

## **Article 3: Civil Service**

### **Division 8: Appointments**

#### **§23.0801 Selection of Appointees**

(Rule VII, Section 1 of the Rules of the Civil Service Commission)

The appointing authority shall fill vacancies by selecting the number of persons required from the list of eligibles certified by the Personnel Director, unless objection is made to an eligible as provided in Rule VI, Section 8. The appointing authority shall be entitled to select from the full number of eligibles to be certified, as specified in Rule VI, Section 3 and 4.

*(Amended 6-23-1976 by O-11856 N.S.)*

#### **§23.0802 Permanent Appointment**

Appointment of a person to a position established without limitation as to duration of employment, following successful completion of the appropriate probationary period as prescribed by the Civil Service Commission shall be considered a permanent appointment, and said person shall be considered a permanent employee.

- (a) The probationary period shall be regarded as a significant part of the examination process for permanent appointment. This period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the job, and for taking the appropriate action prescribed below whenever, in the opinion of the appointing authority, any employee does not meet required employment standards.
  - (1) A permanent employee who does not meet employment standards during the probationary period following promotion shall be returned to the previous position or class held during said promotional probationary period without the right to be heard before the Civil Service Commission.
  - (2) An employee who has not attained permanent status in any class, and who does not meet employment standards during probation, shall be discharged without the right to be heard before the Civil Service Commission, provided that upon recommendation of the appointing authority, the Personnel Directory may approve demotion of the employee to an appropriate class, with the understanding that the employee shall commence a new probationary period.

- (b) The Civil Service Commission shall establish in the Personnel Manual appropriate probationary periods of up to two years for each class.
- (c) It shall be the duty of the appointing authority, during the probationary period of each employee in the Classified Service, to investigate thoroughly the efficiency, conduct and integrity of such employees, and to determine whether or not the employee shall be retained in the City service in the class to which the employee has been appointed.

*(Amended 7-27-1981 by O-15553 N.S.; effective 9-4-1981.)*

**§23.0803 Limited Appointment**

*(Rule VII, Section 3 of the Rules of the Civil Service Commission)*

When it is necessary to fill a position of limited duration, or to fill a permanent position during a national emergency when no fully qualified person is available, the Personnel Director may approve a limited appointment from the appropriate eligible list.

- (a) Acceptance or declination of appointment with limited status shall not affect the right of a fully qualified eligible to certification to a permanent position.
- (b) The services of a limited appointee may be terminated at any time, and such action is not subject to review by the Commission. c. A report of current limited appointments shall be submitted to the Commission in January of each year.

*(Amended 6-23-1976 by O-11856 N.S.)*

**§23.0804 Improvement of Status**

(Rule VII, Section 4 of the Rules of the Civil Service Commission)

An employee who has been filling a position under a limited appointment or at less than full time, and who has a current performance rating of "Satisfactory" or better, may have his or her status changed from limited to permanent and/or from part time or seasonal to a fuller schedule of work upon recommendation of the appointing authority and the approval of the Personnel Director.

*(Amended 6-23-1976 by O-11856 N.S.)*

**§23.0806 Provisional Appointment**

(Rule VII, Section 5 of the Rules of the Civil Service Commission)

- (a) When it is urgent that an immediate appointment be made to fill a vacant position and less than the appropriate number of names are available for selection from the eligible list, any person approved by the Personnel Director may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established. In no case shall a provisional appointment continue longer than 60 calendar days, nor, shall there be successive provisional appointments of the same person.
- (b) With the approval of the Personnel Director, and subject to limitations set forth in section 23.0806(c), any person who has retired from the City service may be appointed provisionally to a position requiring special skills or knowledge, as determined by the Appointing Authority, for a period not to exceed 720 hours in any one fiscal year.
- (c) The 720 hours per fiscal year limit in subsection (b) does not apply to any retired person who is provisionally appointed to the City's Chief Operating Officer position. A provisionally appointed Chief Operating Officer is not authorized to work in excess of 40 hours per workweek.
- (d) The removal of the 720 hours per fiscal year limit for a provisionally appointed Chief Operating Officer shall remain in effect until July 1, 2022, at which time subsection (c) shall be automatically repealed unless an extension is approved by a majority vote of the City Council.

- (e) The City will not appoint a retired person as a provisional employee under subsection (b) if the retired person received unemployment insurance compensation arising out of prior employment as a provisional employee under subsection (b). The eligibility for provisional employment under subsection (b) will be reviewed on a regular basis.

*(Amended 8-12-1985 by O-16492 N.S.)*

*(Amended 7-19-2016 by O-20681 N.S.; effective 8-18-2016.)*

*(Amended 4-14-2021 by O-21303 N.S.; effective 5-14-2021.)*

## **§23.0807 Emergency Appointment**

*(Rule VII, Section 6 of the Rules of the Civil Service Commission)*

In case of extreme emergency, when it is in the interest of public safety, health, welfare or economy to employ persons most readily available for the performance of certain work, an appointing authority may secure the necessary help wherever possible, irrespective of the existence of suitable eligible lists.

- (a) Within twenty-four hours of making an emergency appointment, the appointing authority shall so notify the Personnel Director in writing, stating the reasons for such appointment and such other information as the Personnel Director may require. b. Emergency appointments may be canceled at any time by either the appointing authority or the Personnel Director. Such appointments shall last no longer than seven calendar days, but in the absence of available persons and suitable eligible lists and with the approval of the Personnel Director, an emergency appointment may become a provisional appointment, the beginning date of which provisional appointment shall be considered to be the day work commenced under an emergency appointment.

*(Amended 6-23-1976 by O-11856 N.S.)*

**§23.0808      Restricted Appointment**

(Rule VII, Section 7 of the Rules of the Civil Service Commission)

When it is necessary to fill positions in a Special Employment Program, the Civil Service Commission may approve restricted appointments. Special Employment Programs are defined as those which stipulate special requirements other than merit under which employees must be selected and are funded by a State or Federal agency.

- (a) Upon approval by the City Council of the City's participation in a Special Employment Program, the Personnel Director shall present for approval a recommended selection process to the Civil Service Commission. The selection process recommended by the Personnel Director may include procedures which differ from other Civil Service Rules.
- (b) Employees appointed to a restricted appointment shall be limited to that status and not be eligible for promotional examinations, improvement of status or class transfer. Employees in such restricted appointment status shall be eligible only for those benefits which are designated by the Commission for employees in that program.
- (c) The services of a restricted appointee may be terminated at any time, and such action is not subject to review by the Civil Service Commission.
- (d) A report of current restricted appointments shall be submitted to the Civil Service Commission in January of each year.

(“*Restricted Appointment*” added 4-13-1977 by O-12052 N.S.)