

1/28/2011

15-O-11

AN ORDINANCE

**Adopting Civil Service Commission Rules of the
Evanston Civil Service Commission to Incorporate an Amendment
Pertaining to Residency Credits, Age Restrictions and Application Fees
for Civil Service Candidates**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 2-3-6 of the Evanston City Code of 1979, (the "City Code"), is hereby amended as follows: the Evanston Civil Service Commission Rules in Appendix A are hereby redacted in full and replaced by the amended Civil Service Commission Rules which are attached to this ordinance as Exhibit "A".

SECTION 2: the City amends the Civil Service Commission Rules as provided in Section 2-3-6 of the City Code (the "Rules"), in order to provide two (2) preference points to City of Evanston Fire Department candidates for entrance examinations.

SECTION 3: The Rules were also amended to permit City of Evanston Police and Fire Department candidates over the age of twenty (20) to submit applications for civil service positions and if appointed, would acquire the position after the age of twenty-one (21).

SECTION 4: Lastly, the Rules were amended to provide for the City of Evanston Police and Fire Departments to charge any associated reasonable fee required for the entrance application.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

SECTION 7: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 28, 2011

Adopted: February 28, 2011

Approved:

March 4, 2011

Elizabeth B Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, City Attorney

EXHIBIT A

Appendix A

City of Evanston Civil Service Commission Rules

CITY OF EVANSTON
CIVIL SERVICE COMMISSION
RULES

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Rule I. Statement of Merit Principles

The City of Evanston, through the Civil Service Commission, adheres to a merit system in the operation and administration of all policies, procedures and action relating to its employees.

These Rules contain the policies and guidelines for operating a system of personnel administration. They include criteria for establishing and maintaining a systematic approach to employing, advancing and retaining employees: for assuring compliance with equal employment opportunity requirements; and for assuring effective employee-management relations.

Rule II. Equal Employment Opportunity

It is the policy of this City to take affirmative action to correct underutilization of minorities and women throughout the organization. In addition, personnel actions such as promotion, benefits, transfers, layoffs and training shall be administered according to U.S. Office of Personnel Management, EEO Executive Order and State EEO Guidelines. Such personnel actions shall not be administered to act adversely against employees due to their race, color, religion, sex, national origin, sexual preference, handicap or age.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action, because of religious opinions or affiliations, or because of race, color, national origin, or sexual preference is prohibited. Discrimination because of handicap, age, sex, except where determined to be a bona fide occupational qualification, is prohibited.

Any applicant or employee who feels adversely affected in the opportunity for employment or advancement because of such discrimination shall have the right to appeal in writing to the Director of Personnel within thirty (30) days of the alleged act. Any employee who feels adversely affected in his/her status as an employee or in his/her condition of employment because of such discrimination shall have the right to appeal through the EEO grievance

procedure, as stated in the City's Affirmative Action Plan. Appropriate corrective action will be taken in those cases found to be in violation of this prohibition.

Rule III. Recruitment

It shall be the policy and practice of the City of Evanston to recruit employees based on ability, knowledge and skills.

All internal and external recruitment for positions will be conducted on an open and competitive basis and in accordance with Affirmative Action and Equal Employment Opportunity guidelines.

Rule IV. Selection and Testing

A. Application Process

All candidates for employment with the City of Evanston shall file applications on forms provided by the City Department of Personnel, and shall pay any associated reasonable fee required for such application.

The screening and evaluation of all candidates is the responsibility of the Department of Personnel.

B. General Qualifications

Applicants for positions in the Civil Service shall satisfy reasonable requirements established by the Director of Personnel as may be appropriate for the proper and competent performance of the duties and responsibilities involved. General qualifications may include, but are not limited to, physical condition, character and criminal conviction record. Specifications as to age or sex may be identified as requirements provided they are a bona fide occupational requirement.

Citizenship may be required for certain full-time positions where it is deemed to be a valid pre-requisite.

C. Rejection of Applications

The Director of Personnel may reject any application for the following reasons:

1. The applicant does not possess one or more of the requirements specified in the announcement of the examination.
2. The applicant was not received on the prescribed form or before the closing date for receiving applications.
3. The applicant falsified or failed to complete the application form, or otherwise made a false statement of a material fact of practiced fraud or attempted deception in the application, in the test, or in attempting to secure appointment.
4. The applicant is found unfit to perform the required duties of the positions for physical, medical, or psychological reasons.
5. The applicant, at the time of appointment, is addicted to the use of narcotics or hallucinatory drugs, or the excessive use or abuse of intoxicating beverages or drugs.
6. The applicant has been convicted of a misdemeanor or felony related to the employment sought. Persons who have engaged in any act of conduct prohibited by State or Federal statutes or municipal ordinance will be subject to review of such record by the Director of Personnel or his/her designated representative and may be subject to disqualification. In making such review, extenuating circumstances such as the person's record since the incident, the nature of the conduct, length of time since the incident, and the like shall be taken into consideration.
7. The applicant was previously employed by the City and was dismissed for cause, or resigned not in good standing, and is not currently eligible for re-employment by the City, or the applicant was dismissed for relevant cause by another employer.

8. The applicant for Police Officer or Firefighter position, who is less than 20 (twenty) years of age. However, at the end of the examination, if the applicant is appointed to a civil service position, he/she will not be formally appointed until the age of 21 (twenty-one) years old.
9. The applicant for Police Officer or Firefighter, in addition to the general limitations contained in paragraph 6 above, has a record of any felony conviction or has a record of misdemeanor conviction(s) in the following areas:
 - a. Contribution to the delinquency of a child
 - b. Indecent solicitation of a child
 - c. Adultery
 - d. Public indecency
 - e. Prostitution
 - f. Soliciting for a prostitute
 - g. Keeping a place of prostitution
 - h. Patronizing a prostitute
 - i. Pimping
 - j. Aggravated assault
 - k. Intimidation
 - l. Penalty eavesdropping
 - m. Theft
 - n. Penalty storage of weapons
 - o. Unlawful possession of firearms and firearm ammunition
 - p. Defacing identification marks on firearms
 - q. Mob action
 - r. Keeping a gambling place
 - s. Resisting or obstructing a police officer
 - t. Obstructing justice
 - u. Escape
 - v. Aiding escape

- w. Compounding a crime
- x. Subordination of perjury
- y. Communicating with jurors and witnesses
- z. Tampering with public records
- aa. Unlawful use of weapons
- bb. Battery
- cc. Possession of or sale of controlled substances
- dd. Deviate sexual assault may be disqualified from taking such examination on grounds of habits of moral character, and the conviction may be considered as a factor in determining the person's habits or moral character.

10. The applicant for civilian, non-uniform positions in the Police Department, in addition to the general limitations contained in paragraph 6 above, has a record of misdemeanor conviction(s) in the areas as listed in paragraph 9 above, may be disqualified from taking such examination on grounds of habits of moral character, and the conviction may be considered as a factor in determining the person's habits or moral character.

D. Examinations

1. Types:

The Director of Personnel shall conduct examinations to determine the fitness of all applicants, except in those instances where the Civil Service commission may determine to conduct the examination. Examinations may include an evaluation of such factors as age (Police and Fire), education, training, capacity, knowledge, manual dexterity, character and physical and psychological fitness. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experience. Examinations may consist of one or more tests in any combination. The applicants shall not be questioned in any manner regarding matters of race, religion or political affiliation.

2. Weighting and Scoring of Examinations:

The Director of Personnel shall establish minimum standards for each component of each examination, and may provide with respect to any such component that all applicants who fail to meet such minimum standards shall be deemed to have failed the examination and shall not be permitted to take any further component of the examination. Each component of the examination shall be given such weight as the Director of Personnel shall determine, and each applicant's standing in each component shall be compiled according to such weights.

3. Announcements:

Public announcements of an open, competitive examination shall be made at least one (1) week prior to the date the examination is to be conducted. Announcements will be made internally to all departments, and also posted on the bulletin board in the Personnel Office.

Announcements may also be circulated through the press, radio, television and other forms of public communication. Announcements shall specify the date, place and manner in which an application for examination shall be made. Announcements of examinations in the Fire and Police departments shall be posted for thirty (30) days.

Examinations shall be conducted by the Director of Personnel, or by persons so designated, at such times and places deemed to be practical, convenient and in the best interests of the City of Evanston.

4. Admission:

Admission to competitive examinations shall be granted only to applicants whose qualifications satisfy the standards established by the Director of Personnel and who meet such requirements at the closing date listed on the examination announcement.

5. Credits for Applicants:

a. Military Credits: Qualified persons who have passed all phases of an examination, and who have been members of the Armed Forces of the United States, and have served on active duty for a period of more than 180 consecutive days any part of which occurred before October 15, 1976 will be

granted preference in entrance examinations, when a part of the examination posting, as follows, upon written request: two points shall be added to the entrance examination grade, provided that:

1. he/she has not been dishonorable discharged
2. he/she is otherwise qualified, and entitled to appear on the list of those provisionally eligible for appointment.

b. Residency Credits for Fire Department Candidates: Qualified persons who have passed all phases of an examination, and who have resided in the City of Evanston for a continuous twelve-month period prior to testing shall be granted preference in entrance examinations, when such preference is a component in the examination posting, as follows: two (2) points shall be added to the entrance examination grade, prior to the final grade on the examination. The numerical result thus attained shall be applied by the Civil Service Commission in determining whether such person shall meet the minimum qualifications for placement on the register of eligible candidates for the City of Evanston Fire Department. Persons who are competing in promotional examinations under Civil Service for the City of Evanston Fire Department shall not be eligible for the residency preference credit.

6. Applicant Background Investigation:

The Director of Personnel may make such investigation of the background of applicants, including criminal conviction records and verification of claimed experience and training of applicants, as he or she determines is necessary to establish the fitness, moral character and qualifications of applicants.

7. Confidential Nature of the Examination Process and Material:

It is the responsibility of every employee and representative of the Department of Personnel to treat as confidential any information available to them concerning examination materials and ratings earned by competitors. Any employee engaging in corrupt or negligent practices in connection with examinations shall be subject to dismissal. In order to protect the security of test material and to protect the rights and

privacy of applicants, all applications, examinations and test material shall be regarded as privileged and confidential and not available for public inspection.

8. Responsibilities of Applicants:

All applicants are responsible for reporting to and participating in all tests or parts of an examination, and furnishing all information or materials that are requested, in accordance with the examination announcement and such instructions as are furnished by the Department of Personnel. Candidates who fail to follow such instructions shall be disqualified. Applicants and persons whose names are placed upon an employment list must notify the Department of Personnel immediately in writing of any change of address or change of name.

9. Cancellation or Postponement:

The Director of Personnel may cancel or postpone any examination when there is an insufficient number of qualified candidates. Suitable notice shall be given of such action. The Director of Personnel may discontinue offering any examination in the City when there is a sufficient number of names on the provisional eligible list to meet the needs of the City.

10. Notice of Examination Results: Creation of Employment List:

Final grading of examinations shall be completed as quickly as is reasonably practical. Following final grading of an examination, the names of applicants who have passed the examination shall be placed on a provisional employment list or provisional promotional list.

Each applicant will be notified of the result he/she has obtained on the examination. If he/she has failed to pass the examination, the notice will read to that effect. If he/she has passed the examination, he/she will receive notice that his/her name has been placed on the appropriate employment list.

Ties in final examination score shall be resolved when necessary in original entrance examinations by priority in time of filing applications, and in promotional examination by seniority in current rank.

11. Appeal of Examination Grade:

Whenever an applicant shall receive notice of results of an examination, he/she may appeal to the Director of Personnel, within 30 days from the date such notice was sent, for reconsideration of his grade. However, no alteration in the order of standing upon an employment list resulting from such appeal shall affect the status of any person who has, in the meantime, been appointed to any position from such list.

Rule V. Employment Lists

A. Employment Lists

Persons may be certified for appointment to positions from five types of employment lists:

1. Lay-off lists, which contain the names of persons who have been laid off from the Civil Service and are available to be returned to employment in their class of positions.
2. Re-employment lists, which contain the names of persons who have completed and are returning from leaves of absence and are available for re-employment in their class of positions, provided that their leave of absence was in accord with provisions specified in the Personnel rules.
3. Re-instatement lists, which contain the names of persons who had resigned from the Civil service, but have withdrawn their resignation and are awaiting re-instatement, provided that their resignation was in accord with provisions specified in the Personnel rules.

4. Provisional promotional lists, which contain the names of persons who are provisionally qualified for a class of positions as a result of promotional examinations.
5. Provisional employment lists, which contain the names of persons who are provisionally qualified as a result of open competitive examinations for original appointment to a class of positions covered by the lists.

B. General Conditions

1. Departmental Needs:

The Director of Personnel may establish employment lists for particular departments or agencies and/or for classes of positions in the Civil Service as a whole.

The Director of Personnel may develop the employment lists to account for department needs on the basis of location or area of employment, when satisfied that such action will assist in the administration of certifications and appointments.

2. Merger of Lists:

Employment lists may be merged (a) whenever two or more classes of positions have been consolidated, or (b) whenever separate lists exist for the same class resulting from successive examinations. Such merger may be made if the Director of Personnel determines the merger helpful in the administration of the selection process.

3. Availability for Employment:

It shall be the responsibility of all persons whose names appear on employment lists to advise the Department of Personnel of their continuing availability for employment upon request of the

Director of Personnel. Failure to respond to the request shall be grounds for removal from a list.

4. Causes for Removal:

Names of eligible persons may be removed from employment lists by the Director of Personnel, for any of the following reasons:

- a. appointment of an eligible from an employment lists.
- b. death of an eligible.
- c. notice by postal authorities that they are unable to locate the eligible at the last known address.
- d. attempt by an eligible to practice any deception or fraud in completion of an application or in connection with an examination.
- e. information that the eligible lacks any of the qualifications required for the class for which he/she was erroneously declared eligible.
- f. request from an eligible that his/her name be removed.
- g. failure of an eligible, upon referral, to reply or to report for an interview.
- h. after accepting employment, failure without good cause to report to work within the time prescribed by the employing department.
- i. failure of an eligible upon request to furnish written evidence of his/her availability for employment.
- j. refusal of an eligible to accept one (1) offer of employment, without good cause.
- k. when the eligible is a former City employee who was dismissed from the Civil Service.

- l. unfavorable background information as it relates to the position.
- m. failure to complete and pass any pre-employment conditions, such as, but not limited to, medical or psychological examinations.
- n. expiration or cancellation of the eligible list upon which his/her name appears.

C Provisional Employment Lists

1. Ranking of Persons Provisionally Eligible:

Based on the characteristics of the position and the methods of examination, the Director of Personnel may rank persons on Provisional Employment Lists:

- a. numerically by final examination score
- b. categorically by groups of relative excellence, where the category may be based on groupings of numerical rankings, oral board ratings or evaluation of education and work experience, assessment center procedures of other appropriate basis.
- c. categorically by groups of relative excellence, where the category may be based on groupings of numerical rankings, oral board ratings or evaluation of education and work experience, assessment center procedures or other appropriate basis.

2. Life of Lists:

All Provisional Employment Lists shall have a maximum life of two years, except as otherwise pre-determined by the Director of Personnel. The Director may extend the life of a list when in his/her judgment,

the list is still viable and such extension is for the good of the service.

3. Cancellation of Lists:

A list may be cancelled by the Director of Personnel at any time when a change in either classification or testing standards or other changes requires such action.

D. Provisional Promotional Lists:

Provisional promotional lists shall be maintained identically to provisional Employment lists, section C, (1) – (3).

E. Appointments From Provisional Lists:

When an appointment to a position at the entry level is made from a Provisional employment list, such appointment shall be made from among the persons with the five highest grades or from those persons standing in the highest category grouping available, provided that such employee satisfies qualifying requirements, if any are determined necessary for said position.

Promotional appointments are made of the person standing among those who are available within the five highest grades or who are in the highest category groupings available, provided that such employee satisfies qualifying requirements, if any are determined necessary for said position.

When an appointment is to be made from a category-grouped provisional list, the Department Head, as appointing authority, may request that an eligible be appointed through a lottery system containing the names of all eligibles within the highest category available. The Director of Personnel (Human Resources) will supervise the conducting of such a lottery.

F. Reinstatement of Names to Provisional Employment Lists:

The Director of Personnel (Human Resources) may restore a name to the same provisional employment list, when in his/her opinion, such action is in the best interest of the City. Names of employees laid off due to budget restrictions or work curtailments during their probationary period shall be returned to the provisional list at the original position for the class in which the lay-off occurred.

G. Re-instatement and Re-employment Lists:

Names of candidates eligible for reinstatement or re-employment shall be recorded and retained for the duration of the period in which they are eligible to return, as specified in the Personnel Rules.

Rule VI. Appointments

Whenever a vacancy in the Civil Service is to be filled, the Department Head shall complete a requisition, upon a form prescribed by the Department of Personnel (Human Resources), for the certification of an eligible candidate. A separate requisition shall be made for each position to be filled.

The filling of vacant positions in the Civil Service shall be based on merit which may include past performance, and may be made in any of the following ways:

1. By re-instatement of a former Civil Service employee
2. By inter-department or intra-department transfer
3. By accepting any employee's request for a voluntary reduction
4. By demoting a Civil Service employee
5. By promotion of an employee who has been selected through the appropriate Civil Service promotional process

6. By appointment from an open competitive provisional employment list

A. Types of Appointments

Any appointment to a position in the Civil Service shall be made only as one of the following:

1. Emergency appointment:

Whenever a serious emergency exists in which substantial impairment, harm or loss to the citizens, the result, and which makes it impractical to fill a position in the Civil Service by the normal procedure, a Department Head with the consent of the Director of Personnel (Human Resources) may appoint any qualified person to such position under an emergency appointment. Such person shall be employed only during such emergency and for a period not to exceed ninety (90) calendar days, and shall not have Civil Service status for the duration of such appointment.

2. Temporary Appointment:

Whenever there are urgent reasons, certified by a Department Head, for filling a Civil Service position in a class for which either an appropriate employment list or the required number of provisional eligibles is not then available, and pending the establishment of an employment list, the Director of Personnel (Human Resources) may authorize the vacancy to be filled by a temporary appointment, for a period not to exceed nine (9) months. There will be no renewals of such temporary appointment. Should the need for a temporary appointment continue beyond the nine (9) month time period, a new temporary appointment shall be made. The person holding such temporary

appointment shall not have Civil Service status while in such temporary position.

3. Probationary Appointment:

When a person is initially employed to fill a position in the Civil Service as a result of selection from a provisional employment list, provisional promotional list or other employment list, he/she shall be given a probationary appointment and shall serve under the probationary appointment, for the duration of the probationary period, unless otherwise directed by the Director of Personnel (Human Resources).

4. Civil Service Appointment:

An employee shall be given a Civil Service appointment upon satisfactory completion of the probationary period, and shall acquire Civil Service status. Upon promotion, an employee shall be given a Civil Service appointment and shall have Civil Service status in the new position upon completion of the promotional probationary period, which shall be of the same length of time as prescribed for probationary appointments.

5. Transfer Appointment – Police and Fire Only:

A person who has served a minimum of one (1) year as a Police Officer, Firefighter or Communications Operator in a municipality with similar duties and responsibilities as a Police Officer, Firefighter or Communications Operator in the City of Evanston may apply for the position of Police Officer, Firefighter or Communications Operator on a transfer. Such requests from applicants will take precedence over those candidates on any existing provisional employment list, and may be required to take all parts

of an examination, or only qualifying portions, as determined by the Director of Personnel (Human Resources).

B. Appointments to Civil Service Positions:

As the appointing authority, the Department Head shall make appointments to Civil Service positions from among qualified persons certified to the Department Head by the Director of Personnel (Human Resources). The Department Head shall make an appointment after receiving the certification.

In the case of certifications from lay-off, re-instatement or re-employment lists, the Department Head shall appoint the person or persons certified, unless he/she shows, in writing to the Director of Personnel (Human Resources), good job-related cause for not appointing such persons. In the latter circumstance, and with the approval of the Director of Personnel (Human Resources) the Department Head shall request and the Director of Personnel shall furnish a new certification.

In the event that an employment list is not available from which a certification can be made, the Director of Personnel (Human Resources) may authorize a temporary appointment, as described in Rule IV A 2.

1. Types of Certifications:

In certifying persons from lay-off, re-instatement or re-employment lists, the Director of Personnel (Human Resources) shall certify the number of persons, in sequence from the lists which corresponds with the number of vacancies to be filled.

In certifying persons from provisional employment and promotional lists, the Director of Personnel (Human Resources) shall certify the number of persons, as follows:

- a. When provisional eligibles are ranked and listed numerically by examination score, the five persons having the highest passing scores for each position to be filled. If fewer than five persons are on the list, the total number on the list shall be certified.
- b. When eligible persons are ranked the listed by category, all persons in the highest ranking category available shall be certified, provided that:
 - i. Each such categorical certification shall contain the names of at least five (5) persons, if such number is available; or otherwise include all persons in that category.
 - ii. Upon request of the Department Head and at the determination of the Director of Personnel (Human Resources), categorical certifications may include fewer than the total number of persons in the category in order to provide the Department Head a reasonable and manageable selection.

Rule VII. Probation:

A. Probationary Period:

All persons appointed to Civil Service positions from provisional employment or promoted from provisional promotional lists shall serve a probationary period as follows: one year of on-the-job performance for sworn members of the Fire and Police Departments; six months of on-the-job performance for all other employees. However, upon agreement of the Department Head and employee involved and the Director of Personnel (Human Resources), the probationary period may be extended for up to six (6) additional months. Completion of the probationary period will be based on time on on-the-job performance.

A probationary period of from one to six months (one to twelve (12) for sworn members of the Fire and Police Departments) may be served, in the cases listed below, at the discretion of the Director of Personnel (Human Resources). The Director of Personnel (Human Resources) will determine the length of probationary period, if any, to be served by:

1. An employee who has an interruption in continuous service;
2. An employee who is reinstated;
3. An employee who is demoted or who accepts a voluntary reduction.

B. Attainment of Civil Service Status:

If the conduct and performance of the person appointed has been satisfactory during the probationary period, appointment shall be considered complete at the end of this period, and the employee shall attain Civil Service status in this classification. An employee's annual merit review date is the date of successful completion of the probationary period. Notice of certification will be sent to the employee and department by the Department of Personnel (Human Resources).

C. Promotions During Probationary Period:

A probationary employee who is promoted during the initial probationary period shall complete the original probationary period, if the promotion and original position are in the same series of classifications, as well as completing the promotional probationary period. The result of this rule is to insure an employee Civil Service status in his/her previous classification should his/her performance in the promoted position be less than satisfactory.

D. Demotions During Probationary Period:

A probationary employee who is demoted shall begin a new probationary period of one to six months at the discretion of the

Director of Personnel (Human Resources), unless he/she previously held Civil Service status in the class to which demoted in which case the employee shall attain Civil Service status immediately after the demotion.

E. Transfers during Probationary Period:

A probationary employee who has been transferred shall serve only that portion of the probationary period not completed.

F. Discharge during Probationary Period:

If a probationary employee shall be found un-satisfactory or not qualified for the performance of the duties of his/her position, the Department Head may request a meeting with the Director of Personnel (Human Resources) to review his/her reasons for requesting discharge.

An employee may not be discharged during the probationary period without the approval of the Director of Personnel (Human Resources).

Rule VIII. Job Performance Appraisals:

The Director of Personnel (Human Resources), in cooperation with Department Heads, will administer a system of rating employee performance. The standards of performance recommended as a basis of such rating will have reference to the quality and quantity of work done, the manner in which the work is done, the conduct of employees, and faithfulness to their duties, and other characteristics which measure the value of the employee.

Job Performance Appraisals shall be used as an aid in staff development to substantiate current recommendations and to be available as needed in considering future personnel transactions. Performance reviews and Job Performance Appraisals will be prepared to substantiate recommendations for granting withholding, reducing and restoring performance increases.

Rule IX. Promotion:

A. Promotion:

A promotion shall mean an advancement in pay grade and job classification from a lower grade to a higher grade.

B. Promotional Policy:

The Director of Personnel (Human Resources) shall develop regulations and examination methods for promotions that will assure promotional process which gives appropriate consideration to the applicant's qualifications, record of performance and ability.

C. Eligibility for Promotion:

The Director of Personnel (Human Resources) shall determine the eligibility or entrance requirements for each promotional examination. Such requirements shall be determined in accordance with the following criteria:

1. Eligibility for promotional examination shall include persons who occupy a lower class of position in the same or related occupational series, or otherwise meet the qualification requirements as determined by the Director of Personnel (Human Resources).
2. Eligibility for a promotional examination may be limited to persons within a department when the experience required for the promotional position can be obtained only within the department.

D. Promotional Announcements:

Announcements for promotional examinations shall be sent by the Personnel Department (Human Resources Department) to all departments.

E. Police Promotions:

Only City of Evanston Police Officers shall be eligible for the examination for Sergeant of Police.

F. Fire Promotions:

Only City of Evanston Firefighters shall be eligible for the examination for Captain in the Fire Department.

Rule X. Transfer and Voluntary Reduction

A. Transfer:

A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate. In determining whether or not to approve the transfer of an employee, the Director of Personnel (Human Resources) shall consider the education, experience and character of the employee.

B. Voluntary Reduction:

A Civil Service employee may voluntarily request or accept assignment to a position in a class having a lower maximum permissible salary or rate. All requests for or acceptance of such voluntary reductions shall be in writing, submitted to the Director of Personnel (Human Resources) and shall be signed by the employee. A Civil Service employee who accepts a voluntary reduction in grade may serve a probationary period of one to six months, at the discretion of the Director of Personnel (Human Resources), and shall be awarded Civil Service status in the lower class at the completion of the probationary period. No reduction shall become effective without the written approval of the Director of Personnel (Human Resources) and the Department Head.

A probationary employee may voluntarily request or accept assignment to a position in a class having a lower maximum permissible salary or rate, and must follow the same procedure for submitting such requests as Civil Service employees. A probationary employee so assigned shall serve a new probationary period as prescribed by Rule VII, unless the probationary period being served prior to the reduction was the result of a promotion, in which case the reduction shall be with Civil Service status if the

return is to the same or similar title in which Civil Service status has been held during the current period of continuous service. Temporary or emergency employees shall not be granted a request for a voluntary reduction. In the event of a pending layoff, Civil Service employees shall be given preference according to seniority and merit over probationary employees in appointments to vacant positions in classes having lower maximum permissible salaries or rates if the Civil Service employee requests voluntary reduction before such appointments have been made.

Rule XI. Discipline

A. Policy

The art of discipline is intended to be a positive in nature and attempts to correct unacceptable employee actions. This attempt includes counseling sessions, Employee's Assistance, and other help with the purpose of improving the behavior of an employee that may be detrimental and disruptive to the effective operations of a department and/or work program.

In the process of trying to assist the employee to resolve problems and improve behavior, corrective action may be necessary. This corrective action may include discipline.

The Personnel Department (Human Resources Department) shall establish procedures for fair, reasonable and equitable disciplinary measures, including suspension, demotion and discharge.

B. Internal Review

The Director of Personnel (Human Resources), through the Personnel Rules, shall establish a uniform, equitable and formalized system of internal administrative review of all proposed disciplinary action, to insure that the discipline system is utilized in a uniform and equitable manner.

C. Rights of Employees

Before any Civil Service employee may be questioned or examined by or before any disciplinary board, or departmental agent, the results of which interrogation or examination may be the basis for discharge, he/she will be advised in writing as to what specific improper or illegal act he/she is alleged to have committed; he/she will be advised in writing that admissions made in the course of such investigation may be used as the basis for discharge; and he/she must be advised in writing of his/her right to counsel of his/her own choosing present to advise him/her at any disciplinary proceedings; and a complete record of any such meeting shall be made a complete transcript thereof made available to the employee without charge and without delay.

A Civil Service employee who has been: (1) suspended for more than six (6) working days, or suspended a second time for any period within a six-month period except for sworn Fire Department employees who have been suspended for any period lasting more than seven (7) consecutive calendar days, or suspended a second time for any period within a six-month period; (2) demoted as a result of disciplinary action; or (3) discharged as a result of abandonment of position; may appeal these actions to the Civil Service Commission. Such appeal shall be filed with the Director of Personnel (Human Resources) within fourteen (14) calendar days of notice of such action.

The decision of the Hearing Officer shall, in all cases, be advisory to the Civil Service Commission.

The employee may be represented for such appeal by legal counsel or other person of his/her choosing.

D. Hearing Officer

Upon receipt of such appeal, the Civil Service Commission shall have a Hearing Officer appointed according to the procedures set by the Commission. This Hearing Officer shall conduct the appeal hearing.

Appeals to the Civil Service Commission shall be conducted by a Hearing Officer within 30 days of the appeal, except where a continuance has been granted upon good cause shown. Such appeals shall not stay a suspension, demotion or discharge due to abandonment of position while the appeal is pending.

The Hearing Officer may administer oaths, and secure by subpoena both the physical evidence and witnesses, and cause the production of relevant books and papers. A record shall be made and retained of all proceedings before the Hearing Officer.

In such appeals, the burden of proof shall be upon the City.

The Hearing Officer shall make a finding of fact and decision in each case. The Hearing Officer may uphold, modify or overturn the disciplinary action of a Department Head.

The Hearing Officer shall transmit his/her advisory decision to the Civil Service Commission.

E. Civil Service Commission Role:

The Civil Service Commission will review the complete record including transcripts and testimony, exhibits or briefs, if any, and then make its decision which may uphold, modify or overturn the disciplinary action or request for action of a Department Head. The Commission shall certify its decision to the Director of Personnel (Human Resources) who shall then notify the parties of the Commission's decision, and take appropriate action.

Rule XII. Demotion:

A demotion is the assignment of an employee, for cause, to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made.

The Department of Personnel (Human Resources) shall establish procedures for Department Heads initiating demotions for cause.

Demotions of a Civil Service employee are appealable to the Civil Service Commission, under the rules as set forth in Rule XI. Should an employee choose to appeal such demotion, he/she must do so, in writing, within fourteen (14) calendar days of notice of such demotion. This appeal should be filed with the Director of Personnel (Human Resources).

Rule XIII. Discharge:

Civil Service employees may be discharged from the City's employment for cause.

The Department of Personnel (Human Resources) shall set procedures to insure adherence to this policy.

The Department Head shall file charges for discharge with the Civil Service Commission. No discharge will become effective before a hearing on such charges is held. The employee may be suspended pending such hearing. Discharge hearings shall be conducted by a Hearing Officer within 30 days of receipt of charges, except where a continuance is granted upon good cause shown. Such discharge hearings shall be conducted in accordance with the rules as set forth in Rule XI.

An employee who absents himself/herself from duty for a period of three (3) consecutive days without permission of or contact with his/her supervisor or Department Head shall be considered as having abandoned his/her employment and as having separated himself/herself from the service of the City. Abandonment of position is appealable to the Civil Service Commission in accordance with Rule XI.

Rule XIV. Re-instatement and Re-employment:

A. Re-instatement:

On request of a Department Head, the Director of Personnel (Human Resources) may re-instate a former employee who resigned in good standing. This request must be made in writing within 30 days of the resignation.

B. Re-employment:

The Department of Personnel (Human Resources) shall establish and maintain a re-employment list by class and department.

A Civil Service employee who has been laid off, who has been on a permanent leave of absence, or whose position has been allocated to another class and who has not been awarded Civil Service status in such new class shall be placed on a re-employment list for the first available assignment to a position in the class and department in which he/she was assigned prior to being placed on the re-employment list.

A Civil Service employee whose name appears on a re-employment list may be appointed to a position other than the position to which he/she is eligible for re-employment. If the position is in the same or higher level, such appointment, upon satisfactory completion of the probationary period resulting therefrom, would remove the employee's name from the re-employment list. If the position is on a lower level, upon employee's acceptance, it would have no effect on re-employment. Such employees would retain benefits derived there from and may serve a one to six month probationary period at the discretion of the Director of Personnel (Human Resources).

Names shall be removed from the re-employment list when:

1. The employee is appointed from the re-employment list.
2. The employee waives an offer of employment.
3. The employee's name has remained on the re-employment list for twelve months.

Rule XV. Retirement:

The mandatory retirement age for all City employees shall be 70 years of age, exclusive of sworn members of the Police and Fire Departments covered by these Rules, whose mandatory retirement age shall be 60 years of age, except that sworn members of the Police and Fire Departments may continue to work at age 65 upon successful completion of an examination of physical abilities beginning at age 60, a procedure for which shall be set forth in the Personnel Rules. Age is here determined to be a bona fide occupational qualification reasonably necessary to the normal operation of the Police and Fire Departments.

All those sworn personnel of the Fire and Police Departments covered by these Rules who are 55 years of age or older at the date of passage of these Evanston Civil Service Commission Rules shall have a retirement age of 65 years of age.

The Director of Personnel (Human Resources), through the Personnel Rules, shall establish procedures for granting temporary extensions of such retirement age based on program needs or in the case of Police and Fire personnel based upon physical qualifications as provided for above.