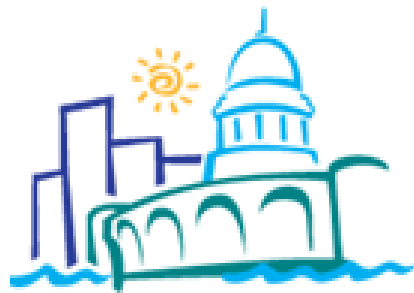




City of Madison Personnel Rules



Revised 2009

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1. INTRODUCTION

These rules are provided as the general guide to the administration of the City of Madison's Civil Service System.

The rules contained herein are developed by the Human Resources Director or designee, reviewed and recommended by the Personnel Board and approved by the Common Council. The provisions of all rules must be consistent with the provisions of the Madison General Ordinances (MGO). The rules pertain to the following matters:

1. The classification of all positions in the Civil Service on the basis of duties and qualifications.
2. The selection, employment, training, probation, promotion, suspension, demotion and discharge of all persons in the civil service.
3. The establishment of standards for and the holding of examinations to test the relative capacity and fitness of persons to discharge the duties of the position to which appointments are sought.
4. The nature, use, and duration of eligible lists.
5. Rules for the conduct of disciplinary hearings by an Appeal Examiner and the conduct of appeals by the Personnel Board.

Where there exists a conflict between these Personnel Rules and the terms and conditions of any duly authorized labor contract, the terms of the labor contract control.

2. PERSONNEL BOARD

- A. **Composition:** The Personnel Board consists of five (5) members appointed by the Mayor, subject to confirmation by a majority of the members of the Common Council. No person appointed to the Board may hold any office or employment in City government. Members of the Board must be qualified electors of the City of Madison and serve without compensation. The members of the Board are also individuals who understand the need for and have knowledge of the merit system, and include at least one (1) member who is a representative of organized labor, provided that the representative of organized labor is not directly affiliated with any labor organization which has a contract with the City.
- B. **Appointment and term:** Members of the Board serve three (3)-year terms so that each year, there is a potential vacancy on the Board. Upon expiration of the term, the Mayor may reappoint a Personnel Board member subject to confirmation by a majority of the members of the Common Council. The Board elects a member to serve as Chair of the Board who is a voting member of the Board in all matters. If the Chair is absent for a meeting, the Board will appoint a member to fill in as Acting

Chair for the duration of the meeting. Vacancies are filled by appointment in the original manner for the unexpired term. Each member of the Board serves until a successor is appointed and confirmed.

- C. **Duties:** The Personnel Board is authorized by the Madison General Ordinance to review and recommend rules for administration of the City of Madison Civil Service System.
- D. **Appeals:** The Board hears appeals in any matter authorized pursuant to these Rules in accordance with the appeal procedures set forth herein; provided, however, that there shall be no appeal to the Board in any matter which is grieved or grievable under a labor agreement with the City.
- E. **Quorum:** In dealing with matters relating to items 1-4 in the Introduction above, a three-person panel of the Board will be considered a quorum for decision-making purposes. However, if the issue concerns an appeal of a disciplinary hearing or changes to these Rules, a full Board must be present to make decisions. A full Board is defined as all sitting members of the Board at a given point in time.

3. APPOINTMENT TO POSITIONS IN CITY GOVERNMENT

- A. **Budgetary requirements:** Appointments to permanent or limited-term positions generally require the existence of a budgeted, vacant position except under the provisions defined below:
 - 1. **Double-fill:** A double-fill occurs when two persons are appointed to one permanent, budgeted position. The Human Resources Director, with the approval of the Mayor, and of the Common Council if the term of appointment is more than thirty (30) days, is authorized to double-fill any position.
 - 2. **Under-fill:** An under-fill occurs when a person is appointed to a position in a classification with a salary range maximum lower than the classification authorized in the budget. Positions may be under-filled without limitation and for an indefinite period of time. Incumbents in under-filled positions cannot assume that they will be moved to the budgeted level at a future date.
 - 3. **Over-fill:** An over-fill occurs when a person is appointed to a position in a classification with a salary range maximum higher than the classification authorized in the budget. The Human Resources Director, with the approval of the Mayor, and of the Common Council if the term of appointment is more than thirty (30) days, is authorized to over-fill any position.
- B. **Types of positions:** Every employee in City government shall be appointed to a position. The Human Resources Director will ensure that each position meets the definition of one of the appointment types listed below:

1. **Permanent position:** A budgeted full-time or part-time position identified in the Classification Plan, of indefinite duration requiring continuous performance of a set of functions anticipated to last more than four (4) years for at least fifty percent (50%) of a regularly established full-time work week.
 2. **Limited term position (LTE):** A budgeted part-time or full-time position which requires continuous employment for at least fifty percent (50%) of the regularly established full-time work week for the duration of a project or combination of projects which are anticipated to last less than four (4) years.
 3. **Hourly/Seasonal position:** A part-time or full-time position which requires work of a short-term, peak work load, cyclical/seasonal, or other non-permanent nature that would 1) require less than two years of half-time or more employment, or 2) require less than half-time employment on a continuous basis.
 4. **Stagehand position:** A position filled by members of IATSE (International Alliance of Theatrical Stage Employees) on an as-needed basis.
- C. **Types of appointments:** Every employee in City government shall be appointed to a position. The Human Resources Director will ensure that each appointment meets the definition of one of the appointment types listed below:
1. **Civil Service or Permanent appointment:** An appointment to a budgeted full-time or part-time permanent position as defined in B. above. All civil service or permanent appointments are made using the selection procedures outlined herein.
 2. **Non-Civil Service appointment:** An appointment made to fill a position in Compensation Group 19 or 21, or any other excluded Compensation Groups. Positions in Compensation Group 21 are filled using the selection procedures outlined in these rules.
 3. **Limited term appointment:**
 - a. An appointment during the leave of absence of a permanent employee in a permanent position. An appointment of this type may be made without using the selection procedures outlined herein.
 - b. An appointment to a limited term position. An appointment of this type will normally be made using the selection procedures outlined herein.
 4. **Emergency appointment:** An appointment to a permanent, LTE, or hourly/seasonal position for a period not exceeding thirty (30) business days

for which the need could not have been anticipated. Emergency appointments may be made without using the selection procedures outlined herein.

5. **Provisional appointment:** A temporary appointment to a position for which there is no eligibility list, as determined by the Human Resources Director. Provisional appointments generally last for a period up to six (6) months, but may be extended at the request of the Human Resources Director or designee, with the approval of the Common Council. The Human Resources Director may approve provisional appointments on a limited basis while a position is being studied or while the Human Resources Department is actively working to fill a permanent position, and provisional appointments may be made without using the selection process outlined herein.
6. **Acting appointment:** An appointment to a position which is made to fill a vacancy directly or indirectly created under circumstances when an employee holding a permanent position shall have secured a leave of absence of at least six (6) months duration and/or in the event that such employee shall have been absent because of illness or injury for thirty (30) calendar days and it is reasonable to expect such employee will not return for an additional one hundred fifty (150) calendar days. Such vacancies shall be filled in the same manner as permanent position vacancies, but with notice that the appointment is an acting appointment. Subject to the limits of this section, employees filling such vacancies shall in all ways be treated as other selected employees except that such employees shall have the designation Acting added to the job title. The probation or trial period begins immediately upon commencement of the acting appointment. Should the employee holding permanent status in the position return to work in that position, the Acting employee shall return to the position s/he held prior to the acting appointment, and pay and other benefits to that employee shall be as though no promotion to an acting appointment had occurred. In the event that it is determined by the Human Resources Director that the permanent employee will not return, the acting appointment will automatically become a permanent appointment, the employee will not have to serve an additional probation or trial period, and the employee's anniversary date will be considered the date the acting appointment commenced (unless the employee has not completed the original probation or trial period; in that case the employee must complete the probation or trial period before becoming permanent in the position.).
7. **Hourly/Seasonal appointment:** An appointment made to fill an hourly or seasonal position.
8. **Stagehand appointment:** An appointment made to fill a stagehand position.

Exceptions: Appointments under the foregoing definitions shall be subject to the provisions of this section so far as practicable, but to the extent the Board finds it necessary to permit variances to meet temporary or recurring difficulties, it may establish temporary exceptions, provided that such exceptions shall be based on the

principles of merit. Repeated exceptions will cause the Board to review whether these rules need to be changed to adapt to changed circumstances.

4. CLASSIFICATION POLICIES AND PROCEDURES

The classification process is the method by which positions in City government are studied and, based on that study, assigned to classifications and salary ranges within the City's Classification and Compensation Plans. The classification process generally includes job analysis that leads to initial classification of a position, maintenance of the Classification and Compensation Plans, classification studies/surveys, position studies and trainee designations. The Human Resources Department will be responsible for maintaining the Classification and Compensation Plans in accordance with the policy and procedures outlined below.

A. Policy:

1. The City recognizes the importance of a well-maintained Classification Plan and Compensation Plan in attracting the highest caliber candidates for employment.
2. The City understands that without a well-defined method for classifying positions and moving positions and/or classifications within the Classification and/or Compensation Plans, retention of talented employees may be negatively impacted.
3. To this end, the City recognizes the importance of accurately describing the essential functions of a position for the following reasons:
 - a. This allows for appropriate classification based on other positions within the same and other classifications that have similar duties or level of responsibility;
 - b. This allows the City to compare its positions with positions of a similar nature internally, with other public sector employers, and/or with employers in other industries to ensure wages are appropriate;
 - c. This allows the City to recruit qualified candidates for employment as the City will continue to remain competitive with its wages;
 - d. Focusing on appropriate and consistent methods for classifying and assigning positions to salary ranges will increase current employee retention as employees will understand that the City strives to remain competitive with other employers.

B. Procedures:

1. **Initial classification:** Based upon a comprehensive job analysis of duties and responsibilities, as well as required knowledge, skills, abilities, educational

requirements, necessary experience, and special qualifications, each position is assigned to a classification. If an appropriate classification does not exist within the Classification Plan, the Human Resources Director or designee will create a new classification and submit it for Board recommendation and final approval by the Common Council. The title of a classification shall be the official title for every position allocated to that classification.

2. Development and maintenance of the Classification and Compensation Plans:

The Classification and Compensation Plans shall be developed and maintained by the Human Resources Director or designee with the recommendation of the Board and final approval by the Common Council. Each classification will have a classification specification detailing the general duties and responsibilities performed by the position or positions within the classification, as well as the knowledge, skills, abilities and special qualifications necessary to perform the duties of the position. A classification or group of classifications shall be allocated to an appropriate salary range within the Compensation Plan. Recommendations on revisions to the plan shall be formulated by the Human Resources Director or designee and submitted for Board consideration and Common Council approval.

a. Classification specification modification: In instances where a classification specification is not adequately descriptive of the current duties and responsibilities or the knowledge, skills, and abilities of a position, the classification specification may be modified by the Human Resources Director or designee without Personnel Board or Common Council approval.

b. Classification study/survey: The Human Resources Director or designee may initiate a study or survey of an existing classification or a group of classifications to determine whether said classifications are assigned to the appropriate salary range in the Compensation Plan. The study may include an analysis of positions in the classification(s), comparison of existing levels of essential duties and responsibilities, internal comparison of wages, external wage surveys, or other means necessary to determine appropriate placement within the Compensation Plan.

c. Classification Plan modifications: Modifications to the current Classification Plan may occur for the following reasons:

i. The essential duties and responsibilities of the position or positions within the classification(s) have undergone significant material changes;

ii. The existing classification(s) is/are inappropriately compensated;

- iii. An error was made in the original placement of a classification within the Classification Plan;
 - iv. The classification specification no longer accurately identifies the required knowledge, skills, abilities, and/or special qualifications necessary for a position;
 - v. The establishment of career ladders;
 - vi. The inclusion and/or exclusion of positions;
 - vii. To address issues with retention of employees or movement between classifications.
- d. **Salary adjustments after modification:** Modifications resulting in a change to the Classification Plan for filled positions may result in the following salary adjustments in the following situations:
- i. **Reassignment of a classification to a higher salary range where duties and responsibilities have undergone significant material changes:** If the incumbent(s) meet(s) the minimum necessary qualifications for the new classification, the incumbent(s) will be reallocated to the new classification and will not be required to serve a trial period. The current incumbent(s) may be placed at the step in the salary schedule that ensures an increase in pay and a new anniversary date shall be established. The incumbent(s) shall move to the next higher step, where applicable, following six (6) months of service, and annually thereafter until the maximum step is reached.

If the incumbent(s) do/does not meet the minimum necessary qualifications for the new classification, the incumbent(s) will have six (6) months in which to obtain the qualifications or the incumbent(s) will be subject to the layoff procedures in the applicable labor contract or as described herein.
 - ii. **Reassignment of a classification to a higher salary range where the duties and responsibilities have not undergone a substantial material change:** Incumbents in the respective positions shall retain the same salary step and anniversary date in the new range.
 - iii. **Reassignment of a classification to a lower salary range:** When an incumbent's salary is greater than the maximum of the new salary range, the salary shall be "red circled." When an incumbent's salary is less than or equal to the maximum of

the new salary range, the incumbent will be placed at the step closest to his/her current salary, but without loss of pay, and with no change in anniversary date.

- e. **Personnel Board action:** Modification resulting in a change to the Classification Plan (e.g.: a change in salary range, classification title change, etc.) shall be recommended by the Human Resources Director or designee to seek approval by the Board and Common Council. Department heads and affected employees will be informed of any action resulting in a change to the Classification Plan, including the reason for such change, prior to the change being presented to the Personnel Board.
3. **Position studies:** When there are changes in the duties and responsibilities of an existing position, a job analysis may be conducted to determine if the position is classified appropriately.
- a. **Submitting a study request:** A study request may be submitted to the Human Resources Director or designee in one of the following ways:
 - i. The first-line supervisor or above may request that a position be studied for appropriate classification. The minimum required documentation includes:
 - (a) the position description that the employee(s) have been working under, signed and dated by the supervisor and employee(s);
 - (b) an updated position description reflecting the new position duties/responsibilities, signed and dated by the supervisor and employee(s); and
 - (c) Classification Change Worksheet.
 - ii. If the incumbent of a position requests, in writing, that her/his supervisor review the level of the position and the supervisor takes no action within 30 calendar days or denies the request, the incumbent may request that the position be studied for appropriate classification. The minimum required documentation includes:
 - (a) the position description that the employee(s) have been working under, signed and dated by the supervisor and employee(s);

- (b) an updated position description reflecting the new position duties/responsibilities, signed and dated by the supervisor and employee(s); and
 - (c) Classification Change Worksheet, including the date upon which the employee(s) requested that the supervisor review the level of the position.
 - iii. If a position has been studied within the previous three (3) years, unless there has been a significant material change in the position's duties and responsibilities, the study request may be denied.
- b. **Human Resources analysis of the study request:** Once a study request is received, the Human Resources Department will conduct a job analysis to determine the position's appropriate classification. Although the outcome of a study request may affect an employee's salary, it is important to remember that the position, and not the employee, is being studied. Factors such as the employee's current pay rate, length of service, special training not related to the position, longevity, or performance are not factors that should affect judgments about the classification of the position. Similarly, quantity of work performed is not a factor unless the quantity is such that it affects the complexity or responsibility level of the position. Study of a position by the Human Resources Director or designee will include these steps:
 - i. **Determine the actual essential duties and responsibilities currently assigned to the position.** This should be accomplished by first ensuring that the updated position description accurately reflects the position's duties and responsibilities. This will often require a meeting with the supervisor(s) and affected employee(s). If discrepancies exist, the Human Resources Director or designee will resolve these discrepancies prior to accepting the final updated position description.
 - ii. **Determine the appropriate classification.** Positions routinely require performance of duties that are also performed by employees in different classifications in different salary ranges. In order to determine the appropriate classification, the duties and responsibilities of the position under review will be compared to the positions currently included in the same classification and salary range as well as other positions in proposed or related classifications and salary ranges. Considerations include but are not limited to:
 - (a) Technical knowledge;

- (b) Specialized knowledge;
- (c) Specialized training related to the position;
- (d) Supervisory responsibility;
- (e) Managerial responsibility;
- (f) Budgetary authority;
- (g) Programmatic authority;
- (h) Decisional impact;
- (i) Policy development;
- (j) Policy interpretation;
- (k) Autonomy;
- (l) Required level of education;
- (m) Required licenses/certifications;
- (n) Required years of experience;
- (o) Physical and mental demands of the position;
- (p) Physical environment in which the position functions, including any hazardous conditions present;
- (q) Compensation level of the position as compared to the relevant labor market.

iii. Determine the nature of the changes that have occurred in the position duties and responsibilities: Changes in the essential duties and responsibilities of a position may result in reclassification or reallocation to a higher or lower salary range, a change in classification title only, or may result in no change at all. In order for changes to affect the level of the classification, the changes must be significant in relation to the current classification. Once it has been determined that changes have occurred and the changes are significant in relation to the classification, the following questions must be answered:

- (a) **Were the changes logical?** Logical changes are changes that are reasonably related to the previous duties or responsibilities of the position when the position was initially classified. A change that would affect the union representation status of a position will not be considered logical.
- (b) **Were the changes gradual?** Gradual changes occur over a period of time greater than six months, represent less than one quarter of the duties of a position, and generally have been documented by updated position descriptions. Changes that occur abruptly as a result of reorganization, changes in equipment, or reassignment, and which represent more than one quarter of the

essential duties associated with a position are not considered gradual.

- iv. **Determine the appropriate action (reclassification or reallocation):** Once the classification study is complete, the position is placed within the classification and salary range that best reflects the majority of the duties performed by the position. It is then necessary to determine what happens to the incumbent if the position is encumbered. This is done using the determination of whether the changes to a position were logical and/or gradual.
- (a) **Logical and gradual:** If the changes in the duties and responsibilities were both logical and gradual, the position should be reclassified. Whenever a position is reclassified, the incumbent is reallocated to the new classification.
 - (b) **Logical not gradual:** If the changes in the duties and responsibilities were logical but fail to meet the criteria for gradual, the position should be reclassified. In this situation the incumbent is reallocated to the new classification unless:
 - i. The incumbent has not obtained the specified training, education, and/or experience required by the classification. In this case, the position will not be immediately reclassified. Rather, the incumbent will be given six (6) months to achieve the minimum necessary qualifications for the new classification. If the incumbent does so, the position will be reclassified at that time, and the incumbent will be reallocated to the new classification. If the incumbent fails to achieve the minimum necessary qualifications in six (6) months, absent extenuating circumstances, the position will be reclassified and filled in a competitive process and the incumbent will be subject to the layoff procedures in the applicable labor contract or as described in Chapter 8 of this document.
 - ii. The incumbent has not performed the assigned duties and responsibilities for at least six (6) months. In this case, the study will be postponed until the incumbent has performed

the new duties and responsibilities for at least six (6) months in order to ensure that the changes are permanent.

- (d) **Not logical:** If changes in the position fail to meet the criteria for logical change, a new position is created and the position should be reallocated and posted and filled in a competitive process. The incumbent will have the opportunity to apply for the new position. If the incumbent fails to be selected for the new position, the incumbent will be subject to the layoff procedures in the applicable labor contract or as described herein at the time the new position is filled.
- c. **Position study outcomes:** Position studies may result in a change in classification title, compensation group and/or salary range, or no change at all.
 - i. **Approval:** Where the Human Resources Department has determined that reclassification or reallocation is appropriate, or a position's classification title should be changed, the Human Resources Director or designee shall submit a report outlining the reasons why a change is necessary to the Board for approval, and a copy of the report will be sent to the supervisor and employee affected by the change. The Board may approve or deny the recommendation. If the Board approves the recommendation, it will be forwarded to the Common Council for final approval. If the Board denies the recommendation, it may be returned to the Human Resources Department for further study or may be forwarded to the Common Council for a final determination.
 - ii. **Denial:** Where the Human Resources Department has determined that reclassification or reallocation is not appropriate, the Human Resources Director or designee shall notify the requesting supervisor and incumbent of the reasons for the denial in writing.
 - iii. **Request for review:** Employees shall have the right to request review of the decision to either reclassify a position or deny it as the result of a study request. When deciding whether to request review of a decision, it is important to note that once the Board has taken action on a request to reclassify a position, an employee may no longer file a request to review the decision. Employees should inform the Human Resources Director of the intent to file a request for review as soon as

possible in order to prevent Board action from occurring until after the review has been appropriately considered.

Initially, employees may request, in writing within ten (10) business days from the date of the final report from Human Resources, that the Human Resources Director review the decision. The employee request should include the reason(s) why the employee thinks the determination was made in error. The Human Resources Director will then have ten (10) business days from the date the request was received to respond to the employee in writing. The Human Resources Director shall indicate whether the initial decision is upheld, overturned, or sent back for further study. The Human Resources Director may choose to include a report justifying the decision or may rely on the reasons previously given the employee.

If the employee is challenging Human Resources denial of a possible reclassification/reallocation, and is not satisfied with the response from the Human Resources Director, the employee will have the right to appear before the Board. At that time, the Board may choose to uphold the Human Resources Director's decision or may send the matter back for further study, with instructions as to what needs to be looked at further. If the Board upholds the Human Resources Director's decision, the employee has no further right to review.

If the employee is challenging a position reclassification/reallocation, and the employee is not satisfied with the response from the Human Resources Director, the employee may appear before the Board, Board of Estimates, and/or the Common Council as appropriate.

- d. Salary upon reallocation:** When the incumbent is reallocated into the position after a reclassification, the following salary adjustments shall apply:
 - i. Salary upon reallocation to a higher classification:** The current incumbent shall be placed at the step in the salary schedule that assures an increase in pay. A new anniversary date shall be established and the incumbent shall move to the next highest step, where applicable, following six (6) months of service, and annually thereafter until the maximum step is reached.

- ii. **Salary upon reallocation to a lower classification:** Where the salary of the current incumbent is greater than the maximum of the new range, the salary shall be red circled and no increase shall be authorized until the maximum of the new range exceeds the incumbent's current salary. If the incumbent's current salary is less than or equal to the maximum of the new range, the incumbent will be placed in the step equal to or closest to the incumbent's current salary within the new range without loss of pay. In either case, the incumbent's anniversary date will not be changed.

4. Trainee designation:

- a. **Authorization:** The Human Resources Director may authorize the use of a Trainee designation in the following situations:

- i. When after a reasonable effort at recruitment the City is unable to recruit candidates with the necessary training and experience for a City position, applicants with less than the required experience and training may be hired as a Trainee.
- ii. When a sufficient number of current City employees who have the potential to succeed in the position as determined by the supervisor and are interested in acquiring more training, experience, and responsibility.

- b. **Salary placement:**

- i. When a Trainee is hired from outside the Civil Service, the salary range and step shall be determined by the Human Resources Director upon review of the employee's training and experience.
- ii. When a current City employee is hired into a Trainee position the salary range and step shall be determined by the Human Resources Director and shall be so established as to assure the employee no loss of salary or scheduled increases and be designed to at least equal the minimum of the objective range upon completion of the Trainee program.
- iii. Upon reaching the minimum of the objective range of salary, employees shall advance through the salary range in accordance with the compensation provisions described herein. The anniversary date shall be the date the employee reached the minimum of the objective range.

c. Status of a Trainee:

- i.** An employee hired from outside the Civil Service and designated as a Trainee may be released from City Service at any time for any reason while designated as a Trainee. Following completion of the Trainee program, the employee shall serve a regular probation period as defined in Chapter 6 before being considered a permanent employee.
- ii.** A current City employee designated as a Trainee may be returned to his/her former position at any time for any reason while the employee is designated as a Trainee if either the employee or the City so decides and provided the position still exists. If the employee's former position no longer exists, the employee will be subject to the layoff procedures in the applicable labor contract or as described herein. Following successful completion of the Trainee program the employee shall serve a trial period.

5. SELECTION POLICIES AND PROCEDURES

The selection process is the method by which a vacant position is filled through merit competition. The selection process generally includes a classification review, recruitment, screening for minimum qualifications, examination, establishment of eligibility lists, certification, interview, and appointment.

- A. Classification review:** The Human Resources Director or designee shall assure that each permanent position is appropriately classified and adequately described by a current detailed position description prior to the initiation of recruitment.
- B. Recruitment:** The Personnel Board recognizes that each vacant position requires an individual recruitment strategy in order to obtain the best pool of candidates with an optimal use of City funds. The Human Resources Department will be responsible for designing and implementing recruitment strategies in accordance with the policy and procedures listed below.

1. Policy:

- a.** The City shall recruit from as wide an area as practical in order to attract the best qualified applicants for City employment.
- b.** The Appointing Authority may request that the Human Resources Director conduct a promotional examination where it is believed that a sufficient number of qualified candidates will apply for the position.
- c.** The determination of whether a job announcement shall be restricted to City employees or open and competitive shall be made by the

Human Resources Director after consultation with the Appointing Authority. If the position is in a job family that is underutilized, the Human Resources Director will consider the most appropriate method for increasing diversity in conjunction with meeting the operational needs of the City. The types of announcements include:

- i. **Open Competitive** – Any individual authorized to work in the United States without sponsorship at the time of starting the position may apply.
- ii. **Citywide** – Any City of Madison employee may apply.
- iii. **Department/Division** – Any City of Madison employee within the department and/or division may apply.
- iv. **Bargaining Unit** – As defined in labor agreements, only City of Madison employees in a certain bargaining unit may apply.

2. Procedures:

- a. **Submission of a Cert:** Upon deciding to fill a vacancy, departments will send a Certification Hiring Request (Cert) and updated position description to the Human Resources Department to request that a recruitment process be initiated. The Human Resources Department will then evaluate the position to ensure that it is appropriately classified and that the position is budgeted.
- b. **Posting:** Once it has been determined that the position is accurately classified and budgeted, a job announcement will be created and the position will be posted. Job announcements generally contain the following information:
 - i. Position Classification Title;
 - ii. Working Title;
 - iii. Type of appointment;
 - iv. Salary;
 - v. Nature of the work performed;
 - vi. Location of work-department, division;
 - vii. Work hours, including overtime requirements;
 - viii. Minimum qualifications;
 - ix. Training/experience requirements;
 - x. Special requirements;
 - xi. Residency requirements;
 - xii. Length of probation period;
 - xiii. Who is eligible to apply for the position;
 - xiv. Application instructions;

xv. Closing date for application.

Vacant positions shall be posted on the City web site and on City bulletin boards for a minimum of five (5) working days.

- c. **Advertising:** The Human Resources Department may advertise in newspapers, periodicals, web sites, professional association journals or other media deemed appropriate in order to attract the best qualified applicants. Advertisements need not be as comprehensive and/or inclusive as job announcements but should direct potential applicants to the Human Resources Department or the City web site in order to see the job announcement and obtain additional information.
- d. **Diversity:** The Human Resources Department shall continue to work with the Department of Civil Rights in order to identify publications and design recruitment strategies aimed at promoting diversity within City government employment.
- e. **Application:** The Human Resources Director shall require persons applying for permanent appointment to file a completed application form provided by the Human Resources Department and all other required materials no later than 4:30 p.m. CST (or CDT when appropriate) on the closing date of the posting.

The Human Resources Director may, in connection with such application, require certificates of immigration or visa status, license certificates, educational achievement certificates, or any other documentation that bears upon an applicant's qualifications or eligibility.

- f. **Changes to a position during the recruitment or selection process:** If there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the vacancy and the time of selection, the position shall not be filled at that time. Rather, a new cert shall be submitted to the Human Resources Department and a new recruitment and selection process will be started.

- C. **Screening for minimum qualifications:** The Human Resources Department shall screen all applications to ensure that applicants possess the minimum qualifications required for the position. Applicants not meeting the minimum qualifications will not be invited to continue in the selection process and will be notified in writing. The Human Resources Department shall ensure that:

1. The applicant has the required years of experience and/or the relevant degree as required in the job announcement;

or

2. The applicant has a combination of education, training, and/or experience that can be demonstrated to result in possession of the knowledge, skills, and abilities necessary to perform the duties of the position, except where formal academic training is required for license or registration to practice or to establish recognized status in a profession as a requirement of the position.

D. Examination: The Human Resources Department shall develop and administer appropriate civil service examinations.

1. **Types of examination:** The civil service examination may include one or more of the following forms of examination:

- a. Achievement History Questionnaire (AHQ)
- b. Oral board interview
- c. Written examination (e.g. multiple choice, essay, true/false, etc.)
- d. Typing test
- e. Performance test
- f. Resume screen
- g. Comparative analysis
- h. Application assessment
- i. Other examinations designed to measure an applicant's ability to meet the minimum qualifications of a position

2. **Examination results:** All applicants competing in a civil service examination shall be notified of the score achieved on the examination and whether the score will allow them to continue in the process. No applicant will be permitted to review the examination after it has been turned in to the exam monitor. No applicant will be permitted to review scored examination materials.

3. **Security:** The Human Resources Department shall use appropriate means to ensure the security of examination materials.

4. **Accommodations:** Under the Americans With Disabilities Act, Wisconsin Fair Employment Act and the Madison Equal Opportunities Ordinance, eligible applicants may, upon request, be provided with reasonable accommodations in testing and throughout the selection process.

5. **Veterans preference:** In accordance with state law, veteran's preference points will be awarded to veterans and spouses of veterans as applicable.

- 6. Contracted services:** The City may contract or otherwise arrange for such technical or specialized services as may be necessary, including the giving of examinations, in connection with personnel selection, procedures and administration.
- E. Eligibility lists:** An eligibility list consists of candidates who have successfully completed and passed the applicable civil service exam(s) and are deemed qualified and eligible for certification as determined by the Human Resources Director or designee. Eligibility lists are valid for up to six (6) months, but may be extended for up to two and one-half (2½) years, when deemed appropriate, by the Human Resources Director or designee.
- F. Insufficient number of qualified applicants:** In the event that an insufficient number of qualified applicants apply for a position or qualify after the examination, the Human Resources Director may reannounce the position, extend the date for filing applications for a specified period of time, approve a temporary appointment, or if necessary, cancel the recruitment.
- G. Certification:** No Appointing Authority may select a candidate for any position who has not been certified for appointment by the Human Resources Director or designee.

 - 1. Original certification:** The Human Resources Director or designee shall certify the names and addresses of the four (4) highest ranks of eligible candidates from the most appropriate eligibility list. In the case of two (2) vacancies in the same classification, two (2) additional ranks shall be certified for each additional vacancy up to a maximum of twenty (20) ranks. Where there are fewer than four (4) candidates on the eligibility list, those on the list shall be certified unless the Appointing Authority objects. If the Appointing Authority objects, a new recruitment process shall be initiated resulting in the creation of a new eligibility list, and candidates who were previously certified will be required to go through the recruitment process again. A candidate's rank has significance only in that it allows a candidate to be certified for an interview. It does not imply any preference for the final selection.
 - 2. Certification of additional names:** If the Appointing Authority believes none of the certified candidates is appropriate for appointment, s/he shall document the reason(s) s/he believes the candidates are not appropriate and submit this documentation to the Human Resources Director along with a request that additional names be certified. The Human Resources Director may refuse to certify additional candidates if s/he determines this provision is being used to circumvent the merit principle or conflicts with applicable law.
- H. Interviews:** All certified candidates shall be given the opportunity to interview with the Appointing Authority or her/his designee prior to the selection of any candidate for appointment. Candidates have a maximum of five (5) business days from the date the certification notice letter is postmarked to contact the hiring agency to schedule an

interview. The hiring agency may initiate contacts with candidates but must allow time for all candidates to contact the agency to schedule an interview. At the discretion of the Appointing Authority, more than one round of interviews may be conducted before a final selection is made.

I. Selection of candidate:

1. **Reference check:** Following the interviews, the Appointing Authority or designee shall check the references of the prospective hire(s) prior to making a selection.
2. **Criminal background check:** When the Appointing Authority has made a selection, s/he should notify the Human Resources Department before making a job offer, and a background check may be initiated based on the position being filled to ensure that the selected candidate(s) has not been convicted of an offense which is directly related to the position being filled. If any candidate has been convicted of an offense which is related to the position being filled, or if any candidate has not been honest in describing her/his background as part of the application process, the candidate may be disqualified from employment with the City.

J. Appointment procedure:

1. **Notification:** When the Human Resources Department has completed the background check and confirmed eligibility of the selected candidate(s), the Appointing Authority or designee shall make an offer of employment to the selected candidate(s). The Appointing Authority shall then notify the Human Resources Department, on the Certification Hiring Request form, of the individual(s) selected for appointment from the certified list of eligible candidates.
2. **Payroll:** The Human Resources Department shall enter the name and required information of the appointed candidate into the payroll system and notify the Payroll section of the new appointment.
3. **Personnel file:** The Human Resources Department shall establish a personnel file containing the appointed candidate's application for employment, certification hiring request form, and other related documentation.
4. **Orientation:** The Appointing Authority or his/her designee shall schedule the appointed candidate for employment and benefits orientation with the Human Resources Department.

K. Applicant's right to contest exclusion from the selection process:

An applicant eliminated from consideration at any time in the selection process will be so notified in writing by the Human Resources Department. An applicant may contest exclusion from the selection process by submitting, in writing to the Human Resources Director, the reasons why the applicant believes she/he should not have been eliminated from the process. This letter must be received within five (5) business days from the date the letter informing the applicant of her/his elimination from the process was postmarked. Time is of the essence as the recruitment/selection process will continue during this time. Upon receipt of such a letter, the Human Resources Director or designee will review the applicant's file and determine whether to uphold the initial determination or whether to restore the applicant to the selection process. The applicant will be notified of the final determination in writing within another five (5) business days. The decision of the Human Resources Director or designee will be final, and an applicant will have no further rights to contest the decision.

L. Compensation:

1. **Initial placement:** New employees are placed at step one of the salary range, except as follows:
 - a. The Human Resources Director may authorize recruitment above the minimum of the range because of critical economic and employment conditions. If authorized, the job announcement shall reflect that potential applicants may be hired above the minimum of the salary range.
 - b. The Human Resources Director may authorize hiring above the minimum when the candidate selected has exceptional qualifications and/or experience. If this occurs, the job announcement shall reflect that potential applicants may be hired above the minimum of the salary range.
2. **Advancement:** Employees shall advance one (1) salary step following six (6) months of continuous employment in a permanent position and an additional step every 12 months thereafter until the maximum salary step is achieved.
3. **Hourly/seasonal employee compensation:** Hourly/seasonal employees have their rate established either in collective bargaining agreements or the Ordinances and do not receive scheduled increases.
4. **LTE, emergency, and/or provisional appointments:** LTE, emergency, or provisionally appointed employees will have their salary set at the step closest to the employee's salary prior to the appointment, not to exceed the maximum of the new salary range, and that assures, when possible, a 5% increase in pay.

These employees will also be entitled to the same employment benefits as a permanent employee.

- M. Disqualification:** The Human Resources Director may refuse to examine an applicant, or after examination may refuse to certify as eligible any applicant who is found to lack any of the requirements established for the position for which the person has applied; or any applicant who had made a false statement of any material fact; or any applicant who directly or indirectly gave, paid or promised to give any money, service or other valuable thing to any person for or on account of, or in connection with, her/his selection process or appointment; or any applicant who has secured or attempted to secure any improper advantage in the examination process; or any applicant who has practiced or attempted to practice any deception or fraud in the selection process of any such application or certificate filed in connection with or in securing eligibility or appointment, or who refuses to furnish testimony as required by law. Any applicant who commits any such act or acts shall, if hired, be subject to dismissal.

6. PROBATION AND TRIAL PERIOD

- A. Probation period:** A newly hired employee shall serve a probation period of a minimum of six (6) months during which the employee's performance, conduct and general suitability will be critically evaluated to determine whether the employee shall be continued in service. The probation period may be extended for up to an additional six (6) months by the Appointing Authority. For certain complex supervisory, administrative or professional positions, a probation period of one (1) year may be recommended by the Appointing Authority at the time of the request to fill the position, subject to the approval of the Human Resources Director. This probation period may be extended for up to an additional twelve (12) months by the Appointing Authority. The Appointing Authority shall notify the Human Resources Director of any extension of probation, including the length of such extension. During the probation period:
1. The Appointing Authority shall evaluate the employee after three (3) months of service and complete a probation report. This report shall be discussed with and signed by the employee. The Appointing Authority shall evaluate the employee again at least two (2) weeks prior to the completion of six (6) months of service, and complete a probation report. If the employee is serving a six (6) month probation, this will be considered the final report and must be discussed with and signed by the employee. If an employee is serving a longer probation period, or if the Appointing Authority extends an employee's probation beyond six (6) months, a probation report shall be submitted every three (3) months for the duration of the probation. Each report shall be discussed with and signed by the employee. These reports are then filed with the Human Resources Director.

2. Employees may be terminated at any time for any non-discriminatory reason during the probation period or an extension thereof and such decision shall not be subject to appeal. If an employee is terminated, the Appointing Authority shall complete a probation report and indicate on the report the reason(s) for the dismissal.
3. The decision to extend a probation period may not be appealed.
4. An approved leave of absence without pay for an employee on probation shall act to extend the probation period by the length of time on leave.
5. Permanent status begins when an employee reports for work on the first work day following the completion of the probation period, regardless of when the final probation report is filled out and signed by the employee.

B. Trial period: In cases of promotion, competitive transfer or competitive demotion an employee shall serve a six (6) month or twelve (12) month trial period as identified in the job announcement. The employee's performance, conduct and general suitability will be critically evaluated during the trial period to determine whether the employee shall be continued in service. A trial period may be extended for up to an additional six (6) months by the Appointing Authority. The Appointing Authority shall notify the Human Resources Director of any extension of a trial period, including the length of such extension. During the trial period:

1. The Appointing Authority shall evaluate the employee after three (3) months of service and complete a trial period report. This report shall be discussed with and signed by the employee. The Appointing Authority shall evaluate the employee again at least two (2) weeks prior to the completion of six (6) months of service, and complete a trial period report. If the employee is serving a six (6) month trial period, this will be considered the final report and must be discussed with and signed by the employee. If an employee is serving a longer trial period, or if the Appointing Authority extends an employee's trial period beyond six (6) months, a trial period report shall be submitted every three (3) months for the duration of the trial period and each report shall be discussed with and signed by the employee. These reports are then filed with the Human Resources Director.
2. At any time during the trial period, the employee may be returned to his/her former position if either the employee or the Appointing Authority so decides. Salary upon return shall be set no higher than it would be by normal progression had the employee not accepted the new position. The anniversary date for step increases shall remain as if the employee had not left the position. If the employee's former position no longer exists, the employee will be subject to the layoff procedures in the applicable labor contract or as described herein.

3. An employee on a trial period shall be entitled to a total of thirty (30) working days absence, including all paid and unpaid authorized leaves, before such trial period shall be extended automatically on a day-for-a-day basis. After thirty (30) days, for the purpose of such extension, a day shall be defined as four (4) or more hours of authorized absence.

7. DEMOTION, TRANSFER, PROMOTION, REINSTATEMENT, AND PLACEMENT

Current City employees may or may not be appointed to vacant positions through the standard selection process outlined above. This article outlines ways in which current City employees may obtain different positions within City government. In order to determine if the movement of an employee from one position to another position is a demotion, transfer, or promotion, salaries will be compared at step five (5) of the relevant salary ranges.

A. **Demotion:** There are three (3) types of demotion:

1. **Voluntary demotion:** Without resorting to the selection process, a permanent employee, with approval of the Appointing Authority of the department with the vacancy and the Human Resources Director, may accept a voluntary demotion within the Appointing Authority's department/division provided the employee possesses the minimum qualifications required for the vacant position as determined by the Human Resources Department, and successfully passes any required exams. Acceptance of the voluntary demotion shall be provided to the Human Resources Director in writing. In cases of voluntary demotion:
 - a. The employee immediately forfeits all rights to the position from which the employee was demoted;
 - b. The employee shall not serve a trial period and shall immediately assume permanent status in the new position;
 - c. The employee's salary may be red-circled with the approval of the Human Resources Director. In cases where an employee's salary is not red-circled, the employee's salary shall be set at the step closest to the employee's salary prior to demotion. The employee's anniversary date for step increases shall remain the same.
2. **Involuntary demotion:** Without resorting to the selection process, an employee may be subject to an involuntary demotion as a disciplinary action for just cause. An employee will not be demoted into a position for which s/he is not minimally qualified, as determined by the Human Resources Director. In cases of involuntary demotion:

- a. The employee shall not serve a trial period and shall assume permanent status in the new position on the effective date of the change.
 - b. An employee who has been involuntarily demoted shall have his/her salary set at the same step in the new salary range as the employee's pay step prior to demotion. The employee's anniversary date for step increases shall remain the same. For example, an employee whose position is in Compensation Group 17, Range 10, step 3 who is demoted to a position in Compensation Group 17, Range 8 will be placed at step 3 of CG 17, Range 8.
 - c. Employees shall have the right to appeal an involuntary demotion in accordance with the appeal process described in Chapter 9.
- 3. **Competitive demotion:** An employee may move from one permanent position to another permanent position in a lower salary range through the regular selection process outlined above. In cases of competitive demotion:
 - a. The employee shall serve a trial period in the new position. If the employee is returned to her/his former position during the trial period, but the employee's former position no longer exists, the employee will be subject to the layoff procedures in the applicable labor contract or as described herein;
 - b. The employee's salary shall be set at the step closest to the employee's salary prior to demotion but not exceeding the maximum of the new salary range, and the employee's anniversary date for step increases shall remain the same.
- 4. **Exclusions:**
 - a. The appointment of an employee to a position in a lower classification while the employee is serving a probation period in an original appointment shall be considered a new original appointment and the employee will begin a new probation period at that time.
 - b. The action by which a promoted employee is restored to her/his previous position and salary is not considered a demotion.
 - c. A salary reduction that does not involve a change in position or classification is not considered a demotion.

- B. Transfer:** There are three (3) types of transfer:
- 1. Voluntary transfer:** Without resorting to the selection process, a permanent employee, with approval of the Appointing Authority of the department with the vacancy and the Human Resources Director, may accept a voluntary transfer within the Appointing Authority's department/division provided the employee possesses the minimum qualifications required for the position as determined by the Human Resources Department, and successfully passes any required exams. Acceptance of the voluntary transfer shall be provided to the Human Resources Director in writing. In cases of voluntary transfer:
 - a.** The employee immediately forfeits all rights to the position from which the employee had been transferred;
 - b.** The employee shall not serve a trial period and shall immediately assume permanent status in the new position on the effective date of the change.
 - c.** The transfer shall not impact the employee's salary and anniversary date.
 - 2. Involuntary transfer:** An employee may be subject to an involuntary transfer for personnel reasons, including disciplinary actions for just cause, without following the selection process. An employee will not be transferred into a position for which s/he is not minimally qualified, as determined by the Human Resources Director. In cases of involuntary transfer:
 - a.** The employee shall immediately assume permanent status in the new position on the effective date of the change.
 - b.** The transfer shall not affect the employee's salary or anniversary date.
 - c.** The employee shall have the right to appeal the involuntary transfer in accordance with Chapter 10.
 - 3. Competitive transfer:** An employee may move from one permanent position to another permanent position in the same salary range through the regular selection process outlined in Chapter 5. In cases of competitive transfer:
 - a.** The employee shall serve a trial period in the new position. If the employee is returned to her/his former position during the trial period, but the employee's former position no longer exists, the employee will be subject to the layoff procedures in the applicable labor contract or as described herein;

- b. The transfer shall not affect the employee's salary and anniversary date.

4. Exclusions:

The appointment of an employee to a position in the same salary range as the employee's position classification while the employee is serving a probation period on an original appointment shall be considered a new original appointment. The employee will begin a new probation period at the start of the new position.

C. Promotion: The promotion of a current employee to a permanent position vacancy may occur only through the selection process outlined above. In cases of promotion:

1. The employee shall serve a trial period in the new position. If the employee is returned to her/his former position during the trial period, but the employee's former position no longer exists, the employee will be subject to the layoff procedures in the applicable labor contract or as described in Chapter 8;
2. The employee's salary shall be set at the step closest to the employee's salary prior to promotion, but not exceeding the maximum of the new salary range, and that where possible, assures a 5% increase in pay. A new anniversary date shall be established and the first step increase in the new classification shall be effective the first work day of the bi-weekly pay period following six (6) months of service and annually thereafter until the maximum of the salary range is achieved. At the request of the Appointing Authority, the Human Resources Director may authorize hiring above the minimum when the selected employee has exceptional qualifications and/or experience. If this occurs, the job announcement shall reflect that potential applicants may be hired above the minimum of the salary range.

D. Reinstatement: The former incumbent of a permanent non-represented position may apply for reinstatement to his or her former position within one (1) year of the date of her/his resignation from City employment. The position must be a vacancy currently authorized to be filled, and the former incumbent must compete for the vacant position in accordance with the selection process outlined in Chapter 5. In cases of reinstatement:

1. The employee shall not serve a probation period.
2. All rights and benefits in effect as of the date of his or her resignation shall be restored, with benefits adjusted to reflect the absence from City employment.
3. Salary shall be set at the step in the range the employee had achieved prior to leaving City service. If applicable, the first step increase will occur 12 months after the date of reinstatement.

- E. Placement:** In accordance with Federal, State, and Local laws, the City provides workplace accommodations to employees in accordance with the procedures outlined in APM 2-22—Workplace Accommodations. Workplace accommodations may include placement of an eligible employee into a vacant position at or below her/his current salary range when the employee meets the minimum qualifications and passes any exams required for the position. In cases of placement:
1. Following placement, the employee shall be evaluated to determine whether or not the employee is capable of performing the duties of the new position. If it is determined that the employee cannot perform the duties of the position because of reasons related to the placement, s/he will be removed from the position, allowed to use any available leave time, and returned to the placement process.
 2. The employee's salary shall be set at the step closest to the employee's salary prior to placement and the employee's anniversary date for step increases shall remain the same.

8. LAYOFF AND RECALL

- A. Layoff:** An Appointing Authority may layoff an employee or employees as a result of a shortage or stoppage of work or funds, functional reorganization, or the abolishing of positions. Before implementing a proposed layoff, the Appointing Authority shall confer with the Human Resources Director in order to assure compliance with the provisions of Ordinances, Personnel Rules, and applicable labor contracts. Unless otherwise described by a labor contract, layoff shall be by classification within the layoff unit. The employee with the least seniority in the classification being reduced shall be displaced first. The displaced employee may in turn displace the employee with the least City seniority in a classification with a lower salary range maximum within the layoff unit, provided that the displacing employee has more seniority than the least senior employee in the other classification and provided the displacing employee is otherwise qualified for the position. Employees who displace into classifications with a lower salary range maximum will not be required to serve a trial or probation period.
1. **Minimum qualifications:** The minimum training and experience requirements for a position are established in the official class specification maintained by the Human Resources Department. The Human Resources Director or designee shall determine whether the displacing employee meets said requirements for the position in question. The employee must take and pass any examination that is required for the position. The determination of the Human Resources Director shall be based upon the official personnel record on file in the Human Resources Department at the time and shall include, but not be limited to, the employee's original application for employment, any subsequent applications filed and kept, and records of training and education received while employed by the City. Each employee

has a continuing duty to inform the Human Resources Director or designee of any relevant experience, training or education that was not City-sponsored. An employee shall have twenty-four (24) hours from the time of notification of displacement to present to the Human Resources Director any additional information regarding relevant experiences, training, and education. There shall be no appeal of the decision from the Human Resources Director.

2. **Time limits:** Employees whose positions are being eliminated shall be given written notice of the action not less than fourteen (14) calendar days prior to the effective date. However, a junior employee shall receive no prior notice in case of a senior employee displacing a junior employee. Displaced employees shall have forty-eight (48) hours after receiving notice to exercise whatever options may be available to them, including displacement rights under this policy. If a decision is not made within the 48-hour period, the displaced employee shall be deemed to have been laid off by the City. Employees who cannot displace into a lower position and therefore are to be laid off shall receive written notice of the action not less than fourteen (14) calendar days prior to the effective date.
3. **Salary placement:** An employee who displaces into a position in a lower classification shall be placed at the salary step in the lower classification that most closely corresponds with but does not exceed the employee's salary at the time of displacement.
4. **Employees in a classification series:** Employees who are in positions that are part of a classification series will be laid off by individual classifications within the series. For example, if there is a layoff in the Human Resources Analyst series, depending on the need of the department, Human Resources Analysts 1 will be laid off in one group, Human Resources Analysts 2 will be laid off as a separate group, and Human Resources Analysts 3 will be a third separate group.
5. **Probationary and Temporary employees:**
 - a. Employees serving their initial probation period who are displaced shall be terminated without displacement or recall rights.
 - b. Emergency, provisional, limited-term, acting or other temporary employees may be laid off or terminated at any time without the rights outlined in this Article. No permanent employee shall be laid off from any position while any emergency, provisional, limited-term, acting other temporary or probationary employee is continued in a position of the same classification in the layoff unit. Permanent employees serving a temporary appointment may choose to return to their permanent position instead of being laid off or terminated.

- 6. Reduction in pay or position:** The Appointing Authority may, in lieu of layoff, demote an employee, reduce an employee's pay, or both. Any such reduction in pay and/or position shall conform to the salary schedule then in effect.
- B. Recall:** Employees who are laid off or displaced shall be placed on a recall list by classification for a period of twenty-four (24) months, after which time all recall rights are terminated. Should a vacancy authorized to be filled occur in the classification from which an employee was (or employees were) laid off or displaced, said employee(s) shall be recalled in order of seniority.

 - 1. Change of address:** An employee who has been laid off and is on a recall list shall notify the Human Resources Department of any change of address. An employee to be recalled shall be notified by letter sent by certified mail addressed to the most recent address appearing on the City's records.
 - 2. Acceptance or rejection:** An employee being recalled shall notify the Human Resources Director or designee of her/his acceptance or rejection of recall within seven (7) calendar days from the date of the employee's receipt of the certified letter of recall and shall report for work within fourteen (14) calendar days after notifying the Human Resources Director that s/he accepts the recall. Failure to so notify, failure to so report, or the refusal of an offer of reemployment shall immediately terminate an employee's rights to recall.
 - 3. Seniority:** An employee placed on layoff status and recalled and/or rehired within twenty-four (24) months will retain her/his seniority and benefits level that s/he had as of the date of layoff. However, an employee will not receive additional credit for time spent on layoff.
 - 4. Sick leave:** An employee placed on layoff status and recalled and/or rehired within twenty-four (24) months shall be credited with the sick leave accumulated as of the date of layoff.
 - 5. Salary placement:** An employee placed on layoff status and recalled to a position in the same classification within twenty-four (24) months shall have her/his salary set at the same step and longevity percentage in effect at the time of the layoff. The salary range shall be that established for the position at the time of recall. An employee placed on layoff status and rehired to a new City position within twenty-four (24) months shall have her/his salary set at the same longevity percentage and salary step in effect at the time of layoff with no accumulated credit for the time spent in layoff status.
- C. Review:** The decision to lay off or displace cannot be appealed or reviewed. The manner in which the layoff or displacement is implemented may be subject to review to the Personnel Board only if it is contrary to the provisions contained herein. Such review shall not delay the effective date of the layoff or displacement.

9. DISCIPLINE

- A. Disciplinary authority:** The City expects that all employees will come to work and follow work rules designed to protect the interests and safety of all clients, employees, and members of the general public. The City recognizes, however, that corrective action may be necessary when employees fail to meet the standards expected of them. The purpose of any disciplinary action that the City takes is to correct behavior and is not intended to be merely a punitive action. Any Appointing Authority or department head who is vested with disciplinary or removal power shall be allowed full freedom in her/his action on such matters. With the concurrence of the Human Resources Director, an Appointing Authority or department head may place an employee on paid off-duty status in order to secure the workplace and/or the safety of employees during an investigation of any alleged misconduct.

During the period of suspension of an employee or pending final action on appeal proceedings to review a suspension, demotion, or dismissal of an employee, the Appointing Authority may fill the vacancy created only by temporary appointment.

- B. Appeal:** Disciplinary action taken by the Appointing Authority or department head against a permanent employee may be appealed in compliance with the time limits and procedures outlined below:
1. **Notification:** Any permanent employee who has completed his or her probation period shall receive a written statement of the reason for any disciplinary action taken against her or him. A copy of the written statement shall be supplied by the disciplining or discharging authority to the Human Resources Director not later than three (3) calendar days after the effective date of such action.
 2. **Written reply:** The employee shall have ten (10) calendar days from the date of the presentation of such statement to file a written reply with the Human Resources Director as an answer or protest to the taking of such action.
 3. **Appeal:** Any employee who has filed a written reply with the Human Resources Director may, within three (3) calendar days after filing such reply, file an additional written notice with the Human Resources Director requesting an appeal of the disciplinary action. The Human Resources Director shall, without delay, file a copy of the written statement of the reason for the disciplinary action, the written reply of the employee, and the notice requesting an appeal, with the Board for its information. Before providing the information to the Board, the Human Resources Director will assign the appeal an identifying case number that will be used on all public documents when referring to the matter in question.
 4. **Selection of an Appeal Examiner:** Within ten (10) calendar days of the receipt of the appeal described in 3 above, the Human Resources Director

shall schedule a conference for the selection of an Appeal Examiner by the parties. At this and all subsequent proceedings, the affected employee may be represented by counsel, and the Appointing Authority or department head shall be represented by the City Attorney or her/his assistant. The parties may agree upon an Appeal Examiner. If no agreement is reached, the Human Resources Director shall, by lot, select five (5) names from the Appeal Examiner panel. The parties shall alternately eliminate names until the Appeal Examiner is selected. The flip of a coin shall determine which party is to eliminate the first name. The Human Resources Director shall immediately contact the selected Appeal Examiner to ascertain the person's availability and willingness to undertake the hearing and shall notify the parties of acceptance. In the event of non-acceptance, the Human Resources Director will go to the last Appeal Examiner struck and ask that person to serve as Appeal Examiner and this process will be repeated until an Appeal Examiner is confirmed.

- 5. Hearing:** The Human Resources Director shall transmit all documents to the Appeal Examiner within five (5) calendar days of acceptance of the hearing. As soon as is practicable thereafter, the Human Resources Director or designee shall schedule dates and secure a room for the hearing. All hearings shall be held in a public building. The Appeal Examiner shall have the authority to administer oaths and to issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. Any party requesting a subpoena will be responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded stenographically or by a recording machine under the supervision and control of the Appeal Examiner. The City shall have the burden of proof to substantiate and justify the action taken against the employee by the preponderance of the evidence. The Appeal Examiner shall submit his or her determination affirming or reversing the action with the reasons therefore in writing to the Human Resources Director within thirty (30) calendar days of the close of the hearing or the submission of the parties' briefs, if any, whichever is later. The Human Resources Director shall mail a copy of the Appeal Examiner's determination to the last known address of each of the parties.
- 6. Personnel Board action:** Within fourteen (14) calendar days of such mailing, either party may file with the Human Resources Director a written notice of appeal of the Appeal Examiner's determination to the Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Human Resources Director within twenty (20) calendar days of the notice of appeal unless the Board extends such time. The Board shall receive no further evidence on the matter but may request additional briefs of the parties on matters which were raised before the Appeal Examiner and shall permit the parties to provide briefs at the request of either

party. The Board shall have the right to secure outside counsel if necessary during this process.

7. **Personnel Board decision:** Within sixty calendar (60) days of the receipt of the written record, the Board shall make and file its decision with the Human Resources Director. The Human Resources Director shall within five (5) calendar days mail a copy of the decision to the last known address of each of the parties. The Appeal Examiner's determination shall be affirmed if the Board determines that credible evidence in the record and subsequent briefs support it. If the determination is not supported by a majority of the Board, the Board may reverse the determination or modify it to serve the best interest of the City service. Either party may, within thirty (30) calendar days of the mailing of the Board's decision, commence judicial action to review the decision of the Board. If no party seeks judicial review within thirty (30) calendar days, the decision of the Board shall become final.

C. **Appeal Examiner:** The City may contract with an Appeal Examiner to hear and determine appeals of disciplinary or discharge actions against City employees by any Appointing Authority, division or department head taken pursuant to this section. Any Appeal Examiner so engaged shall not be a City employee or entitled to any compensation or benefit other than those described herein:

1. **Examiner list:** The Human Resources Director shall maintain a panel of at least fifteen (15) individuals who have indicated a willingness to serve in such capacity and who are experienced in personnel matters or who are attorneys, retired members of the judiciary, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission.
2. **Compensation:** The Appeal Examiner shall be compensated at the Examiner's regular rate for the hearing and time spent composing the decision. Compensation for an Appeal Examiner will be split evenly between the City and the party appealing a disciplinary action.

D. **Exceptions:** The procedure contained in this subsection shall not apply to matters involving alleged discrimination, classification actions, layoff decisions, to amounts of salary increases, or to matters subject to a contractual grievance procedure.

10. RESIGNATION

A. **Notice:** A permanent employee who voluntarily leaves City service shall submit a written notice of resignation at least ten (10) business days prior to the effective date of resignation. The Appointing Authority shall forward the letter of resignation to the Human Resources Department. Except for extenuating circumstances as determined by the Human Resources Director, failure of an employee to submit such timely resignation shall result in forfeiture of future employment eligibility.

B. **Non-Permanent employees:** No letter of resignation shall be required.

11. REVIEW OF THE RULES

These rules will be reviewed as situations arise, or at least every five (5) years, and any proposed changes will be presented to the Board for review at that time.

12. GLOSSARY OF HUMAN RESOURCES TERMS:

“Achievement History Questionnaire” is an examination method that requires an applicant to describe, in written narrative fashion, the applicant’s qualifications for a vacant position. The questionnaire is administered by the Human Resources Department and is designed to allow the applicant to present her/his background in the area of responsibility of the position. Questionnaire responses are evaluated, as part of a testing process, by individuals with expertise in the job area to determine eligibility for certification.

“Acting Appointment” is an appointment to a position in Compensation Group 17, 18, 43 or 44 that is made to fill a vacancy directly or indirectly created when an employee holding a permanent position secured a leave of absence of at least six (6) months duration and/or in the event that such employee shall have been absent because of illness or injury for thirty (30) days and it is reasonable to expect such employee will not return for an additional one hundred fifty (150) days.

“Administrative Procedure Memorandum (APM)” is one of a series of memoranda issued by the Mayor’s office to provide administrative information and directives. Major subject areas include: Finance and Accounting; Personnel; Administration; Supplies, Services and Equipment; Transportation and Traffic; and Buildings, Grounds and Lands.

“Americans with Disabilities Act (ADA)” is a federal law which gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

“Anniversary Date” is the date an employee starts in a position without impact on the person’s overall seniority and is used to calculate when an employee receives step increases per the Compensation Plan. For instance, Employee A starts permanent full-time employment on 2/01/08. This is A’s anniversary date until s/he reaches the top step. Thereafter, s/he essentially has no anniversary date until s/he gets promoted on 3/01/15. At that point, if A was placed at step 3, her/his anniversary date is 3/01/15 until s/he reaches the top step again.

“Applicant” is any individual who has completed the City of Madison application materials required for a vacancy.

“Applicant Pool” is a group of individuals who have completed the City of Madison application materials required for a vacancy.

“Application Assessment” is a screening tool designed to examine an applicant’s qualifications for a vacant position. Applications are evaluated by individuals with expertise in the job area and assigned points based on established criteria, as part of a testing process.

“Appointing Authority” means the Mayor, Department or Division head, commission, committee, board, or body having the power to appoint to or remove from subordinate positions in any City office, department, commission, or board. An Appointing Authority may delegate the power of appointment to a subordinate officer providing such delegated authority is in writing and a copy filed with the Human Resources Director. In some cases, appointing authority is vested by state law in a board or commission.

“Appointment” is the offer and acceptance of a position in City government.

“Board” means Personnel Board.

“Candidate” is an applicant for a vacant position who has been deemed to hold the minimum qualifications required for the position.

“Career Ladder” is the planned movement through a sequence of classes based on acquisition and application of knowledge, skills and abilities learned on the job and on an increase in the complexity and independence of the work. This type of movement is sometimes called “automatic progression” because all employees who are performing at an acceptable level are expected to move from one level to another in a standard established time frame. Career ladder progressions must be specifically identified in the class specifications and typically require that the positions be budgeted at the full performance level. The class specification should also address what happens to an employee who fails to progress according to the career ladder.

“Certification” is the process by which the Human Resources Director officially provides to the Appointing Authority the names of candidates from the eligibility list who are eligible and qualified for appointment to a vacant position.

“Certification Hiring Request (Cert)” is the official document submitted by a City Agency to the Human Resources Department requesting that a position be filled. This document is later used by the Human Resources Department to provide the names of candidates who are eligible for selection and hire to the Agency. When a selection is made, the signatures of the Appointing Authority and Human Resources Director authorize the placement of a candidate on the payroll.

“City of Madison Civil Service System” is the set of rules which define how positions are created, classified, and assigned to salary ranges, the different types of positions and appointments within City government, how a person can apply for and become appointed to a position, how employees can be moved within the Classification and Compensation Plans, how an employee can be removed from a position, the rights of the City to discipline its employees and the rights of employees to appeal disciplinary actions taken by the City.

“Civil Service Appointment” is an appointment to a budgeted full-time or part-time position identified in the Classification Plan of indefinite duration requiring continuous performance of a set of functions anticipated to last more than four (4) years for at least fifty percent (50%) of the regularly established full-time work week. The appointment is made in

accordance with Civil Service selection procedures. The term “civil service appointment” and the term “permanent appointment” are used interchangeably

“*Civil Service Examination*” is a test designed to evaluate a candidate’s knowledge, skills, and abilities in performing the duties of a vacant position and ensure that selection is based upon merit.

“*Classification*” is the grouping of positions having similar duties and responsibilities and requiring similar knowledge, skills, and abilities, education, training, and experience.

“*Classification Plan*” is the assignment of all positions to classifications within the Compensation Plan based on duties and responsibilities.

“*Classification Series*” is a grouping of related classifications that share some areas of qualifications, duties and responsibilities and have differences based on increases in those areas. Classification series often identify a career ladder or other progression pattern and typically include information about how employees move from one level to another and/or when competition is required. A classification series may be described in one consolidated classification specification or in separate but related classification specifications.

“*Classification Specification*” is a written description of the general duties and responsibilities associated with a classification as well as the knowledge, skills, and abilities, education, training/experience, and necessary special qualifications required of employees holding positions within the classification. The position standards set forth in the classification specification are descriptive and not restrictive—they shall not be construed to limit or modify the power of the Appointing Authority to assign tasks or direct and control the work of employees under her/his supervision. The use of particular examples shall not be held to exclude others not mentioned that are of a similar kind or level and are not to imply that all those mentioned must be performed by all persons whose positions are so classified.

“*Classification Study*” is a detailed analysis of a position, classification or group of classifications used to determine whether the current classification specifications accurately describe the work of the positions in the classification, whether new classifications are needed or whether classifications should be abolished, and/or whether classifications are assigned to an appropriate salary range.

“*Comparative Analysis*” is a screening tool designed to examine an applicant’s qualifications for a vacant position. Applications are evaluated by individuals with expertise in the job area to determine eligibility, as part of a testing process, but instead of being rated by points, the applicants are compared directly with other applicants to determine rank.

“*Compensation Group*” is a grouping of classifications identified by number and assigned to established salary ranges in the Compensation Plan. The groupings are generally based on shared attributes of the classifications, such as bargaining unit status, supervisory/professional requirement status, department, or other commonalities.

“*Compensation Plan*” is the assignment of classifications to compensation groups and salary ranges.

“*Demotion*” is the movement of an employee with permanent status from a position in one classification to a position in another classification that has a lower salary range maximum.

“*Diversity*” refers to the variety of differences among people in an organization, encompassing race, gender, ethnic group, age, sexual orientation, personality, tenure, organizational function, education, background and more.

“*Eligibility List*” is a list of candidates who have successfully completed any required civil service exam(s) and are deemed eligible and qualified for certification to a vacant position by the Human Resources Director or designee.

“*Emergency Appointment*”: An appointment to a limited term position, for a period not exceeding thirty (30) working days, for which the need could not have been anticipated.

“*Encumbered position*” is a permanent or limited term position budgeted for the performance of identified duties and filled by an employee.

“*Equal Employment Opportunity*” describes personnel actions including hire, tenure, or term and condition or privilege of employment being based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, marital status, sex (gender), arrest or conviction record (unless the conviction is directly related to the duties and responsibilities of the position in question), national origin, ancestry, sexual orientation or political beliefs.

“*Equal Employment Opportunity Commission (EEOC)*” is the federal agency that enforces the Civil Rights Act of 1991, the Americans with Disabilities Act (ADA), and other employment-related civil rights laws.

“*Essential Functions*” refers to fundamental job duties required of the employee holding the position, exclusive of marginal functions. Essential functions are identified to assist employers in complying with the ADA. Reasonable accommodations are based on the essential functions of a position, not the marginal functions.

“*Evaluation Period*” is the period of time, generally six (6) months, following an employee placement as the result of a reasonable accommodation during which the employer determines if the employee is performing at acceptable levels.

“*FTE*” refers to a full-time equivalent. A person working in a half-time position is considered to be working at 0.5 FTE.

“*Involuntary Demotion*” is the involuntary movement of an employee to a position in another classification that has a lower salary range maximum without adherence to selection procedures.

“*Job Analysis*” is a detailed analysis of a position or group of positions used to determine the appropriate classification and salary range.

“*Job Announcement*” is the official Human Resources document used for the recruitment for a vacant position. While it closely parallels the class specification, it may be modified to describe a specific position and include such information as hours of work, method of selection, special types of appointments, probation period, need for a vehicle or licensing, and other requirements.

“*Job Family*” is a group of jobs closely related by similarities in wages or salaries, level of responsibility and comparability to existing federal job family definitions. The composition of each job family is based on the Department of Labor Dictionary of Occupational Titles and is determined by the Director of Civil Rights.

“*Knowledge, Skills and Abilities (KSAs)*” are the attributes listed in job announcements and classification specifications as requirements for a position that an applicant must possess in order to be considered qualified for participation in a recruitment process and other employment actions.

“*Layoff*” is a reduction in work force for any reason other than discipline.

“*Layoff Unit*” is generally an employee’s department, unless the department is divided into divisions, in which case the division represents the layoff unit.

“*Limited Term Appointment*” is an appointment to a budgeted part-time or full-time position which requires continuous employment for at least 50% of the regularly established full-time work week for the duration of a project or projects anticipated to last less than four (4) years, or an appointment to a double-filled position for a permanent employee who is on an approved leave of absence.

“*Lower Classification*” is a position in a classification with a lower salary range maximum than a different position in the Classification Plan.

“*Memorandum of Understanding (MOU)*” is a signed document confirming an agreement between a labor union and the Human Resources Director, or designee, generally designed to resolve a difference of interpretation or intent of a current labor contract or past practice.

“*Non-Civil Service Appointment*” is an appointment made to fill a vacancy or a newly created position that has been specifically excluded from the civil service system by the ordinances.

“*Oral Board Interview*” is a structured oral examination of applicants qualified to compete for a posted position. The oral board interview is designed to allow the applicant to present her/his background in the area applicable to the position. Interviews are administered by the Human Resources Department and conducted by a panel of individuals who have expertise in the job area.

“Permanent Appointment” is an appointment to a budgeted full-time or part-time position identified in the Classification Plan of indefinite duration requiring continuous performance of a set of functions anticipated to last more than four (4) years for at least fifty percent (50%) of the regularly established full-time work week. The appointment is made in accordance with Civil Service selection procedures. The term “civil service appointment” and the term “permanent appointment” are used interchangeably

“Personnel Board” is a board consisting of five (5) members appointed by the Mayor, subject to confirmation by a majority of the members of the Common Council.

“Person with a disability” is one who, for purposes of these rules:

- (a) Has a physical or mental impairment which substantially limits one or more major life activities; or
- (b) has a record or history of such an impairment; or
- (c) Is perceived by others as having such an impairment.

“Position” is the group or set of duties and responsibilities requiring the services of an employee, budgeted on a full-time or part-time basis.

“Position Allocation” is the placement of a position within a classification based on the essential duties assigned to the position following a job analysis.

“Position Description” is a written account of the following:

- (a) The duties, functions and responsibilities assigned to a specific position and the percentage of time spent on each.
- (b) The minimum necessary knowledge, skills, and abilities required to perform the functions of a position.
- (c) Special tools and equipment needed to perform the job.
- (d) Required licenses and/or registrations.
- (e) Physical requirements
- (f) The level and type of supervision received.
- (g) Signature of supervisor and incumbent (if not vacant)
- (h) If the position is responsible for supervising other positions, a Supervisory Analysis Form outlining the position’s supervisory responsibilities will be attached to the position description.

“Probation Period” is the time during which a newly hired employee’s performance, conduct and general suitability for the job are critically evaluated to determine whether the employee shall be continued in the service.

“Promotion” is the movement of a permanent employee from one classification to another classification having a higher salary range maximum through the application of the Selection Process.

“Provisional Appointment” is a temporary appointment, for up to six (6) months, to a position for which there is no eligibility list. Extensions can be granted by the Common Council at the request of the Human Resources Director or designee.

“Qualified Individual with a Disability” is an individual with a disability who meets the minimum requirements of a position and who, with or without a reasonable accommodation, can perform the essential functions of the position that such individual holds or desires.

“Reallocation” is the movement of a budgeted position from one classification to another based upon:

- (a) A logical and significant change in duties and responsibilities.
- (b) The determination that a position is inappropriately compensated.
- (c) The creation of a new classification.
- (d) The deletion of an existing classification.
- (e) A change in the level of accountability resulting from reorganization.
- (f) The correction of an error in the previous assignment of a position.

Incumbents may be reallocated with the position or the position may be posted and filled through the competitive process, depending on the reason for the reallocation.

“Reasonable Accommodation” is the adjustment or modification to a job duty, employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential function(s) of the position that they hold or desire.

“Reassignment” is the movement of an encumbered or vacant classification to a different salary range.

“Recall” is the act of returning a previously displaced or laid off employee to her/his previously held position and classification.

“Recall List” is a list compiled and kept by the Human Resources Director or her/his designee. Such lists are maintained by layoff unit and contain the name(s) of each employee laid off or displaced, the employee’s address, classification, and the date the employee was laid off/displaced.

“Reclassification” is the movement of an encumbered position to a different classification based upon a significant logical and gradual change to the duties and responsibilities of that position.

“Red Circle” is the act of freezing a current employee’s salary at the existing rate of pay prior to demotion until the salary level of the lower-level position meets or exceeds the employee’s frozen rate of pay.

“Reinstatement” is the act of hiring the former incumbent of a permanent non-represented position to a vacant position within the same classification within one (1) year of the date of her/his resignation.

“Salary Advancement” is the process of moving an employee’s pay upward through the steps within a salary range. Advancement occurs on the first day of the pay period following the completion of the months of service required for advancement.

“Salary Range” is the monetary value associated with classifications of similar scope and responsibility as recorded in the Compensation Plan.

“Seniority” is a measure of an employee’s time on the City payroll including time off for compensable periods of absence from duty such as vacation and sick leave and reduced by time on leave of absence without pay, time on layoff status, and time spent working at less than 1.0 FTE.

“Stagehand” is any person working under the terms of the IATSE labor agreement.

“Temporary employee” is an employee category encompassing emergency, provisional, limited term, and hourly/seasonal appointments.

“Trainee Designation” is a designation given to a position filled by an individual who does not currently have the minimum training and experience requirements to qualify for the position. The trainee designation gives the City the ability to place the employee in the position but with a plan to allow the individual to obtain the minimum training and experience requirements within a specified time frame.

“Trial Period” is the time during which a newly promoted employee or an employee who has been competitively selected for a lateral transfer or demotion has her/his performance, conduct and general suitability for the job critically evaluated to determine whether such employee shall be continued in the position. Upon successful completion of the trial period the employee shall be “permanent” in the new position. During the trial period the employee shall be returned to her/his former position if either the employee or the employer so decides and if the position still exists in the agency budget. If the position no longer exists, the employee will have any layoff rights that s/he would have had at the time the position was eliminated.

“Transfer” is the movement of a qualified employee from one classification to another classification within the same salary range or from one position to another position within the same classification but in a different department or division.

“Vacancy” is either a newly created position or an existing position no longer occupied by an incumbent.

“Voluntary Demotion” is the voluntary movement of an employee to a position in a lower classification without adherence to selection procedures. In order for an employee to receive a voluntary demotion, the employee must possess the minimum required qualifications for the new position and must receive approval of the Appointing Authority and the Human Resources Director.