and shall determine, on the merits of individual cases as they arise, the extent to which displacement of regularly appointed persons from their positions shall be made where there was a resignation and not a leave of absence to enter the armed forces.

Section 15. **Reinstatement following recovery from disability.** Any person included in the city service, who, being a member of the General Pension System of the city, has been retired because of disability before reaching the ordinary minimum retirement age, and who has been medically re-examined and has been found by the Medical Board of the General Pension System to be able to engage in a gainful occupation, shall be eligible to reinstatement, either in the position previously occupied or in another position for which the person may be found qualified, but any such reinstatement shall be made only with the consent and approval of the department or bureau head where such reinstatement is proposed to be made, and shall not have the effect of displacing any regularly appointed person.

## *RULE XI*
## *Transfer*

Section 1. **When transfer is permissible.** Transfers may be made as follows:

a. To a similar class, grade and character of work and having the same pay, within a department.

b. From a position in one department to a similar position class and grade, in another department, provided the heads of the two departments and DER are in agreement except that agreement of the two departments may not be necessary if the Americans with Disabilities Act Coordinator deems a transfer is necessary to comply with the Americans with Disabilities Act . Any department head who disagrees with a decision to transfer an employee into his/her department may appeal that decision to the Board of City Service Commissioners. (CSC: 4/27/93; Mayor: 5/5/93; effective: 5/23/93)

Section 2. **Transfers to be governed by rule regarding certification.** The provisions of Rule VIII, Section 2, regarding certifications, insofar as they apply to transfers, are to be considered part of this rule and all transfers are to be made subject to the provisions and restrictions thereof.

## *RULE XII*
## *Seniority and Efficiency*

Section 1. **Seniority rights.**

a. The determination of the seniority rights, layoff and reinstatement of employees covered under the certification of collective bargaining units shall be in accordance with the collective bargaining agreements with the city and not under this rule. In making layoffs, displacements and reinstatements, seniority rights shall be respected, unless the Commission has determined, based upon the request of an appointing authority that efficiency is the appropriate method to determine such layoffs, displacements and reinstatements. In all cases, the interpretation of seniority rights is subject to the provisions of the rules regarding certifications, layoffs, displacements and reinstatements. In any case involving like offices, in which a department head or other supervisory officer proposes to lay off, displace or reinstate employees on the basis of relative efficiency rather than on the basis of seniority, such department head or supervisory officer shall be required to request that the City Service Commission approve of such proposed action and must show that efficiency, rather than seniority, is the proper basis for such proposed action.

b. Any employee who feels aggrieved by reason of being laid off or displaced in violation of any alleged or valid seniority rights, or by reason of not being reinstated when other employees of similar title, salary and duties in the same office, bureau or place of employment have been reinstated or are serving, and have lower seniority than the aggrieved employee, shall, within ten days after being laid off or after failing to obtain reinstatement at the time claimed to be proper, file or cause to be filed with the Commission a demand in writing for reinstatement or other relief, stating the facts upon which the demand is based, and the Commission shall upon at least ten days' notice in writing to the employee (which notice may be served by ordinary mail or in any other manner) conduct an investigation and hearing and take action thereon disposing of the said demand; and in case of failure of the employee to file such demand within the time above fixed therefor the layoff, displacement or reinstatement shall be deemed to be proper.

Section 2. **Calculation of seniority.** Seniority shall be based upon the date of regular appointment in the position in question (or in other position of equal responsibility and duties as recognized by the Commission) without counting provisional, temporary or emergency service, and in the particular department, bureau, office or place of employment as recognized by the Commission. When several persons start on the same date, their relative seniority shall be established by their examination ratings, and where those ratings do not prevail, seniority shall be determined through the drawing of lots by the affected persons in the office of DER. The Commission may, in any case where it thinks it proper to do so, adjust seniority dates because of absence from the service.

Section 3. **Determination of relative seniority.** Relative seniority shall be determined within the respective departments, bureaus or subdivisions thereof, offices or places of employment and by titles of positions, the seniority rights of any employee as compared with other employees to extend no further than the department, bureau or subdivision thereof, office or place of employment of the said employee and in comparison with other employees holding the same title; provided, however, that relative seniority rights may be established among aggregations of persons holding positions differing in title but similar in responsibility and general nature of duties; and provided, further, in any case where there are persons in any department, bureau or subdivision thereof, office or place of employment working under the same title but with such a difference in nature of work or degree of responsibility as to make it advisable to do so, separate seniority lists for such different groups may be established. The Commission may determine in any case what shall constitute a "department," "bureau or subdivision thereof," "office" or "place of employment" within the meaning of this section. The Commission may likewise determine in any case whether positions which are designated in any classification, ordinance or resolution by names which are more or less similar shall be regarded as bearing the same title within the meaning of this section.

Notwithstanding the above, in the event of reduction in force or layoff, the Commission may adopt, after appeal hearing, any reduction-in-force or layoff plan which in its judgment is for the general good of the city.

Section 4. **Efficiency.** With the advice of the heads of departments and the representatives of employee groups involved, DER may devise and introduce standards of efficiency and efficiency ratings to apply to employees in any department, bureau, office or place of employment where it believes the interests of the service would be benefitted thereby. DER shall determine the forms of records to be kept and the method of determining the respective efficiency ratings. An employee may appeal to the Commission an efficiency rating which is the basis for a reduction in salary or wages. Efficiency ratings and reports supporting them shall be open at all times to the inspection of the Commission and of the appointing authorities and other superior officers for all persons under their jurisdiction. Employees shall be entitled to be informed at any time of the efficiency ratings recorded for them. The provisions of these rules regarding layoffs according to efficiency shall be understood to refer to actual efficiency ratings prepared during the normal course of the affected employees' service.

Section 5. **Limitations of seniority rights in the case of certain employees.** Layoffs from and reinstatements to any positions for the filling of which special arrangements are made under Rule VIII, Section 13 (including such positions as School Janitorial Helpers, Matrons and Helpers employed by the School Board, Library Aides, and any other positions of similar nature which in the judgment of the Commission may be regarded as subject to the same incidents and requirements) may be made with regard to the convenience of the service as determined by the Secretary-Business manager of the School Board, the Librarian, or other superior officers, who may take into account such factors as the place of residence of persons affected and the location of the work, any emergency situation which may exist, and the education and experience of the affected persons, as well as their relative seniority. All seniority rights of such persons are declared modified to the extent necessary to give full force and effect to this section. But any

such action by the Commission shall be subject to reconsideration, modification or cancellation at any time.

Section 6. **Periodic medical examinations of certain employees to ascertain possible existence of tuberculosis or other contagious disease.** The Commissioner of Health, or any officer of the Health Department who may at the time be exercising the functions of the Commissioner of Health, may, direct that any employee or group of employees whose work is such as to expose the employee or employees to danger of contracting tuberculosis or other contagious disease, shall undergo medical examination as determined by the Health Department or by any other agency designated for the purpose by the Commissioner of Health or by any such officer who may be exercising the functions of the Commissioner of Health. The Commissioner of Health or such officer exercising the functions of the Commissioner of Health shall have sole and final discretion to determine the necessity for such medical examination in any particular case, and such examination may be general or may be limited to particular tests and laboratory findings.

Refusal on the part of any such employee to undergo any such medical examination or tests as directed shall be cause for suspension pending compliance with such order, and such refusal, if willful and continued, shall be cause for discharge from the service.

As a result of such medical examination, the Commissioner of Health, or any officer of the Health Department who may at the time be exercising the functions of the Commissioner of Health, may take such action, subject to the provisions of the State Statutes and City Ordinances, as he deems necessary for the protection of the interests of the service and for the protection of other employees or of the public.

## *RULE XIII*
## *Discharge, Appeal, Hearing*

Section 1. ***Termination during probation.** The appointing officer may terminate an employee at any time during the employee's probation period but a full statement of reasons for such termination must be filed with DER within three days of the said termination.

Section 2. **Appeal procedure.** The Commission's authority to hear appeals is limited as set forth in Section 63.43 (2) of the Wisconsin Statutes. An employee regularly appointed (having passed probationary period) may appeal a discharge, reduction, or a second suspension within six months of a former one, or from any suspension exceeding fifteen working days in length. Such appeals must be made within three business days and may use the following or similar form:

To the Honorable Board of City Service Commissioners:

Please take notice that I appeal from the order or decision of

_____

*(State name and official title)*

discharging (reducing or suspending) me from service; which said order of discharge (reduction or suspension) was made on the _____ day of _____, 20__.

Dated this _____ day of _____, 20__.

Signed _____

Section 63.44 of the State Statutes provides that employees of boards or commissions of three or more members have a right to an appeal hearing before such boards or commissions and not to the City Service Commission. The three business days within which appeal may be made shall start at the time the above indicated notice of action is served by the department upon the employee.

An employee who is in a bargaining unit where the labor contract provides final and binding arbitration as an alternate method of hearing disciplinary matters as heretofore set forth may elect either the alternate method or a hearing before the Board of City Service Commissioners. If the employee elects final and binding arbitration, the right to a hearing before the Commission will be deemed to have been waived.

Section 3. **Hearing or investigation.** The Commission on receiving a notice of appeal shall set a date for the hearing or investigation; provided that the date shall be so set that notice of it may be served on the employee and the officer at least five calendar days prior to the hearing unless such limitation be waived by both employee and officer. Upon receipt of notice

of appeal, the department head must provide a statement of the reasons for discharge, reduction, or suspension. Either party may request and be granted an adjournment of such hearing or investigation not to exceed a period of fifteen calendar days or the Commission itself may order such adjournment. If the Commission orders an investigation as a part of a hearing or in lieu thereof, it may investigate as a board or appoint a committee of its own members or of other persons to make such investigation and report back to it.

Within five business days after conclusion of the hearing or investigation, the Commission shall, by a majority vote of its members, determine whether by a preponderance of the evidence the charges are sustained. If the Commission shall determine that the charges are sustained they shall at once determine whether the good of the service requires that the accused shall be permanently discharged or shall be suspended without pay for a period to be determined by the Commission, or reduced from a higher to a lower position. If the charges shall not be sustained the accused shall be immediately reinstated in the former position, without prejudice, and the accused shall not be deprived of any salary for the period of time of discharge, suspension or reduction preceding an investigation or trial.

Section 4. **Reduction allowed.** An employee may be reduced from a higher to a lower position on account of becoming physically incapacitated to perform the duties of the higher position.

Section 5. **Causes of suspension, reduction or discharge.** The following will be considered as causes for discharge, suspension or reduction although discharges, suspensions or reductions may be made for other causes:

That an officer or employee in the classified city service

a. Has been convicted of a job related criminal offense or is unavailable for work because of incarceration; or

b. Has been charged with a job-related criminal act; but if such act is, at the time the charges are before the Commission on hearing, involved in a criminal proceeding before the grand jury or the courts, the officer or employee so charged may request that the hearing be postponed or continued, with the employee's consent, until such time as the criminal proceedings are terminated, and such request shall be granted, and provided, further, that such employee may have the hearing or investigation proceed before the Commission at any time on ten days' notice, in writing; or

c. Has willfully, wantonly or through culpable negligence been guilty of brutality or cruelty to an inmate or prisoner of a city institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody; or

d. Has violated any of the provisions of the Milwaukee Code, Charter Ordinances

and General Ordinances and Resolutions of the city passed by the Common Council, or of the Civil Service Law or of the rules of the Commission; or

e. Has been guilty of theft, damage or destruction of property of the City, other employees or any member of the public during scheduled working hours; or

f. Has violated any lawful and reasonable official regulation or order, or failed to obey any lawful or reasonable direction made and given by a superior officer, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline, or resulted or reasonably might be expected to result in loss or injury to the city, or to the public, or to the prisoners or wards of the city; or

g. Has been intoxicated while on duty or having unauthorized possession of intoxicating beverages or illegal drugs on city premises; or

h. Has contracted some infectious disease or has some physical ailment or defect which, in the opinion of a competent authority recognized by the Commission, renders the person unfit for city service; or

i. Has been guilty of acts which amount to an act of insubordination; or

j. Is offensive in conduct or language towards the public or towards city officers or employees; or

k. Is incompetent or inefficient in the performance of or fails or refuses to perform the duties required for the position; or

l. Is careless or negligent or makes unauthorized use or permits the unauthorized use of the property of the city; or

m. Has used or threatened to use, or attempted to use personal or political influence in securing promotion, leave of absence, transfer, change of grade, pay, or character of work; or

n. Has induced, or has attempted to induce, an officer or employee in the service of the city to commit an unlawful act or to act in violation of any lawful and reasonable departmental or official regulation or order; or has taken any fee, gift, or other valuable thing in the course of work or in connection with it, for personal use from any citizen, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens; or

o. Has induced or attempted to induce any person, firm or corporation doing business with the city to give employment to any relative of said city officer or employee, or has induced or attempted to induce any person, firm or corporation

as aforesaid to show any material favor or consideration of any kind to any relative of said city officer or employee, when said officer or employee holds a position in a department, bureau or office having direct contact with such person, firm or corporation; or

p. Has after the date of the adoption of this rule, during scheduled work periods, engaged in the distribution of badges, posters, bills, printed or written matter approving or favoring a candidate for nomination or election to a municipal political office, or has solicited money for the purpose of aiding the election of any candidate to any public office, and provided, further, that nothing in this section shall be construed to interfere with the right of an employee in the classified civil service to become a member of a political club or organization, to attend political meetings, to express his opinions on all political subjects, and to enjoy freedom from all interference in casting his or her vote.

q. Has refused or failed to comply with departmental work rules, policies or procedures; or

r. Has been absent without excuse, authorization or has had excessive absence and/or tardiness; or

s. Has falsified, or made unauthorized modification or alteration of any city record or report; or

t. Has had unauthorized possession of any weapon on city premises; or

u. Has intentionally and illegally discriminated against anyone in employment or delivery of services because of such individual's age, race, color, handicap, sex, creed, national origin or sexual preference.

## *RULE XIV*
## *Reports*

Section 1. **Matters to be reported.** The appointing officer or head of a department shall immediately report to DER:

a. Appointments, whether emergency, temporary, provisional, probationary, regular or exempt.

b. Refusal or neglect to accept appointment by a person who has been certified.

c. Changes in the compensation of ranks or grades or of officers or employees.

d. Proposed layoff, layoffs or reinstatements.

e. Transfers as provided in Rule XI.

f. Every resignation, discharge, reduction suspension, change in status or separation from the service of employees and the cause.

g. Out of service for provisional, temporary and emergency employees.

h. Leaves of absence approved, the reasons for and returns from leaves of absence.

i. The creation or abolition of any office or place of employment.

j. Changes in department organization, with details for charting.

k. Efficiency ratings of employees as provided in Rule XII and in the regulation established in connection therewith.

l. Vacations.

m. Retirements on pension.

n. The legal name change of any employee.

o. Any other requirement included in these rules.

Section 2. **All reports from departments to DER must be signed by the department head or the deputy or other person designated by the department head.**

## *RULE XV*
## *Administration*

Section 1. **Organization.** The Commission shall, at a meeting to be held in July of each year, elect one of its members to act as President and one member to act as Vice President, each for a term of one year and until a successor is duly elected.

Section 2. **Meetings.** Meetings of the Commission may be called at any time by the President or by any two members upon giving reasonable advance notice to each member of the Commission. Three members of the Commission shall constitute a quorum. Robert's Rules of Order shall be the rules of order of the Commission.

Section 3. **Standing committees.** The Commission may appoint standing committees of one or more members, to whom may be referred matters for investigation and report or for action. DER may also refer matters for investigation and report or for action to the Commission or any such committee. The Commission may, in its discretion, direct that written reports made by any such committee shall, when approved and concurred in, be made a part of the minutes of the Commission. Any committee report thus approved and made a part of the minutes shall be of full force and effect as though each approved action of the committee had taken by the Commission.

Section 4. **Rules and regulations.** Amendments to the rules approved by the Commission shall be spread upon the minutes and final action thereon postponed for at least two weeks. Notice of the proposed amendments, specifying the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission, shall be posted upon the bulletin board, at the entrance to the office of DER, not later than one week before the date of said meeting and such meeting shall be open to the public. When adopted and approved by the Mayor, amendments to the rules shall be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published once, at least ten days before the date they take effect, in the official newspaper of the city. The Commission may, from time to time, by resolution, adopt regulations of procedure for the administration of the work of the Commission under these rules.

Section 5. **Notice of public hearing.** Notice of public hearing held under Section 63.41 of the Statutes shall be given once in the official paper at least three days prior to such hearing and by the posting of a notice on a bulletin board to be maintained at or near the entrance to the office of DER. Notice of any other public hearing held under these rules shall be posted on the said bulletin board for at least three days unless some other rule, ordinance or statute shall prescribe a different length of time.

## *RULE XVI*
## *Employment Relations*

Section 1. **Section 111.70 of Wisconsin Statutes.** The fact that the City of Milwaukee has certain collective bargaining responsibilities under Section 111.70 of the Wisconsin Statutes of 1965 is recognized as being in harmony with the State Civil Law and Civil Service Rules.

## *RULE XVII*
## *In-Service Training*

Section 1. **Policy of the Civil Service Commission.** To fulfill the objectives of in-service training, DER will establish and maintain a training program that will maintain or increase employees' effectiveness in their present positions and aid them to qualify for advancement, prepare employees for assumption of additional supervisory or managerial responsibilities, re-train employees so they may be more versatile and valuable in their present positions and more adaptable to changing work requirements, development of coordination, morale, and other elements of general organization fitness, and provide employees with specific skills which they do not now possess or develop skills in which they are not adequately trained.

Section 2. **Temporary Exchange of Employees.** City of Milwaukee departments are authorized to participate in a program of exchange of employees with departments, agencies, or instrumentalities of the United States government, another state or locality, other countries, or other agencies, municipalities, or instrumentalities of this state as a sending or receiving agency. Temporary employee exchanges provide opportunities to facilitate the use of specialized knowledge and experience of skilled people in improving public services, enhance the career development of employees and strengthen intergovernmental and interpersonal understanding. Participation shall be administered under the direction of DER in accordance with Common Council Resolution 84-1683 (adopted July 16, 1985) and the policies and procedures adopted by the City Service Commission.

Section 3. **Tuition Reimbursement Plan.** The purpose of the plan is to encourage and assist employees in securing additional training which will contribute to the technical and professional development of the employee and better performance of municipal services.

All city employees whose positions are under the control of the Common Council are eligible for appropriate tuition reimbursement for evening school and correspondence courses, subject to the approval of DER.

DER is hereby authorized to administer the tuition reimbursement plan, subject to appropriate budgetary limitations.

## *RULE XVIII*
## *Special Expert*

Section 1. **Vacancies, Assistant City Attorney.** The appointing officer shall be free to suggest names of persons for consideration in the examination, together with all other applicants. In addition, the City Attorney shall forward a current list of all resumes received by the office within the prior 6-month calendar period. After such persons submit a formal application, they shall be considered for examination.

The appointing officer shall recommend qualifications, requirements, and employment standards for filling the position and file the same with DER.

The appointing officer shall provide a list of potential examiners which DER may use when selecting a board of examiners to conduct the examination. The City Attorney will be given an opportunity to suggest members of the City Attorney's Office to sit on the examining board, but in no case will a member of the City Attorney's office be the exclusive board member or constitute a majority of the actual examining board.

Unless the appointing officer shall request in writing that DER provide in its published announcement that the resulting eligible list shall expire as soon as an appointment has been made therefrom, the eligible list shall continue in effect until such time as DER shall approve a request in writing from the appointing officer that a new examination be conducted. In no event shall any eligible list continue in effect for more than two years.