

# **RULES AND REGULATIONS**

**AS REVISED**

**NOVEMBER 1995**

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## **-FOREWORD-**

It is the objective of the Personnel Board Rules to set forth the intent of the Civil Service Law and the specific provisions of the law with respect to appointment, career development, removal, discipline, and related conditions of employment in the classified service.

It is also the objective of these Rules and this law to assure all citizens of capacity and ability regardless of sex, age, race, creed, color or national origin, an opportunity to compete for and hold positions in the public service.

The Civil Service, based on merit principles, shall be the primary instrument of respect and confidence between the citizens and public employees; and through this system the various units of local government shall seek to recruit, retain, and develop those persons best qualified to perform service in the public interest.

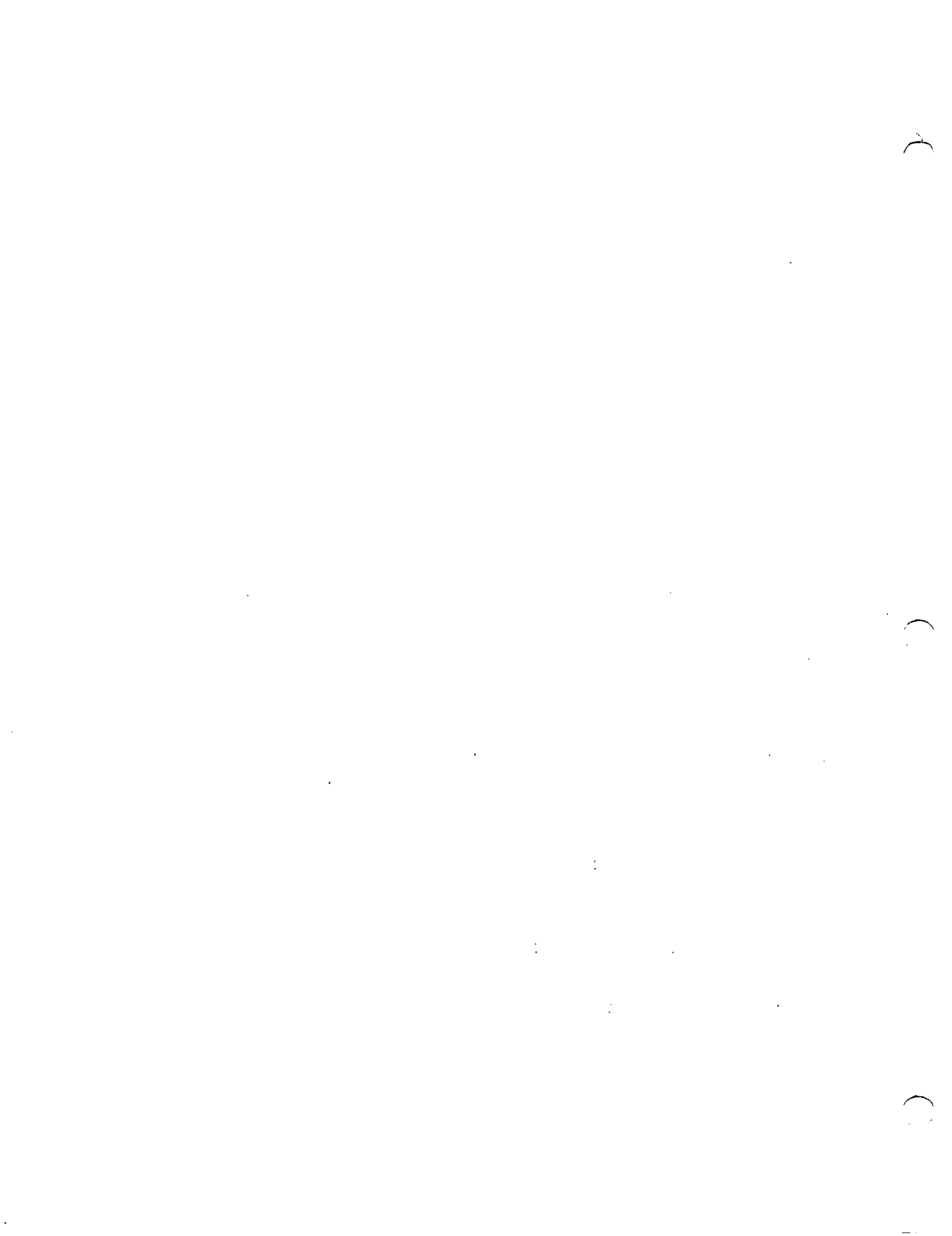
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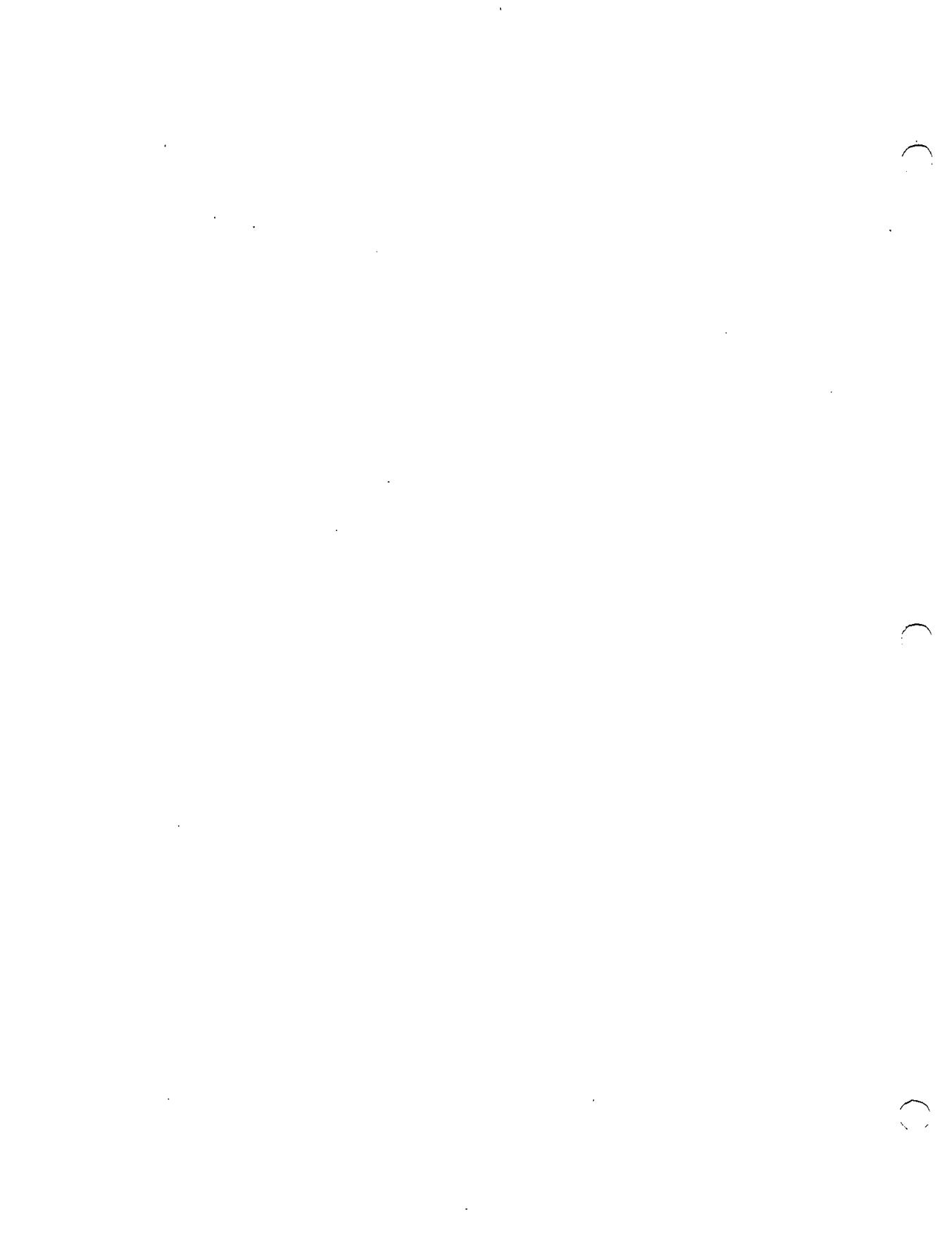


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# RULE 1

## GENERAL PROVISIONS

### 1.1 PURPOSE OF THE RULES

The purpose of the Rules is to carry out the provisions of the law and to provide for the orderly administration of the merit system. The Rules shall provide, among other things:

- (a) For the preparation and maintenance of a position classification plan for all positions in the classified service, based upon a similarity of duties performed and responsibilities assumed, so that the same schedule of pay may be applied to all positions in the same class. Each position in the classified service shall be allocated to one of the classes in the plan.
- (b) For a pay plan for all employees in the classified service. The plan shall be composed of salary grades and ranges of pay with minimum and maximum rates of compensation, and such intermittent steps or rates as may be deemed necessary for proper recruitment and retention of personnel. The pay plan shall be fully integrated with the classification plan.
- (c) For open competitive and promotional examinations to determine the relative fitness of individuals meeting announced requirements to perform the duties of the positions in the classified service. Such examinations shall be announced publicly and in advance of the date filed for closing the filing of applications.
- (d) For the establishment of eligible lists for appointment and promotion, upon which lists shall appear the names of successful candidates in order of their relative performance or ranking in the respective examinations. The duration of eligible lists shall normally be for one year.
- (e) For rejection of candidates who fail to meet announced job requirements or who are found lacking in conduct or character; or who have attempted any deception or fraud with respect to an examination or candidacy for appointment, or for any other reason deemed just and applicable.
- (f) For a probationary period of one (1) year, before appointment is complete and regular status is conferred on the probationary employee.
- (g) For provisional, emergency, temporary, seasonal, and part-time employment, within the framework of these Rules.

- (h) For the preparation and maintenance of records of performance of all employees in the classified service. Such records shall be considered in counseling employees regarding work improvement; in determining salary increases and decreases provided in the pay plan; and as a factor in promotion, demotion, layoff, transfers and reinstatement.
- (i) For the development of special emphasis and provisions for the inclusion in the merit system of individuals who are physically and mentally handicapped.
- (j) For the establishment and operation of a policy of non-discrimination on the basis of sex, age, race, creed, color or national origin in recruiting, hiring, promoting, upgrading, training, job assignments, discharge or other disciplinary measures, compensation, or other terms and conditions or privileges of employment.
- (k) For the development and operation of programs to improve the effectiveness and morale of employees in the public service, including training, safety, health, counseling, and employee relations.
- (l) For imposition of disciplinary measures of dismissal, demotion, and suspension without pay; and for provision for appeal from such actions as set forth in these Rules.
- (m) For establishing procedures governing layoff, reinstatement, disciplinary action and grievances.
- (n) For hours of work and holidays; for vacation, sick and special leave with or without pay.
- (o) For the examination and certification of public payrolls by the Director of Personnel to assure adherence to these Rules and Regulations.
- (p) For exemptions from the coverage of these Rules and Regulations.
- (q) For the prohibition of political activity on the part of any employee in the classified service.
- (r) For other Rules, Regulations and directives not inconsistent with the Civil Service Law, which shall aid in its effectiveness.

## **1.2 ORGANIZATION FOR PERSONNEL ADMINISTRATION**

Act No. 248 as amended, of the State of Alabama established by State law in those counties of the state Alabama having a population of 400,000 or more inhabitants, a Civil Service System affecting personnel who are employed by such counties and cities within such counties of 5,000 or police officers employed by cities of 2,500 or more population according to federal census, the County Board of Health, and the Board of Registrars of such counties.

### 1.3 CITIZENS SUPERVISORY COMMISSION

The membership of the Citizens Supervisory Commission shall consist of the following members.

- (a) The Probate Judge of Jefferson County, who shall serve as chairperson of the Citizens Supervisory Commission.
- (b) The presidents, or other chief executive officers by whatever name called, of institutions of higher learning in Jefferson County not operated for profit and offering two or more years of instruction in a general level curriculum. These presently include the following:
  - 1. The President of the University of Alabama at Birmingham;
  - 2. The President of Birmingham-Southern College;
  - 3. The President of Miles College;
  - 4. The President of Lawson State Community College;
  - 5. The President of Jefferson State Junior College;
  - 6. The President of Samford University.
- (c) A representative of the municipal employees as provided for in Act No. 684, 1977 Ala. Acts.<sup>1</sup>
- (d) A representative of the county employees as provided for in Act No. 684, 1977 Ala. Acts.
- (e) The president of the trades council, group, society, or association in Jefferson County with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in the county as provided for in Act No. 684, 1977 Ala. Acts.
- (f) The president of the largest chamber of commerce situated within Jefferson County as provided for in Act No. 684, 1977 Ala. Acts.
- (g) The president of the Jefferson County Medical Society as provided for in Act No. 684, 1977 Ala. Acts.

<sup>1</sup> Election and terms of office for employee members shall be in accordance with Section 5 of the law as amended.

- (h) The president of any council of parent-teacher associations of the entire Jefferson County school system as provided for in Act No. 684, 1977 Ala. Acts;
- (i) The president of the National Association for the Advancement of Colored People (NAACP) branches situated in Jefferson County;
- (j) The president of the Birmingham Urban League, Inc.;
- (k) The president of the Bessemer Association of Women and Youth Clubs;
- (l) The president of the Interdenominational Ministers' Alliance of Greater Birmingham.

#### **1.4 DUTIES OF CITIZENS SUPERVISORY COMMISSION**

The Citizens Supervisory Commission shall meet twice each year. One of such semi-annual meetings shall be held on the third Tuesday in May and the other on the third Tuesday in November. At the semi-annual meeting in November, the Commission shall receive the annual report of the Personnel Board.

At each semi-annual meeting the Commission shall make such recommendations to the Personnel Board as it shall deem in the interest of sound administration of the Act and system.

The commission shall fill any existing vacancy on the Personnel Board and elect a successor to any member of the Board whose term shall expire before the next semi-annual meeting of the Commission.

At each semi-annual meeting, the Commission shall review changes to the Rules and Regulations effected by the Personnel Board since the last semi-annual meeting. The Commission may repeal any such Rule of the Personnel Board, but shall not have the power to amend any such Rule or create any new Rule within the province of the Personnel Board. The term "Rule" shall not include orders, actions or decisions made by the Board in the administration of the law.

#### **1.5 THE PERSONNEL BOARD**

The Personnel Board shall consist of three members appointed by the Citizens Supervisory Commission. Such appointments shall be for terms of six (6) years: No member of the Board, at the time of appointment, nor for three years prior to appointment, shall have held public office or political party office, nor have been a candidate for public office. Vacancies during unexpired terms shall be filled for the remainder of the term.

## **1.6 DUTIES OF THE PERSONNEL BOARD**

In addition to the duties set forth elsewhere in the law and the Personnel Rules, the Personnel Board shall:

- (a) Meet in regular session at least monthly and at other times as necessary to transact the business of the Board.
- (b) Promulgate such policies, Rules and Regulations as are necessary to carry out the provisions of the law and to develop a comprehensive civil service program.
- (c) Review, approve, disapprove, or modify administrative actions and conduct of the program by the Director of Personnel.
- (d) Hear and render decisions relative to disciplinary and related matters as set forth in the law and these Personnel Rules.
- (e) Conduct inquiry and investigation as to the force and effect of this law, these Rules and the operation of the merit system program.
- (f) Transact such other business within the purview of this Board and within the intent of the law.
- (g) Appoint a Director of Personnel, who shall administer a scientific and economical merit and civil service program.

## **1.7 EXPENSES OF THE PERSONNEL BOARD**

The salaries and other expenses of the Board and its staff shall be paid from the general fund of the county. At the close of the fiscal year, the total amount expended by the Board shall be prorated among the county, the cities and the appointing authorities under the jurisdiction of the program. Such proration shall be made on the basis of the total number of classified employees on the payroll at the last day of the county's fiscal year.

## **1.8 LEGAL SERVICES FOR THE BOARD**

It shall be the prerogative of the Board, in legal matters, to be represented by either the County Attorney, or the City Attorney of any city subject to the provisions of the Civil Service Law, or to employ independent counsel to represent it in the enforcement of this law.

## **1.9 DIRECTOR OF PERSONNEL**

The Personnel Board shall appoint a Director of Personnel, who shall serve at the will of the Board. The Director shall be experienced in the field of personnel

administration and shall administer an efficient and economical merit system in accordance with the law and Rules arising therefrom, and shall carry out the policies established by the Board.

Any act of the Director complained of shall be subject to review by the Board. In addition to the duties and responsibilities set forth elsewhere in this law and these Rules, the Director shall:

- (a) Serve as secretary to the Board, and shall be its executive officer.
- (b) Appoint, reward remove or otherwise discipline in accordance with the law, such number of subordinates as may be necessary to carry out an effective operation.
- (c) Prepare for approval of the Board, such directives, Rules and Regulations as are needed to carry out the provisions of the law, including but not limited to Rules governing examinations, recruitment, appointments, suspensions, dismissal, certifications, layoffs, sick, vacation, and other types of leave, resignations, reinstatements, promotions, demotions, transfers, salary, classification, and other Rules as deemed necessary in the interest of a sound personnel and merit system.
- (d) Determine the effectiveness of the program and compliance with the Law and the Rules, by conduct of such studies and inquiries as deemed necessary, and to report such findings along with recommendations to the Board for improvements.

In connection with such investigations or inquiries, the Director shall have the power to administer oaths, subpoenas and require the attendance of witnesses, and the production of records, documents, and papers pertaining to the subject under consideration.

- (e) Shall have the authority to study the organization and operation, the manpower requirements of the departments under the law, and to make recommendations for improvements to the governing body.
- (f) Shall maintain an official roster of all positions and incumbents in the classified service, wherein shall be recorded the various personnel transactions affecting the employee.
- (g) Establish and administer, subject to approval by the Board, plans for the classification and compensation of positions in the classified service.
- (h) In cooperation with the several governing bodies under whom employees in the classified service are employed, promote and assist in the establishment of programs for general employee pension, welfare, health and career development.



## 1.10 STATUS OF PRESENT AND FUTURE EMPLOYEES

The service shall be divided into two categories, as follows:

(a) A classified service comprised of all employees and appointees holding regular positions in the service of the county, municipalities, and the Board of Health. Employees occupying these positions shall be deemed to be in the classified service unless specifically exempted from the service in accordance with the Act.

(b) The unclassified service shall include:

All employees or appointees of a city or county Board of Education.

All employees or appointees of a Library Board.

Persons engaged in teaching or in supervising teaching in the public schools.

Officials elected by popular vote.

The judge of any court.

The County Attorney.

The Director of Personnel.

The County Health Officer (except as provided under Section 2, Act 19.)

The private secretary of a member of the governing body, and of each official elected by popular vote, except judge.

Interns, resident physicians, resident dentists, student technicians, and student nurses, undergoing training in a county health department or in a hospital maintained by public funds.

Common laborers (The definition of what constitutes "common labor" shall be determined by the Board.)

Part-time members of boards.

Attorneys, physicians, surgeons, and dentists who, with permission of the appointing authority of a governing body, engage in outside similar employment.

The Chief Deputy of an elected official in charge of a branch office as required by law in a separate courthouse within the county. Such courthouse site to be physically separate and a branch of the main courthouse. The exemption shall include, to wit: the Deputy Tax Assessor, the Deputy Tax Collector, the

Deputy Treasurer, the Deputy Probate Judge, and the Deputy Sheriff in charge of such branch department.

Exempt Executive Service Employees.

- (c) **FUTURE EMPLOYEES.** In the event that any county, municipality, or appointing authority hereafter becomes subject to the provisions of the Civil Service Act and these Personnel Rules, a period of six (6) months shall be allowed the jurisdiction in which to prepare for the coverage of this personnel system. During the interim period, the employees of such jurisdiction shall continue in all respects to be subject to the applicable laws, Regulations, and policies of said jurisdiction.

At the time such county, municipality, or appointing authority becomes subject to the provisions of this Act and these Rules, the Personnel Board, at its discretion, may extend or grant permanent status to any or all such employees.

In the event that all or a portion of the unclassified service of any jurisdiction subject to this Act, shall subsequently become a part of the classified service, the Board at that time shall determine whether or not permanent status shall be extended to any or all such employees, taking into consideration the type of work performed, length of service, and related individual factors.

All future appointments to classified positions within the County, cities, or other appointing authorities shall be in accordance with this Act and the Personnel Rules.

## **1.11 PUBLIC RECORDS**

Minutes of Board meetings, the classification and pay plans, payrolls, actions of dismissal and suspensions and the Rules shall be considered public records. Other records of the department shall be held confidential by reason of public policy.

Records subject to inspection may be reviewed in a manner prescribed by the Director, taking into account confidentiality, convenience, and related factors.

## **1.12 PRESERVATION OF RECORDS**

Minutes of Board meetings, active employment rosters, and financial records shall be retained permanently. Applications and examination papers of successful candidates shall be retained for the duration of appropriate eligible registers.

## **1.13 AMENDMENTS TO RULES**

The Personnel Board, by public hearing, may from time to time amend the Rules. No amendments to the Rules shall be made, nor shall any Rule be repealed, nor

any new Rule be promulgated at the same meeting at which it is proposed. No final action to amend the Rules shall be taken in less than seven (7) days after proposal and after a public hearing. Adequate notice of public hearings shall be sent to the appointing authorities concerned, and to representative employee associations, in order to facilitate wide distribution of the proposed Rules. It shall be the responsibility of such associations to provide a current name and address for the Personnel Board for proper mailing.

## **1.14 COMPUTATION OF TIME**

In computing any period of time prescribed by the Enabling Act or the Rules and Regulations for notice to be filed or perfection of an appeal to the Director of Personnel or the Personnel Board, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a day in which the Jefferson County Courthouse is not open to the public, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a day in which the Jefferson County Courthouse is not open to the public. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him by the Director of Personnel or the Personnel Board and the notice or paper is served upon him by mail, three (3) calendar days shall be added to the prescribed period.

## **1.15 EXEMPT EXECUTIVE SERVICE**

- A. Exempt Executive Service Positions - Current legislative authority limits this Rule's application to the City of Birmingham.
1. The Board has the discretion to place positions under the Exempt Executive Service when an appointing authority in a Class 1 Municipality (Birmingham Only) requests such designation. Positions may be considered for placement in the Exempt Executive Service when:
    - (a) The position recommended reports directly to the appointing authority or directly to a department head who reports directly to the appointing authority and
    - (b) The position has significant substantive personnel and program management responsibilities.
    - (c) The position is vacant, or occupied by a classified employee and said classified employee elects to accept placement in the Exempt Executive Service pursuant to the requirements of Rule 1.15(A)(4) immediately below.

2. The appointing authority will forward their recommendations to the Director (title, job code, and minimum qualifications.) The Director will review the recommendation and prepare for Board approval a proposed position description, job code, title and minimum qualification requirements.
3. The Director will also prepare and maintain advisory salary range recommendations based upon current salary surveys.
4. Upon a request and recommendation of the appointing authority, the Board may approve the designation of an occupied, classified position in the Exempt Executive Service and the recommendation to appoint thereto the classified employee presently occupying the classified position to be placed in the Exempt Executive Service. In such situations, the Board shall approve said classified employee as qualified for said Exempt Executive Service position. Said classified employee who voluntarily accepts position in the Exempt Executive Service shall have no automatic right of return to the exact position and job classification held immediately prior to accepting Exempt Executive Service but shall be subject to all provisions of this Rule 1.15. When a classified position and the current classified employee holding said position are placed in the Exempt Executive Service pursuant to this Rule 1.15 A(4) the Board may simultaneously eliminate and remove the former classified position from the roster of classified positions within the Jefferson County Personnel Board System.
5. The appointing authority will forward applications for vacant positions in the Exempt Executive Service to the Director, and notify the Director of the intent to fill the vacancy. The Director will review the application for purposes of determining whether the applicant meets the minimum qualifications established for the position. Within twenty (20) days of receipt of all applications, the Board shall render its decision on the list of qualified applicants prepared and presented by the Director. Upon Board approval, the list of qualified applicants will be provided to the appointing authority.

**B. The Exempt Executive Service Employees**

1. Classified employees appointed to Exempt Executive Service positions may return to a position in the same classification they held as a Classified Employee upon the termination of their appointment to a position in the Exempt Executive Service if such a position exists. Otherwise, the employee will accrue the Reduction in Force rights provided under the Board's Rules.

Employees appointed to positions in the Exempt Executive Service will be at the direction of the appointing authority. These employees

will be exempt from the classified service, serve at the pleasure of the appointing authority, and have no appeal rights to the Board.

2. Employees occupying Exempt Executive Service positions may be members of a pension system available to classified employees in the same Jurisdictions. Exempt Executive Service employees may waive their pension participation in writing.
3. Classified Employees cannot be placed in Exempt Executive Service positions unless:
  - (a) The employee voluntarily elects such status by indicating his acceptance in writing. This document will be placed in the employee's official personnel file with the Personnel Board.
  - (b) The appointing authorities indicate approval of the assignment in writing. This document will be placed in the employee's official personnel file with the Personnel Board.
  - (c) The Personnel Board indicates its approval and such approval is reflected in the minutes of an official Board meeting.

# RULE 2

## CLASSIFICATION AND PAY PLAN

### 2.1 PURPOSE OF THE CLASSIFICATION PLAN

The classification plan provides a complete inventory of all positions in the classified service and an accurate description and specifications for each class of work. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

### 2.2 COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan shall consist of:

- (a) A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions.
- (b) Class titles, descriptive of the work of the class, which identify the class and which shall be used in all personnel, accounting, budget, and related records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. Working titles used in the course of departmental routine to indicate authority status in the organization or administrative rank may be continued in use for those purposes.
- (c) Written specifications for each class of positions consisting of: A title which is descriptive and consistent with other titles in the plan; a brief overall description of the kind and level of work; examples of typical duties performed in positions in the class; qualification requirements setting forth the necessary experience, education, license or other special requirements, and the required knowledge, skills and abilities needed in order to perform the work. Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.
- (d) An allocation list showing the class title of each position in the classified service as identified by the name of the incumbent.

## **2.3 USES OF THE CLASSIFICATION PLAN.**

The classification plan is to be used:

- (a) As a guide in recruiting and examining candidates for employment.
- (b) In determining lines of promotion and in developing employee training programs.
- (c) In determining in conjunction with wage surveys and job analysis, salaries to be paid for various types of work.
- (d) In determining personnel service items in departmental budgets.
- (e) In providing uniform job terminology understandable by all officials, employees and the general public.

## **2.4 PREPARATION OF THE CLASSIFICATION PLAN**

The Director of Personnel shall prepare or direct the preparation of the classification plan. Upon completion of the plan, the Director shall submit to each appointing authority a copy of the tentative class specifications for each position class and a list allocating the positions in the jurisdiction to the tentative position classes. The appointing authority shall be responsible for notifying employees as to the allocation of their respective positions. A copy of the class specification and individual allocation shall be made available to the employee or his representative on request.

## **2.5 ADOPTION OF THE CLASSIFICATION PLAN**

The Director of Personnel shall submit the classification plan to the Personnel Board for their approval and adoption. Prior to adoption, the Board shall hold a public hearing to give appointing authorities, department heads, and employees a chance to voice their views on the plan and to appeal position allocations. After the public hearing, the Board shall adopt the classification plan, and the Director shall certify the plan to each appointing authority. The plan shall become effective thirty (30) days after adopted by the Personnel Board.

## **2.6 MAINTENANCE OF THE CLASSIFICATION PLAN**

The Director of Personnel shall be charged with the responsibility for maintaining the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It shall be the duty of the Director to:

- (a) Recommend the establishment of new position classes and the deletion or revision of existing classes.

- (b) Review the duties and responsibilities of each new position established and, with approval of the Board, allocate the position to the appropriate position class. It shall be the responsibility of the appointing authority to submit to the Director, in writing, a comprehensive job description describing in detail the duties of each new position established.
- (c) Make periodic studies of positions in order to determine changes in duties and responsibilities and on the basis of findings recommend reallocation or re-classification of positions. Classification studies may be made at the request of the employee, appointing authority or on the initiative of the Director. Changes in duty assignments must be more than temporary in nature, and the incumbent must be performing the duties for a sufficient duration to warrant investigation.
- (d) Direct the grading and classifying of all positions in the classified service at least once every five years.
- (e) Make provision for appointing authorities, department heads and employees so affected by the allocation or reallocation of positions to be given reasonable opportunity to be heard by the Head of Classification and Pay, the Director of Personnel, and the Personnel Board.

## **2.7 REALLOCATION OF POSITIONS**

When a position is reallocated to a higher position class, a lower position class, or another position class at the same level, the method of filling the position shall be determined in accordance with Rules regarding transfers, demotions, or promotions as may be appropriate.

## **2.8 PURPOSE OF THE PAY PLAN**

The pay plan shall provide the basis of compensation for employees in the classified service. The plan shall be constructed to provide fair compensation for all classes in the classification plan with due regard to such factors as:

- (a) Varying degrees of difficulty and responsibility among several classes of work.
- (b) Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area.
- (c) Recruiting experience for the several classes of work.
- (d) Financial conditions of the governing body.



## **2.9 COMPOSITION OF THE PAY PLAN**

The Pay Plan shall contain:

- (a) Special and specific provisions for administering the plan.
- (b) A basic salary grade for each position class in the classification plan.
- (c) A basic salary schedule containing the minimum rate, maximum rate and the intermediate rates of pay for each salary grade; and a conversion of rates for basis of payment.
- (d) The basis of pay, indicating the number of weekly work hours in general application to the classified service or exceptions thereto.

## **2.10 PREPARATION OF THE PAY PLAN**

The Director of Personnel shall, after consultation with the governing bodies and employee representatives, prepare the pay plan for the various classes of work in the classified service. Upon completion, he shall submit the plan to the Personnel Board for approval.

## **2.11 ADOPTION OF THE PAY PLAN**

The Personnel Board shall furnish copies of the pay plan to all groups concerned, and shall provide the opportunity for appointing authorities, department heads, employees, and the public to present their views individually or collectively. Upon final adoption by the Personnel Board, the plan shall be certified by the Director and delivered to the governing bodies concerned. The plan shall become effective within thirty (30) days after adoption of the Board, subject to provision (a) of Rule 2.12.

## **2.12 AMENDMENTS TO THE PLAN**

The Pay Plan shall be amended in the following manner:

- (a) The governing body may raise or lower the basic salary schedule in the pay plan by applying the same percentage increase or decrease to the entire schedule. The governing body must obtain approval of the Board, should they desire to increase the entire schedule within twelve (12) months after the adoption of a new salary schedule, or within twelve (12) months immediately preceding any primary or general election in which members of the governing body are to be elected.
- (b) The governing body may by order or resolution change the salary grade of one class or a number of classes in the plan. A certified copy of the order or resolution shall be filed with the Personnel Board, and unless disapproved by the Board within thirty (30) days, shall be valid and operative according

to its term. If disapproved, the order or resolution shall be invalid and of no legal effect.

- (c) The Personnel Board may, upon recommendation of the Director, amend the pay plan when changes in responsibilities of work of classes, availability of labor supply, prevailing rates of pay, or other pertinent economic factors warrant such action. Requests for amendments may be initiated by the appointing authority, department head or appropriate employee groups.
- (d) The pay plan shall be amended when the Board adds a new position class to the classification plan and fixes the salary grade.
- (e) Prior to adoption of an amendment to the pay plan, the Board shall provide the opportunity for appointing authorities, department heads and employees to present their views.

## 2.13 ADMINISTRATION OF THE PAY PLAN

Each Employee in the classified service shall be paid at one of the rates set forth in the Pay Plan for the classification in which he serves, in accordance with these Rules and the special provisions for administering the Pay Plan.

- (a) MINIMUM RATE. New appointments to the classified service shall be made at one of the beginning rates (step 1, 2, or 3) of the salary range for the classification to which the appointment is made. A new appointment at step 2 or step 3 of the salary rate shall be based on outstanding education and/or experience qualifications of the candidate.
- (b) If an employee is appointed within the same jurisdiction by open-competitive exam in a related occupational class, the employee's new rate shall be set to allow a one-step increase above the new employee's former base rate or the new rate shall be the entrance rate for the new classification. The appropriate alternative is to apply the highest possible increase.
- (c) The Personnel Board may, upon recommendation of the Director, authorize appointment above the step 3 salary rate when:
  - (1) There is a lack of available candidates for recruitment at step 3 salary rate.
  - (2) A former, satisfactory employee is reemployed in the classification he formerly held.
  - (3) The appointing authority recommends appointment above the step 3 salary rate, based on outstanding education and/or experience qualifications of the candidate and the position to be filled is that of a Department Head, Deputy Department Head, or high-level professional or administrative position.

- (d) SALARY ADVANCEMENT. Salary advancement within established salary ranges shall be based on meritorious performance on the job and shall be in accordance with the special provisions for administering the Pay Plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. Advancement from the first to the second step in the range shall be allowed a full-time, regular employee (trainees are not included) after the completion of one (1) year of satisfactory service. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.
- (e) SALARY RATE IN PROMOTION, TRANSFER OR DEMOTION. In the event a classified employee is promoted, transferred or demoted, his rate of pay for the new position shall be determined as follows:
1. PROMOTION Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be set to (a) allow one step increase above the former base rate, or (b) the new rate shall be the entrance rate for the promotional class, and whichever increase is greater shall be applied.
  2. DEMOTION When an employee is demoted, his compensation shall be reduced to the salary prescribed for the class and/or grade to which he was demoted. The particular rate shall be determined by his period of employment in the classified service. In no event shall his salary exceed the maximum rate of the new classification.
  3. TRANSFER When an employee is transferred from one department to another or from one jurisdiction and/or government to another, his step in the pay range remains unchanged. Transfer shall mean the governmental movement of an incumbent, who has not retired, resigned, or whose employment has not been otherwise terminated, within a class or between two separate but related classes for which the maximum pay steps for those classes are equal. All transfers must be approved by the appointing authorities concerned and the Director of Personnel.

# **RULE 3**

## **RECRUITMENT AND EXAMINATIONS**

### **3.1 RECRUITMENT**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Employment, therefore, shall not necessarily be limited to residents of Jefferson County, Alabama.

### **3.2 ANNOUNCEMENTS**

The Personnel director shall prepare recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth time, place, requirements, and weights of various sections of tests and periods of application. The minimum periods of time between public notice and closing dates for applications shall be five (5) calendar days and maximum periods of time shall be at the discretion of the Director of Personnel taking into consideration the number of positions to be filled, availability of applicants, and the geographical area of recruitment.

### **3.3 ACCEPTANCE OF APPLICATIONS**

Applicants for employment or promotion will apply by completing the required application forms. Completed applications will be accepted only during the time period stated on the announcement. The Director may extend, under certain circumstances, the application period beyond the stated closing date. The exception will not extend beyond the date and time the test begins.

The Director may also refuse to test an applicant when they have previously taken the same or a similar test within the nine months prior to the next scheduled test date.

### **3.4 REFERENCES**

It shall be the duty of the appointing authority to conduct pre-employment background checks of eligibles certified to the appointing authority. This may include background checks with former supervisors, employers, police and FBI files, plus references provided by the candidates. As a precaution against obtaining undesirable employees, the Director of Personnel shall also have discretionary authority to make such pre-employment background checks. Reference checks made by a personal or telephone contact shall be documented and made part of the applicant's



# THE MERIT SYSTEM

Personnel Board of Jefferson County

James B. Johnson,  
Chairman


Robin L. Burrell,  
Associate

Temple W. Tutwiler III,  
Associate

Ben L. Payton,  
Executive Director

**\* PLEASE POST \* PLEASE POST \* PLEASE POST \***

TO: Appointing Authorities, Department Heads,  
Employee Associations

FROM:  Ben L. Payton, Executive Director  
Personnel Board of Jefferson County

RE: **NOTICE: Repeal of Personnel Board Rule 3.15**  
**SUPPLEMENTAL EXAMINATIONS**

DATE: September 21, 2001

Pursuant to Personnel Board Rule 1.13 AMENDMENTS TO RULES, a Public Hearing took place on August 24, 2001, at which the Personnel Board received input from employee representatives and other interested parties concerning the proposal to repeal Rule 3.15 SUPPLEMENTAL EXAMINATIONS.

At its regular meeting of September 4, 2001, the Board considered such input. Subsequently, at its regular meeting of September 18, 2001, the Board took action to repeal Rule 3.15 SUPPLEMENTAL EXAMINATIONS. Accordingly, please delete this rule from your copy of the *Personnel Board Rules & Regulations*.

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# APPENDIX A

## Proposed Personnel Board Rules Changes

*In accordance with Section 5 of the Board's Enabling Act, as amended, the Personnel Board of Jefferson County, Alabama, hereby submits for review these rule changes, which the Board deemed to be in the best interest of the sound administration of the Act following a Public Hearing*

Rule 1.9 DIRECTOR OF PERSONNEL

Rule 3 RECRUITMENT AND EXAMINATIONS

Rule 8.3 APPEAL OF PERFORMANCE RATINGS.

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3.

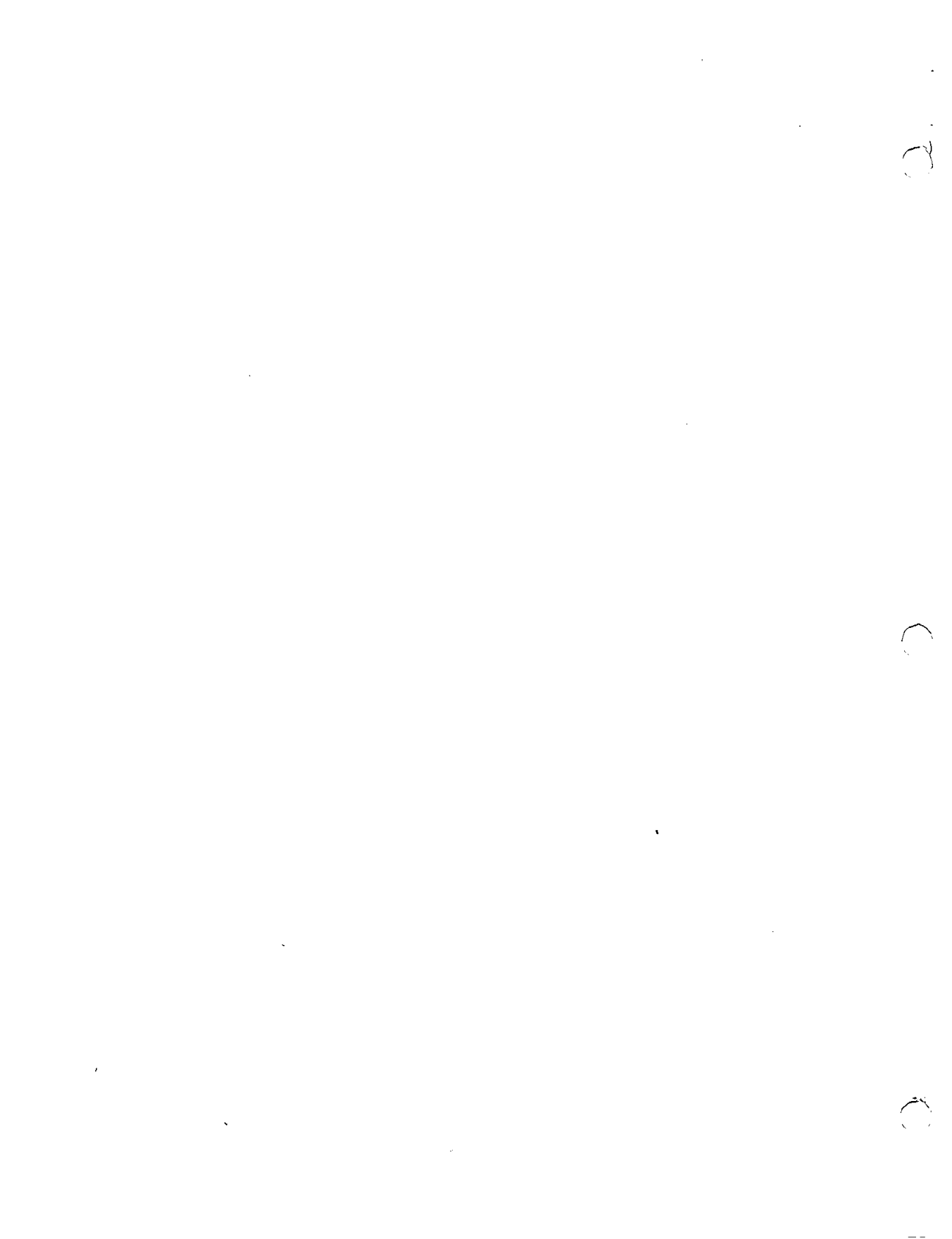
4.



**RULE 1.9 DIRECTOR OF PERSONNEL:** *This rule sets forth the duties of the Board's Director of Personnel. The proposed revision is intended to clarify the Board's policy as it relates to Section B of the rule. In addition, the remainder of the rule has been reformatted to accommodate this change.*

## **1.9 DIRECTOR OF PERSONNEL**

- (a) The Personnel Board shall appoint a Director of Personnel, who shall serve at the will of the Board. The Director shall be experienced in the field of personnel administration and shall administer an efficient and economical merit system in accordance with the law and Rules arising therefrom, and shall carry out the policies established by the Board.
- (b) Any act of the Director complained of shall be subject to review by the Board upon written request made within ten (10) days of notice thereof to the Board by any person at interest. At its regularly scheduled meeting following receipt of a written request for review, the Board shall either:
  - (1) Conduct the required review and render its decision based on the written request as made and the Director's written reply thereto; or,
  - (2) Order that the individual requesting review of the Director's act and the Director submit additional written materials by a date certain, and then proceed to conduct the required review and render its decision at the next Board meeting following receipt of the additional written material requested; or,
  - (3) Order that the individual (or their authorized representative) requesting review of the Director's act appear before the Board for oral presentation of the reasons why said act of the Director should be reviewed by the Board.
- © In addition to the duties and responsibilities set forth elsewhere in this law and these Rules, the Director shall:
  - (1) Serve as secretary to the Board, and shall be its executive officer.
  - (2) Appoint, reward remove or otherwise discipline in accordance with the law, such number of subordinates as may be necessary to carry out an effective operation.
  - (3) Prepare for approval of the Board, such directives, Rules and Regulations as are needed to carry out the provisions of the law, including but not limited to Rules governing examinations, recruitment, appointments, suspensions, dismissal, certifications, layoffs, sick, vacation, and other types of leave, resignations, reinstatements, promotions, demotions, transfers, salary, classification, and other Rules as deemed necessary in the interest of a sound personnel and merit system.
  - (4) Determine the effectiveness of the program and compliance with the Law and the Rules, by conduct of such studies and inquiries as deemed necessary, and to report such findings along with recommendations to the Board for improvements.



In connection with such investigations or inquiries, the Director shall have the power to administer oaths, subpoenas and require the attendance of witnesses, and the production of records, documents, and papers pertaining to the subject under consideration.

- (5) Shall have the authority to study the organization and operation, the manpower requirements of the departments under the law, and to make recommendations for improvements to the governing body.
- (6) Shall maintain an official roster of all positions and incumbents in the classified service, wherein shall be recorded the various personnel transactions affecting the employee.
- (7) Establish and administer, subject to approval by the Board, plans for the classification and compensation of positions in the classified service.
- (8) In cooperation with the several governing bodies under whom employees in the classified service are employed, promote and assist in the establishment of programs for general employee pension, welfare, health and career development.

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***RULE 3 RECRUITMENT AND EXAMINATIONS:** This rule sets forth the legal requirements of the Board with respect to announcing, recruiting, accepting applications, and testing or screening of individuals interested in competing for classified jobs. The rule has been updated using modern professional terminology in order to bring the rule provisions more in line with current policy and procedure.*

## **RULE 3 RECRUITMENT AND EXAMINATIONS**

### **3.1 RECRUITMENT**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Employment, therefore, shall not be limited to residents of Jefferson County, Alabama.

### **3.2 ANNOUNCEMENTS**

The Director of Personnel shall prepare recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth periods of application, minimum eligibility requirements and, if known at the time of posting, the test(s) to be administered and the weights of various section(s) thereof. The minimum periods of time between public notice and closing dates for applications shall be five (5) calendar days and maximum periods of time shall be at the discretion of the Director of Personnel taking into consideration the number of positions to be filled, availability of applicants, and the geographical area of recruitment.

### **3.3 ACCEPTANCE OF APPLICATIONS**

Applicants for employment or promotion will apply by completing the required application forms. Completed applications will be accepted only during the time period stated on the announcement, provided however, The Director may, under circumstances he/she deems absolutely necessary, extend the application period beyond the closing date stated on the announcement. The exception will not extend beyond the date and time the test begins.

The Director may also refuse to test an applicant when he/she has previously taken the same or a similar test within the nine months prior to the next scheduled test date.

### **3.4 REFERENCES**

It shall be the duty of the appointing authority to conduct pre-employment background checks of eligibles certified to the appointing authority. As a precaution against obtaining undesirable employees, the Director of Personnel shall also have discretionary authority to make pre-employment background checks, either before or after an individual is certified to an appointing authority. Reference checks made by a personal or telephone contact shall be documented and made part of the applicant's file. These reference checks may be completed either prior to, or after, an offer of employment. Any information obtained by the Director in this regard shall be considered privileged information available only to appointing authorities in considering an applicant's file.

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### 3.5 DISQUALIFICATION

The Director may remove from further consideration at any time the application of an applicant, or the eligible status of a certified employment candidate who: (a) does not possess the minimum qualifications; (b) has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment; (c) has made false statement of any material fact or practiced deception or fraud in his application, examination, or medical history; (d) has a mental or physical impairment that would prevent the applicant from performing the essential functions of the job applied for; (e) is proven to be addicted to or is a habitual user of drugs or intoxicants which unreasonably subject others to the risk of harm or danger and/or which unreasonably subject property to risk of damage; (f) has applied for a law enforcement position and who has been convicted of a felony pursuant to State or Federal law; (g) has been guilty of infamous or disgraceful conduct; (h) has an unsatisfactory driving record as evidenced by a pattern, frequency and/or severity of traffic violations and where driving is an essential function of the job applied for; (i) has refused or failed to report for an interview after certification to an appointing authority; (j) has failed to report for duty at the time and place designated after appointment; (k) has failed to respond to any official notice or phone call from the Director or appointing authority; (l) has failed to notify the Personnel Board or postal authorities of a change in address; (m) has been certified and rejected for three (3) or more times; (n) has passed the maximum age prescribed in the announcement for the classification where age is a bona fide occupational qualification; (o) and for any other good cause not inconsistent with the intent of this Act. All applicants or eligible employment candidates disqualified shall be notified immediately. Pursuant to Rule 1.9, above, an applicant or eligible employment candidate who is disqualified by the Director of Personnel may appeal to the Board within (10) days after notice by filing a written request with the Director.

### 3.6 COMPETITIVE EXAMINATIONS

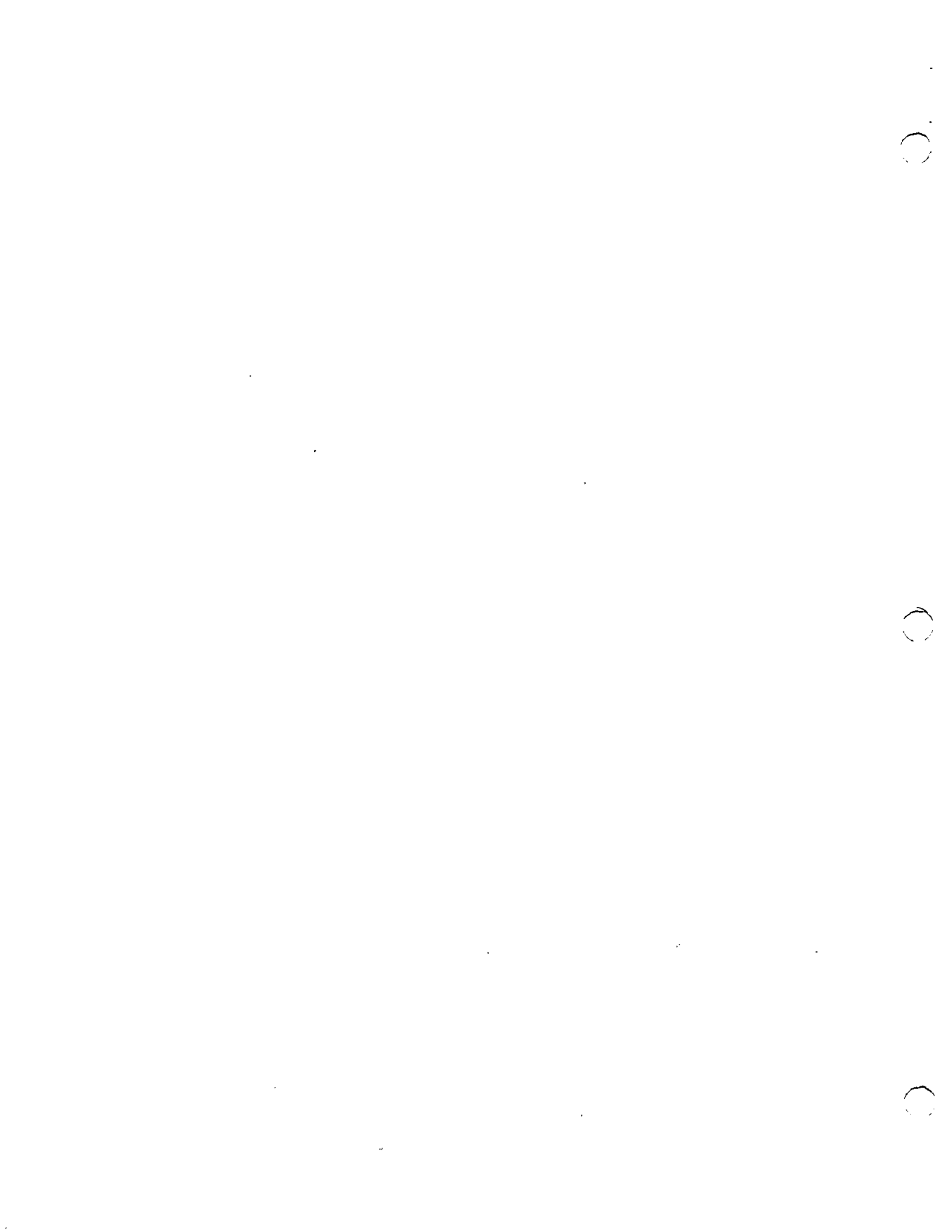
All appointments in the classified service, either at the entrance level or the promotional level, shall be made upon the basis of merit, efficiency and fitness of applicants for positions and shall be determined as far as practical and possible by competitive examinations. All announcements and examinations shall be prepared and weighted under the supervision of the Director.

Examinations shall relate to those matters which fairly test the relative capacity and fitness of those examined to discharge the duties of the classification.

### 3.7 TYPES OF EXAMINATIONS

Examinations may be either Assembled or Unassembled, and, either Entrance and/or Open Competitive, Promotional Competitive, a combination of Promotional and Open Competitive, or Qualifying.

- (a) ASSEMBLED or UNASSEMBLED. Whenever the Director determines that applicants are not available in sufficient numbers to justify holding assembled examinations, (for example, written tests, performance tests, and/or oral interviews), the Director of Personnel may authorize conducting unassembled examinations.





Unassembled examinations may customarily involve an evaluation of an applicant's education and experience and, as provided in Rule 3.4, above, may also include a reference check as part of the evaluation. Unassembled examinations shall be continuous until the Director determines that enough qualified applicants have been examined to establish an eligible list.

- (b) ENTRANCE AND/OR OPEN COMPETITIVE. Any examination in which competition is open to all applicants meeting the announced requirements for the examination constitutes an Entrance and/or Open Competitive examination.
- (c) PROMOTIONAL. Any examination in which competition is limited to present employees constitutes a Promotional examination. Such examinations shall customarily be restricted to employees serving in lower, related classifications and possessing permanent status. However, additional training, education and/or experience beyond permanent status may be required as determined by the Director in the best interests of the service. A promotional examination may include employees in all jurisdictions; or be limited to less than all jurisdictions. Such exams may also include all departments or less than all departments of a jurisdiction. The Director shall in each case determine whether an open competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates.
- (d) QUALIFYING. For certain classes of work, where competition is impractical and/or the needs of the service are such to render, competition impractical, the Board may provide for qualifying examinations. Such examinations may be limited to employees of the public service to fill existing positions, and may consist of an evaluation of the candidate's qualifications based upon efficiency rating by competent authority and physical fitness to perform the work or such other methods as may be determined by the Director, not inconsistent with the intent of the Act and the needs of the public service.

### 3.8 CONTENTS OF EXAMINATIONS

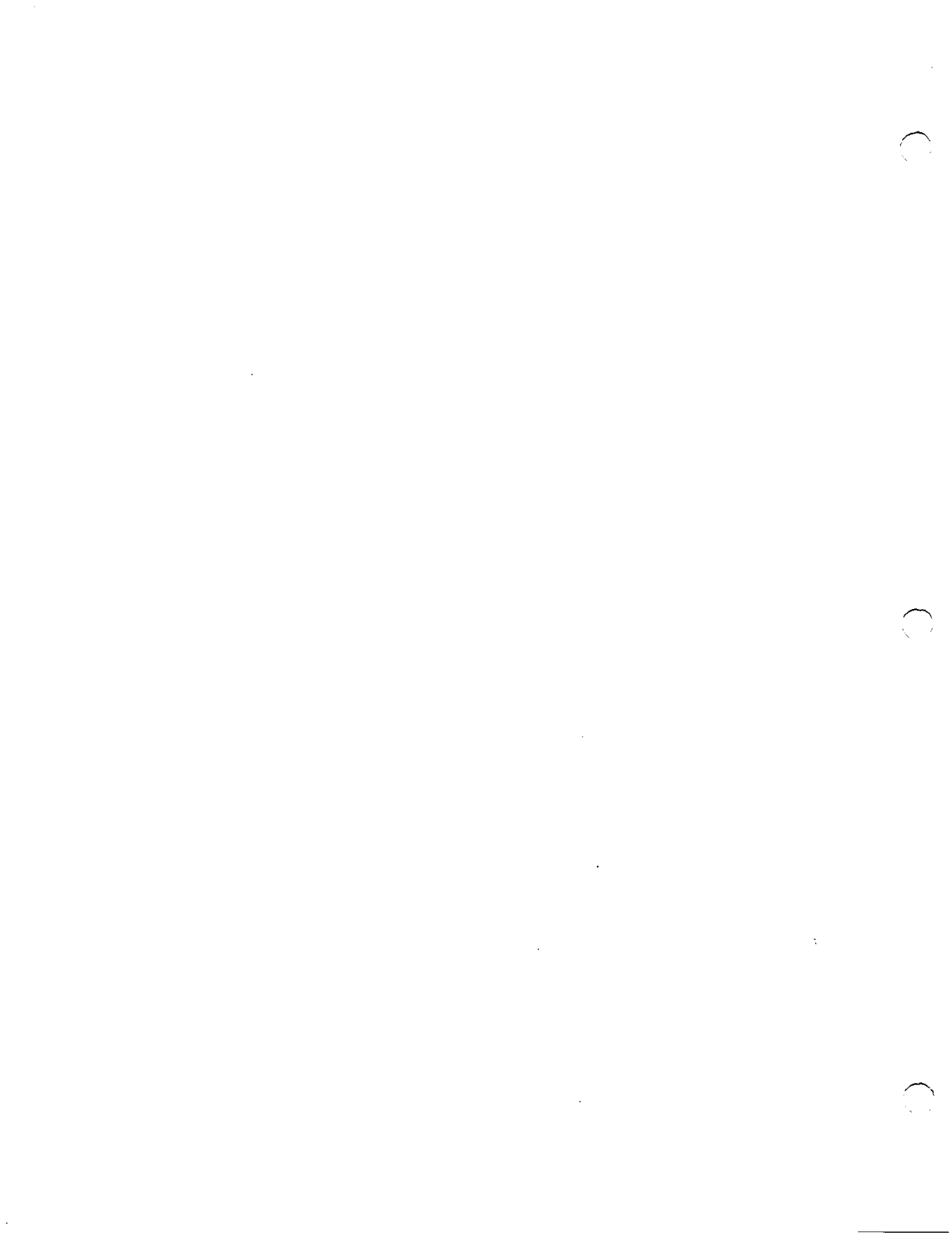
Examinations shall consist of any, all or part of the following examinations, sections, parts and/or tests. However, no questions in any examination, form or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants, or shall in any way discriminate for or against an applicant because of his or her sex, nationality, race or color.

- (a) KNOWLEDGE TESTS. This part, when required, shall include written or oral examinations designed to measure an applicant's familiarity considered essential to successful performance on the job or their general educational attainments which serve as qualifications for the job. A formal essay upon one or more subjects may be required.
- (b) ABILITY OR APTITUDE TESTS. This part, when required, shall include written or oral examinations designed to predict an applicant's ability to perform or learn to



perform skills required on the job. Tests may consist of components designed to measure cognitive, analytic, communication, supervision, psychomotor, or interpersonal skills.

- (c) PERSONALITY OR BIODATA TESTS. This part, when required, shall include written inventories designed to measure the degree to which an applicant's character or personality traits fit with those deemed important for successful job performance. Tests may consist of personality, work styles, experience, or preference inventories.
- (d) PERFORMANCE TESTS. This part, when required, shall include such tests of performance as would determine the ability and manual skills of competitors to perform essential components of the job. These tests differ from (a) and (b) above in that work samples or work simulations (e.g., in-baskets, assessment centers) are used rather than written or oral tests.
- (e) PHYSICAL TEST. This part, when required, shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination applicants who do not meet the required minimum standards.
- (f) ORAL INTERVIEW. This part, when required, shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other qualifications are to be determined. An oral interview may also be used in examinations where a written test is unnecessary or impractical.
- (g) TRAINING AND EXPERIENCE. This part, when required, shall be marked from the statements of the education and experience contained in the application form or from such supplemental data as may be required. Results of the reference checks, as provided in Rule 3.4, may be a part of the evaluation of training and experience.
- (h) MEDICAL EXAMINATIONS.
  - (1) Employment Entrance Examination. This medical and/or psychological examination may be required before employment but only after an offer of employment is made by an appointing authority to determine whether an applicant is physically and mentally capable of performing the essential functions of the job of interest.
  - (2) Fitness For Duty Examination. This medical and/or psychological examination may occur after employment begins when there is a need to determine whether an employee is still able to perform the essential functions of the job held without constituting a hazard to themselves, or endangering the safety, health, and welfare of fellow employees and the public. Fitness For Duty medical inquiries and/or psychological examinations may be performed by the appointing authority's, or the Personnel Board's, designated



physician or other healthcare practitioner. The Director of Personnel shall require a classified employee to submit to a medical and/or psychological inquiry and/or examination only upon the written request of an appointing authority for same which shall contain specific reasons for the requested medical and/or psychological inquiry and/or examination.

- (I) ADDITIONAL PROMOTIONAL EXAMINATION PROVISIONS- SENIORITY CREDIT. This part of the examination process or content is in addition to those cited above in items (a) through (h). This provision is applicable only to the examination on a promotional basis to classified employees who may apply and/or compete in promotional and/or promotional-open competitive examinations.

Each promotional candidate who attains an overall passing grade of seventy (70) or more on the required announced and/or weighted tests, parts and/or portions of a promotional basis examination shall have added to the final overall examination grade or score one point for each year of full-time employment in the classified service up to and including twenty years. All absences from duty excepting vacations, sick leave allowances and military leaves, shall be deducted to determine service time to be allowed for seniority credits. In addition, in computing seniority credit, the ending date shall be the final date for attainment of permanent status shown on the announcement.

### 3.9 RATING EXAMINATIONS

Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating standards for each and/or all tests, parts and/or sections shall be established under the supervision of the Director. Information concerning the type of test(s) and weighting may appear on the announcement; however, in all cases the preceding will be announced prior to administering the examination. Candidates may be required to attain at least a minimum rating on each test component in order to receive a passing score or to be rated on the remaining parts of the examination and/or test. The final score shall be marked upon a scale of one hundred (100). No applicant shall be placed upon the employment register whose final score on the examination is less than seventy (70). The final score of a competitor shall be determined by combining the earned rating on each part of the examination in accordance with the weights established for the examination.

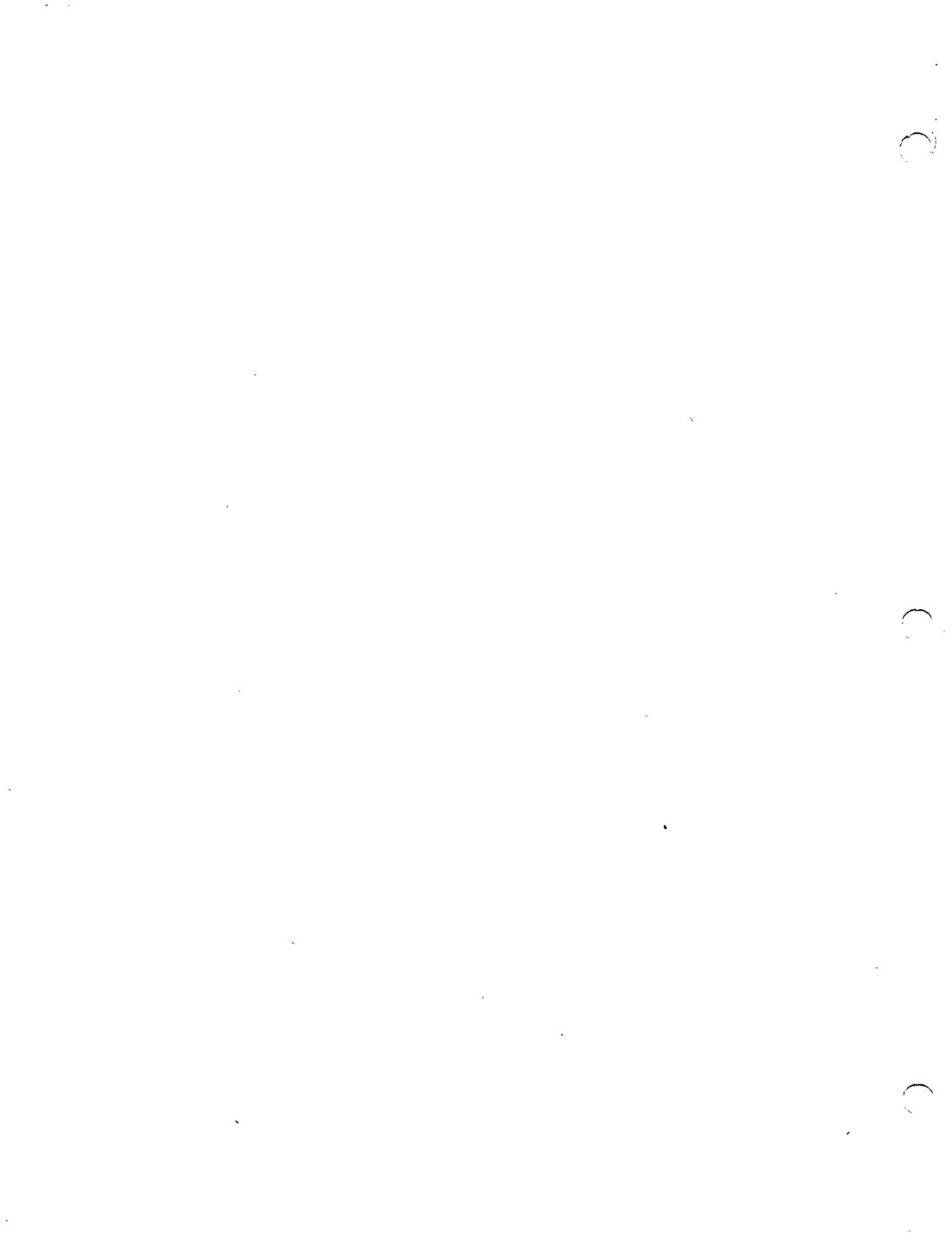
### 3.10 TIE BREAKING OF RATINGS

Whenever two or more applicants have the same final score, their rank will be the same.

### 3.11 NOTIFICATION OF EXAMINATION RESULTS

Each person who takes an assembled or unassembled examination as provided in Rule 3.7 (a), above, shall be notified by mail of his/her score.

### 3.12 EXAMINATION PAPERS



Each person who takes a written test as provided in Rule 3.7 (a), above, shall be entitled to inspect the examination paper with the appropriate scoring key for seven (7) calendar days after notices of results have been mailed. Actual test questions and other testing and evaluation instruments (such as subject matter expert rating forms, training and experience evaluation plans, behavioral observation rating forms, etc.) are confidential and not subject to inspection by the applicant. The maintenance and/or destruction of all examination papers shall be governed by the Personnel Board's Records Retention Policy and also subject to Rule 1.12.

### 3.14 REVIEW OF RATING

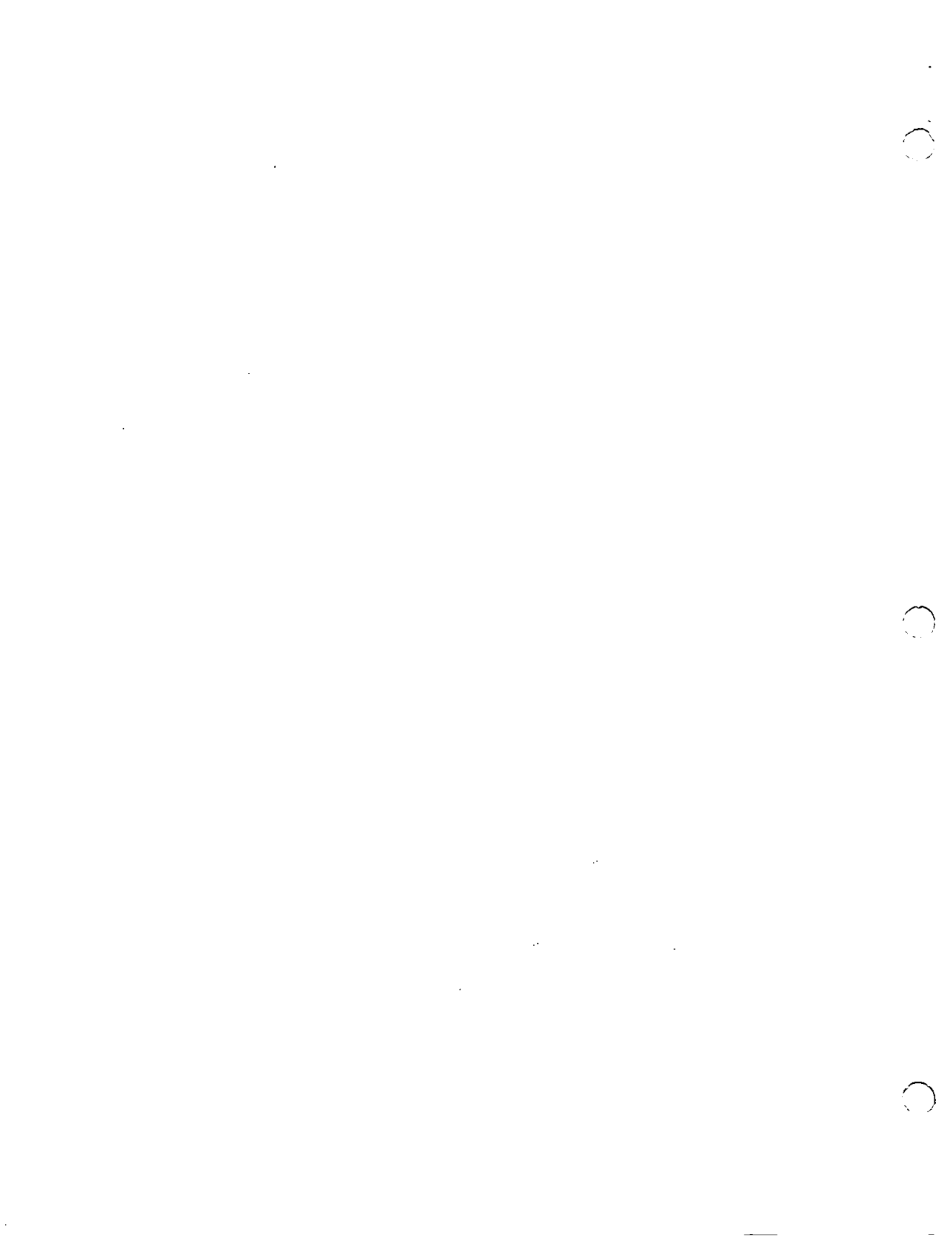
Applicants may request a review of: (a) eligibility to take an examination, (b) training and experience evaluations, (c) examination scores, and (d) content of examinations, by filing a written request with the Director within the time limits indicated below.

- (a) ELIGIBILITY TO TAKE AN EXAMINATION. Applicants declared by the Director to be ineligible to take an examination may appeal said decision to the Board under Rule 1.9 by filing a written appeal with the Director, which fully states the basis for review, within seven (7) calendar days from the date the eligibility notices were mailed. The Board shall review the appeal and may, upon finding sufficient basis of manifest error, revise the rating to permit the applicant to be examined.
- (b) TRAINING AND EXPERIENCE EVALUATIONS. Applicants may appeal their training and experience evaluations to the Board under Rule 1.9 by filing with the Director a written appeal which fully states the basis for review, within seven (7) calendar days from the date the test scores were mailed.
- (c) WRITTEN EXAMINATION SCORES. Applicants may request a review of written examination scores by filing with the Director a written request within seven (7) calendar days from the date the test scores were mailed. Such review shall be limited to the accuracy of the scoring procedure and shall not be appealable to the Board.
- (d) CONTENT OF EXAMINATIONS. Applicants may appeal the content of examinations including testing procedures, fairness of the examination and reasonableness of the examination by filing with the Director a written request to appeal within seven (7) calendar days from the date the test scores were mailed.

Whenever a review of rating results in a change of position on the list, all persons so affected shall be notified by mail.

The Director may certify candidates from an eligible list during the relevant appeal period in the event that an appeal is filed pursuant to this Rule so long as no appeal is prejudiced by expediting the certification. Provided however, the Director shall endeavor to delay the certification of eligible candidates until every appeal is resolved.

### 3.15 SUPPLEMENTAL EXAMINATION





The Director may, with the approval of the Board, order a special or supplementary examination, and the reasons shall appear in the Minutes of the Board. A classified employee with permanent status who is prevented from competing in a promotional examination for a valid reason beyond his or her control, or because of his or her absence on an authorized military leave, and who is reinstated to his or her position before the expiration of the eligible list, shall upon request be given the opportunity to take the same and/or equally difficult examination.

However, no request for supplemental examination will be entertained after twenty-four (24) hours from the date and time of the announced examination. The Director shall determine if the same test or one of equal difficulty shall be used. If the employee successfully passes the examination, his or her name shall be entered on the original promotion list in accordance with the final overall examination score plus earned seniority credits as provided in Rule 3.8 (I). If the final overall examination score plus earned seniority credits of such employee is higher than that attained by the person who was last promoted from the list, and if the vacancy filled by such promotion was in the department in which such employee is employed, he or she shall be entitled to be certified immediately. However, no applicant competing on an open basis shall be granted a special and/or supplementary test, unless the failure of the applicant to appear at the stated test was due to manifest error on the part of the Director and/or staff.

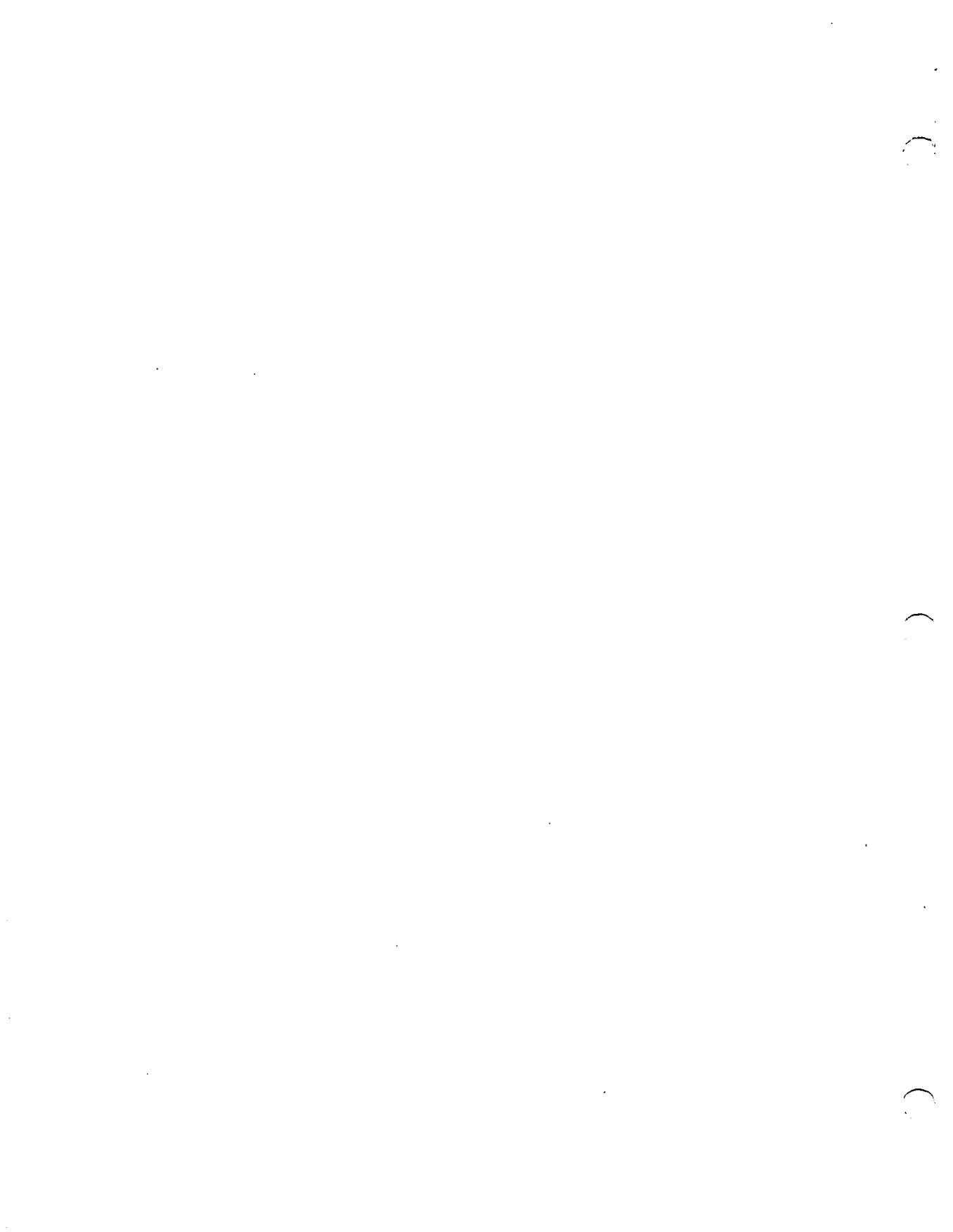
### 3.16 FRAUD

If an applicant during an examination is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets and/or books of any kind, his test papers shall be taken and the Director shall have them graded with a zero and note on the test papers the reason for such marking. Such applicant shall be barred from taking any future examinations.

No person shall willfully or corruptly make a false mark, grade, estimate or report on an examination with respect to the proper standing of any person examined; or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment or promotion of any person examined or to be examined. Any person guilty of such acts shall be deemed guilty of a misdemeanor.

### 3.17 CANCELLATION OF EXAMINATION

The Director may cancel, postpone, reschedule or re-announce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Board and appear in the minutes with the reason for such action.



**RULE 8.3 APPEAL OF PERFORMANCE RATINGS:** *This rule contains review and appeal provisions for classified employees who disagree with a performance rating. The proposed revision sets a deadline with respect to the time frame permissible for a Reviewing Officer and/or department head to review the disputed rating. In addition, since it is no longer applicable to the current rating system, it is proposed that part (b) of the definition be removed. The remaining changes represent corresponding format revisions.*

**Rule 8.3 APPEAL OF PERFORMANCE RATINGS**

- (a) Request for Review to Department Head: Raters will discuss performance ratings with their employees. Employees disagreeing with their rating may file a written request to meet with their department head. Requests must be filed within ten (10) calendar days after meeting with their rater. Reviewing Officers and department heads will, as soon as practical, but in no event later than thirty (30) days from the date of the rating, review the rating with the employee.
  
- (b) Appeal to Director of Personnel: An employee may also appeal a performance rating to the Director of Personnel if the rating falls below the level necessary for a merit increase, whether or not the employee is eligible for an increase. Employees must file their written appeal to the Director of Personnel within thirty (30) calendar days after meeting with their rater. Informal or interim ratings shall not be appealable to the Director of Personnel.

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## **2.3 USES OF THE CLASSIFICATION PLAN.**

The classification plan is to be used:

- (a) As a guide in recruiting and examining candidates for employment.
- (b) In determining lines of promotion and in developing employee training programs.
- (c) In determining in conjunction with wage surveys and job analysis, salaries to be paid for various types of work.
- (d) In determining personnel service items in departmental budgets.
- (e) In providing uniform job terminology understandable by all officials, employees and the general public.

## **2.4 PREPARATION OF THE CLASSIFICATION PLAN**

The Director of Personnel shall prepare or direct the preparation of the classification plan. Upon completion of the plan, the Director shall submit to each appointing authority a copy of the tentative class specifications for each position class and a list allocating the positions in the jurisdiction to the tentative position classes. The appointing authority shall be responsible for notifying employees as to the allocation of their respective positions. A copy of the class specification and individual allocation shall be made available to the employee or his representative on request.

## **2.5 ADOPTION OF THE CLASSIFICATION PLAN**

The Director of Personnel shall submit the classification plan to the Personnel Board for their approval and adoption. Prior to adoption, the Board shall hold a public hearing to give appointing authorities, department heads, and employees a chance to voice their views on the plan and to appeal position allocations. After the public hearing, the Board shall adopt the classification plan, and the Director shall certify the plan to each appointing authority. The plan shall become effective thirty (30) days after adopted by the Personnel Board.

## **2.6 MAINTENANCE OF THE CLASSIFICATION PLAN**

The Director of Personnel shall be charged with the responsibility for maintaining the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It shall be the duty of the Director to:

- (a) Recommend the establishment of new position classes and the deletion or revision of existing classes.

- (b) Review the duties and responsibilities of each new position established and, with approval of the Board, allocate the position to the appropriate position class. It shall be the responsibility of the appointing authority to submit to the Director, in writing, a comprehensive job description describing in detail the duties of each new position established.
- (c) Make periodic studies of positions in order to determine changes in duties and responsibilities and on the basis of findings recommend reallocation or re-classification of positions. Classification studies may be made at the request of the employee, appointing authority or on the initiative of the Director. Changes in duty assignments must be more than temporary in nature, and the incumbent must be performing the duties for a sufficient duration to warrant investigation.
- (d) Direct the grading and classifying of all positions in the classified service at least once every five years.
- (e) Make provision for appointing authorities, department heads and employees so affected by the allocation or reallocation of positions to be given reasonable opportunity to be heard by the Head of Classification and Pay, the Director of Personnel, and the Personnel Board.

## **2.7 REALLOCATION OF POSITIONS**

When a position is reallocated to a higher position class, a lower position class, or another position class at the same level, the method of filling the position shall be determined in accordance with Rules regarding transfers, demotions, or promotions as may be appropriate.

## **2.8 PURPOSE OF THE PAY PLAN**

The pay plan shall provide the basis of compensation for employees in the classified service. The plan shall be constructed to provide fair compensation for all classes in the classification plan with due regard to such factors as:

- (a) Varying degrees of difficulty and responsibility among several classes of work.
- (b) Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area.
- (c) Recruiting experience for the several classes of work.
- (d) Financial conditions of the governing body.

## **2.9 COMPOSITION OF THE PAY PLAN**

The Pay Plan shall contain:

- (a) Special and specific provisions for administering the plan.
- (b) A basic salary grade for each position class in the classification plan.
- (c) A basic salary schedule containing the minimum rate, maximum rate and the intermediate rates of pay for each salary grade; and a conversion of rates for basis of payment.
- (d) The basis of pay, indicating the number of weekly work hours in general application to the classified service or exceptions thereto.

## **2.10 PREPARATION OF THE PAY PLAN**

The Director of Personnel shall, after consultation with the governing bodies and employee representatives, prepare the pay plan for the various classes of work in the classified service. Upon completion, he shall submit the plan to the Personnel Board for approval.

## **2.11 ADOPTION OF THE PAY PLAN**

The Personnel Board shall furnish copies of the pay plan to all groups concerned, and shall provide the opportunity for appointing authorities, department heads, employees, and the public to present their views individually or collectively. Upon final adoption by the Personnel Board, the plan shall be certified by the Director and delivered to the governing bodies concerned. The plan shall become effective within thirty (30) days after adoption of the Board, subject to provision (a) of Rule 2.12.

## **2.12 AMENDMENTS TO THE PLAN**

The Pay Plan shall be amended in the following manner:

- (a) The governing body may raise or lower the basic salary schedule in the pay plan by applying the same percentage increase or decrease to the entire schedule. The governing body must obtain approval of the Board, should they desire to increase the entire schedule within twelve (12) months after the adoption of a new salary schedule, or within twelve (12) months immediately preceding any primary or general election in which members of the governing body are to be elected.
- (b) The governing body may by order or resolution change the salary grade of one class or a number of classes in the plan. A certified copy of the order or resolution shall be filed with the Personnel Board, and unless disapproved by the Board within thirty (30) days, shall be valid and operative according

to its term. If disapproved, the order or resolution shall be invalid and of no legal effect.

- (c) The Personnel Board may, upon recommendation of the Director, amend the pay plan when changes in responsibilities of work of classes, availability of labor supply, prevailing rates of pay, or other pertinent economic factors warrant such action. Requests for amendments may be initiated by the appointing authority, department head or appropriate employee groups.
- (d) The pay plan shall be amended when the Board adds a new position class to the classification plan and fixes the salary grade.
- (e) Prior to adoption of an amendment to the pay plan, the Board shall provide the opportunity for appointing authorities, department heads and employees to present their views.

## 2.13 ADMINISTRATION OF THE PAY PLAN

Each Employee in the classified service shall be paid at one of the rates set forth in the Pay Plan for the classification in which he serves, in accordance with these Rules and the special provisions for administering the Pay Plan.

- (a) MINIMUM RATE. New appointments to the classified service shall be made at one of the beginning rates (step 1, 2, or 3) of the salary range for the classification to which the appointment is made. A new appointment at step 2 or step 3 of the salary rate shall be based on outstanding education and/or experience qualifications of the candidate.
- (b) If an employee is appointed within the same jurisdiction by open-competitive exam in a related occupational class, the employee's new rate shall be set to allow a one-step increase above the new employee's former base rate or the new rate shall be the entrance rate for the new classification. The appropriate alternative is to apply the highest possible increase.
- (c) The Personnel Board may, upon recommendation of the Director, authorize appointment above the step 3 salary rate when:
  - (1) There is a lack of available candidates for recruitment at step 3 salary rate.
  - (2) A former, satisfactory employee is reemployed in the classification he formerly held.
  - (3) The appointing authority recommends appointment above the step 3 salary rate, based on outstanding education and/or experience qualifications of the candidate and the position to be filled is that of a Department Head, Deputy Department Head, or high-level professional or administrative position.



- (d) SALARY ADVANCEMENT. Salary advancement within established salary ranges shall be based on meritorious performance on the job and shall be in accordance with the special provisions for administering the Pay Plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. Advancement from the first to the second step in the range shall be allowed a full-time, regular employee (trainees are not included) after the completion of one (1) year of satisfactory service. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.
- (e) SALARY RATE IN PROMOTION, TRANSFER OR DEMOTION. In the event a classified employee is promoted, transferred or demoted, his rate of pay for the new position shall be determined as follows:
1. PROMOTION Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be set to (a) allow one step increase above the former base rate, or (b) the new rate shall be the entrance rate for the promotional class, and whichever increase is greater shall be applied.
  2. DEMOTION When an employee is demoted, his compensation shall be reduced to the salary prescribed for the class and/or grade to which he was demoted. The particular rate shall be determined by his period of employment in the classified service. In no event shall his salary exceed the maximum rate of the new classification.
  3. TRANSFER When an employee is transferred from one department to another or from one jurisdiction and/or government to another, his step in the pay range remains unchanged. Transfer shall mean the governmental movement of an incumbent, who has not retired, resigned, or whose employment has not been otherwise terminated, within a class or between two separate but related classes for which the maximum pay steps for those classes are equal. All transfers must be approved by the appointing authorities concerned and the Director of Personnel.

# **RULE 3**

## **RECRUITMENT AND EXAMINATIONS**

### **3.1 RECRUITMENT**

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Employment, therefore, shall not necessarily be limited to residents of Jefferson County, Alabama.

### **3.2 ANNOUNCEMENTS**

The Personnel director shall prepare recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth time, place, requirements, and weights of various sections of tests and periods of application. The minimum periods of time between public notice and closing dates for applications shall be five (5) calendar days and maximum periods of time shall be at the discretion of the Director of Personnel taking into consideration the number of positions to be filled, availability of applicants, and the geographical area of recruitment.

### **3.3 ACCEPTANCE OF APPLICATIONS**

Applicants for employment or promotion will apply by completing the required application forms. Completed applications will be accepted only during the time period stated on the announcement. The Director may extend, under certain circumstances, the application period beyond the stated closing date. The exception will not extend beyond the date and time the test begins.

The Director may also refuse to test an applicant when they have previously taken the same or a similar test within the nine months prior to the next scheduled test date.

### **3.4 REFERENCES**

It shall be the duty of the appointing authority to conduct pre-employment background checks of eligibles certified to the appointing authority. This may include background checks with former supervisors, employers, police and FBI files, plus references provided by the candidates. As a precaution against obtaining undesirable employees, the Director of Personnel shall also have discretionary authority to make such pre-employment background checks. Reference checks made by a personal or telephone contact shall be documented and made part of the applicant's

file. These reference checks may or may not be completed prior to an offer of employment, and the information shall be handled as privileged information available to appointing authorities in considering applicants.

### **3.5 DISQUALIFICATION**

The Personnel Director may remove from further consideration at any time the application of an applicant who: (a) does not possess the minimum qualifications; (b) has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment; (c) has made false statement of any material fact or practiced deception or fraud in his application, examination, or medical history; (d) is afflicted with any mental, physical or medically disqualifying disease or defect that would prevent the applicant from performing essential job task; (e) is proven to be addicted to or is a habitual user of drugs or intoxicants which unreasonably subject others to the risk of harm or danger and/or which unreasonably subject property to risk of damage; (f) has applied for a law enforcement position and who has been convicted of a felony pursuant to State or Federal law; (g) has applied for a position and has been convicted of a felony or misdemeanor (pursuant to State or Federal law) and evaluated along with other employment factors and found to be unsuitable for employment; (h) has been guilty of infamous or disgraceful conduct; (i) has an unsatisfactory driving record as evidenced by a pattern, frequency and/or severity of traffic violations and where driving is an essential job task of the position applied; (j) has refused or failed to report for any interview after certification to an appointing authority; (k) has failed to report for duty at the time and place designated after appointment; (l) has failed to respond to any official notice or phone call from the Director or appointing authority; (m) has failed to notify the Personnel Board or postal authorities of a change in address; (n) has been certified and rejected for three (3) or more times; (o) has passed the maximum age prescribed in the announcement for the classification where age is a bona fide occupational qualification; (p) and for any other good cause not inconsistent with the intent of this Act. All applicants disqualified shall be notified immediately. An applicant who is disqualified may appeal to the Board within ten (10) days after notice by filing a written request for a hearing.

### **3.6 COMPETITIVE EXAMINATIONS**

All appointments in the classified service, either at entrance level or promotional level, shall be made upon the basis of merit, efficiency and fitness of applicants for positions determined as far as practical and possible by competitive examinations. All announcements and examinations shall be prepared and weighted under the supervision of the Director.

Examinations shall be thorough and practical and shall relate to those matters which fairly test the relative capacity and fitness of those examined to discharge the duties of the classification.

### 3.7 TYPES OF EXAMINATIONS

Examinations may be Assembled or Unassembled, and either Entrance and/or Open Competitive, Promotional Competitive, a combination of Promotional and Open Competitive, or Qualifying.

- (a) UNASSEMBLED. Whenever the Director determines that applicants are not available in sufficient numbers to justify holding assembled examinations, he may authorize conducting unassembled examinations. Unassembled examinations shall be continuous until the Director determines that enough qualified applicants have been examined to establish an eligible list.
- (b) ENTRANCE AND/OR OPEN COMPETITIVE. Any examination in which competition is open to all applicants meeting the announced requirements for admission to the examination.
- (c) PROMOTIONAL. Any examination in which competition is limited to present employees. Such examinations shall customarily be restricted to employees serving in lower, related classifications and possessing permanent status. However, additional training, education and/or experience beyond permanent status may be required as determined by the Director in the best interests of the service. A promotional examination may include employees in all jurisdictions; or be limited to less than all jurisdictions. Such exams may also include all departments or less than all departments of a jurisdiction. The Director shall in each case determine whether an open competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates.
- (d) QUALIFYING. For certain classes of work, where competition is impractical and/or the needs of the service are such to render competition impractical, the Board may provide for qualifying examinations. Such examinations may be limited to employees of the public service to fill existing positions, such examinations may consist of an evaluation of the candidates' qualifications based upon efficiency rating by competent authority and physical fitness to perform the work or such other methods as may be determined by the Director, not inconsistent with the intent of the Act and the needs of the public service.

### 3.8 CONTENTS OF EXAMINATIONS

Examinations shall consist of any, all or part of the following examinations, sections, parts and/or tests. However, no questions in any examination, form or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants, or shall in any way discriminate for or against an applicant because of his or her sex, nationality, race or color.

- (a) WRITTEN TEST. This part when required shall include a written demonstration designed to show the familiarity of competitors with the knowledge

involved in the class or positions to which they seek appointment, their ability in the use of English, the range of their general information, or their general educational attainments. A formal essay upon one or more subjects may be required.

- (b) MENTAL TEST. This part when required shall include any test or tests, whether written or oral, to determine mental alertness, general capacity of applicants to adjust their thinking to new problems, or to ascertain special aptitudes, character or personality traits.
- (c) PERFORMANCE TESTS. This part when required shall include such tests of performance as would determine the ability and manual skills of competitors to perform the work involved.
- (d) PHYSICAL TEST. This part when required shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination applicants who do not meet the required minimum standards.
- (e) ORAL INTERVIEW. This part when required shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.
- (f) TRAINING AND EXPERIENCE. This part when required shall be marked from the statements of the education and experience contained in the application form or from such supplemental data as may be required. Results of the reference checks, as provided in Rule 3.4, may be a part of the evaluation of training and experience.
- (g) MEDICAL EXAMINATIONS. This part is required to determine that applicants are physically capable of performing efficiently the duties of the position and are free from such defects or diseases that would constitute employment hazards to themselves, or endanger the safety, health, and welfare of fellow employees and/or others. Medical examinations may be performed by the Board's designated physician or physicians in accordance with the Board's duly adopted medical standards. Medical reevaluation on any classified employee may be ordered by the Director if at any time the employee's performance of duties becomes deficient, or if his health or physical condition constitutes employment hazards to himself or endangers the safety, health and welfare of fellow employees and/or others.
- (h) WAIVER OF PHYSICAL OR MEDICAL CONDITIONS. The Director may, in cases of physical handicaps and/or medical conditions, permit the employment of handicapped eligible candidates who may not meet all of the physical and/or medical requirements of the classifications. Providing that the eligible

candidate is physically and medically capable of performing all of the duties of the specific position under consideration without risk to the health, safety and welfare of others and/or himself, and that the physical and/or medical conditions are not progressively deteriorating conditions.

(i) **ADDITIONAL PROMOTIONAL EXAMINATION PROVISIONS.** These parts of the examination process or content are in addition to those cited above in items (a) through (h). They are applicable only to the examination on a promotional basis to classified employees who may apply and/or compete in promotional and/or promotional-open competitive examinations.

1. **SENIORITY CREDIT.** Each promotional candidate who attains an overall passing grade of seventy (70) or more on the required announced and/or weighted tests, parts and/or portions of a promotional basis examination shall have added to the final overall examination grade or score one point for each year of full-time employment in the classified service up to and including twenty years. All absences from duty excepting vacations, sick leave allowances and military leaves, shall be deducted to determine credit to be allowed for seniority credits. In addition, in computing seniority credit, the ending date shall be the final date for attainment of permanent status shown on the announcement.

### **3.9 RATING EXAMINATIONS**

Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating standards for each and/or all tests, parts and/or sections shall be established under the supervision of the Director. Whenever practical, information concerning the type of test(s) and weighing will appear on the announcement; however, in all cases the preceding will be announced prior to administering the examination. Candidates may be required to attain at least a minimum rating on each test component in order to receive a passing grade or to be rated on the remaining parts of the examination and/or test. The final score shall be marked upon a scale of one hundred (100). No applicant shall be placed upon the employment register whose final score on the examination is less than seventy (70). The final score of a competitor shall be determined by combining the earned rating on each part of the examination in accordance with the weights established for the examination.

### **3.10 TIE BREAKING OF RATINGS**

Whenever two or more applicants have the same final score, their rank will be the same.

### 3.11 NOTIFICATION OF EXAMINATION RESULTS

Each person who takes an examination shall be notified by mail of his passing or failing grade and where applicable, his position number on the eligible list.

### 3.12 EXAMINATION PAPERS

Each person who takes a promotional examination shall be entitled to inspect his examination paper with the appropriate scoring key for seven (7) calendar days after notices of results have been mailed. Actual test questions and other testing and evaluation instruments (such as subject matter expert rating forms, training and experience evaluation, behavioral observation rating forms, etc.) are confidential and not subject to inspection by the applicant. All examination papers may be destroyed upon the expiration of the eligible register and exam papers of failing applicants may be discarded sixty (60) days after examination.

### 3.13 IDENTIFICATION OF TEST PAPERS

Every applicant sitting for a written examination shall use his social security number to identify his test paper. Any test papers not bearing such identification may be rejected and the candidate so notified.

### 3.14 REVIEW OF RATING

Applicants may request a review of: (a) eligibility to take an examination, (b) training and experience evaluations, (c) examination scores, and (d) content of examinations, by filing a written request with the Director within the time limits indicated below.

- (a) ELIGIBILITY TO TAKE AN EXAMINATION. Applicants may appeal to the Board their eligibility to take an examination by filing a written request with the Director, which fully states the basis for review, within seven (7) calendar days from the date the eligibility notices were mailed. The Director shall review the request and may, upon finding sufficient basis or manifest error, revise the rating to permit the applicant to be examined.
- (b) TRAINING AND EXPERIENCE EVALUATIONS. Applicants may appeal their training and experience evaluations to the Board by filing with the Director a written request which fully states the basis for review, within seven (7) calendar days from the date the test scores were mailed.
- (c) WRITTEN EXAMINATION SCORES. Applicants may request a review of written examination scores by filing with the Director a written request within seven (7) calendar days from the date the test scores were mailed. Such review shall be limited to the accuracy of the scoring procedure and shall not be appealable to the Board.

- (d) CONTENT OF EXAMINATIONS. Applicants may appeal the content of examinations including testing procedures, fairness of the examination and reasonableness of the examination by filing with the Director a written request to appeal, within seven (7) calendar days from the date the test scores were mailed.

Whenever a review of rating results in a change of position on the list, all persons so affected shall be notified by mail.

The Director shall not certify candidates from an eligible list until the relevant review period has lapsed. In the event that an appeal is filed pursuant to this Rule, the Director shall delay the certification of eligible candidates until the request for review is resolved. Upon approval by the Board, the Director may further delay the certification of eligible candidates in order to resolve any issues related to the review process. In instances where there are fewer candidates to certify than there are vacant positions, the Director may make an exception to the preceding and certify immediately, so long as no appeal is prejudiced by expediting the certification.

### **3.15 SUPPLEMENTAL EXAMINATIONS**

The Director may, with the approval of the Board, order a special or supplementary examination; and the reasons shall appear in the Minutes of the Board. A classified employee with permanent status who is prevented from competing in a promotional examination for a valid reason beyond his control, or because of his absence on an authorized military leave, and who is reinstated to his position before the expiration of the eligible list, shall upon his request be given the opportunity to take the same and/or equally difficult examination. No request for supplemental examination will be entertained after twenty-four (24) hours from the date and time of the announced examination. The Director shall determine if the same test or one of equal difficulty shall be used. If the employee successfully passes the examination, his name shall be entered on the original promotion list in accordance with his final earned average. If the final earned average of such employee is higher than that attained by the person who was last promoted from the list, and if the vacancy filled by such promotion was in the department in which such employee is employed, he shall be entitled to be certified immediately. However, no applicant competing on an open basis shall be granted a special and/or supplementary test, unless the failure of an applicant to appear at the stated test was due to manifest error on the part of the Director and/or staff.

### **3.16 FRAUD**

If an applicant during an examination is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets and/or books of any kind, his test papers shall be taken and the Director shall have them graded with a zero and note on the test papers the reason for such marking. Such applicant shall be barred from taking any future examinations.



No person shall willfully or corruptly make a false mark, grade, estimate or report on an examination with respect to the proper standing of any person examined; or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment or promotion of any person examined or to be examined. Any person guilty of such acts shall be deemed guilty of a misdemeanor.

### **3.17 CANCELLATION OF EXAMINATION**

The Director may cancel, postpone, reschedule or re-announce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Board and appear in the minutes with the reason for such action.

# RULE 4

## ELIGIBLE LISTS, CERTIFICATION AND APPOINTMENTS

### 4.1 ELIGIBLE LISTS

The Director shall establish and maintain such eligible and/or employment registers for the various classes of positions as he deems necessary to meet the needs of the service. Names of eligibles shall be placed on lists in the order of their examination grades ranked from highest or first to lowest or last.

- (a) OPEN COMPETITIVE LISTS. Such lists shall contain the names and final grades in order of rank for those applicants attaining a minimum passing score on the entrance and/or open competitive examination. Duration of such lists shall be for a period of one (1) year from the date of approval by the Board unless the list is depleted or extended by action of the Board.
- (b) PROMOTIONAL LISTS. Such lists shall contain the names and final ranked grades of employees attaining qualifying grades on promotional competitive examinations and the names of former employees placed thereon by the reinstatement process found in Rule 4.4. Duration of such lists shall be for one (1) year from the date of approval by the Board unless the list is depleted or extended by action of the Board. In the event that a combination open-promotional list is established, the promotional list shall take precedence over the open list.
- (c) LAYOFF LISTS. This eligible list contains the names of former permanent status employees who were separated from various classes because of a lack of either work and/or funds, or whose positions were abolished as a result of departmental reorganization or for some other just reason. The names of such former employees shall be placed on the list in the order of seniority. Duration of such lists shall be for a period of two (2) years. Employees in probationary status shall have their names reinstated at the top of the appropriate eligible list. When there are two (2) or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their efficiency records.

The method defining layoff procedure shall be determined by the Director in accordance with Rule 5.7

- (d) DISABILITY LISTS. This list contains the names of individuals who have been certified by a competent authority or by a duly licensed physician to

have a disability as defined under the Americans with Disabilities Act of 1990. The term "disability" means an individual who:

1. Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. Has a record of such an impairment; or
3. Is being regarded as having such an impairment.

Such an individual shall have been further certified by a recognized authority to be physically capable of performing the essential duties of the position in which the individual seeks employment.

#### **4.2 CONSOLIDATION OF NAMES ON ELIGIBLE LISTS**

The Director may order a new recruitment when:

- (a) Two or fewer names remain on an eligible list, or
- (b) An existing list will provide inadequate eligibles to meet a specific employment need.

Existing eligibles will be consolidated with the eligibles from the new recruitment. Eligible on the existing list will be notified that another recruitment will be conducted. Eligible on the existing list may be excluded from the second recruitment for the reason stated in Rule 3.3. Current eligibles which do not retest will remain, in score order, on the newly consolidated eligibility list for one (1) year. Current eligibles that retest will be placed on the consolidated eligibility list based upon their scores from the new test. Candidates that pass open recruitments will be placed on standing eligibility lists. Their rank will be determined by integrating their scores with the scores of eligibles currently on the list. Eligibles will be removed from the list one (1) year from the date they are placed on the list.

#### **4.3 REMOVAL OF NAMES FROM ELIGIBLE LISTS**

The Personnel Board will remove eligibles from eligibility lists:

- (a) Upon employment, eligible names will be removed from the proper eligibility list.
- (b) Upon disqualification, the eligible names will be removed from the appropriate list.
- (c) One year from the date they are placed on an open continuous eligibility list, the names will be removed.

- (d) Upon the expiration date of the eligibility list, the names will be removed.

#### **4.4 REINSTATEMENT**

Any former employee with permanent status who has been separated from the classified service in good standing may, within two (2) years from the date of resignation or separation, apply to the Director to have his name entered on the eligible register for reemployment in a position of the same class or grade as formerly held. Such request shall be made in writing to the Director, who shall submit his recommendation to the Board for final approval. Upon approval by the Board, the name of the former employee shall be placed at the bottom of the appropriate promotional list within his former jurisdiction or the open competitive list, as the cause may be, for the duration of said list. A former employee appointed as a result of reinstatement shall re-enter at the beginning rate for the class, unless determined otherwise by the Board, and shall serve a probationary period of one (1) year. In addition to the foregoing conditions, the applicant for reinstatement must meet the physical standards and other requirements for the classification for which reinstatement is applied. The medical examination shall be administered by a physician designated by the Board, and the applicant shall bear the cost of said examination.

#### **4.5 CERTIFICATION**

For the purposes of this rule, and in accordance with Rule 3.10, a "rank" shall include the name or names of all applicants from an eligible register whose final scores fall at the same rank on the list. Based on the receipt of an authorized requisition from an appointing authority, the Director shall certify and/or refer the name of eligibles from the appropriate eligible lists in the following priority and manner:

- (a) First, the one (1) name of the ranking former employee of the department for each vacancy from the layoff list, if any, shall be appointed.
- (b) Second, the ten (10) ranking names of former employees of other departments for each vacancy from the layoff list, if any, shall be used.
- (c) Third, for one vacancy, the names of employees of that jurisdiction whose final scores fall within the top ten (10) ranks on the promotional list, if any, shall be used. One additional rank for each vacancy past the first will be added to the certification list.
- (d) Fourth, for one vacancy, the names of individuals whose final scores fall within the top ten (10) ranks from the open competitive list, if any, shall be used. One additional rank for each vacancy past the first will be added to the certification list.
- (e) In general, all entry level positions to be filled from open competitive lists shall be filled by the rule of ten (10), with one additional rank for each vacancy past the first vacancy. If the requested list of eligible is for the entry level

position of Police Officer, Deputy Sheriff, or Firefighter, then the appointing authority may elect to request the certification of the names of five (5) different eligibles for each vacancy. If the appointing authority elects to request the certification of the names of five (5) different eligibles, the Board will be notified of such election in writing by the same methodology used to request the certification of eligibles for other vacancies as set out in these Rules.

- (f) In the event that a jurisdiction accepts and utilizes federal funds for the creation of public employment opportunities, such positions when budgeted on a full time basis for twelve months, shall be treated as any other regular position in the classified service, being entitled to earn and use sick and vacation leave in the customary manner. Should the applicable Federal Regulations controlling written notification that the requisition has been withdrawn and the reasons for the withdrawal.

#### **4.6 BYPASSING OF NAMES ON ELIGIBLE LISTS**

- (a) An employee who has been suspended for a period of ten (10) working days or more shall not be certified as an eligible candidate from a promotional list for a period of twelve (12) months following the conclusion of such suspension.
- (b) Before being certified, an eligible may waive certification rights for a period not to exceed six (6) months. These waiver requests by eligibles shall be in writing stating the reasons for such request. All such requests must be approved by the Director, taking into consideration the needs of the service and interest of the employee. During the period for which waiver is granted, such eligibles will not be certified or considered for appointment.
- (c) Any department head may request waiver of certification of an employee from a promotional list and shall so state in writing to the employee with a copy to the Director of Personnel. The employee, to waive, shall reply to the employer in writing with a copy to the Director of Personnel.

Under no circumstances other than those cited above, or those cited in Rule 3.5 regarding disqualification, or those cited in Rule 4.3 regarding removal from the list, shall any eligible be bypassed for certification.

#### **4.7 SUPPLEMENTAL CERTIFICATIONS**

The Director shall certify the following additional eligibles: One (1) for each eligible who after certification either declines appointment at the time of interview or offer of employment or who is subsequently disqualified.

An appointing authority may exercise his right of three (3) eligibles who are willing to accept appointment before making his final selection for employment. However, if an appointing authority exercises this prerogative, no provisional appointment

shall be authorized if more than one (1) and less than (3) eligibles are available who will accept employment. The reannouncement of the examination to establish a new list shall be at the discretion of the Director but shall not be later than forty-five (45) days after receipt of the request. No provisional appointment shall be authorized except with the unanimous approval of the Board during that period of time.

#### 4.8 APPOINTMENTS

Vacancies and new positions created in the classified service shall be filled by transfer, promotion, appointment, reappointment or demotion.

The Director shall provide a certification list after receiving a written request to fill a vacancy from an appointing authority. The request shall provide, at a minimum, a statement of the duties that the position performs and any additional information known about the position.

The appointing authority may make an appointment from the list, request disqualification of applicants for cause, or request replacement names for applicants that decline interviews or offers of employment. Individuals who are currently employed in any jurisdiction within the merit system may not be appointed to a position in another Jurisdiction unless the existing employment is ended.

The Director shall establish a reasonable time for such requests to be processed, after which the Director will issue a final certification list. The appointing authority has ten (10) calendar days from issuance to make an appointment or provide the Director with written notification that the requisition has been withdrawn and the reasons for the withdrawal.

#### 4.9 TYPES OF APPOINTMENTS

Appointments to the classified service shall be one of the following types:

(a) PROBATIONAL APPOINTMENT. Appointment to a full-time permanently budgeted position made from a certified eligible list shall be a probationary appointment subject to the completion of a satisfactory probationary period. The probationary period shall be regarded as an integral part of the examination process and shall be utilized to evaluate the employee's performance on the job, and shall also be utilized for dismissing any employee who does not meet the required standards of performance. The duration of such probational period shall be for one (1) year from the date of appointment with no interruptions in service.

1. SEPARATION OF PROBATIONAL EMPLOYEES. An employee in probationary status may be discharged without the right of appeal to the Board.

2. PROMOTIONAL PROBATIONER. A promotional probationary who is demoted for unsatisfactory service shall have the option of returning to the position held prior to appointment if still vacant. In the event the position is filled, the Director shall determine the manner in which the employee shall be retained in the service, being closely guided by the provisions in these Rules governing layoffs and reductions in force. The demoted employee shall have the further option of electing to separate from the service and having his name retained on the layoff list for the classification of his former position for a period not to exceed two (2) years.
  
- (b) PERMANENT APPOINTMENT. Employment of an eligible from an eligible list in a full-time permanently budgeted position; after the satisfactory completion of a probationary period, shall be considered a permanent appointment.
  
- (c) PROVISIONAL APPOINTMENT. In the absence of an eligible list, the Board may authorize the filling of a vacancy by provisional appointment. Any such candidate for provisional appointment must meet education, experience and related requirements set forth by the Director. Provisional appointments shall be for a period of not more than four (4) months. no provisional appointment shall be continued for more than ten (10) days after the establishment of any eligible list for the class. Any provisional employee failing to qualify by examination shall be separated from the service after the appropriate eligible list is certified. The provisional appointment of any individual shall not confer on the appointee any rights of status, appeal or related rights set forth under these Rules.
  
- (d) OTHER TYPES OF APPOINTMENTS. To fill positions of a seasonal, part-time, temporary, student, and/or intern nature, the following appointments shall be made. Such appointments will confer no rights of status, appeals or related rights.
  1. SEASONAL APPOINTMENTS. These appointments may be granted for work which is seasonal in nature. No such appointment shall extend beyond four (4) months or the work season in question. All candidates to be considered shall meet the requirements set by the Director.
  
  2. PART-TIME. These appointments may be granted for work which requires the service of an employee for less than the number of hours of a full-time or typical work week. Candidates for appointment shall meet the requirements set by the Director.
  
  3. STUDENTS AND INTERNS. Student appointments have the purpose of affording students of public administration and other professional areas an opportunity to gain actual work experience in the public service. Such appointments are viewed as intermittent employ-

ment for a definite period of time; not to exceed six (6) months of full-time work in any twelve (12) month period. Candidates for appointment shall meet the requirements set by the Director.

4. TEMPORARY APPOINTMENTS. Temporary appointments may be granted for positions in departments where employees are incapacitated or in departments in which work loads may fluctuate and require services of some employees on a full-time basis up to, but not over six (6) months duration. Candidates for temporary appointments shall meet the requirements recommended by the Director and approved by the Board.
5. LIMITED TENURE. During a war or nationally declared emergency period, the Director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. Such appointment shall be for not longer than the duration of the war emergency plus six (6) months and shall give persons so appointed no status in the classified service by reason of such duration of appointment.
6. EMERGENCY APPOINTMENTS. An emergency as used herein means an unforeseen condition which is likely to cause loss of life, loss or damage to property, the stoppage of service or serious inconvenience to the public. Upon receipt of request from an appointing authority citing such emergency condition(s), the Director may authorize an emergency appointment not to exceed thirty (30) days. The manner of appointment and rate of compensation shall be set by the Director.
7. FEDERALLY FUNDED POSITIONS. Positions created in the classified service through federally financed public employment program, Comprehensive Employment and Training Act, and related programs shall terminate at cessation of such federal funding conveying no rights of tenure or permanency to incumbents.
8. OTHER TYPES OF APPOINTMENTS MADE PERMANENT. An eligible who has been temporarily appointed to a seasonal or part-time position from an eligible register and who at the time of said appointment was a ranking eligible at the time of certification, willing to accept the appointment under the conditions and for the period stated, may be permanently appointed to said position irrespective of the number of higher ranking eligibles available only for permanent appointment. Such appointment can be made only when:
  - (a) The position is a newly created position and the fact that the said position would become permanent was not known to the appointing authority at the time the temporary, part-time or seasonal appointment was made.



- (b) That the incumbent has worked the stipulated time period for which initial appointment was made.

All permanent appointments arising out of the foregoing provision must be recommended by the Director and approved by the Board

9. WARTIME APPOINTMENTS. During a war emergency period, the Director, with the Board's approval, may authorize temporary appointments to positions for which there are no appropriate eligible registers. Such appointments shall not confer any status or seniority in the classified service for any rights under these rules to persons so appointed. Such appointments shall not continue for a period longer than the duration of the war emergency period plus six (6) months. A classified employee with permanent status appointed to a higher classification pursuant to this rule shall not obtain any rights or claims to the higher classification but shall retain all rights previously accrued, so seniority shall accrue as if the war time appointment had not occurred.

#### 4.10 APPROVAL OF APPOINTMENTS

No officer or employee of any department or jurisdiction shall make or approve any payment for personal services to any person holding a position in the classified service unless approved by the Director. Personnel action forms relating to any and all employment matters requiring special action and/or approval by the Director and the Board under these rules shall be received prior to the effective date of the action in order to assure that there is ample time for review to determine the correctness of the action. Personnel action forms relating to all appointments recognized in these rules shall be submitted and received in the offices of the Personnel Board no later than the pay period following the effective date of the action.

In the event an appointing authority fails or refuses to fill a vacancy in an existing position from a certified list of eligibles, the Director may refuse to certify the payroll, voucher, or account of any ineligible person found to be performing the duties of said position.

# **RULE 5**

## **PROMOTIONS, DEMOTIONS, TRANSFERS AND ASSIGNMENTS**

### **5.1 PROMOTIONS**

Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. The Director shall in each case determine whether an open competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibility. The change of an employee from a position in a class to a position in another related occupational class for which the maximum rate is higher shall be deemed a promotion.

### **5.2 DEMOTIONS**

An employee may be demoted to a position of a lower grade for which he is qualified for any of the following reasons.

- (a) When an employee would otherwise be laid off because his position is being abolished, reclassified to a higher grade or a lower grade; lack of work; lack of funds; or because of the return to work from an authorized leave of another employee to such a position in accordance with the Rules on leave.
- (b) When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds.
- (c) When an employee is removed during probation.
- (d) When an employee voluntarily requests such demotion.
- (e) When an employee is demoted for disciplinary reasons.

All demotions must receive the approval of the Director and the appointing authority and authorities concerned. If the employee is demoted against his will (other than probationers), he may appeal to the Board as provided in Rule 6 - Disciplinary Actions and Appeals.

The change of an employee from a position in a class and/or job family to another class and/or job family for which the maximum rate is lower shall be deemed a demotion and shall be effected in accordance with Rule 4.9, Section (a) subparagraph 2.

### **5.3 INTERGOVERNMENTAL CAREER TRANSFERS**

Any person holding permanent status as an employee of the State of Alabama Merit System or holding permanent status in a position in the competitive classified service of the Federal Government, may be appointed by an appointing authority without examination to a position in the same or a similar class in the classified service provided that any such appointment shall be recommended by the Director and approved by the Board. Individuals making career transfers to jurisdictions under the supervision of the Board shall be afforded all seniority, vacation and sick leave rights that they may have accrued as provided by these Rules.

### **5.4 INTRA-JURISDICTIONAL TRANSFERS**

An appointing authority with approval of the Director may at any time assign a classified employee under his jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the work-week basis remains the same. Such transfers shall be made with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

### **5.5 TRANSFERS BETWEEN JURISDICTIONS**

The Director may authorize the transfer of any classified permanent status employee who has not retired, resigned, or whose employment has not been otherwise terminated to any other department, jurisdiction or government, providing the consent of both appointing authorities has been received. Prior to the consent of the appointing authorities and as a condition precedent to authorization by the Director, the appointing authority which desires the prospective transferrer must submit to the Director an authorized requisition. The Director shall then certify and/or refer the names of eligibles to such appointing authority in accordance with Rule 4. This list of eligibles shall be in addition to the prospective transferrer. All transfers must be consistent with these Rules and the objectives and purposes of the merit system. Such transfer shall be with all rights of seniority, vacation, sick leave, and overtime leave as the employees may have accrued. (See Rule 7.7 regarding vacation and overtime leave.)

### **5.6 ASSIGNMENTS**

An appointing authority may assign any employee in the classified service under his jurisdiction to any duties so long as such duties are within the same classification. No employee in the classified service may be assigned duties of a different class for a period in excess of thirty (30) days without the approval of the Director. Any and all such assignments outside the classification must be immediately reported to the Director.

## 5.7 REDUCTION IN FORCE

In the event that it becomes necessary because of lack of work, lack of funds, or is advisable in the interest of economy to reduce staff, the following procedure shall govern the layoff:

- (a) The reason for such layoff shall be reported in writing and shall stipulate the number and classifications to be affected.
- (b) The Director shall determine in consultation with the appointing authority(s) the organizational units to be affected by the layoff.
- (c) If such reduction is departmental, then the layoff shall be made by laying off the employee(s) in the classification to be affected by the layoff who are provisional, temporary, seasonal, part-time and probationary, if any. From that point, layoff shall be of permanent employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be affected by the layoff, and have equal seniority, the employee who stands lowest on the efficiency or performance ratings last regularly filed with the Director, shall be laid off first.
- (d) If such reduction is of a general nature, and/or jurisdiction-wide, the Director, after consultation with the appointing authority(s) shall determine the manner of layoff, taking into consideration the number and classification of positions to be reduced. In all instances, seniority shall govern except in the cases of two or more employees having equal seniority; in this event, efficiency or performance ratings shall be applied as provided in subsection (c) of this Rule.
- (e) When an employee is laid off in a department which has other classifications or grades lower than the classification or grade from which he is laid off, he shall have the option of working in any other lower classification or grade in the same department, provided the Director of Personnel finds that he is qualified to perform the duties of such lower classification or grade, such option being subject, however, to subsections (f), (g), and (h) following.
- (f) Where an employee so laid off elects to drop to a lower classification or grade, and where the appointing authority reduces the number of employees in such lower classification or grade, the reduction shall be made in the manner in which it is herein provided layoffs shall be made, except that such reduction shall in no case cause the layoff of any permanent employee in such lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade. A person laid off from a classification or grade shall have the right, so long as he is in the service or on the layoff list, to return to the position from which he or she is laid off in the event such position is refilled.

- (g) The duties performed by the employee or employees so laid off may be assigned to any other permanent Civil Service employee or employees in the department or office who, in the opinion of the Director of Personnel, are qualified to perform such duties regardless of the specific classification or grade to which such employees are allocated.
- (h) Any employee to be affected by layoffs shall be given a minimum of fifteen (15) days notice.

# **RULE 6**

## **DISCIPLINARY ACTIONS AND APPEALS**

### **6.1 DISCIPLINARY POLICY**

The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. Employees serving in a probationary period may be disciplined or dismissed by an appointing authority without right of appeal. The reasons for such action shall be furnished in writing to the employee and Director of Personnel. A permanent employee may be dismissed, demoted, or suspended for cause or for any other reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the following provisions.

### **6.2 CAUSES FOR DISCIPLINARY ACTION**

The following are among the causes which shall be sufficient for dismissal, demotion or suspension:

- (a) Absent without leave.
- (b) The commitment of any criminal act.
- (c) Conduct unbecoming an employee in the public service.
- (d) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- (e) Disorderly or immoral conduct.
- (f) Failure to pay or make proper provision for the liquidation of just debts.
- (g) Incapacity due to mental or physical disability of a permanent nature.
- (h) Incompetency or inefficiency.
- (i) Insubordination.
- (j) Intoxication while on duty or public intoxication while off duty.
- (k) Neglect of duty.

- (l) Negligence or wilful damage to public property or waste of public supplies or equipment.
- (m) Violation of any lawful or reasonable Regulations or order made and given by a superior officer.
- (n) Wilful violation of any of the provisions of the Civil Service Law or of these Rules.
- (o) Refusal of employee to testify or answer any questions before any board or any body authorized to conduct any hearing concerning the affairs of government or the conduct of any officer or employee, on the grounds his testimony would tend to incriminate him or refusal to waive immunity from prosecution.
- (p) For any other reason deemed to be in the best interest of the public service and not inconsistent with the rules and regulations arising therein.

### 6.3 DISMISSAL AND DEMOTION

- (a) NOTICE: Notice of dismissal or demotion shall be in writing and shall set forth:
  - 1. The cause of action, which shall include the charges and the basis for the charges.
  - 2. The date dismissal or demotion is to become effective.
  - 3. Any other information deemed appropriate.
- (b) SERVICE: The notice shall be served on the employee with a copy to the Director in accordance with the following requirements. The preferred method of service on the employee is in person. A failure to satisfy the service requirements herein may be grounds for rescission of the action, upon appeal by the employee. Provided, the Personnel Board may waive such failure upon a showing of good faith effort or other good cause as the Board may determine.
  - 1. Service on Employee: Written notification of the action shall be served upon the employee not later than the effective date of the action. Service may be in person or by U. S. Mail, or both. Provided, if service is by U.S. Mail, deposit of the notification in the U. S. Mail not later than the effective date of the action shall constitute service. Evidence of such timely mail deposit shall include any form of mail receipt or a sworn affidavit of the server.
  - 2. Service on the Director of Personnel: A copy of the written notice of the action shall be served on the Director within three (3) business

days of the effective date of the action. Provided, if service is by U. S. Mail, it should be mailed to the Director at the same time as to the employee. Deposit of the copy in the U. S. Mail within three (3) business days of the effective date of the action addressed to the Director at the Personnel Board offices shall constitute service. Evidence of such timely mail deposit service shall include any form of mail receipt or a sworn affidavit of the server.

- (c) **APPEAL:** Appeal rights are specified in Rule 6.5.

## 6.4 SUSPENSION

- (a) **NOTICE:** Notice of suspension shall be in writing and shall set forth:
1. The cause of action, which shall include the charges and the basis for the charges.
  2. The date suspension is to become effective.
  3. Any other information deemed appropriate.
- (b) **SERVICE:** The notice shall be served on the employee with a copy to the Director in accordance with the following requirements. The preferred method of service on the employee is in person. A failure to satisfy the service requirements herein may be grounds for rescission of the action, upon appeal by the employee. Provided, the Personnel Board may waive such failure upon a showing of good faith effort or other good cause as the Board may determine.
1. **Service on Employee:** Written notification of the action shall be served upon the employee not later than the effective date of the action. Service may be in person or by U.S. Mail, or both. Provided, if service is by U.S. Mail, deposit of the notification in the U.S. Mail not later than the effective date of the action, shall constitute service. Evidence of such timely mail deposit shall include any form of mail receipt or a sworn affidavit of the server.
  2. **Service on the Director of Personnel:** A copy of the written notice of the action shall be served on the Director within three (3) business days of the effective date of the action. Provided, if service is by U. S. Mail, deposit of the copy in the U. S. Mail within three (3) business days of the effective date of the action addressed to the Director at the Personnel Board offices shall constitute service. Evidence of such timely mail deposit service shall include any form of mail receipt or a sworn affidavit of the server.
- (c) **APPEAL:** A suspension of five (5) working days or less, defined as regular or assigned or scheduled work days, is not appealable to the Personnel



Board. A permanent employee may appeal a singular suspension of more than five (5) working days or multiple suspensions which exceed ten (10) working days in a 12 month period as provided in Rule 6.5.

## **6.5 APPEAL**

An employee with permanent status shall have the right to appeal disciplinary action of dismissal, demotion, or suspension (within the limits prescribed in Section 6.4 of this Rule.) An employee desiring to appeal shall within ten (10) calendar days after notice thereof file with the Director, in duplicate, a written answer to the charges and request a hearing. Such answer shall contain:

- (a) The reason of dismissal, demotion, or suspension.
- (b) An admission or denial of guilt.
- (c) Reasons why the dismissal, demotion, or suspension should not take effect. Upon receipt of the appeal, the Director shall forward a copy thereof to the appointing authority concerned.

## **6.6 HEARING**

The Board shall order a public hearing of such charges. The hearing shall be for the purpose of determining whether or not the employee, by reason of his act or acts as charged and his record of service, merits retention in the service or should be removed therefrom or otherwise disciplined; and to that end the Board shall not be bound to technical rules of evidence but shall diligently seek all of the information and evidence bearing on the merits of the case. Either party at interest may be represented by counsel. A request by either party to continue a hearing must be received by the Board at least 72 hours prior to the time set for the hearing. Request for continuance shall not be interposed for delay and will be granted only for good cause. The hearing may be before the Board or a Hearing Officer appointed by the Board. If the matter is heard by a Hearing Officer appointed by the Board, he shall take testimony offered in support and denial of such charges and from the same submit to the Board, within five (5) days, a finding of facts and law involved and a recommended decision. The Board at its next regular or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the Personnel Board hears said charges, it shall make its own opinion and decision.

## **6.7 WITNESSES**

It shall be the duty of the Director to subpoena witnesses other than character witnesses, for or against the employee upon written request and affidavit that their testimony is necessary. Employees in the classified service shall be required to attend and testify without subpoena.

## **6.8 DECISION**

The Board shall render its decision within a reasonable time after the conclusion of the hearing, but in no event more than twenty one (21) calendar days after the conclusion of said hearing, which shall forthwith be certified to the appointing authority and enforced by the appointing authority. Copies of the decision shall be delivered to all other parties at interest. The Board may rescind, modify or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing.

## **6.9 RECORD OF TESTIMONY**

The Board may require that testimony introduced at hearings be recorded but same shall not be transcribed except upon further order.

## **6.10 CITIZENS MAY FILE CHARGES**

- (a) **Definition of Complaint.** Any person who desires to file charges against an employee shall file such charges in writing and shall recite therein the specific act or acts of the employee constituting such cause. The Citizen's Complaint shall cite the applicable CAUSES OF ACTION listed under 6.2 of this Rule. In order to be eligible for adjustment under this Rule, the charges must concern only conduct which is job-related and/or occurs in the line and scope of the classified employee's position. Further, no charge may be filed under this Rule concerning a matter which is grievable under Rule 8.6 or which is otherwise adjustable pursuant to these Rules and Regulations.

The Director of Personnel shall review the Complaint and determine whether or not it shall be served on the employee named. The Complainant may appeal an adverse decision of the Director to the Board in writing within ten (10) calendar days of notification thereof. The employee shall be sent a copy of the letter notifying the Complainant of an adverse decision.

- (b) **Service of Complaint.** Should the complaint meet the requirements of this rule, the Director shall serve a copy of the charges on the accused employee. The accused employee shall, within five (5) calendar days after service, file a written answer to the charges. Failure on the part of the accused employee to file such answer shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the Board.
- (c) **Hearing.** The Board shall review the response and the complaint and determine whether a formal hearing shall be conducted in accordance with Section 6.6 of this Rule, or if the complaint shall be dismissed. The hearing may be conducted by the Board or its appointed Hearing Officer and the testimony shall be recorded. The charging party has the burden of proof with respect to the allegations made against the classified employee.

- (d). **Decision.** A decision shall be rendered by the Board in accordance with Section 6.8 of this Rule. The Board shall determine whether or not the charging party succeeded in carrying the burden of proving the allegations contained in the Complaint. In the event that the allegations are proved, the Board shall determine the appropriate level of disciplinary action, if any, to be taken against the classified employee, up to and including dismissal.

## 6.11 CHARGES FILED BY THE DIRECTOR

An employee in the classified service may also be dismissed, demoted, or suspended upon charges made by the Director. Charges preferred by the Director shall be served on the employee and a public hearing shall be scheduled by the board within the time and manner prescribed in Section 10 of this Rule.

## 6.12 VACATION FORFEITED

Any employee who is dismissed for cause shall forfeit all vacation allowances.

## 6.13 JUDICIAL REVIEW

- (a) Review By Circuit Court, Generally. The decision of the Board based upon all proceedings before the Board shall be final, subject to appeal by either party to the Circuit Court to review questions of law and the question of whether or not the decision or order of the Board is supported by substantial and legal evidence. On such appeal the Circuit Court shall review the record and shall affirm, reverse, remand or render said cause. The decision of the Board shall be controlling until reversed on appeal as provided herein.
- (b) Review By Circuit Court, Filing Procedure. The appeal shall be perfected by filing with the Director of Personnel and with the Clerk of Circuit Court, a statement in writing, signed by the party appealing, to the effect that said party appeals from the decision or order of the Personnel Board to the Circuit Court, which statement shall be filed within ten (10) calendar days from the announcement of the decision or order of the Personnel Board. The Party appealing must also pay any filing fees recruited by the Clerk of Circuit Court, along with any security for costs, in an amount and form, as approved by any Judge of the Circuit Court.

## 6.14 OTHER APPEALS - SUSPENSIONS

Any employee suspended without right to hearing before the Board may obtain a review of his or her suspension by the appointing authority by filing with the appointing authority not more than ten (10) days thereafter a written answer to such charges and a request for such review. A hearing shall be held thereon not more than twenty (20) days thereafter to determine whether such suspension should be rescinded. At any such hearing such employee may be represented by counsel

and present relevant testimony. The appointing authority may authorize a representative to conduct such hearing and submit within five (5) days thereafter a finding of facts and law together with recommendations to the appointing authority. Within a period of ten (10) days after such hearing the appointing authority may rescind all or any part of such suspension. A suspended employee shall be entitled to full salary for any period of suspension rescinded hereunder.

## **6.15 CONFIRMATION OF COMPLIANCE**

The appointing authority shall immediately comply with all decisions and orders of the Personnel Board and shall within ten (10) days deliver written confirmation of compliance with said decisions and orders to the Personnel Board.

# **RULE 7**

## **ATTENDANCE AND LEAVES**

### **7.1 HOURS OF WORK**

The hours of work shall be fixed by the governing body with due regard to the convenience of the public and to working hours customarily observed in the community.

### **7.2 TYPES OF LEAVE**

The following types of leave are officially established: holidays, vacation leave, sick leave, injury with pay leave, overtime leave, military service leave, jury leave, leave for special meetings and examinations, administrative leave, and leave without pay.

### **7.3 ATTENDANCE AND LEAVE REPORTING**

The absence of an employee from duty shall be reported to the Director of Personnel by the appointing authority or department head. Absences shall be reported on the forms prescribed by the Director and shall be forwarded immediately to the Personnel Office when the employee returns to duty, or at the close of the payroll period if the employee has not returned to duty, or at the end of the month if the employee has not returned to duty. The Director shall maintain attendance and leave records on all classified employees.

### **7.4 FAILURE TO REPORT ABSENCES**

If an appointing authority or department head fails to report the absence of an employee and the employee is paid in excess of the amount due him, the appointing authority or department head shall be liable for the overpayment.

### **7.5 ABSENCE WITHOUT LEAVE**

An employee who is absent without leave shall be subject to the provision of Rule 6 governing suspensions and dismissals.

### **7.6 SEASONAL, TEMPORARY, AND PART-TIME EMPLOYEES**

Under no circumstances shall seasonal, temporary, and part-time employees be allowed to earn or use vacation leave, sick leave or military leave unless as provided for in Rule 4.5(g).

## **7.7 TRANSFERS**

A permanent employee who has not retired, resigned, or whose employment has not been otherwise terminated who transfers from one governmental jurisdiction to another within the classified service shall carry his accumulated vacation and sick leave with him into the new position; except that overtime leave and vacation leave may either be transferred or paid at the option of the departments involved.

## **7.8 NO ADVANCE LEAVE**

Vacation leave, sick leave, and overtime leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

## **7.9 HOLIDAYS**

The governing body of each jurisdiction served shall fix by resolution the holidays that their employees shall observe. Employees on non-pay status, such as a leave of absence, or in paid military leave, shall not earn additional time for holidays. All employees of a jurisdiction shall receive the same number of holidays. Unless a governing body has an established policy for handling time approved by the Personnel Board, employees who are required to work on an observed holiday shall be compensated in accordance with the following:

- (a) In the event an employee is required to work on a recognized legal holiday, the employee shall be awarded eight (8) hours pay at his regular hourly rate or eight (8) hours of compensatory time.
- (b) If the holiday falls on an employee's regularly scheduled off-day, the employee shall be awarded eight (8) hours pay at his regular hourly rate or eight (8) hours of compensatory time.
- (c) If the holiday falls on an employee's regularly scheduled ten (10) hour work day and the employee takes the full day off, two (2) hours shall be charged to the employee's accrued vacation or overtime leave to complete the forty (40) hour work schedule for the week.

## **7.10 VACATION LEAVE**

All employees holding regular full-time positions in the classified service shall be allowed to earn and accrue vacation with pay.

## **7.11 ELIGIBILITY FOR VACATION LEAVE**

Upon completion of twelve (12) months service in a regular position, an employee shall be eligible to use vacation leave. The time of such vacation leave shall be determined by the appointing authority or department head with due consideration to seniority, length of service, and request of the employee; except that if a vacation has not been allowed an employee during the calendar year, the employee may demand that he be given a vacation not exceeding twelve (12) work days.

## **7.12 COMPUTATION OF VACATION LEAVE**

For the purpose of computing vacation leave, each week of seven (7) days, excluding holidays, shall be considered as containing not less than five (5) work days. (Note: Employees such as fire personnel whose basis of pay is other than the standard work week shall earn and use vacation time in a comparable manner as set by executive order of the Director.)

## **7.13 EARNING OF VACATION LEAVE**

An employee holding a regular position shall earn vacation leave in accordance with his longevity of service as follows:

0 to 12 years	1 day per month of service
12 to 25 years	1-1/2 days per month of service
Over 25 years	2 days per month of service

## **7.14 ACCUMULATION OF VACATION LEAVE**

Vacation earned but not used during the calendar year may be accumulated up to a maximum of forty (40) days. Vacation leave earned in excess of the maximum accumulation stipulated must be used by December 31, or it shall be forfeited unless extenuating circumstances indicate a different handling is desirable in the opinion of the Director.

## **7.15 RESTRICTIONS OF VACATION LEAVE**

Vacation leave shall be subject to the following restrictions:

- (a) An employee shall not earn vacation leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month.
- (b) An employee who is dismissed for cause or resigns in bad standing shall forfeit his earned vacation leave. The appointing authority shall endorse any

bad standing recommendation on the Personnel Action Form separating an employee from service. Such recommendation shall be reviewed by the Board for final determination.

- (c) An appointing authority or department head shall not require an employee to forfeit his earned vacation as punishment through the action of suspension.
- (d) Vacation leave must be taken as leave rather than payment.

## **7.16 SICK LEAVE**

All employees holding regular positions shall be allowed to earn and accrue sick leave. Sick leave is not a right for which employees may make demand but a privilege granted in accordance with prescribed Rules and Regulations which may be changed from time to time as the best interest of the service demands.

## **7.17 ELIGIBILITY FOR SICK LEAVE**

Upon completion of twelve (12) months service in a regular position(s) an employee shall be eligible to use sick leave.

## **7.18 COMPUTATION OF SICK LEAVE**

For the purpose of computing sick leave, each week of seven (7) days, excluding holidays, shall be considered as containing not less than five (5) work days. (Note: Employees such as fire personnel whose basis of pay is other than the standard work week, shall earn and use sick time in a comparable manner as set by executive order of the Director).

## **7.19 EARNING AND ACCUMULATION OF SICK LEAVE**

Sick leave shall be earned at the rate of one (1) work day for each month of service. Sick leave earned during the calendar year but not used will be continuously accumulated and carried forward without any limitations on the amount of leave carried forward.

## **7.20 USE OF SICK LEAVE**

An employee shall be granted sick leave for the following reasons:

- (a) Personal illness of the employee, including inability to work due to pregnancy, childbirth, or related medical conditions.
- (b) Personal physician and dental appointments.



- (c) Illness arising from exposure to contagious disease endangering the health of the employee.
- (d) For the employee to receive treatment, care and/or counseling, as either an inpatient or as an outpatient, for substance abuse at a duly licensed treatment facility.
- (e) Illness in the employee's immediate family which necessitates his absence from work. In this case "immediate family" shall be defined as the employee's spouse, children and parents.
- (f) Death of the employee's spouse, child, parent, parent-in-law, sister or brother. (Total absences allowed under Sections (e) and (f) above combined shall not exceed twelve (12) days in any calendar year.)

## 7.21 SICK LEAVE DOCUMENTATION

An employee who is absent on sick leave continuously for a period of five (5) work days or more may be required to submit a doctor's certificate or other written evidence to substantiate the sick leave usage. Such certification shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform position duties, and (c) the probable period of such incapacitation. However, the appointing authority or Director of Personnel may require such certification to substantiate sick leave claims of less than five (5) days.

If a supervisor observes a pattern of sick leave usage that may be indicative of abuse, the matter should be discussed with the employee. The supervisor should provide the employee with any information that led the supervisor to suspect abuse. In addition, the employee should be advised regarding what is expected of him or her and should be given an opportunity within a reasonable time frame to correct the problem. The employee should also be informed that, if the problem is not corrected as discussed, he/she will be required to provide documentation, as indicated above, in all instances of absence due to illness. A written summary of the discussion should be provided to the employee and maintained in the employee's file.

If correction is not forthcoming within the specified time frame, another discussion should take place in which the employee is informed that the supervisor's expectations have not been met. This discussion should include information regarding the reason abuse is suspected; what, if any, progress was made during the initial period; whether or not documentation will be required (within what period of time); and whether or not more severe action may be contemplated should the employee's leave and attendance not improve.

In instances where sick leave is requested under Rule 7.20(e), documentation may be required for any time period. Documentation shall include information concerning the necessity for the employee's absence from work. It is not necessary to divulge

any confidential information concerning the family member to comply with this requirement.

## 7.22 RESTRICTIONS OF SICK LEAVE

Sick leave shall be subject to the following:

- (a) An employee shall not earn sick leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a non-pay status for more than fifteen (15) calendar days in a month.
- (b) Sick leave shall not be granted an employee whose absence from duty is a result of his own misconduct. Absence for such cause shall be reported as absence without leave and shall subject the employee to disciplinary action.
- (c) Sick leave shall not be granted an employee whose absence from duty is caused by injury or disability sustained as a result of his engaging in employment outside the classified service.
- (d) Sick leave accumulation shall be forfeited upon separation or retirement from the classified service except as otherwise provided for in Rule 7.32.

## 7.24 INJURY WITH PAY

Employees who sustain a disabling injury on or about the premises where their services are being performed or where their service requires their presence at the time of the accident and during the hours of service, without fault or gross negligence on their part while performing position duties, or who otherwise develop a disabling condition that arises out of and in the course of their employment, may be granted injury leave with pay. Employees must notify a supervisor or other authorized representative of the employer in writing of an accident, an incident of exposure, or of their belief that their disabling condition arose out of and in the course of their employment, within five (5) calendar days of occurrence or identification of the condition as job related.

- (a) **FAULT OR GROSS NEGLIGENCE.** Fault or gross negligence shall be defined as the commission of a prohibited act or omission of a required act, except when directed to commit or to omit the act by a supervisor. When a prohibited or required act is specifically stated in a written safety policy, a copy of the policy shall (a) be posted, (b) be given or made available to each employee, and (c) be titled "REQUIRED SAFETY RULES." When an act is not specifically covered by written policy, fault or gross negligence shall be determined by a "reasonable and prudent person" standard. Mere inattention shall not constitute fault or gross negligence for purposes of this Rule.
- (b) **APPLICATION.** An application for IWP shall be filed by or on behalf of the employee.

Each application for such leave shall contain a statement by the employee setting forth the details of the accident and/or the basis for the belief that the disabling condition arose out of and in the scope of employment, on forms approved by the Director of Personnel, supported by the certification of a medical doctor or chiropractor.

The certification shall set forth the probable or actual period of disability, the nature and extent of the disabling condition, and an affirmation that the disabling condition arose out of and in the course of employment, and that the injury or occupational disease would not have occurred but for the employment activity or exposure.

Each application shall be submitted to the employee's immediate supervisor who shall transmit it to the department head. Within ten (10) calendar days of the receipt of the application and the supporting statements, the department head shall endorse his or her allowance or disallowance, in whole or in part, on the application.

- (c) **APPEAL.** Any appeal of the department head's decision shall be made to the appointing authority within ten (10) calendar days of the receipt by the employee of the department head's notification of disallowance. Within ten (10) calendar days of receiving notice of the employee's appeal, the appointing authority shall endorse his or her allowance or disallowance, in whole or in part, on the application. Any appeal of the appointing authority's decision shall be made to the Personnel Board within ten (10) calendar days of the receipt by the employee of the appointing authority's notification of disallowance.

(d) **RESTRICTIONS OF INJURY WITH PAY LEAVE.**

1. Injury leave with pay may be granted up to a maximum of 180 calendar days for any single accident or disabling condition as defined within this rule.
2. No supplemental application for injury leave will be approved for a disabled employee where the current disability period is 24 months after the last period of approved leave for the same disabling condition.
3. An injury or disabling condition as defined within this rule shall not include:
  - i. a mental disorder or mental injury that has neither been produced nor been proximately caused by some physical injury to the body; nor,
  - ii. Any illness or injury that can reasonably be attributed to activities or exposure occurring outside the workplace.

4. In those jurisdictions which provide worker's compensation benefits pursuant to the State of Alabama Workmen's Compensation Law, leave with pay benefit when granted under this Rule shall be complementary to said worker's compensation benefit, subject to the following limitations. The amount of such complementary benefit shall equal the difference between the amount of worker's compensation and the amount of regular pay to which the employee would have been entitled under this Rule.

In no case shall the total amount of benefits, taking into account the worker's compensation benefit and the benefit provided by this Rule, exceed the regular pay amount established in the classified service pay plan for the period during which disability exists. Lump-sum settlement payments will not be considered under this Rule. Merit pay changes and across-the-board pay changes may adjust the rate of regular pay during the disability period.

5. If an employee is unable to resume position duties after 180 calendar days, continuing injury leave absences may be charged against accumulated sick leave, vacation leave, and overtime. When the employee is also receiving the worker's compensation benefit, the employee's salary shall be charged against accumulated leave on a pro-rated basis. In the event an employee is unable to resume position duties at the expiration of any accumulated sick, vacation, and overtime leave, the employee may elect to retire from the service if eligible or request a leave of absence without pay in accordance with Rule 7.31.

## 7.25 OVERTIME LEAVE

It shall be the responsibility of each jurisdiction to determine whether a position is subject to the provisions of the Fair Labor Standards Act (FLSA). If a position is subject to the FLSA, then the employee occupying the position shall be compensated in compliance with the FLSA for work performed in excess of the normal work week.

## 7.26 MILITARY SERVICE LEAVE AND REINSTATEMENT

- (a) **PERMANENT EMPLOYEES.** If an employee in permanent status enters into the military service or armed forces of the United States Government, the National Guard or Public Health Service, whether drafted, activated, or by voluntary enlistment, and upon application to the Director, shall be granted a leave of absence from the classified service in accordance with the restrictions identified under Subsection (1).

1. Leave Restrictions:

- i. Active Duty - Leave of Absence shall not exceed four (4) years, unless the military service is extended by Federal Act of Presidential Decree; or
    - ii. Active/Inactive Duty For Training - Leave of Absence for the purpose of training shall not be subject to the four year maximum length of time.
  2. Reemployment Status: No loss of rights or status shall occur, and the employee shall be given credit for the time spent in the Armed Forces of the United States as actual service rendered in the classified service as though his or her employment had not been interrupted, provided the employee presents himself or herself for re-employment to the Director within ninety (90) days after discharge from such military service, unless such time shall be extended for reasons of health or physical unfitness after application to and approval of the Director. The benefits provided by this Rule shall not include any employee who has received a dishonorable discharge from the service. In instances in which the discharge from the military service is for reasons other than honorable or dishonorable, the Director shall review the reasons for the discharge and may consent or refuse re-employment to any employee receiving such discharge.
  3. Reemployment Conditions: Reemployment as provided herein is also contingent upon whether the employee is still qualified to perform the duties of the position; if so, the employee shall be restored to such position or to a position of like seniority, status and pay. If not qualified to perform the duties of such position by reason of disability sustained during military service, then the Director shall determine what classification most nearly reflects his or her capabilities and will provide reasonable compensation consistent with the circumstances in his or her case.
- (b) **PROBATIONARY EMPLOYEES.** The provisions concerning permanent employees shall also apply to probationary employees, provided that the service credit shall not accrue to a veteran who was in probationary status at the time of entrances into military service of the United States Government until the veteran shall have satisfactorily completed his probationary period after return as an employee of the Board.

## **7.27 TEMPORARY LEAVE FOR NATIONAL GUARD AND ARMED FORCES RESERVED TRAINING**

- (a) Any employee in the classified service who by reason of membership in the National Guard or Armed Forces Reserve of the United States is ordered by appropriate authority to field or coast defense, or to attend a training period, or to service ordered under the provisions of the National Defense Act, or under the federal laws governing the United States Reserves, shall, upon

presentation of official orders, be paid for no more than 168 (one hundred sixty eight) hours military leave per calendar year. Absent compelling circumstances an employee must notify his or her employer of such duty at least ten (10) working days prior to the commencement of such leave.

- (b) In the event an employee in the classified service who by reason of membership in the Alabama National Guard is called to duty in the active service of the state by the Governor of the State of Alabama, said employee shall be entitled to be paid for no more than 168 (one hundred sixty eight) working hours at any one time for said duty ordered by the Governor of Alabama.
- (c) Seniority, annual vacation, sick leave and other related benefits arising from employment in the Civil Service system for employees ordered to attend training periods or who are called to duty in the active service of the state or county by the Governor or the President of the United States shall be the same as those prescribed by Rule 7.26(a).
- (d) For purposes of this provision, temporary shall be defined as a period of three (3) months or less. The 168 (one hundred sixty eight) working hours payment provision shall not be deemed to be a limitation to the maximum allowable leave time and Rule 7.26 shall be applied in conjunction with this Rule in all situations involving a time period of greater than three (3) months.

## **7.28 PRE-INDUCTION PHYSICAL EXAMINATION LEAVE**

An employee in the classified service shall be allowed up to one (1) full day for the purpose of taking a pre-induction physical examination when such examination is ordered by the Selective Service Board.

## **7.29 JURY LEAVE**

Upon submission of a request with appropriate documentation, an employee shall be granted leave with pay as indicated below.

- (a) An employee summoned for jury duty shall be granted leave with pay.
- (b) An employee summoned as a witness in a proceeding which was not brought by the employee and to which the employee is not a party shall be granted leave with pay.

## **7.30 LEAVE FOR SPECIAL MEETINGS AND EXAMINATIONS**

Whenever it is deemed for the best interest of the classified service, an employee may be granted leave with pay by the appointing authority to attend professional or technical institutes, conferences, or such other meetings. Time off with pay shall

be granted to an employee for the purpose of taking examinations administered by the Personnel Board of Jefferson County.

## 7.31 LEAVE OF ABSENCE WITHOUT PAY

- (a) Eligibility For and Types of Unpaid Leave of Absence: Requests for leaves of absence without pay shall be submitted in writing to the employee's department head and shall state the purpose of the leave, and the dates the leave is to begin and end. Any approved leave of absence without pay shall not be considered in calculating an employee's seniority status, compensation or benefits of any type that are otherwise calculated and determined by length of classified service. Upon recommendation of the department head and approval of the appointing authority, such leave shall be allowed in the following categories:
1. Medical Leave of Absence: An employee occupying a regular, full time position who is temporarily incapacitated to perform duties, and who is not drawing any form of disability compensation or workmen's compensation from a jurisdiction may be granted unpaid medical leave of absence for no more than one year provided that the employee submit with such application a Doctor's certificate which shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform position duties, and (c) the probable period of such incapacitation.
  2. Career Development Leave: An employee with permanent status who desires to engage in a course of study which will increase his usefulness upon returning to duty may be granted an unpaid leave of absence for not more than one (1) year.
  3. Personal Leave:
    - i. An employee with permanent status may be granted a leave of absence for not more than one (1) year for any reason considered good by the department head subject to the approval of the appointing authority.
    - ii. A probationary employee whose combined service in an unclassified and/or classified status exceeds one year without a break in service may be granted a leave of absence for not more than twelve (12) weeks to care for the employee's child following birth, or placement for adoption or foster care; or to care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
  4. Assistance to Governmental Agency: An employee with permanent status who holds a technical or professional position may be granted a leave of absence when his assistance is requested to adopt or

implement changes in services of another governmental agency. Under no other circumstances shall a leave be granted to engage in other types of employment.

5. Disability Leave. An employee occupying a regular, full time position may be granted Disability Leave for the following reasons.
- i. Incapacity to perform duties after exhausting the maximum one year leave of absence under this rule, provided that the employee submit with such request a Doctor's certificate which shall include (a) the diagnosis, (b) a confirmation that the diagnosed condition renders the employee incapacitated to perform positions duties with or without reasonable accommodation, and (c) the probable period of such incapacitation.
  - ii. For the employee who has been judged eligible for disability benefits, provided that the employee or employer provide proof of eligibility.

Should the employee become capable of resuming position duties, notification to the Director of Personnel supported by a certification from a licensed physician affirming the employee's capacity to perform the essential duties of the position with or without reasonable accommodation shall be sufficient to place the employee's name on the Reemployment List to be certified in accordance with the procedures outlined in Rule 7.31 (b) below.

- (b) Reemployment Options. At the time of approval of any such leave of absence without pay as defined above in Rule 7.31(a), the appointing authority shall designate whether the employee shall be entitled to resume the position at the expiration of such leave, or whether the employee's name shall be placed on the Reemployment List. For the purposes of this rule, a Reemployment List shall be defined as a separate list established to provide preferential certification to a vacancy occurring within the employee's classification. If no vacancy exists or the employee declines an offer of reemployment at the conclusion of the approved leave period, the employee, other than an employee on Return From Disability Leave as defined in Rule 7.31(a) (5) above, shall be considered to have separated in good standing from the classified service, and the employee's name shall be placed on the Reemployment List. In the event that the appointing authority elects to place the employee's name on the Reemployment List, the appointing authority shall notify in writing the Director of Personnel at the same time the employee is so notified.

Certification shall be made in accordance with the provisions of Rule 4.5. Other than an employee on Return From Disability Leave as defined in Rule 7.31 (a) (5) above, an employee's name shall remain on the Reemployment List for no longer than twelve (12) consecutive months for the purpose of certifying and/or appointing the employee to a vacancy that occurs in the



same classification previously occupied by said employee, in accordance with the definition set forth below.

A Certification of Eligibles from a Reemployment List shall also contain the names of eligible candidates from the appropriate eligible register if one exists, and the employer is not obligated to rehire the former employee but may choose from among the names certified to fill the vacancy. Reemployment from a Reemployment List shall not confer any status in the classified service under these rules to persons so appointed. The employee so appointed shall resume employment as a probationary employee and must complete a probationary year. Said appointment shall be made in accordance with the provisions set out in **Rule 2.13**, and shall be supported by a certification from a licensed physician affirming the employee's capacity to perform the duties of the position and/or confirmation from the Director of Personnel that the employee possesses the minimum qualifications of the position.

In the event that the employee returns from the leave of absence prior to or at the conclusion of the approved leave period, and a vacancy in the employee's previous classification and department exists, the employee may be returned to said position within the same department and classification as previously held, without loss of status. If a position is not available, the procedures described above shall apply.

- (c) Appeals. An employee who requests a leave of absence in accordance with the procedures of this rule whose request is denied, in whole or in part, or whose department head elects to place the employee's name on the Reemployment List, shall have the right of appeal of said decision. Any appeal of the department head's recommendation shall be made in writing to the appointing authority within ten (10) calendar days of the receipt by the employee of the department head's notification of said decision. Within ten (10) calendar days of receiving notice of the employee's appeal, the appointing authority shall notify the employee in writing of a decision either sustaining or overruling the department head. Any appeal of the appointing authority's decision shall be made in writing to the Personnel Board within ten (10) calendar days of the receipt by the employee of the appointing authority's notification.

## **7.32 RESIGNATION AND RETIREMENT**

An employee with permanent status who wishes to resign or retire from his position in the classified service in good standing shall submit his notice in writing to the appointing authority not less than fifteen (15) days prior to the effective date. Under unusual conditions the appointing authority may, with the approval of the Director, reduce the required number of days notice. A permanent employee separating or retiring from the service in good standing shall receive terminal pay for his accrued vacation not to exceed forty (40) days. A permanent employee who resigns or retires from the service in good standing after five (5) years of service may, subject

to the approval of the appointing authority, receive terminal pay for fifty (50) percent of his accrued sick leave not to exceed fifty (50) percent of sixty (60) days. The last day actually worked shall constitute the close of business for computation purposes. The appointing authority shall endorse his evaluation of the employee on the Personnel Action Form separating him from the service. Employees who resign in good standing may within two (2) years following separation apply for reinstatement to the eligible register.

### **7.33 RETIREMENT**

An employee serving in the capacity of a firefighter or law enforcement officer in the classified service shall retire from his position not later than his seventieth (70th) birthday. The term "firefighter" shall mean an employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of fire fighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position. The term "law enforcement officer" shall mean an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against criminal laws of a state, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For purposes of this Rule, "detention" includes the duties of employees assigned to guard individuals incarcerated in any penal institution. Any employee who fails to comply with this Rule shall be placed on a non-pay status the next day following his seventieth (70th) birthday. No employee retiring on pension from any jurisdiction subject to the above Rule shall be re-employed and draw benefits from any such jurisdiction while so employed. Except as set out above, no maximum age limitation shall apply to any employee in the classified service in accordance with the Age Discrimination In Employment Amendments of 1986.

### **7.34 REINSTATEMENT AFTER RESIGNATION OR RETIREMENT**

Former employees who have resigned or retired in good standing, as defined by Rule 7.32, may within two years from the date of separation from the service apply for reinstatement to the appropriate eligible register as governed by the provisions of Rule 4.4.

### **7.35 ADMINISTRATIVE LEAVE**

All employees holding regular full time positions in the Classified Service are eligible for the status of administrative leave.

- (a) Definition: There is hereby created a leave status entitled "Administrative Leave". A regular full time employee in the Classified Service may be placed in administrative leave, with or without pay, pursuant to the authority of this entire Rule 7.35. While in administrative leave with pay status, an employee shall be entitled to the compensation and benefits earned and accruing to

his classification at the time he is placed on administrative leave; however, said employee shall not perform any of the responsibilities, assignments, and specifications of his job during said time he is placed on administrative leave. Administrative leave records must be created and maintained as required by Rule 7.3.

(b) Administrative Leave With Pay:

1. As Authorized by Appointing Authority. An appointing authority is authorized to place a classified employee in the category of administrative leave with pay for a period of time not to exceed five (5) working days, provided however, an appointing authority must first forward to the Director of Personnel in writing the reason(s) why the employee is placed in that administrative leave category.
2. As Authorized by The Director of Personnel. Should an appointing authority desire to keep a classified employee in the status of administrative leave with pay in excess of five (5) working days, an appointing authority must forward a written request to the Director of Personnel setting forth the reasons why the appointing authority desires to extend the administrative leave, and said request must be approved in advance in writing by the Director of Personnel who shall have no authority to extend said administrative leave with pay beyond an additional ten (10) working days.
3. As Authorized by the Personnel Board. Any desire by an appointing authority to keep a classified employee in the category of administrative leave with pay beyond the periods authorized by paragraphs (b) (1) and (2) immediately above, shall be presented to the Personnel Board in writing and shall include the reasons for the request, and the Director shall submit a recommendation in writing to the Personnel Board, and the Personnel Board in writing shall either approve or deny said request. Under no circumstances shall the Personnel Board extend administrative leave with pay for a classified employee beyond an additional thirty (30) working days.

- (c) Administrative Leave Without Pay: An employee with permanent status may be eligible for up to a maximum of one (1) year of unpaid administrative leave, with the approval of the appointing authority. An employee who is either ineligible for, or has previously exhausted the maximum amount of paid leave under this rule, or unpaid leave with respect to the categories designated in Rule 7.31 (a) may request said leave; or, the appointing authority may place an employee on administrative leave without pay if it is deemed to be in the best interest of the service. In either case the one year limit shall apply and any adverse decision is subject to the appeal provisions contained in Rule 7.31 (c).

# **RULE 8**

## **EMPLOYEE RELATIONS, SAFETY AND TRAINING**

### **8.1 EFFICIENCY RATINGS**

The Director of Personnel shall be responsible for obtaining and preserving ratings on all personnel, such ratings to reflect the performance of incumbents of positions of the same class and/or grade, so that standards of performance may be established to determine the relative abilities of such incumbents; and to discover those employees who, measured by the performance of their assigned duties and demonstrated promotional potential, shall be subject to:

- (a) Promotion.
- (b) Merit Increase.
- (c) Transfer.
- (d) Reduction in Pay.
- (e) Demotion.
- (f) Dismissal.

### **8.2 EFFICIENCY RATING PLAN**

The appointing authority shall use a rating plan approved by the Director of Personnel. Such plan shall be based on accepted personnel administration practices in respect to the measurement of performance and promotional potential.

All employees who are responsible for preparing ratings shall do so in a careful and responsible manner, conforming with existing policies as established by the Personnel Board in cooperation with the appointing authority.

### **8.3 APPEAL OF PERFORMANCE RATINGS**

Raters will discuss performance ratings with their employees. Employees disagreeing with their rating may file a written request to meet with their department head. Requests must be filed within ten (10) calendar days after meeting with their rater. Reviewing Officers and department heads will, as soon as practical, review the rating with the employee. An employee may also appeal a performance rating to the Director of Personnel if the rating:

- (a) falls below the level necessary for a merit increase, whether or not the employee is eligible for an increase, or
- (b) would prevent an employee from competing for a promotion.

Employees must file their written appeal within thirty (30) calendar days after meeting with their rater.

## **8.4 SAFETY**

The Director of Personnel shall be responsible for developing and maintaining programs for improving safety practices and conditions affecting the safety, health and morale of employees in the public service. To this end the Director may require the submission of reports and the investigation of accidents and working conditions in the several agencies and departments subject to this Act and these Rules.

## **8.5 EMPLOYEE TRAINING AND DEVELOPMENT**

- (a) GENERAL PURPOSE. The Personnel Board is committed to the development of a career service in public employment through the provision of comprehensive in-service training and formalized academic programs that will provide the public with the highest quality services and maximum efficiency of operations. The Board, in conjunction with the governing bodies, shall provide a coordinated system for the training and development of all personnel in the classified service in order to eliminate duplication of costs and efforts.
- (b) PERSONNEL BOARD RESPONSIBILITY. The Personnel Board of Jefferson County has the inherent responsibility for establishing overall policy relative to the training and development of employees in the public service. Periodic revisions of rules and policy, and the development of administrative guidelines in the area of training and development will, from time to time, be made in cooperation with appointing authorities and operating departments through the Training Division of the Personnel Board in the form of training directives.
  - 1. The Training Division of the Personnel Board of Jefferson County will be responsible for the development and execution of training programs based on the needs of the public service. This Division shall assist operating departments in determining training needs and in developing proposed training programs. Requests originating in operating departments for formalized training courses or employee participation in such courses, shall be channeled through the Training Division. This review is necessary in order to avoid duplication and cost problems.

2. The Training Division shall be responsible for recommending policies and procedures relative to all training matters and shall identify and evaluate resources of possible use in meeting training needs, which shall include a periodic review of local and regional training resources, and the coordination of training grants. The Training Division shall further maintain a direct liaison with local educational institutions in the development of training resources. In coordination with the various operating departments, the Training Division shall plan and arrange for the conducting of on-the-job and off-the-job training programs of departmental and interdepartmental scope.
- (c) APPOINTING AUTHORITIES' RESPONSIBILITY. Each governing body and appointing authority shall encourage the development and concept of training in the public service for their respective jurisdictions, taking into consideration the availability of funds, the priority of work to be performed, and the availability of personnel.
- (d) DEPARTMENT RESPONSIBILITY. Each department will organize its training in such a manner as to assure that adequate and necessary opportunities for training are provided and that unjustified training activities are not engaged in by departmental personnel. To expedite the accomplishment of this objective, each department will cooperate with and utilize the professional assistance and guidance of the Training Division of the Personnel Board of Jefferson County. Further, each department is expected as a minimum requirement to follow the procedures set forth below:
1. Establish a written departmental training policy which includes:
    - a. A statement of purpose and objectives.
    - b. Provision for assigning centralized administrative responsibility for the total departmental employee training program in larger departments.
    - c. Compilation of information to indicate individual training activities completed by employees and related data.
    - d. Provision for continuous appraisal of training needs.
  2. Develop comprehensive organizational training plans. Such plans should be developed in accordance with the mission, structure and function of the organization. There should be long range and short range plans covering such areas as orientation, supervisory and technical skills.
  3. Establish a training committee. Such committee should have representation from major functional areas of the department. The primary objective of this committee is to advise top management and the

Training Division of the Personnel Board of Jefferson County of those areas of employee training which should be placed on a priority basis.

The individual assigned the overall administrative responsibility for departmental training should act as secretary to the training committee.

## 8.6 GRIEVANCES

The most effective accomplishment of the work of the various jurisdictions and departments requires prompt consideration and equitable adjustment of employee grievances. It is the desire of all parties to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review. A grievance shall be properly commenced by submitting it on an official form, signed by the grievant, within the time limit set out below. A grievance so filed shall be processed in accordance with the following provisions of this section. Within the time limits allowed for the pending step or action, any requests for extension of any time limit herein must be granted by the Director (whose decision may be appealed to the Personnel Board) or by the Personnel Board when the pending matter involves the Board directly.

- (a) DEFINITION OF GRIEVANCE. A grievance is an alleged wrong ensuing from the commission or omission of an act by management having a significant adverse effect on the employee's career or the terms and conditions of his employment. It shall be the burden of the employee to provide sufficient proof of any allegations made against management. Such proof need only be presented in summary or outline form within the statements made on the grievance forms and shall not require submission of documentation in the form of affidavits, or other legal documents. In order to be adjusted under the provisions set forth in this rule, the employee's complaint shall cite the details (such as dates, locations, times of day, witnesses, etc.) concerning a particular incident(s) with sufficient specificity to enable the department to adequately prepare a response. Any verifiable act of retaliation committed by management against an employee for having filed a grievance shall be eligible for adjustment under this rule.

Matters dealing with classification, pay, compensation, examination, leave, discipline, and related actions specifically set forth in the Personnel Rules and Regulations, shall be adjusted in accordance with the provisions set forth in the applicable rule.

Any question as to what constitutes a grievance or what should be processed as a matter subject to these Rules and Regulations, shall be determined by the Director. Either party to the grievance may appeal the Director's determination to the Personnel Board within ten (10) calendar days from date of receipt.

In no event will the following topics be admitted for adjustment under this Rule:

1. Use of profanity or demeaning behavior where no possibility of public humiliation existed.
2. Loss or absence of premium pay.
3. Oral and/or written reprimand or informal performance evaluation. Where the employee disagrees with the contents of an oral or written reprimand or evaluation, the employee may file with the supervisor a reply to such reprimand or evaluation in writing within ten (10) calendar days. A copy of said reply may be mailed or delivered to the Personnel Board for placement in the employee's file.
4. Assignment-related matters such as changes in duties within class, off-days, shift and vacation scheduling, except those assignments which are alleged to be disciplinary. The mere allegation of assignment with a punitive motive shall not be sufficient to allow adjustment under this rule. The employee shall provide a reasonable basis for making such allegation, including a summary of the information that would be offered in support of such charge.
5. Matters relating to established departmental policy and rules, and accepted management practice that are applied consistently to all employees, and for which there exist no conflict with Personnel Board Rules and Regulations and the Law.

- (b) GRIEVANCE PROCEDURE. Any permanent, full-time employee may register a grievance. Employees are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance. The grievant may be represented by counsel or other persons of his choosing through the grievance process.

STEP I.

- (1) The grievance, to be properly commenced, must be submitted to the immediate supervisor within seven (7) calendar days of the incident. A copy of the complaint must be filed with the Employee Relations Section of the Personnel Board. All such complaints shall cite with specificity the reason and nature of the complaint.
- (2) Within seven (7) calendar days of receipt of the grievance, the immediate supervisor shall reply to the aggrieved employee in writing on an official form. A copy of his reply shall be furnished to the Employee Relations Section of the Personnel Board. Veritable discussions of the grievance between the aggrieved



employee, his supervisor and department head are encouraged; however, veritable discussions do not excuse the written replies required under this section.

- (3) In lieu of replying, the immediate supervisor may elect to refer the complaint to the department head within the time period for his reply. The department head must acknowledge receipt of the grievance in writing to the aggrieved employee not later than the next business day after receipt of the referred grievance. In such event, the grievance shall be deemed to have been submitted to Step II and all provisions therein shall apply.
- (4) Should the supervisor and/or department head not return an answer on official forms within the established time limits, the grievant may proceed to file at the next step within the time limit outlined below.

### STEP II.

If the grievant is not satisfied at Step I, the grievant may submit within five (5) calendar days of the answer or its due date, whichever occurs first, the grievance to the department head on an official form signed by the grievant. The department head shall reply to the grievant within five (5) calendar days of receipt or referral of the grievance, in writing on an official form signed by the department head. A copy of the reply by the department head shall be furnished to the Employee Relations Section of the Personnel Board.

### STEP III.

- (1) If unresolved by the department head's answer, the grievant may submit the grievance on official forms, signed by the grievant, within five (5) calendar days of the Step II answer or its due date to one of the two procedures outlined below at the grievant's choice:
- (2) **OPTION ONE:** A Hearing Officer, next in order from a list of such local attorneys who serve as Hearing officers for other appeal cases before the Board, provided that the Hearing Officer is willing and available to serve in this capacity.
- (3) **OPTION TWO:** A Grievance Committee shall be composed of three members. One member shall either be the Citizens Supervisory Commission representative of the county employees if the grievant is employed by the county, or in all other cases the Citizens Supervisory Commission representative of

the municipal employees. One member shall be designated by the appointing authority of the jurisdiction where the grievant is employed. The appointing authority's designation shall be made within seven (7) calendar days from the date on the letter notifying the appointing authority that the grievance has been set for a hearing. The third member shall be a mutually agreed upon person selected by the first two members. The third member shall be selected within seven (7) calendar days from the date of the letter designating the appointing authority's member. The third mutually selected member shall serve as the chair of the committee.

- (4) In the event that, after valid effort, one or more members fail to assume office, the Director of Personnel shall designate said member or members.
- (5) **HEARING PROCEDURES FOR HEARING OFFICER.** The Hearing Officer shall convene a formal hearing within ten (10) calendar days after selection. After a formal hearing, the Hearing Officer shall render a findings of fact and a recommendation to the Personnel Board within ten (10) calendar days of the completion of taking testimony and evidence. The Board shall render a decision at its next occurring regular Board meeting.
- (6) **HEARING PROCEDURES FOR GRIEVANCE COMMITTEE.** The Grievance Committee shall convene a formal hearing within fifteen (15) calendar days after selection and the grievance is received. After a formal hearing, the committee shall render a findings of fact and a decision concerning the grievance within ten (10) calendar days of the completion of taking testimony and evidence. Where appropriate, a dissenting opinion is required.
- (7) The committee decision may be appealed to the Personnel Board by either party within ten (10) calendar days of the announced decision. Upon appeal, the Personnel Board shall review the record and render a final decision at the next regular Board meeting.

(c) **RELATED PROVISIONS.**

1. The Director of Personnel shall provide such minimal administrative services as may be necessary and shall exercise his authority to require the production of records or appearance of witnesses as may be required to carry out the provisions of this Rule.

2. Nothing within the content of this Rule shall be so construed as to limit a governing body's right to manage its affairs and governmental operations or to infringe on its right and responsibilities to appropriate funds and to fix budgets for the proper expenditure of public funds.
3. Failure of the grievant to take the complaint to Step II or III within the established time limit shall be deemed to mean that the grievance has been resolved.
4. In instances where the employee seeks remedies in another agency or court to a complaint substantially like the grievance filed hereunder, the grievance will not be considered, addressed, nor adjusted under this Rule.

# **RULE 9**

## **CERTIFICATION OF PAYROLLS**

### **9.1 PREPARATION AND SUBMISSION OF PAYROLLS**

All payrolls, both classified and unclassified, shall be prepared and submitted in sufficient copies and upon forms prescribed by the Director in sufficient time for certification by the Director prior to payment of any funds or salaries. All payrolls shall be signed and verified by competent authority as authorized by the Director.

### **9.2 COMPUTATION OF PAY**

Employees working on a full-time basis shall be paid in accordance with the official salary schedule established by the Personnel Board for the jurisdiction served.

- (a) In jurisdictions utilizing the official bi-weekly salary schedule, new employees entering after the first day of a pay period and employees terminated before the last day of a pay period shall be paid on a daily basis. Employees who are in non-pay status for any part of a pay period, and employees who are authorized overtime pay during a pay period, shall be paid on a daily basis for each day worked. The daily rate shall be determined by the official salary schedule.
- (b) When the basis of pay is other than bi-weekly, new appointees entering after the first day of a pay period and employees terminated before the last day of a pay period shall be paid the daily rate for each work day they are in employee status during said pay period in accordance with the official salary schedule.
- (c) Employees who receive pay for overtime worked shall be paid in accordance with the official salary schedule for each hour or day of overtime.
- (d) Employees in employee status during an entire pay period, but who are in non-pay status for any part of said pay period, shall have deducted from their pay for said period each work day they are in non-pay status in accordance with the official salary schedule.
- (e) In no case shall a new appointee be placed in pay status before the date of assumption of duties. Except in the case of disciplinary action, an employee returning from an absence of more than three work days in non-pay status shall not be placed in pay status before the date of resumption of duties. In the case of discipline, an employee may be returned to duty on a scheduled off day.

### **9.3 VERIFICATION BY COMPETENT AUTHORITY**

The competent authority set out in Rule 9.1 shall verify to the Director that all payrolls for employees submitted for certification are accurate and correct and that the employee is legally entitled to receive such sum. Although the Director shall rely upon such verification in certifying payrolls, the Director specifically reserves the right to audit, sample or otherwise independently verify such payrolls.

### **9.4 CERTIFICATION OF PAYROLLS**

It shall be unlawful for any disbursing officer to make any payment to any person, either directly or indirectly, in contravention of any provision of this Act or of any rule, regulation, or order thereunder, or to any exception noted by the Director of Personnel. All payrolls must bear the certification of the Director of Personnel prior to the disbursement or payment of funds or salaries. Any unauthorized funds disbursed shall be recoverable in accordance with Section 24 of this Act.

# DEFINITION OF TERMS

## ACT.

The Civil Service Act commonly known as the Jefferson County Civil Service Law.

## APPOINTING AUTHORITY or APPOINTING POWER.

Person, officer, board, council, commission or other body whose lawful jurisdiction or powers are confined wholly or primarily within the territorial limits of such county and who or which possesses final power to appoint persons to services, jobs, offices or positions, the compensation of which is paid in whole or in part from the public funds of such county or from the public funds of a municipality in such county subject to this Act.

## BOARD or THE BOARD.

The Personnel Board created by the Act.

## CERTIFICATION.

A submission of names of eligibles from a re-employment list, a promotion list or an eligible register to an appointing authority for the purpose of filling a position in the classified service.

## CLASS or CLASS OF POSITIONS.

A group of positions in the classified service sufficiently similar in respect to the duties, responsibilities and authority that the same descriptive title may be used to identify all positions allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same schedule of compensation can be made to apply with equity.

## CLASSIFICATION.

The assigning of a position to the appropriate class in accordance with its duties, responsibilities and authority.

## DIRECTOR.

The Personnel Director created by the Act.

**ELIGIBLE.**

A person whose name is on a re-employment, or promotion list, or on an eligible register.

**ELIGIBLE REGISTER.**

A record containing the names of those persons who have successfully completed prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest and are considered qualified for original appointment to positions in the class for which the test was held.

**EMPLOYEE or APPOINTEE.**

A person in the classified service herein set up and appointed by an appointing authority, unless herein specifically excepted.

**MUNICIPALITY or SUCH MUNICIPALITY or CITY.**

A village, town or city duly incorporated and not excepted, excluded or excused from the operation of the Act and within a county subject to the Act.

**PAY GRADE.**

The specific pay range as set forth in the Pay Plan for a classification.

**PAY STEP.**

The specific pay rate within a pay range as set forth in the Pay Plan.

**PERMANENT POSITION.**

Any position in the classified service which as required or which is likely to require the full-time services of an incumbent without interruption for a period of more than six months.

**POSITION.**

Any job or set of duties in the classified service requiring the full-time employment of one person in the performance and exercise thereof.

## **PROBATIONARY EMPLOYEE.**

An employee appointed to a permanent position from a re-employment list, promotion list, or eligible register, who has not completed his probationary period.

## **PROMOTION.**

An advancement from one class to another related occupational class with increased duties and/or responsibilities, and for which a higher rate of pay is prescribed.

## **PUBLIC HEARINGS.**

A meeting of the Board, open to the public, whereas any citizen, taxpayer or party at interest may appear and be heard subject to such rules and regulations as may be fixed by the Board.

## **PUBLIC NOTICE.**

A written notice placed upon the bulletin board maintained at or near the entrance to the offices of the Board in a place accessible to the public during business hours.

## **PUBLIC RECORDS.**

A record which the public shall have the right to inspect in a reasonable manner during ordinary business hours.

## **QUALIFICATIONS.**

The minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

## **RE-EMPLOYMENT LIST.**

A list containing the names of persons who have occupied, and have been separated from, permanent positions in the classified service and who are entitled to preference in appointment to vacancies in positions.

## **REGULAR EMPLOYEE.**

An employee who was appointed under the provisions of the Act to a permanent position and who has completed his probationary period.



## **SEASONAL POSITION.**

Any position in the classified service which requires, or is likely to require, the services of an incumbent during certain parts of each year, only at recurring annual or other periods.

## **SERIES.**

A sub-division of a group consisting of two or more classes of positions, similar as to line of work but differing in responsibility and/or difficulty, which constitutes steps in a normal line of promotion.

## **SPECIFICATIONS.**

A formal statement descriptive of a position and shall contain:

- (a) The title and class.
- (b) A description of the duties and/or responsibilities thereof.
- (c) The minimum qualifications required of applicants therefor as to education, experience, physical ability and other attributes.

## **TEMPORARY POSITION.**

Any position in the classified service which is not permanent, but which requires or is likely to require the services of an incumbent for a period of six months or less.

## **TESTS.**

Written and/or oral examinations and/or other methods established by Rules and Regulations of the Board and/or the Director, as herein provided, to determine the merit, efficiency, and general fitness of applicants for positions.

## **TITLE.**

The term used to designate all employment by class and grade and shall be descriptive of the duties of the position.

# RULE 10

## PROHIBITED ACTIVITY

### 10.1 ACTIVITIES PROHIBITED

- (a) No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of gender, political or religious opinions or affiliations, or race.
- (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position.
- (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- (d) No persons in the employment of any city, whether classified or unclassified, shall be denied the right to participate in city, county and state political activities to the same extent as any other citizen of the State of Alabama, including, endorsing candidates and contributing to campaigns of their own choosing.
- (e) No persons in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city, county and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of their own choosing.
- (f) All persons in the employment of any city or county shall have the right to join local political clubs and organizations and state or national political parties.
- (g) All persons in the employment of any city or county shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of their choosing.
- (h) When off duty, out of uniform and acting as a private citizen, no law enforcement officer, firefighter, or peace officer shall be prohibited from engaging in city, county, or state political activity so long as there is compliance with these Rules.

- (i) No person shall attempt to use his official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this section of this Act shall be guilty of a felony punishable by a fine not to exceed \$10,000.00 or imprisonment in the State penitentiary for a period not to exceed two (2) years or both.
- (j) Any employee shall be on approved leave to engage in such political action or the employee shall be on personal time before or after work and on holidays. No employee shall solicit any type of political campaign contributions from other employees who work for said employee in a subordinate capacity. No employee shall coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaigns or cause.

## 10.2 CANDIDACY FOR PUBLIC OFFICE

- A. In the event an employee resigns his position for the purpose of becoming a candidate for nominations or election to public office, he shall be eligible for a leave of absence without pay if the following conditions are met:
  - 1. A written resignation is submitted to the appointing authority stating the purpose of such resignation with a copy forwarded to the Director of Personnel.
  - 2. Within the six (6) month period next succeeding the day of resignation he or she is reinstated to the eligible list for said position.
  - 3. The position has not been filled between the day of his resignation and the day of appointment.
  - 4. The employee is reappointed to the position within the six (6) month period next succeeding the day of resignation.

If each of the foregoing conditions are met, the employee shall be considered for all purposes as having been on a leave of absence.

- B. Any employee who qualifies to seek a political office with the jurisdiction or governmental entity with which he or she is employed, shall be required to take an unpaid leave of absence pursuant to the provisions of Rule 7.31(a)(3), or use accrued overtime or vacation time with said appointing authority and/or governmental entity from the date he or she qualifies to run for office until the date on which the election results are certified, or the employee is no longer a candidate, or there are no other candidates on the ballot.

Any employee who violates this rule shall forfeit employment with said appointing authority and/or governmental entity.

### **10.3 CONFLICT OF INTEREST**

In order to avoid a conflict of interest, an appointing authority may require that a classified employee who wishes to engage in any outside work or activity for personal profit file a written request setting out the nature of such outside employment.

Reasons for rejection of the request shall be limited to whether or not such employment can cause a conflict of interest or is incompatible with an employee's position in the classified service.

### **10.4 DUTIES OF COUNTY AND MUNICIPAL OFFICIALS**

All elected authorities and officials subject to this Act shall assist in the implementation and maintenance of the provisions of the Act and the Rules and Regulations and aid in the administration of the merit system program.