

TO: Personnel Board

FROM: Mike Lipski
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SUBJECT: Updated Personnel Rules

The Personnel Rules are the document which outline the Civil Service procedures for the City of Madison. They cover everything from filling positions, reclassifying positions, movement of existing City employees to different positions either through demotion, transfer, or promotion, layoffs, and discipline of non-represented employees. The Rules were updated in 2009 and call for a regular review every 5 years. However, the Budget Bills at the State level require an update at this time. The Budget Bills indicate that municipalities must have a Civil Service System which allows an appeal right for non-represented employees for issues of discipline, terminations, and workplace safety concerns. The City of Madison Personnel Rules contain the appeal process for discipline and termination. However, they did not contain a method of appeal for workplace safety concerns, which is the main purpose of this update.

Since the Rules need to be updated to include an appeal process for workplace safety concerns, we are recommending updates to other sections of the Rules at this time. For the most part, the updates are either technical corrections, clarify unclear information, or provide detail for situations that have come up since the implementation of these rules in 2009. This memo will outline the changes that are being recommended. Following this update, the Rules would be reviewed again in 2016.

Chapter 1: Introduction

No change.

Chapter 2: Personnel Board

No changes.

Chapter 3: Appointments to City Government

The definition of Provisional Appointment (page 4) is clarified to define an appointment to a position in the civil service without using civil service selection procedures. The previous definition was unclear.

Chapter 4: Classification Policies and Procedures

Minor grammatical changes in the Trainee Designation section.

Chapter 5: Selection Policies and Procedures

Terminology is being updated as the HR Department transitions to an on-line applicant tracking system. The old term Cert, or Certification Hiring Request, is being replaced by Requisition. In addition, the new system will allow for applicants to apply for a position until 11:59 p.m. on the closing date of the posting. Therefore, we are recommending removal of the end time for posting as that was related to the HR office hours and the new system provides greater flexibility.

Regarding the criminal background check, the standard is clarified that the circumstances of a conviction must be “substantially” related to the position being filled.

Section J-Appointment Procedure is being removed with the exception of the first paragraph as the remaining information is procedural and need not be included in the civil service system.

Chapter 6: Probation and Trial Period

Regarding a probation or trial period, nothing exists in the current rules to allow flexibility in reducing a probation or trial period. The end of a probation period is linked to an employee’s salary increase and ability to use vacation. The end of a trial period is linked to an employee’s salary increase. To this end, if a department has requested initially a 12 month probation or trial period but later wants to shorten it because the employee is a high-performer, there is no procedure for doing this. We are recommending inclusion of language that the Appointing Authority and HR Director can agree to shorten a probation or trial period as long as the employee has served a minimum of six months, which is the shortest probation or trial period for permanent positions.

There is also a clarification that an employee can only return to his or her former position during a trial period if that position still exists in the budget. If the position was eliminated after the employee took a different job, the employee will not have rights to that position.

Chapter 7: Demotion, Transfer, Promotion, Reinstatement, and Placement

We included a minor change to clarify that when a demotion is occurring, it is based on a position with a lower salary range maximum. The previous language just indicated a lower classification.

The updated rules also include clarification that if an employee gets promoted while serving an initial probation period, the employee does not have rights to the former position if the employee does not successfully complete probation in the new position. The reason is that the employee never achieved permanent status in the other position.

Chapter 8: Layoff and Recall

The updated Rules contain language that is found in the ordinances for layoffs. If 2 employees have equal lengths of service, the employee who resides in the City will be laid off after

employees who do not live in the City. The language also clarifies that an employee may bump employees in the same salary range as well as employees in a lower salary range.

Chapter 9: Discipline

This section includes the new language regarding the ability of employees to file workplace safety concerns and to appeal such resolutions to a hearing examiner and ultimately the Personnel Board. The process is modeled off the discipline process that has been included in the Personnel Rules and Ordinances. Basically, employees will have the right to file a written workplace safety concern with their Appointing Authority or designee, who will respond in writing. If the employee is not satisfied with the response from the Appointing Authority, s/he may file an appeal to Human Resources. At that time, a hearing will be scheduled with an Appeal Examiner, who will take evidence and evaluate the City's actions based on a reasonableness standard. Following the hearing, the parties may choose to file briefs and then the Appeal Examiner will file a decision. If either party is dissatisfied with the Appeal Examiner decision, an appeal may be filed with the Personnel Board, which will be the final disposition of the safety concern.

Chapter 10: Resignation

No change.

Chapter 11: Review of the Rules

No change.

Chapter 12: Glossary of Human Resources Terms

Minor clarification in the definition of "certification"