



**CIVIL SERVICE COMMISSION**

**RULES AND REGULATIONS**

**TABLE OF CONTENTS**

**TABLE OF CONTENTS** ..... i

**RULE 1 – OBJECTIVES AND SCOPE** (LAST REV. 11/19/10)..... 1

    SECTION 1. OBJECTIVES ..... 1

    SECTION 2. POSITIONS COVERED ..... 1

    SECTION 3. DEFINITIONS ..... 1

**RULE II – ORGANIZATION** (LAST REV. 11/19/10) ..... 7

    SECTION 1. ELECTION OF OFFICERS ..... 7

    SECTION 2. MEETINGS ..... 7

    SECTION 3. DIRECTOR OF HUMAN RESOURCES ..... 7

**RULE III – APPLICANT EVALUATIONS** (LAST REV. 04/24/14) ..... 8

    SECTION 1. DUTY OF DIRECTOR TO EVALUATE APPLICANTS..... 8

    SECTION 2. PROMOTIONAL RECRUITMENTS AND APPLICANT EVALUATIONS..... 8

    SECTION 3. NON COMPETITIVE PROMOTIONS ..... 8

    SECTION 4. NOTICES OF RECRUITMENTS ..... 9

    SECTION 5. FILING APPLICATIONS..... 9

    SECTION 6. QUALIFICATIONS OF APPLICANTS ..... 9

    SECTION 7. DISQUALIFICATION OF APPLICANTS AND/OR CANDIDATES ..... 10

    SECTION 8. CHARACTER OF APPLICANT EVALUATIONS..... 11

    SECTION 9. CONDUCT OF APPLICANT EVALUATIONS ..... 12

    SECTION 10. SCORING APPLICANT EVALUATIONS ..... 12

    SECTION 11. NOTICES OF RESULTS OF APPLICANT EVALUATIONS ..... 14

    SECTION 12. SPECIAL EVALUATIONS..... 14

    SECTION 13. PHYSICAL AND MEDICAL EXAMINATIONS ..... 14

    SECTION 14. APPLICANT EVALUATION RECORDS ..... 15

    SECTION 15. APPLICANT PREFERENCE/INCLUSION ..... 15

        A. VETERANS' PREFERENCE ..... 15

        B. PREFERENCE FOR PERSONS WITH DISABILITIES..... 16

        C. INCLUSION POINTS FOR NATIVE AMERICANS ..... 16

        D. MAXIMUM PREFERENCE/INCLUSION POINTS ALLOWANCE ..... 17

    SECTION 16. OPEN CONTINUOUS RECRUITMENT ..... 17

**RULE IV – ESTABLISHMENT OF ELIGIBILITY LISTS AND THEIR USE** (LAST REV. 04/20/15) ..... 18

    SECTION 1. ENTRANCE AND PROMOTIONAL ELIGIBILITY LISTS ..... 18

    SECTION 2. DURATION OF ENTRANCE AND PROMOTIONAL ELIGIBILITY LISTS..... 18

    SECTION 3. ESTABLISHMENT OF REEMPLOYMENT LISTS..... 19

    SECTION 4. DURATION OF REEMPLOYMENT LISTS..... 20

    SECTION 5. REMOVAL OF NAMES FROM ELIGIBILITY LISTS..... 20

    SECTION 6. WAIVERS ..... 21

**RULE V – CERTIFICATION OF APPLICANTS** (LAST REV. 01/28/15) ..... 22

    SECTION 1. REQUEST TO HIRE ..... 22

    SECTION 2. METHOD OF CERTIFICATION..... 22

**RULE VI – APPOINTMENTS** (LAST REV. 04/20/15) ..... 25

    SECTION 1. GENERAL..... 25

    SECTION 2. PROBATIONARY AND PERMANENT APPOINTMENTS ..... 25

    SECTION 3. TEMPORARY APPOINTMENTS ..... 26

    SECTION 4. NON-PERMANENT APPOINTMENTS ..... 27

    SECTION 5. EMPLOYMENT IN GRANT FUNDED POSITIONS..... 27

    SECTION 6. ASSIGNMENT POSITIONS ..... 28

**RULE VII – PROBATIONARY PERIOD (LAST REV. 11/19/10)** ..... 29

SECTION 1. COMMENCEMENT, DURATION, NATURE, AND PURPOSES ..... 29

SECTION 2. EXPIRATION OF PROBATIONARY PERIOD ..... 30

SECTION 3. DISCHARGES AND TERMINATIONS DURING PROBATIONARY PERIOD ..... 30

SECTION 4. PROMOTIONS DURING PROBATIONARY PERIOD..... 31

**RULE VIII – TRANSFERS AND LAYOFFS (LAST REV. 01/28/15)**..... 32

SECTION 1. TRANSFERS ..... 32

SECTION 2. LAYOFFS ..... 32

SECTION 3. REEMPLOYMENT LISTS ..... 34

**RULE IX – SUSPENSIONS, DEMOTIONS, DISCHARGES, AND RESIGNATIONS (LAST REV. 11/19/10)** ..... 35

SECTION 1. SUSPENSIONS FOR NOT MORE THAN TEN WORKING DAYS..... 35

SECTION 2. OTHER SUSPENSIONS, DEMOTIONS, AND DISCHARGES OF PERMANENT EMPLOYEES ..... 35

SECTION 3. VOLUNTARY DEMOTIONS ..... 36

SECTION 4. RESIGNATIONS..... 36

**RULE X – APPEALS (LAST REV. 01/21/16)** ..... 37

SECTION 1. ACTIONS WHICH MAY BE APPEALED TO THE CIVIL SERVICE COMMISSION..... 37

SECTION 2. REVIEW AND APPEAL OF APPLICANT EVALUATION SCORES ..... 37

SECTION 3. APPEAL FROM SUSPENSIONS, DEMOTIONS, DISCHARGES, COERCED RESIGNATIONS ..... 39

AND CONSTRUCTIVE DISCHARGES

SECTION 4. REVIEW OF LAYOFF ..... 43

SECTION 5. TERMINATION OF APPEAL ..... 43

SECTION 6. ADMINISTRATIVE REVIEW OF REMOVAL FROM ELIGIBILITY LISTS ..... 44

SECTION 7. REINSTATEMENT / BACK PAY PROCEDURES ..... 44

**RULE XI – RECORDS AND REPORTS (LAST REV. 01/07/13)** ..... 46

SECTION 1. PERSONNEL RECORDS..... 46

SECTION 2. PAYROLL INFORMATION ..... 46

SECTION 3. TRANSCRIPT OF TESTIMONY ..... 46

**RULE XII – CERTIFICATION OF PAYROLLS (LAST REV. 04/28/04)**..... 47

SECTION 1. SUBMISSION OF PAYROLLS ..... 47

SECTION 2. REVIEW AND EXAMINATION OF PAYROLLS..... 47

SECTION 3. CERTIFICATION OF PAYROLLS..... 47

**RULE XIII – AMENDMENTS** ..... 49

**RULE XIV – EFFECTIVE DATE** ..... 50

**TUCSON CHARTER AND CODE DISCLAIMER** ..... 51

**TUCSON CHARTER CHAPTER XXII, CIVIL SERVICE** ..... 52

**TUCSON CODE CHAPTER 10, CIVIL SERVICE** ..... 55

## **RULE 1 - OBJECTIVES AND SCOPE**

### ***Section 1. Objectives***

It is the declared objective of the Commission to inspire public confidence in the City's service. The Commission shall provide the framework for the City to be able to:

- A. Recruit and hire a qualified workforce into the classified service based on merit
- B. Provide employees an opportunity for purposeful employment in public service
- C. Afford employees an opportunity for meaningful review in the application of these rules
- D. Afford employees the equality of opportunity for all qualified persons to compete for positions in the classified service
- E. Promote employees on the basis of merit

To these ends the Commission, the Director of Human Resources, hereafter referred to as the Director, and all officers and employees of the City shall work towards putting into full force and effect the merit principle of personnel administration as contemplated by the City Charter and the Human Resources Ordinance adopted by the Mayor and Council.

### ***Section 2. Positions Covered***

These rules and regulations shall apply to all officers, employees, and positions of employment now existing or hereafter created in the classified service as defined under the Human Resources Ordinance.

### ***Section 3. Definitions***

For purposes of these rules and regulations the following definitions shall apply:

***Applicant*** means an individual who has successfully completed and submitted all necessary documentation required to apply for a position or promotional recruitment with the City of Tucson and has received confirmation of receipt from Human Resources.

***Appointing Officer*** means the city manager or other persons authorized by the Charter to make appointments to the classified service.

***Appointment*** means the action of an appointing officer which appoints a person as an employee in the classified service.

**Bump Rights** means permanent employees subject to layoff shall be permitted to take employment in the same department in a lower class in the same class series, or in some other lower class in which the employee has completed probation, each of which must be or have been under the same appointing authority, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.

**Candidate** means an individual formerly an applicant for a position or promotional recruitment with the City of Tucson, who has successfully completed all necessary examination processes and phases and received a final ranked merit score and has been placed on an eligibility list.

**Certified List** means a list provided to the hiring department containing the names of candidates with the top seven final examination scores in rank order including ties.

**Class Series** means a group of similar classes bearing a close occupational relationship to one another. The classes differ in levels of responsibility and difficulty, requiring a progressively expanded scope of knowledge, skills and abilities.

**Classification** means a class of positions sufficiently similar as to duties performed, degree of supervision exercised, or required minimum qualifications and other characteristics that the same title, the same test of fitness, and the same schedule of compensation may be applied with equity to each position in the group.

**Coerced Resignation** means the resignation was obtained through duress or coercion or that the employee was misled by the appointing authority and had no option but to resign. Subjective feelings do not establish that a reasonable person would feel compelled to resign.

**Commission** means the Civil Service Commission of the City of Tucson.

**Commissioned Personnel** means police or fire department employees who are duly certified and commissioned to be a police officer certified as a peace officer, or a firefighter, and who are eligible to participate for the public safety personnel retirement system provided by the State of Arizona pursuant to A.R.S. § 38-851et. seq.

**Constructive Discharge** means the employee's working conditions were so intolerable (objectively difficult or unpleasant) that a reasonable person would feel compelled to resign and the appointing authority was given at least fifteen day's notice by the employee that the employee intended to resign due to the conditions and the appointing authority failed to respond to the employee's concerns.

**Demotion** means the reassignment of an employee from a position in one classification to a position in another classification that is assigned a lower salary range by ordinance.

**Director** means the director of human resources as provided for in Chapter XXX of the Charter.

**Discharge** means the termination of employment of an employee in the classified service for just cause by action of an appointing officer.

**Eligibility List** means the officially established list of names of candidates arranged in order of merit scoring who have been found qualified by a suitable entrance examination, or as otherwise provided for in the rules and regulations of the Commission, for appointment to a specified class.

**Eligible** means any person who has, in accordance with the rules and regulations of the commission, been officially entered upon an eligible list for a specified class of positions.

**Employee** means any person, including an officer, lawfully appointed to a position in the classified service and receiving compensation for the class of positions to which such an appointment is made.

**Entrance Examination** means any competitive test considered appropriate by the Commission or the Director for the selection of eligibles for appointment to a specified class in the classified service, and is open to all persons possessing the minimum or specific qualifications for the position.

**Full-time basis** means employment on a work schedule consisting of forty (40) hours per week, not considering furlough hours or non-permanent status.

**Furlough** means the termination or temporary cessation of employment because of lack of funds.

**Grant funded position** means a position financed by public or private sources other than the General Fund, General Revenue Sharing, or Enterprise Funds. Grant funded positions having a specific duration are governed by the requirements of Rule VI, Section 5. Positions financed by funds received by the City on a regular, recurring basis, including but not limited to HURF, CDGB, public housing, and section 8, that do not specify funding for a particular position or have a specific duration are subject to all civil service protections including those for administering layoffs.

**Initial probationary period** means a working test period considered an integral part of the examination process during which a new appointee is required to demonstrate fitness for the position to which appointed by actual performance of the duties of the position. The employee is required to demonstrate proficiency in the job and whether he/she will be able to handle the duties and challenges associated with the new job. The initial probationary period is intended to provide the employer time to evaluate employees before making the employee permanent.

**Just Cause** – the following constitutes just cause for discipline up to and including termination, although enumeration thereof shall not exclude other causes, namely: fraud in securing appointment; incompetence; inability to perform essential functions of assigned position with or without reasonable accommodation; dishonesty; insubordination; inattention to duties; discourteous treatment of the public, supervisors or fellow employees; violation of the ordinances of the mayor and council, the rules and regulations in the department in which an employee is employed; absence from duty without leave; intoxication on duty; violation of the city’s directives on drug and alcohol use; addiction to the use of narcotics; conviction of a crime involving violence, moral turpitude, or the aggravating circumstances described in A.R.S. § 13-702 (c )(15) [relating to “hate crimes”]; and conduct, while either on or off duty , tending to cause discredit to the city or the department that affects the ability to perform its mission, or the city or the department to question an employee’s reliability, judgment and trustworthiness in carrying out assigned responsibilities. In no case shall any political or religious belief or affiliation of any indefinite or vague charges, such as for the good of the service be considered just cause. Just cause cannot be based upon arbitrary or capricious reasons, but a finding of misconduct that justifies suspension, demotion or discharge need not be predicated upon the violation of any particular rule or regulation. *Civil Service Commission of the City of Tucson v. Livingston*, 22 Ariz. App. 183, 187-188, 525 P.2d 949, 953-954 (1974).

**Layoff** means the termination of a person’s employment because of lack of funds or work, or because of material changes in duties or organization.

**Layoff Plan** means the plan prepared by the appointing authority including all of the following: each classification subject to layoff, an indication as to whether grant-funded employees in the classification will be grouped with other employees for layoff purposes, employees within specific classifications in inverse order to total length of continuous service with the City, employees who have bump rights within the department, the manner in which bump rights impact the layoffs, and the employees who will be laid off.

**Minimum qualifications** means the requirements as to education, training, skill, experience and other qualifications prescribed for a given class in the classification plan.

**Notice** means communication of the rights and responsibilities of the interested parties, given in writing, with the sender retaining sufficient proof of having given such notice. Methods of delivery include: hand delivered and acknowledged by server and recipient, electronic mail, regular mail, Certified Mail Return Receipt, U.S. Mail Delivery Confirmation, or served by a process server. Notification or giving notice is satisfied when the individual giving notice takes steps reasonably calculated to inform the intended recipient.

**Original appointment** means the appointment of an eligible from an eligibility list to a position in the classified service.

**Permanent employee** means any employee who has been given a permanent appointment to a position in the classified service upon completion of a probationary period or satisfaction of other necessary prerequisites.

**Permanent position** means the duration of the position is anticipated to continue without interruption for a period in excess of twelve (12) months.

**Position** means an office or a position of employment in the classified service, whether part-time, full-time, permanent or non-permanent, occupied or vacant, composed of specific duties which call for services to be performed.

**Probationary appointment** means the original or probationary appointment of an eligible to a permanent position in the classified service to fill a vacancy, other than one caused by the regular incumbent being on leave for a period of not more than twelve (12) months; the probationary period must be served prior to acquiring the status of a permanent employee.

**Promotion** means the reassignment of an employee from a position in one classification to a position in another classification that is assigned a higher salary range by ordinance.

**Promotional Examination** means any competitive test considered appropriate by the Commission and the Director for the selection of eligibles for promotional appointment to a specified class and open only to employees in the classified service possessing the minimum or specific qualifications for the position.

**Promotional List** means an officially established list of names of persons arranged in order of merit who were determined to be qualified for promotion to a specified class by a promotional examination, or as otherwise provided in the rules and regulations.

**Reemployment List** means a list of names of persons, established on either a departmental or service-wide basis as the Commission may determine, who have attained the status of permanent employees in a specified class, who separated from their positions without fault on their part, and who are entitled to placement on a certification list to be considered for employment in the class when a vacancy occurs prior to certification of other persons from either a promotional or eligibility list. Reemployment lists have a two year duration, upon expiration of the two year period, individuals will have to apply for any position and if hired, serve the applicable probationary period.

**Seniority** means the employee's total length of continuous service since the last date of hire with the City as a Civil Service probationary/permanent employee. Appointees and nonpermanent employees do not have seniority for purposes of layoff.

**Suspension** means the temporary termination of services of an employee without pay for just cause.



***Temporary Appointment*** means the appointment of an eligible person to a position or appointment to a permanent position because a temporary vacancy exists due to the regular incumbent being on leave for a period not to exceed twelve (12) months.

***Transfer*** means the reassignment of an employee from a position in one classification to another position in the same classification, or to another position in another classification that is assigned the same salary range by ordinance.

## **RULE II – ORGANIZATION**

### ***Section 1. Election of Officers***

The Commission shall elect its Chairperson and Vice-Chairperson from among its membership at its regular meeting in April of each odd numbered year. They shall hold offices for a period of two years or until their successors are elected and qualified.

### ***Section 2. Meetings***

- A. The Commission shall hold regular meetings quarterly in January, April, July and October. Special meetings may be called and continuances granted by the Chairperson, any three members of the Commission, or the Director. The Chairperson, and when absent the Vice-Chairperson, shall preside at all meetings. Any three members shall constitute a quorum.
- B. City officers, City employees, and citizens of Tucson shall be accorded the right to be heard by the Commission upon request.

### ***Section 3. Director of Human Resources***

It is the responsibility and duty of the Director:

- A. To act as Secretary of the Commission, keep its minutes, and to make a record of all its work.
- B. To develop and put into continuous effect the policies and procedures necessary for the administration of personnel on a merit basis, including the announcement of recruitments, the recruitment of applicants, the evaluation of applicants, the establishment and maintenance of eligibility lists, and the availability of candidates for appointment.
- C. To establish a human resources information system to record and track all employment actions.
- D. To examine, certify, or refuse to certify on behalf of the Commission all payrolls involving all positions of employment in the classified service in accordance with these rules and regulations.
- E. To perform such other duties as may be prescribed by these rules and regulations.
- F. To appoint a designee or designees to assist in carrying out the duties as noted above.

## **RULE III – APPLICANT EVALUATIONS**

### ***Section 1. Duty of Director to Evaluate Applicants***

As conditions warrant, the Director may conduct entrance and promotional recruitments for the purpose of establishing entrance and/or promotional eligibility lists.

### ***Section 2. Promotional Recruitments and Applicant Evaluations***

- A. Promotional recruitments shall be conducted under the supervision of the Director, and applicant evaluations shall consist of any combination of the following: written tests, ratings of training and experience, evaluations of performance ratings and seniority, performance tests, oral examinations, and verification of licenses and certifications. The Director will announce in advance of the recruitment the combination and procedure to be utilized in deciding a passing score. The determination will be based on approved human resources practices.
- B. Competitive promotional recruitments shall be open only to probationary and permanent employees in the classified service who possess the minimum qualifications for the classification for which such recruitment is held.

### ***Section 3. Non Competitive Promotions***

An appointing officer may request to fill a vacancy by proposing that a permanent employee in the classified service, meeting the qualifications for the position, assume the vacant position non-competitively. If the promotion involves transferring an employee from one department to another, the position must be posted by the Department of Human Resources allowing interested and qualified employees to apply.

- A. A non-competitive promotion may not be processed when a competitive promotional eligibility list for the classification of the vacant position has been established and still exists.
- B. Unless approved by the Director, a non-competitive promotion may not be processed when an entrance eligibility list for the classification of the vacant position has been established and still exists.
- C. These restrictions shall not apply to incumbents of positions that are reallocated through the administration of the Position Classification Plan.
- D. The terms and provisions of this section do not apply to members of the Police and Fire Departments who are also members of the Public Safety Retirement System.

**Section 4. Notices of Recruitments**

- A. The Director, after consulting with the appointing officer, shall give public notice of all recruitments and determine the number of days allocated to posting the public notice prior to the closing date of the recruitment. In no case, may the notice be less than five working days. Promotional recruitment notices must be at least fifteen calendar days before the closing date. Every reasonable effort shall be made to attract qualified persons to compete for positions.
- B. Recruitment notices shall be distributed as the Director deems appropriate
- C. Promotional recruitment notices may be limited to give notice only to eligible employees.
- D. Public announcement of the recruitment shall specify the title, compensation range (either salary or hiring range) of the relevant class of positions, description of duties, preferred qualifications, specific minimum qualifications and the final date for receipt of applications.
- E. Recruitments approved by the Director on an "open continuous" basis are subject to a merit hiring process when a vacancy occurs and applicants will be contacted regarding participation at that time. (See also Rule III, Section 16–Open Continuous Recruitment.)

**Section 5. Filing Applications**

All applications shall be made on forms prescribed by the Director, and shall be filed by electronic format, or by any other means deemed reasonable by the Director. The Director may require information covering the personal characteristics, education, training, experience, licenses, certifications, references of the applicant, and any other pertinent information. All applications shall be signed and the truth of all statements contained therein certified by such signature. Applications received after the closing date and at locations in a manner not designated by the Director shall be rejected.

**Section 6. Qualifications of Applicants**

- A. Except for competitive promotional recruitments, applicants for all recruitments must meet all minimum qualifications for the class of positions involved and other requirements specified in recruitment notices on or before the closing date. Required certifications and licenses may be obtained by the end of the period specified in the recruitment notice.
- B. All persons whose applications have been accepted shall be notified by the Director of the time and place of initial applicant evaluations where his/her presence is

required. Such notice shall be made not less than five calendar days prior to the date fixed for the examination, unless otherwise noted in the job announcement.

***Section 7. Disqualification of Applicants and/or Candidates***

- A. The Director shall reject the application and refuse to evaluate any applicant, or remove any candidate's name from the eligibility list, if the applicant or candidate:
1. Has been discharged for just cause by the City or otherwise separated from service and found ineligible for reemployment as provided in Rule IV, Section 5.
  2. Lacks any of the minimum qualifications established for the class of positions involved.
  3. Due to disability is unable to perform the essential duties of the job with or without reasonable accommodation.
  4. Has made a false statement in the employment application.
  5. Has used or attempted to use political pressure or bribery to secure an advantage in the applicant evaluation or in securing an appointment from an eligibility list as a result of such evaluation.
  6. Has directly or indirectly obtained information regarding applicant evaluation methods or materials to which an applicant was not entitled.
  7. Has directly or indirectly obtained information regarding any examination to which the applicant is not entitled.
  8. Has failed to submit a complete employment application correctly or within the prescribed time limits.
  9. Has taken part in the compilation, administration, or scoring of the applicant evaluation.
  10. Is a member of the Commission.
  11. Is deemed unsuitable for City employment for any job-related reason.
- B. Any applicant whose application for admission to an entrance or promotional applicant evaluation has been disqualified for any of the reasons specified in (A) above, shall be notified promptly by letter sent to the last known address. The notice shall inform the applicant involved of his/her right to request review and reconsideration as provided for in Section 12, Special Evaluation. The request for review must be:

1. In writing within five calendar days after the date that notification was made to the applicant,
2. Not less than forty-eight hours prior to the announced time for holding a written applicant examination or other applicant evaluation process, and
3. State the specific grounds for review.

The Director shall review the request and render a decision citing the reason for the rejection and the applicable rules and regulations that were followed. Written notification of the Director's decision shall be final and the applicant notified within five business days of the decision.

- C. Applicants may be admitted conditionally to an applicant evaluation or any part thereof by the Director pending consideration of a duly filed review. Admission to an applicant evaluation or any part thereof under such circumstances shall not constitute a waiver of the rejection of the applicant's application and does not entitle the applicant to a score on such evaluation or a place on the eligibility list if the review is subsequently denied.
- D. A candidate whose name is removed from an eligibility list for any of the reasons specified in (A) above, shall be notified promptly by letter sent to the last known address. The notice shall inform the candidate involved of his/her right of Administrative Review as provided for in Rule X.
- E. If the Director determines there is a reason to cancel a recruitment or extend the closing date, the Director may do so. The Director shall notify all applicants of any such cancellation. When the closing date is extended, accepted applications received pursuant to the original recruitment notice are deemed adequate for any subsequent notice made for the same recruitment.

### ***Section 8. Character of Applicant Evaluations***

- A. Applicant evaluations may consist of a written, oral, or performance test, a rating of education, training and experience, any test or assessment of technical knowledge, manual skill, physical or mental fitness, or any combination thereof to measure qualifications. Subject matter experts may be utilized in the evaluation of applicants when technical expertise is deemed necessary by the Director.
- B. The Director shall retain full authority in determining all criteria pertaining to applicant evaluations, but when necessary may consult with the appointing officer or the appointing officer's designee as subject matter experts. A job analysis will be conducted to determine essential duties and minimum qualifications. Existing job analyses are evaluated for current relevancy. Following consultation, the Director shall determine the process to be followed and criteria considered in evaluating applications.

- C. The Director may limit the number of applicants to be evaluated to:
1. Those applicants who appear to be most qualified on the basis of any preceding applicant evaluation element such as rating of experience and training, written test, performance test, or oral board; or
  2. Those applicants who appear to be the most qualified as determined by a comparison of the applications submitted and specific criteria for the position developed by the Department of Human Resources in consultation with the appointing officer; or
  3. A specified number of applicants as predetermined by the Director and set forth in the recruitment notice; or
  4. Those applicants who meet the preferred selection criteria as stated in the notice of recruitment.

***Section 9. Conduct of Applicant Evaluations***

- A. Applicant evaluations may be conducted at such times and in as many places as the Director finds practicable and necessary. Such places shall be accessible to the general public. Reasonable accommodation shall be provided to persons with disabilities.
- B. The identity of persons participating in any rating of training and experience shall be concealed from the evaluators. Oral boards shall be conducted by two or more qualified individuals.
- C. Any person holding political office or a member of the Commission shall not be involved in conducting any applicant evaluation.
- D. All examinations, evaluations and ratings will be job-related and conducted impartially. Any examiner, evaluator and/or rater who cannot be fair and impartial in the assessment of one or more applicants due to familial, personal, business or prior supervisory relationship shall identify this concern to Human Resources as soon as the applicants' identities are disclosed.
- E. Human Resources will use professionally accepted principles and methods to ensure that examinations meet standards of validity and reliability.

***Section 10. Scoring Applicant Evaluations***

- A. The Director shall determine the final score of each applicant complying with all prescribed conditions and instructions and participating in all parts of an applicant evaluation. The final score shall encompass all parts of the applicant evaluation and be computed in accordance with the assigned weight for each part established prior

to the evaluation. Due regard shall be given to scientific statistical techniques and procedures in the computation of final scores and the rating of competitors. All applicants for the same class shall be accorded equitable treatment in all phases of the evaluation procedure.

- B. The Director shall select the procedure to be followed in determining the minimum final score which shall qualify applicants to have his/her name placed on the eligibility list established by such evaluation. The procedure may limit eligibility to:
1. Those applicants whose final score is not less than a fixed minimum percentage grade to be determined by the Director, and,
    - a. Included in the recruitment notice; or
    - b. If not included in the notice, determined after the closing date for the receipt of applications, but before any part of the evaluation is conducted.
  2. A fixed number from among those who on the basis of his/her earned scores on any one part or combination of parts of the evaluation are found to be best qualified. The fixed number shall be determined by the Director before any part of the evaluation is conducted.
  3. Those applicants achieving a minimum final score determined after an opportunity to utilize appropriate statistical techniques in calculating the score of applicants on any part or combination of parts of the evaluation, but before the identity of the applicants being evaluated is ascertained.
- Failure to earn a minimum score or to place within a fixed number of the best qualified on any one part or combination of parts of the applicant evaluation may be grounds for disqualifying an applicant and excludes participation in subsequent parts of an evaluation.
- C. In fixing the minimum percentage grade under (B)(1) or the fixed number under (B)(2) above, consideration may be given to the nature of the evaluation, the number and quality of applicants, and the number of vacancies reasonably expected in the class of positions involved during the life of the eligibility list to be established.
- D. When training and experience form a part of the total evaluation score, substitution of training for experience and of experience for training shall be allowed, as determined appropriate for the classification by the Director. Substitution criteria and eligibility shall be established, maintained and posted by the Director.



**Section 11. Notices of Results of Applicant Evaluations**

As soon as practicable, but not later than thirty calendar days after the conclusion of an applicant evaluation, the final scores of applicants shall be completed and the eligibility list established. The Director shall then provide written notification to each applicant of the results of the applicant evaluation, and if successful, of the applicant's final score and relative position on the list.

**Section 12. Special Evaluations**

Special evaluations may be administered when the Director finds that the applicant's failure to be evaluated was due to an obvious error caused by the Director or any assistants. Claims for special evaluation shall be filed in writing with the Director within five calendar days after the date of the original evaluation or disqualified.

Failure of an applicant to receive notice of a properly noticed evaluation process, or failure of an applicant to follow written or oral instructions of monitors or examiners which were understood and followed by the majority of applicants in attendance, need not be regarded by the Director as proper grounds for a special evaluation. Any special evaluation shall be constructed in a pattern similar to the original evaluation, or it may be the same as the original if the applicant had no ability to become familiar with its contents.

**Section 13. Physical and Medical Examinations**

All persons conditionally hired from an entrance eligibility list classification designated by the Director as requiring a medical examination, must submit to and successfully pass a medical examination immediately before being tendered a probationary or permanent appointment to a position in the classified service. The examination shall be prescribed by the Director and shall be made by a physician designated by the Director. The physician shall assess the fitness of the applicant to perform the duties and responsibilities for the classification of the position that has been offered to the applicant and shall report that assessment to the Director. The medical information received from that physician will be evaluated by the Director in relation to the specific duties of the position for which the individual is being considered, with due consideration given to the individual's work record and medical history. All persons conditionally hired will be rejected due to his/her medical condition only when reasonable accommodation is not feasible.

The Director shall disqualify and remove any candidate's name from the established eligibility list if the candidate is unable to perform the duties of the classification with or without reasonable accommodation. Failure of any person to submit for such medical examination at the time and place designated shall cause the individual's name to be removed from the appropriate eligibility list.

### **Section 14. Applicant Evaluation Records**

The Director is responsible for the maintenance of all records, including examination materials and individual applicant evaluation scores, pertinent to the applicant evaluation program.

Applications, applicant evaluation records and other necessary evaluation material pertaining to persons on the eligibility list shall be kept in accordance with the Records Retention and Disposition for Arizona State Agencies.

Evaluation records of appointees are kept until they separate from the City's service and no longer retain any right to reemployment. Applications and evaluation records of applicants not on the eligibility list shall be kept in accordance with the Records Retention and Disposition for Arizona State Agencies. All change of address notices shall be filed by applicants at the Department of Human Resources.

### **Section 15. Applicant Preference/Inclusion**

A five point preference/inclusion credit shall be added to the final score of an applicant competing in an entrance evaluation provided that the applicant earns a passing score in accordance with Section 10(B) of this rule, prior to the addition of such preference/inclusion credit and would be entitled to have his/her name placed on the eligibility list without regard to such preference/inclusion credit. Applicant eligibility shall be limited to:

#### **A. Veterans' Preference**

1. A veteran of the armed forces of the United States, including a member of the Guard or Reserve, as defined by Title 37, Chapter 1, Section 101, United States Code, separated therefrom under honorable conditions following more than six months of active duty shall be given a five point preference.

A veteran, including a member of the Guard or Reserve, shall be eligible to compete in examinations and receive an appointment to the classified service regardless of age provided qualifications are met and the veteran's age does not coincide with any retirement age prescribed by law.

2. An active member of the Guard or Reserve as defined by Title 37, Chapter 1, Section 101, United States Code, who can provide official documentation of more than six months of active duty while in the Guard or Reserve shall be given a five point preference added to the individual's achieved final evaluation score on the same basis as if the member had been separated from the armed forces under honorable conditions in (A)(1) above.

3. A spouse or surviving spouse of any of the following, otherwise qualified pursuant to (A) above, shall be given a five point preference as if such spouse or surviving spouse were an applicant veteran pursuant to (A) above:
  - a. Any veteran who died of a service connected disability.
  - b. Any member of the armed forces serving on active duty who at the time of application is listed by the Secretary of Defense of the United States in any of the following categories for not less than ninety days:
    - (1) Missing in action
    - (2) Captured in the line of duty by a hostile force
    - (3) Forcibly detained or interned in the line of duty by a foreign government or power
  - c. A person who has a total, permanent disability resulting from a service connected disability or any person who dies while such disability was in existence.

**B. Preference for Persons with Disabilities**

1. A person with a disability who certifies in writing that he/she has such a disability shall be granted a 5 point preference. A disability is defined as one having a mental or physical impairment which substantially limits one or more major life activities as defined in the ADA Amendments Act.
2. Any offer of employment offered as a result of a ranking which included said 5 preference points, shall be contingent upon the applicant providing evidence satisfactory to the Director of the existence of said disability.

**C. Inclusion Points for Native Americans**

1. Native American applicant may receive five inclusion points when the equal employment opportunity job group within which the applicant is competing is determined to be underutilized by the City. Representation statistics will be established in the equal opportunity data report and maintained in the City's Office of Equal Opportunity Programs and Independent Police Review.
2. To receive inclusion points, eligibility must be established by presentation of tribal membership identification documentation, Certificate of Degree of Indian Blood, or Notice of Approval letter from an officially designated Native American Tribe or Nation.

D. Maximum Preference/Inclusion Points Allowable

A person qualified for preference and/or inclusion credit under more than one subsection shall be awarded a maximum of ten points.

***Section 16. Open Continuous Recruitment***

The Director may designate the closing date for any recruitment as indefinite. Applications for these positions may be filed with the Director on an open continuous basis. Applicant evaluations may also be conducted on an open continuous basis in the manner, time and place as the Director provides. Notice for open continuous evaluations shall not be limited by Rule III, Section 4 to the extent that applicants applying for the evaluation after notices have been given may be admitted to the evaluation if circumstances permit.

## **RULE IV - ESTABLISHMENT OF ELIGIBILITY LISTS AND THEIR USE**

### ***Section 1. Entrance and Promotional Eligibility Lists***

- A. Both entrance and promotional eligibility lists shall include the names of all persons whose final scores in the applicant evaluation equal or exceed the minimum required score, or are among a predetermined fixed number of candidates. Names shall be placed on the eligibility list in ranked order with the name of the person receiving the highest score heading the list. Whenever two or more candidates have equal scores, their names shall have equal ranking on the eligibility list.
- B. Whenever it becomes advisable to hold a subsequent applicant evaluation in order to establish a new entrance or promotional list, the Director may consolidate the existing list and the new list for the same class by arranging the names of candidates according to their final scores in the respective evaluations, the name of the candidate receiving the highest score in either evaluation heading the list. The names of candidates taken from the existing list and appearing on the new list shall be removed on the expiration date of the list on which their names originally appeared. In all cases, persons whose names appear on the existing list shall be duly notified and, provided they possess the current qualifications for the class involved, be given the opportunity to be evaluated for the new list. Should any person being evaluated for the new list receive a higher score than earned previously, the higher score determines the position on the eligibility list, otherwise placement shall be determined by the score earned in the evaluation for the existing list until the date of that list's expiration when it shall revert to the position earned in the evaluation for the new list.
- C. If a vacancy exists in a class of positions for which there is no specific eligibility list or such list is insufficient as determined by the Director, the Director may establish an eligibility list for the class from candidates who appear on other lists and possess the skills, knowledge, and abilities required by the position to be filled. For this purpose, the Director may review lists for classes which have the same or similar skills, knowledge, or abilities specified in the class description as for those specified in the class in which the vacancy exists. The Director may re-rate education and experience in accordance with Rule III, Section 10(D), on the basis of the current qualifications required for the class in which the vacancy exists.

### ***Section 2. Duration of Entrance and Promotional Eligibility Lists***

- A. The duration of each entrance or promotional list shall begin with the date of the list; each entrance list shall expire after six months and each promotional list shall expire after two years. Once an entrance or promotional list is in effect, the Director may reduce its duration, cancel or extend the list. When the duration of a list is reduced or a list is canceled, all persons whose names appear thereon shall be notified and, provided they possess the current qualifications for the class involved,

given an opportunity to be evaluated during the establishment of a new list. Lists may be extended by the Director prior to their expiration in six month increments.

- B. An entrance or promotional list for a class is deemed canceled if the class for which it was established is abolished. If a class is divided, the eligibility list or lists for the class may likewise be divided, the names of candidates thereon being placed on one or more new lists established on the basis of compliance with qualifications prescribed for such new classes. If two or more classes are consolidated, the associated eligibility lists may also be consolidated. When eligibility lists are so divided or consolidated, for expediency the Director may re-rate the education and experience of candidates involved to determine their order or rank on the new lists.

### ***Section 3. Establishment of Reemployment Lists***

- A. The Director shall establish and maintain reemployment lists for positions in the classified service when former eligible employees request that their names be placed on such lists. These lists shall include the names of persons who attained the status of permanent employees and who separated from their positions without fault or delinquency on their part.
- B. Permanent employees separated from positions in superior classes as provided in (A) above, may request that their names also be placed on the reemployment list or lists for any inferior class or classes which the Director deems appropriate.
- C. Names shall be placed on reemployment lists in the order of length of service. The name of the person having the greatest length of service in the class for which a particular list is established shall head the list. Service as a probationary employee shall be included in calculating an employee's length of service in a given class.
- D. When positions allocated to a class are located in two or more departments of the City, in addition to the service-wide reemployment list, the Director may establish as many department-specific reemployment lists for such classes as necessary. A department reemployment list for a class shall include only the names of persons separated as provided in (A) above, from a position in that particular class while employed in the department for which such list is established. The provisions of (B) and (C) above shall apply to a department reemployment list, but only service in the particular department for which the list is established shall be considered in determining length of service for that list.
- E. Any permanent employee terminated for medical reasons as verified by the City Physician who is otherwise in good standing and eligible for rehire shall, upon written request to the Director, be placed on reemployment lists for classifications for which the former employee possesses the requisite qualifications for a period not to exceed two years from the effective date of termination, provided the former employee is medically and physically qualified to perform the assignments.

- F. A former permanent employee who left the classified service to accept a position in the unclassified service, may request that the Director place his/her name on a reemployment list for any classification in which the employee previously attained permanent status, provided that the employee has remained in the employ of the City without any break in service.

#### ***Section 4. Duration of Reemployment Lists***

- A. The name of a former employee placed on a reemployment list or lists in accordance with Section 3, shall be retained for a period of two years from the date of separation from the employee's position in the class for which such list is established, unless removed in accordance with the provisions of these rules. The two year retention period shall not be extended.
- B. In no event shall a reemployment list be canceled in its entirety unless the class for which it is established is abolished. A reemployment list for a class shall be divided if such class is divided and lists for two or more classes shall be consolidated if such classes are consolidated.

#### ***Section 5. Removal of Names from Eligibility Lists***

- A. The Director shall remove the name of a candidate from a list for any of the following causes:
1. On receipt of a statement from the candidate stating consideration for a position in the classified service of the City is no longer desired.
  2. On evidence that the candidate cannot be located by the postal authorities or that the candidate's legal residence has been changed to a place outside the area prescribed for the particular eligibility list involved.
  3. If upon inquiry by the Director, the candidate declines three considerations for a probationary appointment to the class for which the list involved was established, provided the candidate has not previously waived such consideration.
  4. If the name of a candidate has been considered from the same promotional or entrance list for appointment at least three times and an appointing officer has indicated in writing that for any three separate positions that such candidate is not acceptable.
  5. If a candidate has declined a probationary or permanent appointment as provided in Rule VI, Section 2(C).

6. If a candidate fails to respond to a communication from the Director in which a reply is requested, within the time required by any of these rules involved, or in other instances within ten calendar days from the date of the postmark.
  7. When a candidate has failed without cause to appear for a scheduled interview.
- B. Except for items (1) and (4), the Director shall notify the candidate of the action taken under this section, the reasons for the action, and of the candidate's right of review as provided in Rule X.
- C. Any candidate whose name has been removed due to three not acceptable considerations may request a review of the record by the Director to ensure that consideration was given by the appointing officer for three separate positions. This would not necessarily require three interviews, but only consideration for three separate positions.

### ***Section 6. Waivers***

Any person whose name appears on an eligibility list may file a waiver of appointment for either an indefinite or a specified period of time. A waiver will not extend an employee's two year retention period on a reemployment list. All waivers shall be filed with the Director and are subject to revocation at any time. The name of any candidate who filed a waiver shall not be considered during the time the waiver is in effect. A candidate with a waiver may not seek consideration for recruitments initiated subsequent to filing a waiver, but before its revocation. A declination by a candidate for consideration of an appointment to a position not covered by a current acceptable waiver, or a declination to accept appointment to a position for which the candidate accepted consideration, shall not be deemed a waiver.



## **RULE V - CERTIFICATION OF APPLICANTS**

### ***Section 1. Request to Hire***

- A. Except for emergency appointments, any appointment to a position in the classified service requires the appointing officer to submit a request to hire to the Director on a prescribed form stating the number of positions to be filled in each class, the class title and other pertinent information required by the Director; it may include any of the special requests provided for in Section 1(C) of this rule.
- B. Unless otherwise provided in the Civil Service Rules, all appointments to the Civil Service must be made from an eligibility list prepared in accordance with the Civil Service Rules and Human Resources Department procedures.
- C. Human Resources may make a specialized eligibility list based on needs unique to the specific position being filled when the selective requirements and the selective eligibility list are included in the notice of recruitment.
- D. Emergency appointments as required during a State of Emergency as defined in the Tucson Code (Sec. 10-3) are exempted from compliance with the usual procedures of request for and certification of a list of candidates as set forth in the Civil Service Rules.
  - 1. Emergency means an unforeseen occurrence or combination of circumstances which would not have been foreseen in the exercise of reasonable care, and which required immediate action and remedy.
  - 2. Emergency appointment means the appointment of an individual to a position required by a state of emergency without compliance with the usual procedures of request for and certification of applicants therefore as provided in the rules and regulations.

### ***Section 2. Method of Certification***

- A. At the conclusion of the Civil Service examination process, Human Resources will provide to the hiring department a certified list of candidates with the top seven final examination scores including ties. When more than one position is being filled, additional candidates with the next three highest scores will be added to the certified list for each additional position. The list will be in rank order and will include all candidates with tied scores.
- B. Whole list certification may be used for police officer, firefighter trainee, police dispatcher and 911 operator recruitments. Procedures must be in place to ensure that merit selections are made from the whole list. Alternative certification may be used for other recruitments as determined by the Director and on such conditions as approved by the Commission.

C. An appointing officer will consider candidates for hire from the following eligibility lists in the following order:

1. Layoff Reemployment list\*
2. Layoff (Qualification) list
3. Citywide Reemployment list
4. Promotional list, and
5. Entrance list

\*Candidates on the layoff reemployment list (#1) who remain qualified must be selected prior to considering candidates on lists #2 - #5 above.

D. Special program(s) involving funding or other legitimate requirements that allow only candidates meeting specific stated qualifications such as residing in a specific geographic area, being unemployed, being disadvantaged, or other reasonable conditions, may be made by selective consideration of only those candidates on the eligibility list meeting the stated criteria. Any request for selective consideration must be made in advance, in writing, by the appointing officer and specifically approved by the Director.

E. When the hiring department determines that none of the candidates on the initial list is suitable for the position, the department may request additional candidates from those successfully completing the merit process, or request a new recruitment if necessary. Any department requesting additional candidates or a new recruitment must provide written justification to the Director as to why all candidates are not suitable for appointment. Upon approval of the Director, this process may continue until the eligibility list is exhausted or the recruitment is reopened.

F. An appointing officer shall be permitted to examine applications and other Human Resources documents of the candidates being considered for hire.

G. The departmental final selection shall include a selection interview and may include additional examinations. The departmental final selection interview shall either offer all candidates on the certified list the opportunity for interview, or interview candidates in the order in which they appear on the certified list until a suitable candidate is identified through the final interview process. The Director or designee must review and authorize interview questions and any additional examinations based on job relatedness and scoring validity. An interview shall not be required if the department selects candidates based upon the ranked order his/her name appears on the list, beginning with the candidate receiving the highest score.

H. The Director will schedule candidates for interviews. A candidate may be considered not available by the Director if there is no reply to a written inquiry after five calendar days from the date of the postmark to the last known address of the

candidate, and/or no reply to an e-mail inquiry to the e-mail address, provided by the candidate.

- I. If there has been no final selection interview as per (G) above, then the hiring departments shall appoint the candidate with the highest score in the final selection process unless the highest scoring candidate declines the appointment in which case the department may offer the appointment to the next highest scoring candidate and so on until the appointment is made.
- J. Hiring departments must submit all departmental and interview ratings to the Director prior to final selection of a candidate. The Human Resources Department will notify the hiring authority of the approval to make an offer of employment.
- K. Except where deemed appropriate by the Director, none of the above provisions of this section shall apply to hiring from the pool of candidates for specific classes designated by the Director for non-permanent appointments.

## **RULE VI – APPOINTMENTS**

### ***Section 1. General***

All appointments to positions in the classified service shall be made in accordance with this rule and in no other manner.

### ***Section 2. Probationary and Permanent Appointments***

- A. In making original, promotional probationary and permanent appointments, the appointing officer shall appoint from the eligibility lists in accordance with Rule V, Section 2.
- B. Appointments shall be reported on prescribed forms to the Director.
- C. A candidate being considered for a probationary or permanent promotional appointment may be deemed to have declined the appointment, absent good cause, if he/she:
  - 1. Fails to appear for a scheduled interview with the appointing officer; or
  - 2. Fails to respond to written notification within five calendar days; or
  - 3. Fails to accept the appointment when offered; or
  - 4. Upon accepting the appointment and absent adequate justification fails to report to work at the time and place specified.

It shall be the duty of the appointing officer to furnish evidence of the declination for permanent record of the Commission, and the Director shall determine whether such failure on the part of the candidate constitutes a declination.

- D. In instances where the City assumes responsibility for the operation of a facility, employees of that facility may, with the prior approval of the Commission and subject to any criteria imposed by the Commission, be conditionally appointed without examination providing that:
  - 1. Employees meet the qualifications established by the classification for the position to be occupied.
  - 2. There are vacancies in the positions to be occupied
  - 3. Employees agree to start as new employees on probation. The Commission may authorize prior service credit toward the completion of probation by the new employees if the facility for which the City assumes responsibility is operated by a public agency.

4. Employees conditionally hired into a classification that has been designated by the Director as requiring a medical examination must submit to and successfully pass a medical examination immediately before being tendered a probationary or permanent appointment to a position in the classified service.
  5. Such employees are acceptable for employment by the appointing officer.
- E. In instances where the City participates in special federal or state funded programs, such employees may be transferred into the classified service of the City subject to the provisions of (D) above, with such employment contingent upon continued federal or state funding including fringe benefits. Cessation of such special funding would result in the automatic termination of such employees in the program without right of appeal.

### ***Section 3. Temporary Appointments***

- A. When a need exists to hire or promote an employee into a permanent position due to a temporary vacancy, the appointing officer may request to fill the position on a temporary basis. The duration of a temporary appointment or promotion is limited to the period of need and in no event shall it exceed twelve months of continuous uninterrupted service.
- B. Temporary appointments shall be made from the appropriate eligibility or promotional lists certified by the Director. In the absence of an eligibility or promotional list, the appointing officer may temporarily promote an employee qualified to do the work.
- C. All employees temporarily appointed or promoted must meet the qualifications of the classification into which they are appointed or promoted.
- D. The acceptance or declination by a candidate of a temporary appointment shall not affect the candidate's standing on any eligibility list or eligibility for a probationary appointment.
- E. Employment under a temporary appointment or promotion shall not be counted as part of a probationary period. The appointing officer may terminate a temporary appointment or promotion at any time without notice or right of appeal, but shall advise the Director of the reasons for such actions.
- F. Temporary promotions of commissioned uniformed personnel may be allowed in the Police and Fire Departments when:
  1. A promotional list for the class does not exist, but a competitive promotional process has begun to establish a list for the class and the person temporarily promoted is not competing for a permanent position in that class.

2. A promotional list exists and selection for the temporary promotion is made from that list. Selections for temporary promotions will customarily be made in rank order from that list.

#### ***Section 4. Non-permanent Appointments***

- A. Non-permanent positions are designated annually as intermittent, seasonal or temporary by the Director. Non-permanent positions supplement the regular permanent workforce and include only the following:
  1. Intermittent positions work up to 1,300 hours per fiscal year on an on-call as needed basis or on schedules that vary depending on workload.
  2. Seasonal positions work up to 1,300 hours per fiscal year with specific start and end dates to cover workloads in specific periods of the year.
  3. Temporary positions work part-time or full-time on a specific project that is expected to be one year or less in duration. Temporary positions can be extended one time for an additional six months with the approval of the City Manager.
- B. Non-permanent positions must be advertised as non-permanent positions on the recruitment notices. Newly appointed non-permanent employees must sign an acknowledgement that the position is non-permanent.
- C. The acceptance or declination by a candidate of a non-permanent appointment shall not affect the candidate's standing on any eligibility list or eligibility for a probationary appointment.
- D. Employment under a non-permanent appointment or promotion shall not be counted as part of a probationary period. Non-permanent appointments do not grant any property rights to the incumbent. The appointing officer may terminate a non-permanent appointment or promotion at any time without notice or right of appeal, but shall transmit to the Director the reasons for such actions.

#### ***Section 5. Employment in Grant Funded Positions***

Any person employed by the City, who on initial entry into City employment under any type of appointment in a position specifically designated on the prescribed form as funded in whole or in part through a grant from a public or private source, shall be informed in writing by the Director at the time of appointment, and the person shall acknowledge in writing, that the provisions have been read and understood that employment will cease at the termination of the grant regardless of the status of the employee and without regard to length of service. Persons so terminated are not entitled to any right of appeal.

A grant funded employee may, subject to other provisions provided for by these rules, be transferred, promoted or demoted into a non-grant funded position and become subject to the provisions of the Civil Service Rules and Regulations governing other city employment. Permanent classified employees who have previously completed a probationary period in a non-grant funded position and are serving in a grant funded position are exempt from the requirements of this section. Employees paid through an annually recurring funding source as defined in Rule I, Section 3, are covered by the layoff provisions found in Rule VIII, Section 2.

### ***Section 6. Assignment Positions***

A. An assignment position is a position that includes:

1. Executive duties and responsibilities ancillary to the base classification that are performed for and at the direction of the appointing officer; or
2. Unusual hazard in the performance of assigned duties and responsibilities; or
3. Trainee positions; or
4. Public safety assignments; or
5. Pilot programs authorized by the City Manager.

All assignment positions shall be included in a salary ordinance adopted by the Mayor and Council.

B. An appointing officer may, in his or her sole discretion, appoint any employee within a particular classification to an assignment position within that classification. Appointments to assignment positions may be terminated by the appointing officer at any time without just cause or right of appeal to the Commission.

## **RULE VII - PROBATIONARY PERIOD**

### ***Section 1. Commencement, Duration, Nature and Purposes***

- A. All original and promotional appointments of eligible persons to permanent positions shall be made subject to a probationary period. Previously employed individuals with a break in service of more than two years are considered new employees and are subject to a probationary period in any classification into which he/she is hired.

Employees in positions whose classifications are changed due to a reclassification by Human Resources and who passed probation in the prior classification will not serve a probationary period in the new classification. Employees who have not completed probation in the prior classification will serve the balance of his/her probation in the new classification.

Employees appointed to a classification through transfer or demotion shall serve a probationary period if no probationary period in that classification was completed. If the employee is demoted within the same class series a probationary period is not required if the employee has passed probation in the higher classification.

The initial probationary period commences on the date of the appointment except for entrance into the uniformed service of the Police or Fire Departments when the probationary period commences upon entry into the Police or Fire Training Academy.

- B. The probationary period for employees is twelve months. Classifications requiring the completion of a formal training program to prepare the employees to effectively perform his/her job duties may be approved by the Director for eighteen-month probationary periods.
- C. Any employee who for more than three consecutive weeks during the probationary period is:
1. On authorized leave; or
  2. Is at work but unable to perform all duties of the position

Shall have the probationary period extended by the amount of time that the employee was on leave or not fully performing.

Employees of the Police Department in the classification of Police Officer who are unable to complete the initial training program, yet are retained by the Police Department in a paid non-training assignment, shall have the probationary period extended for the amount of time the employee is in the paid non-training assignment.



- D. When a probationary period is interrupted through no fault of the employee, and within two years the employee is reappointed to a position in the same classification under the same appointing officer, the time served in the prior probationary appointment shall be included as part of the total probationary period. If a reappointment is made to a position in the same class under a different appointing officer, the employee shall start a new probationary period unless, prior to the reappointment, the appointing officer requests and the Director approves that the time served under the prior probationary appointment be credited towards the current probationary period.

The probationary period is an essential part of the evaluation process and shall be utilized for the most effective adjustment of new employees and for the termination of those employees whose performance does not meet required standards. The Director shall require appointing officers and his/her supervisory staff to prepare performance evaluations of all probationary employees at the end of each six months of the probationary period.

### ***Section 2. Expiration of Probationary Period***

Prior to the expiration date of the employee's probationary period, the appointing officer shall file with the Director, on a form prescribed by the Director, an appraisal of the employee's performance. For employees not meeting standards during probation, an appointing officer may process a:

- A. Discharge if the employee is serving under an original appointment or has not completed a prior probationary period; or
- B. Reinstatement in the most recent class in which the employee completed a probationary period.

Failure of the appointing officer to serve the employee with one of the notices indicated above prior to the last day of the probationary period will result in the employee passing probation automatically.

### ***Section 3. Discharges and Terminations during Probationary Period***

- A. An employee serving under an original appointment, or an employee who has not previously completed a probationary period, may be discharged during the probationary period without right of appeal or hearing.
- B. A permanent employee whose service in a particular class is terminated at any time during a promotional probationary period, shall have no right of appeal or hearing, but shall immediately be reinstated to a position in the most recent class in which the employee completed a probationary period, and under the appointing officer in which that probationary period was completed, even though a layoff in the latter class is made necessary. Persons appointed to fill vacancies in any class caused

by the promotion, demotion, or transfer of employees shall take such appointment subject to the right of the person promoted, demoted, or transferred, to be so reinstated.

- C. A permanent employee serving a promotional probationary period may be discharged from City employment for just cause in accordance with the provisions of these rules.
- D. The Director, after consultation with the appointing officer, may restore the name of a probationary employee whose services in a particular class have been terminated to the eligibility list from which it originated, provided such list has not expired; but it shall not be considered from that list by the appointing officer that terminated the employee's service without consent.

***Section 4. Promotions during Probationary Period***

The serving of a probationary period shall not of itself prevent an employee from being promoted to a position in a higher class. If an employee is promoted during the probationary period, the probationary period for the class to which promoted shall begin with the date of appointment.

## **RULE VIII - TRANSFERS AND LAYOFFS**

### ***Section 1. Transfers***

- A. An employee holding a position in any class may:
1. Be transferred at any time; or
  2. Request a transfer to another vacant position in the same class; or
  3. Request a transfer to another vacant position in another class which in accordance with the compensation plan is at the same salary grade.

A transfer from a position in one class to a position in another class which is assigned a higher salary grade shall be deemed a promotion, and a transfer from a position in one class to a position in another class which is assigned a lower salary grade shall be deemed a demotion. Promotions and demotions shall be accomplished only in the manner provided in these rules for promotions and demotions.

- B. If the transfer involves two appointing officers, the receiving department and the Director must agree to the transfer of an employee from one department to another. For the transfer to occur a vacancy must exist in the selected department. No transfer shall affect pending disciplinary action appealable to the Commission.
- C. If the transfer involves two appointing officers, the appointing officer of the department where the employee is located may request up to ten working days from the date of notification prior to the effective date of the transfer.
- D. An employee may be transferred from a position in one class to a position in another class provided that:
1. The employee's qualifications have been reviewed and determined to meet the qualifications for the class to which transferred;
  2. There is a vacancy in the class to which the transfer is being made; and
  3. The employee shall serve a probationary period in the class to which transferred if a prior probationary period in that class has not been completed.

### ***Section 2. Layoffs***

- A. Whenever a reduction in employees is required because of a shortage of funds or work, or a material change in duties or organization, employees shall be laid off, within specific classifications, in inverse order of seniority provided that temporary and other nonpermanent employees, and employees serving an initial probationary

period, occupying the given class are laid off in such order before permanent employees. For purposes of this rule, seniority shall be defined as an employee's total length of continuous service with the City as a probationary/permanent employee. Layoffs shall be accomplished on a departmental basis within the affected job classification and may require the transfer of employees within a job classification under the jurisdiction of the appointing officer. Layoffs shall not be used in lieu of discipline.

The following procedure shall be followed:

1. The decision regarding which classifications will be affected by layoff and when layoff will be effective shall be made by the appointing officer who shall draft a Layoff Plan.
  2. When any classification in a department is subject to layoff, all vacant positions in the classification within the department shall be eliminated and all nonpermanent employees in that classification within the department shall be terminated before any permanent employee is laid off.
  3. When the appointing officer identifies a permanent employee as subject to layoff, the permanent employee's bump rights shall be determined; the employee shall be permitted to take employment in a lower class in the same class series, or in some other lower class in which the employee has completed probation each of which must be or have been under the same appointing officer, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.
  4. The Layoff Plan will identify each classification subject to layoff, identify whether grant-funded employees in the classification will be grouped with other employees for layoff purposes, identify employees within specific classifications in inverse order of seniority, the employees who have bump rights within the department, the manner in which bump rights would have an impact on the layoffs, and the employees who will be laid off.
  5. The appointing officer shall give written notice of a layoff at least two weeks prior to the effective date of any proposed layoff unless otherwise required by law.
- B. When there is a tie in seniority, the department will use the following criteria for layoff:
1. Date of entry in classification, or if the same
  2. The date and time of the employee application

- C. Any permanent employee who is laid off in accordance with paragraph (A) above, whether or not the employee takes employment in a lower classification, shall be placed on the citywide layoff reemployment list for the class from which the employee is laid off.
- D. When a permanent employee has been laid off from City employment, within ten calendar days after the effective date of layoff, the employee may request a review hearing by the Commission. The request shall be in writing specifying the grounds for the review and shall be forwarded to the Director. The review hearing will be scheduled within fourteen days, or as soon as the Commission can convene, and is limited to ascertaining compliance with the provisions of the Tucson Charter, Chapter XXII, the Tucson Code, Chapter X, and the Civil Service Commission Rules and Regulations relating to layoffs.

The Commission shall render a final written decision stating whether the provisions of the Tucson Charter, Chapter XXII; the Tucson Code, Chapter X, and the Civil Service Commission Rules and Regulations relating to layoffs have been complied with, and if not in compliance, remand the matter for compliance with the Commission's decision. The decision shall be entered into the record and is binding upon all parties.

Failure by the employee to file a written request for review within ten calendar days of the effective date of layoff, unless explained to the satisfaction of the Commission, shall operate as a bar to further recourse by the party.

- E. The notice of a layoff communicated to an adversely affected employee shall indicate that the employee has the right of review by the Commission pursuant to paragraph (D) above.

### ***Section 3. Reemployment Lists***

An appointing officer will consider employees for rehire from the following eligibility lists\* in the following order:

- A. Layoff Reemployment list
- B. Layoff (Qualification) list
- C. Citywide Reemployment list
- D. Promotion list, and
- E. Entrance list

\*Candidates on the layoff reemployment list (#A) who remain qualified must be selected prior to considering candidates on lists #B – #E above.

## **RULE IX – SUSPENSIONS, DEMOTIONS, DISCHARGES AND RESIGNATIONS**

### ***Section 1. Suspensions for Not More than Ten Working Days***

An appointing officer may for disciplinary purposes due to delinquency, misconduct, or inefficiency, suspend an employee under the appointing officer's jurisdiction without pay for a period not to exceed ten working days, and provided suspensions of the same employee shall not exceed an aggregate of ten working days in any period of one year from the date of the first suspension, the action of the appointing officer shall be final and not subject to appeal or review by the Civil Service Commission. Such action, and the reasons for the action, shall be promptly reported to the Director. For the purposes of these rules, ten working days equals eighty hours.

### ***Section 2. Other Suspensions, Demotions, and Discharges of Permanent Employees***

- A. For just cause, an appointing officer may suspend without pay for periods of more than ten days, demote or reduce in pay or position, a permanent employee under the appointing officer's jurisdiction.
- B. For just cause, an appointing officer may discharge a permanent employee under the appointing officer's jurisdiction.
- C. Prior to the effective date of the intended discipline, an appointing officer suspending without pay for periods of more than ten days, demoting or reducing in pay or position, or discharging a permanent employee, shall:
  1. Provide the employee with written notice of the proposed action clearly setting forth the effective date of the suspension, demotion, reduction in pay or position, or discharge;
  2. The notice shall inform the employee of the date and time of the department's pre-discipline/discharge meeting at which the employee must appear; and
  3. The specific act(s) or omissions constituting just cause for the appointing officer's action and identifying the evidence supporting the discipline;
- D. At the pre-discipline/discharge meeting, the employee has the opportunity to submit in writing or personally any mitigating evidence to counter the proposed discipline. At or after the conclusion of the meeting, the employee will be informed if the proposed discipline/discharge will occur. A decision to impose the intended discipline shall be conveyed to the employee on the Director's approved form advising the employee of his/her right of appeal to the Commission in accordance with Rule X.

**Section 3. Voluntary Demotions**

- A. Upon written request from an employee, an appointing officer may demote the employee to any class of positions for which the employee is qualified. No demotion shall be made unless there is a vacancy in the class to which the employee requests demotion. A copy of the employee's request and the appointing officer's approval shall be filed with the Director.
- B. Upon approval of a voluntary demotion, the employee shall serve a probationary period in the class to which demoted if a prior probationary period in that class has not been completed.

**Section 4. Resignations**

- A. All resignations must be in writing. Upon acceptance by the appointing officer and only within the notice period provided by the employee prior to his/her final day, the resignation may not be rescinded or withdrawn except at the sole discretion of the appointing officer. Immediately after receipt of a resignation, the appointing officer shall indicate on the prescribed form in the appropriate space, whether or not the employee is eligible for rehire. The appointing officer shall transmit the resignation to the Director and promptly deliver to the employee, or mail to the employee's last known address, a copy containing the appointing officer's statement of whether the employee is eligible for rehire. An employee's failure to submit the resignation to the appointing officer less than two weeks prior to its effective date may be considered sufficient grounds for determining that the employee is not eligible for rehire. A voluntary resignation shall not be considered coerced and shall not be subject to appeal in accordance with these rules.

Employees participating in end of service incentives may not rescind his/her resignation.

- B. Any permanent employee who resigned while in good standing, as noted on the prescribed form, and within two years of the effective date of the resignation makes a written request to the Director, shall be placed on the appropriate reemployment list(s) for a period not to exceed two years from the effective date of the resignation.
- C. A permanent employee who is forced by the appointing officer to resign in lieu of discharge may appeal such coerced resignation to the Commission. The effective date of the termination shall be the same date as the coerced resignation.

## **RULE X – APPEALS**

### ***Section 1. Actions Which May Be Appealed to or Reviewed by the Civil Service Commission***

Only the following actions may be appealed to the Commission:

- A. Applicant evaluation score
- B. Discharge
- C. Demotion
- D. Reduction in pay or position for disciplinary reasons
- E. One or more suspensions without pay totaling more than 10 days / 80 hours in any twelve month period.
- F. Coerced resignation
- G. Constructive discharge

### ***Section 2. Review and Appeal of Applicant Evaluation Scores***

- A. Applicants have the right, within five days following the administration of a written examination, to review a keyed examination booklet under the following conditions:
  - 1. Keyed examination booklets may be reviewed only once by each lawful applicant participating in the examination.
  - 2. The applicant may review the keyed examination booklet for a period of time not to exceed the original time limit established for the examination.
  - 3. The applicant reviewing the keyed examination booklet shall not be allowed to take notes or by any other means be allowed to reproduce the examination booklet in whole or in part.
  - 4. The applicant shall not be allowed to leave the review area during the review process.
- B. Within the five day review period, an applicant may file with the Director objections to the keyed written examination booklet. Objections must:
  - 1. Be in writing;
  - 2. On a form prescribed by the Director;



3. Clearly state the basis for the objection.

Within ten days of the filing of any objection, the Director shall provide a written response to the examinee of his/her decision.

C. Review of Individual Applicant Evaluations

Within fifteen working days of the mailing date of the final notices of applicant evaluations, applicants have the right to review all of the evaluation materials reflecting a numerical value assigned to his/her performance in the evaluation process. Written comments associated with any numerical value will not be made available unless the identity of the evaluator can be protected. Upon request, any applicant will be provided a numerical synopsis showing all raw test scores and any formula scores developed by the Department of Human Resources related to his/her performance.

D. Request for Review of Applicant Evaluation Score

Within thirty calendar days of the mailing date of the results of any applicant evaluation process, an applicant may request a review of his/her achieved score. Applicants have the right to request a review of his/her score associated with a written, oral, physical abilities, or performance test, rating of training and experience, or any other measure used by the Department of Human Resources. The request must be in writing clearly stating the basis for the review and must be filed with the Director.

The Director shall investigate any request for review and, within thirty calendar days of receipt of the request, prepare a report containing a summary of all findings and a decision regarding the request. Failure by the Director to render a decision within the required time period prompts a review by the Commission.

E. Appeal of Individual Applicant Evaluation Score

Within ten days of the issuance of the Director's report and decision referred to in (D) above, any applicant may appeal the decision to the Commission. The appeal must be in writing clearly stating the basis for the appeal, be filed with the Director, and specify the disagreements with the report prepared by the Director.

Disagreements with the following will not be accepted as the basis for an appeal to the Commission:

1. The composition of any performance review panel, assessment center assessor panel, performance test or application rating panel; or
2. The judgment of any evaluator; or

3. The substance of any written comments by any evaluator; or
4. The contents of the keyed examination booklet.

The Commission shall review the Director's report and the applicant's written appeal. Based upon their review, the Commission will either render a final decision or schedule a hearing on the appeal. The decision of the Commission is final.

F. Effects of Corrections by Director or Commission

Any error identified by the Director as a result of a request for review by an applicant of either a keyed examination booklet or an applicant's own score, will be corrected. If necessary, the scores of all candidates will be adjusted to reflect the correction, but such correction shall not affect the consideration of candidates or appointments previously made from the established eligibility list.

If necessary, following an appeal of an applicant evaluation to the Commission, applicant scores will be adjusted to reflect the decision of the Commission, but such adjustment shall not affect consideration of applicants or appointments previously made from the established eligibility list.

***Section 3. Appeal from Suspensions, Demotions, Discharges, Coerced Resignations and Constructive Discharges***

- A. A permanent employee who has been suspended, demoted, or reduced in pay or position, or discharged in accordance with Rule IX, Section 2, or who alleges coerced resignation or constructive discharge, has the right of appeal to the Commission. Any appeal shall be in writing, specifying the grounds upon which it is based, and filed with the Director within ten calendar days after receipt by the employee of notice of the appointing officer's action; if notice is mailed, the ten calendar days will run from the date of delivery as determined by the United States Post Delivery Confirmation. Failure to file an appeal within ten calendar days, absent a satisfactory explanation to the Commission, operates as a bar to further proceedings by the employee and the Commission shall enter its order granting the appointing officer's action.

Upon receipt of the notice of appeal, the Director shall promptly:

1. Furnish the appointing officer with a copy of any appeal filed;
2. With the approval of the Chairperson of the Commission, fix a time and place for the holding of a hearing; and
3. Immediately issue under authority of the Commission a notice providing the following:

- a. The time and date set for the hearing of appeal;
  - b. The hearing may be conducted by the Commission or by a Hearing Officer pursuant to Rule X, Section 3(E).
  - c. The hearing on an appeal shall be held within forty-five calendar days after receipt by the employee of the appointing officer's action.
- B. In an appeal of a coerced resignation, the Commission shall hold a preliminary hearing to determine if the resignation was voluntary. Within ten calendar days of the employee filing his/her appeal, the appointing officer shall provide the employee and the Director a written statement describing the circumstances of the resignation in lieu of termination. Within ten calendar days of the date of the appointing authority's statement, the employee may file a detailed written response.

The Commission shall consider all submitted documentation and render its decision or the Commission may question the parties. The preliminary hearing shall be for the sole purpose of determining the voluntariness of the resignation.

In the notice setting the date and time of the preliminary hearing, the Director shall advise the parties that:

1. The employee bears the burden of proof to show that the resignation was caused by overt or wrongful acts of the appointing authority;
2. The appointing authority then has the burden of showing he/she engaged in no actions creating a coerced resignation as defined in these rules.

If the Commission finds the resignation was voluntary, the Commission shall dismiss the appeal for want of jurisdiction.

If the Commission finds the resignation was not voluntary, the appeal will be set for hearing in accordance with these rules.

- C. In an appeal of constructive discharge, the Commission shall schedule a hearing to determine whether there is objective evidence to support an employee's allegation that (1) the appointing officer created and/or allowed intolerable working conditions and (2) refused to address the issue(s) after being given fifteen days notice of the condition and the employee's intent to resign. The employee bears the burden of establishing that a reasonable person would feel compelled to resign under such working conditions. At the hearing, the appointing authority has the opportunity to rebut the allegations.

If the Commission finds the conditions as presented by the employee were so difficult or unpleasant that a reasonable person would have felt compelled to resign, and that the appointing officer failed to adequately address the conditions, the

Commission shall issue a written decision, including recommendations regarding remedial action.

If the Commission finds the conditions as presented by the employee were not unreasonable and/or were appropriately addressed by the appointing authority, the Commission shall dismiss the appeal.

- D. Except as permitted by the Open Meeting Law, hearings shall be conducted as open meetings; upon the written request of the appellant, and upon good cause shown, the Commission may conduct the hearing in a closed, executive session. The proceedings shall be recorded by any device that allows for an accurate summary or transcript. Both the employee and the appointing officer shall appear at the hearing and present their evidence and witnesses, either personally or through his/her chosen attorney or representative. Technical rules of evidence do not apply at the hearing. Irrelevant, incompetent, immaterial, or unduly repetitious evidence and evidence protected by rules of privilege recognized in judicial proceedings may be excluded. Both parties shall be allowed reasonable latitude in the presentation of his/her case and shall file with the Commission all documents, records, or reports necessary to the determination of the appeal.

If either party fails to appear at the time and place set for the hearing, the Commission may award the decision to the opposing party, provided that the Commission may reconsider the decision for a good cause.

- E. The Chairperson or the Director with the concurrence of the Commission, may designate three or more members to hold the hearing and take testimony, or may delegate one of its members to hold the hearing and take the testimony, in which case a transcript of the hearing and hearing officer's report shall be reviewed by a majority of the Commission prior to its making a decision. A decision to sustain the action of the appointing officer or to impose any lesser penalty shall require a majority affirmative vote of the Commissioners then constituting the quorum. In the absence of a decision by a majority, the action of the appointing officer shall be overruled and in the event of discharge or coerced resignation, the employee shall be reinstated with full back pay and benefits in accordance with Section 7. The Director or designee shall provide assistance to the Commission regarding any exclusion of back pay. The discussion, when applicable, will take place at the conclusion of the hearing provided that both parties are still present and able to address the Commission.
- F. The Commission shall issue a written decision and its order for the disposition of the case. The written decision shall memorialize the Commission's ruling that the action of the appointing officer stands, that a lesser penalty be imposed, or that the employee's former status be reinstated. Unless the Commission orders that a discharge for just cause shall stand, pension and seniority rights shall not be affected by any disciplinary action. If the Commission orders the employee reinstated to his/her former status, it shall specify as part of its decision whether the

employee shall receive back pay for all or part of any time lost as a result of the appointing officer's action.

- G. When an appeal is made by the Director of Human Resources, Chief of Police, or Fire Chief, the decision of the Commission shall be advisory only; in all other cases it shall be binding and final and the appointing officer shall impose the Commission's decision.
- H. Not less than ten calendar days prior to the date set for any hearing on any appeal pursuant to Rule X, Section 3, all parties represented by an attorney or other representative, shall through his/her attorney or representative, meet and discuss the issues of fact and law, if any, exchange all exhibits including reports and backup documentation, and shall jointly prepare and submit to the Commission a Pre-Hearing Statement containing the following:
1. A list of all exhibits including reports and backup documentation either party intends to utilize at the hearing along with a statement that each exhibit may be admitted without objection or a statement of the objection to the exhibit;
  2. A list of the witnesses intended to be called at the hearing by each of the parties and any objections to the listed witness(es);
  3. A statement as to the uncontested facts which the parties agree are material and which can be stipulated to;
  4. A list of the contested issues of fact and law;
  5. A statement as to whether or not the parties agree that the Department of Human Resources personnel file for the appealing employee may or may not be considered by the Commission as a part of the evidence at the hearing, including performance evaluations, commendations, reprimands, and any and all other contents of said personnel file.

Failure of either party to submit the aforesaid statement may be viewed by the Commission as a waiver of any right to proceed under Rule X, Section 3, and may result in postponement of the hearing, in limitation of the evidence presented by said party, entry of a decision against the party failing to submit same, or such other action as the Commission deems appropriate.

- I. The formal judicial rules and devices of discovery, including interrogatories and depositions, shall not be used in proceedings before the Commission except by order of the Commission.

Upon request to the City Attorney with notice to the Commission, an employee who appeals a termination or disciplinary action shall be entitled to receive copies of the following documents:

1. The employee's entire personnel file;
2. All memoranda or other documents, other than those containing confidential attorney client communications, prepared as a result of the events underlying the termination or disciplinary action that is being appealed; and
3. All documents prepared for use as exhibits at the hearing

Additional disclosure may be ordered by the Commission only upon written request and only if the information sought is determined to be relevant to the termination or disciplinary action being appealed.

#### ***Section 4. Review of Layoff***

- A. A permanent employee who has been laid off from City employment may, within ten calendar days of the effective date of the layoff, request a review hearing in front of the Commission in accordance with Rule VIII, Section 2 (D) of these rules.
- B. The request must be in writing, specify the grounds for review and be forwarded to the Director.
- C. The review hearing must be scheduled within fourteen days or as soon as the Commission can convene and is limited to determining compliance with the provisions of the Tucson Charter, Chapter XXII, Section 7; the Tucson Code, Chapter X; and Civil Service Rules and Regulations, Rule VIII, Section 2.
- D. Following the review hearing, the Commission will issue a written decision stating whether the City complied with the relevant sections of the Tucson Charter, Tucson Code and Commission Rules and Regulations. If not in compliance, the Commission will remand the matter for action to be taken consistent with its ruling.
- E. The decision of the Commission will be entered into the record and is binding upon all parties.
- F. Failure by the employee to file a written request for review within ten calendar days of the effective date of layoff, absent a satisfactory explanation to the Commission, shall bar further recourse by the employee.

#### ***Section 5. Termination of Appeal***

An employee who has either individually, through legal counsel or other representative, requested a continuance of a hearing on appeal shall have one hundred twenty days from the date of filing in which to complete the appeal. Requests for continuance shall be in writing and either side shall have the opportunity to file an objection. No continuance requested by the employee shall be granted unless the employee agrees

in writing that the extended time resulting from the continuance may be excluded from any award of back pay. When scheduled, the Director shall notify the employee of the hearing date. Barring exceptional cause, no additional continuances shall be granted by the Commission beyond the one hundred twenty days from the original date of filing. If the employee fails to appear for a scheduled hearing, the appeal shall automatically be dismissed. Within ten days of automatic dismissal by the Commission, the employee may request in writing, with good cause shown, that the Commission reinstate the appeal. The Commission shall have the discretion to hold a hearing on petitioner's request and the decision of the Commission shall be final and will be made a part of its official record.

### ***Section 6. Administrative Review of Removal from Eligibility Lists***

- A. A candidate whose name has been removed from an eligibility list for any of the reasons specified in Rule III, Section 7 and 12 and/or Rule IV, Section 5 may request review and reconsideration by the Commission. The Commission shall consider such request provided:
1. It is in writing and received by the Director within ten calendar days after the date that notification was made to the candidate; and
  2. It states the specific grounds for the requested review.

The Commission will review the applicant's written request and the Director's justification for the rejection. The Commission's decision with respect to any review is final and candidate shall be notified.

- B. The Director shall compile a report omitting personal identifying information of all candidates removed from eligibility lists and applicant evaluation rejections and the particular reason for removal as specified in Rule III, Section 7 and/or Rule IV, Section 5. The report will be submitted to the Commission at the regularly scheduled Quarterly Meetings. The Commission may request backup documentation for any removals.

### ***Section 7. Reinstatement/Back Pay Procedures***

When an employee is reinstated or a demotion or suspension is rescinded or modified by the Commission, the Human Resources Department and the Payroll Division of the Finance Department will ensure that any back pay owed to the employee is paid in a timely manner. Within one business day of a decision by the Commission, the Director will notify the respective Department Director; the department must provide the necessary documentation to reinstate the employee and for processing appropriate back pay. The completed documentation will be forwarded to Human Resources within one business day.

Within one business day of receiving the documentation from the department, Human Resources will initiate action to reinstate the employee and forward the documentation to Payroll for calculating back pay.

Payroll is responsible for calculating the amount of back pay owed to an employee. Within two weeks of receiving the documentation from Human Resources, Payroll will issue a check for the amount owed to the employee.

The Director is responsible to ensure employee is paid appropriately in a timely manner. Human Resources will verify that Payroll has issued a check for back pay as per this section. Under limited circumstances, timeframes may be extended with the Director's approval.

A reinstated employee is responsible for electing benefits options administered in accordance with the employee's selection of benefits at time of termination. Employee is responsible to contact the Benefits Office within two days of reinstatement to review benefits options.

Employee must elect a benefits option and pay any back owed premiums within two weeks from the date of an issued check for back pay. If employee chooses not to elect a benefits option, employee will have to wait until next open enrollment to sign up for insurance coverage for the next/following fiscal year.



## **RULE XI – RECORDS AND REPORTS**

### ***Section 1. Personnel Records***

- A. The minutes of the Commission, eligibility lists, requests to fill vacancies and appointment forms shall be open to inspection by the public during office hours.
- B. Applicant evaluation materials, examination papers of applicants, service ratings, and personnel files of applicants and employees shall not be disclosed except as required by law through a public records request under A.R.S. § 39-121.02.
- C. The Mayor and members of the Council shall have access to all records of the Commission, and appointing officers shall have access to all records of their employees. However, no appointing officer, or any other person, may take applicant evaluation materials, or copies, from the Department of Human Resources nor have access to any materials selected for a pending applicant evaluation process unless designated by the Director as a consultant in the preparation thereof.

### ***Section 2. Payroll Information***

It shall be the duty of the Director to assure that a record is maintained of the names, the titles of positions, the rates of pay, all changes in employment status, and other pertinent data of all employees including all leaves of absence for which deductions in pay are to be made, so that payrolls may be accurate and in accord with these rules.

### ***Section 3. Transcript of Testimony***

When there is a request for a written verbatim transcript or disk of all testimony given at an open hearing of an employee's appeal, the Executive Secretary shall, when permitted by the Open Meeting Law, provide the copy with the cost to be borne by the requesting party. If the transcript or disk is prepared commercially, the cost of the requesting party shall be that which the Civil Service Commission is charged. If the transcript or disk is prepared by the City, the cost to the requesting party shall be at the preparer's hourly wage rate including all fringe benefit costs.

When there is a request for a written verbatim transcript or disk of all testimony given at a closed hearing of an employee's appeal, the Executive Secretary shall, when permitted by the Open Meeting Law, provide the copy with the cost to be borne by the requesting party. If the transcript or disk is prepared commercially, the cost of the requesting party shall be that which the Civil Service Commission is charged. If the transcript or disk is prepared by the City, the cost to the requesting party shall be at the preparer's hourly wage rate including all fringe benefit costs.

## **RULE XII - CERTIFICATION OF PAYROLLS**

### ***Section 1. Submission of Payrolls***

All payroll vouchers and accounts or demands containing the names of persons claiming amounts past due them as salaries or wages for services rendered in positions in the classified service shall be submitted to the Director before any warrant or check is drawn, signed, or issued, or any sum of money is otherwise disbursed in payment thereof.

### ***Section 2. Review and Examination of Payrolls***

It shall be the duty of the Director to examine and review payroll vouchers and accounts or demands submitted to the end that no person shall receive compensation for services rendered or purported to have been rendered in any position in the classified service who has not been appointed and employed therein in accordance with the provisions of the Charter, the ordinances of the Mayor and Council, and these rules and regulations.

Every appointment, transfer, promotion, change of salary rate, and any other temporary or permanent change in status of employee shall be reported by department directors or appointing officers to the Director on such forms as the Director may prescribe.

### ***Section 3. Certification of Payrolls***

- A. If upon examination, the Director finds such payroll vouchers and accounts or demands to be in conformity with all provisions of the Charter, the ordinances of the Mayor and Council, and these rules and regulations, the Director shall make certification to such effect.
- B. If the name of any person on any such document is found to be contrary to such provisions, the Director shall, after consultation with the department director or appointing officer concerned, and provided such document can by correction be brought into conformity with such provisions, afford the department director or appointing officer the opportunity to correct the same. If such correction cannot be made or is not made, the Director shall certify such document only as to the names found thereon if any, in compliance with such provisions noting in such certification the name or names of persons thereon which are excepted and not certified thereby for payment together with the reasons therefor. Such certification may authorize the payment of any part of the amount purporting to be due any such excepted person which the Director may find to be due and payable. No officer or employee of the City shall draw or sign any warrant or check or otherwise pay any person any amount to which the Director has thus taken exception.

In all cases in which the Director has taken exception in making certification either as to the whole or part of the amount purporting to be due, the department director or appointing officer concerned may appeal to the Commission which after opportunity is afforded all interested parties to be heard shall finally determine the matter.

## **RULE XIII – AMENDMENTS**

If and when it appears desirable in the interest of good administration, the Commission may make necessary additions to or amend these rules at a public hearing and after affording a reasonable opportunity to the City officers and employees for consultation thereon, and after due notice to the public by posting notice in three public places.

## **RULE XIV - EFFECTIVE DATE**

These Rules and Regulations shall become effective when approved by the Commission.

**THE FOLLOWING INCLUDES EXCERPTS OF THE  
CITY CHARTER CHAPTER XXII AND  
TUCSON CITY CODE CHAPTER 10  
WHICH ARE PERTINENT TO  
CIVIL SERVICE**

**FULL TEXT OF THE CITY CHARTER AND TUCSON CITY CODE  
MAY BE ACCESSED VIA  
[HTTP://WWW.AMLEGAL.COM/LIBRARY/AZ/TUCSON.SHTML](http://www.amlegal.com/library/az/tucson.shtml)**

## CHAPTER XXII CIVIL SERVICE

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\* **Cross References:** Authority to provide for civil service commission, [ch. IV, § 1\(28\)](#); officers and employees, generally, [ch. XVIII](#); pension fund, [ch. XXIII](#); political activities by employees prohibited, [ch. XXV, § 8](#); applicability of civil service to purchasing agent, ch. XXVII, § 5; applicability of civil service to director of finance, [ch. XXIX, § 4](#); department of human resources, [ch. XXX](#); applicability of civil service to director of parks and recreation, [ch. XXXI, § 3](#).

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### **Sec. 1. Appointment, terms, qualifications of commissioners; political affiliation.**

The mayor and council, at their first regular meeting in January of 1968 or within ten (10) days thereafter, shall appoint five (5) electors of the city as civil service commissioners, who shall have been bona fide residents and qualified electors of the city for at least five (5) years next preceding such appointment, but said appointments shall include the three (3) commissioners presently holding office for the balance of their present respective terms. The remaining two (2) electors shall be appointed to serve terms expiring on the date of the first regular mayor and council meeting in January, 1970, and in January, 1972, respectively. Thereafter the term of office of each commissioner shall be six (6) years, and upon the expiration of the term of any commissioner, the said mayor and council shall appoint commissioners to succeed those whose term of office has expired. Said civil service commissioners shall not hold any other public office. Not more than three (3) members of the commission shall be of the same political affiliation, and any appointment that would result in more than three (3) members of said board being of the same political affiliation shall be void.

### **Sec. 2. Organization of commission; removal of commissioners; vacancies; mayor and council to provide equipment.**

The civil service commission shall elect a chairman and vice-chairman. The mayor and council may remove any of said civil service commissioners, during their term of office, for cause, two-thirds of the members of said council voting in favor of such removal, and shall fill any vacancy that may occur in said civil service commission for the unexpired term. The mayor and council shall provide suitable accommodations and equipment to enable the civil service commission to properly attend to its business.

### **Sec. 3. Persons in classified service; status of covered persons; removal, demotion, suspension procedure; taxpayer's right of action for violating provisions.**

(a) All officers, deputies, clerks, and employees subject to the civil service provisions of this Charter shall be in the classified service of the city, and all persons in the classified service shall be under and subject to the rules and regulations of the civil service commission.

(b) Any person holding a position in the classified service prior to this amendment becoming effective shall retain such position, subject to the same rights and conditions applicable to the status which he or she held as of such date under the provisions of this

Charter, the civil service ordinance and the rules and regulations of the civil service commission then in effect.

(c) Persons who have served through their probationary period and who have received permanent appointment in the classified service shall not be removed, suspended without pay, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. Whenever an appointing or employing officer removes, demotes or suspends (except where such suspension is made pending filing of charges of dismissal) without pay for a single period exceeding ten (10) days or for periods totaling more than ten (10) days in any one (1) year from the time the first suspension goes into effect, or for disciplinary reasons reduces in pay or position an employee in the classified service who has received permanent appointment, he shall at the time of such action furnish written notice and reasons therefor to the employee and to the civil service commission before the effective date thereof. The civil service commission shall by rules and regulations provide for an appeal by the employee, a fair and impartial hearing of said appeal, and the rendering of a decision thereon within forty. five (45) days after receipt of such notice and reasons from the employing officers when an appeal is heard. When an appeal is taken by the human resources director, chief of police or the fire chief, the decision thereon shall be advisory only; in all other cases the decision of the civil service commission shall be binding and final. Both the employee and appointing officer may have representation of their own choosing, and all hearings shall be public unless the employee requests otherwise in writing. Except in cases of discharge for just cause, the pension or seniority rights of any employee shall not be affected through any disciplinary action.

(d) Any taxpayer in the city may maintain an action to recover for the city any sum of money paid, or to enjoin the human resources director from attaching his certificate to a payroll or account for services rendered, in violation of the civil service provisions of the Charter or the ordinances and rules made thereunder; and the rules made under the foregoing provisions shall for this and all other purposes have the force of law.

#### **Sec. 4. General duties of commission.**

The mayor and council shall by ordinance determine the powers and duties of the civil service commission except that in any event it shall be the duty of the said commission with reference to the classified service:

(a) At a public hearing and after affording a reasonable opportunity to the city officers and employees for consultation with the commission, and after due notice to the public by posting notice in three (3) public places, to adopt and from time to time amend rules and regulations for the administration of the provisions of this Charter and the ordinances of the mayor and council governing the classified service.

(b) To establish, according to merit and fitness determined insofar as practicable by competitive test, lists of eligibles from which all appointments shall be made.

(c) To establish procedures regulating entrance into retentions, promotions, transfers, and layoffs of employees in the classified service.

(d) To certify payrolls to the end that no person shall receive compensation for services rendered in any position who has not been appointed in accordance with the provisions of this



Charter, the ordinances of the mayor and council, and the rules and regulations of the civil service commission.

**Sec. 5. Administrative support to commission.**

The director of the human resources department shall act as secretary to the commission and shall keep its minutes and make a record of all its work. Such minutes, eligible registers and employee roster cards shall be open at all times to the public during office hours, subject to the rules and regulations of the civil service commission; the examination materials and other confidential records and reports shall in like manner be open to the public only if and as provided for by the rules and regulations of the civil service commission. The commission shall never delegate its duty of hearing the appeal of anyone holding a position in the classified service, under the provisions of this Charter.

**Sec. 6. Compensation of commission; appropriation to carry out civil service provisions.**

The salaries of the civil service commission shall be determined by the mayor and council, and a sufficient sum shall be annually appropriated to carry out the civil service provisions of this Charter.

**Sec. 7. Layoffs.**

Whenever a reduction of employees is required because of a shortage of funds or work or material changes in duties or organization, employees shall be laid off within specific job classifications in inverse order to total length of continuous service with the city. Any permanent employee laid off from a position shall be permitted to take employment in a lower class in the same class series, or in some other lower class in which the employee has completed probation, each of which must be, or have been under the same appointing officer under which the layoff occurred, provided that the employee is physically fit to perform the duties of the position and the action does not cause the layoff of another employee with greater total length of continuous service with the city.

## CHAPTER 10 CIVIL SERVICE

### ARTICLE I. IN GENERAL

#### ***Sec. 10-1. Short title.***

This chapter shall be known and may be cited as the "Human Resources Ordinance" of the city.

#### ***Sec. 10-2. General purpose.***

The general purpose of this chapter is to establish for the city a system of human resources administration based on merit principles and business methods as contemplated by the Charter, particularly, chapters [XXII](#) and [XXX](#) thereof as amended. All appointments and promotions to positions in this classified service shall be made solely on the basis of merit and fitness to be ascertained, insofar as practicable, by competitive examinations.

#### ***Sec. 10-3. Definitions.***

The following words and phrases as used in this chapter shall have the meanings ascribed to them in this section, unless the context, clearly requires otherwise:

*Allocation* means the official determination of the class in which a position in the classified service shall be deemed to be included. "Reallocation" means the reassignment of a position from one classification to another classification which is determined to be more appropriate based on the assigned duties and responsibilities.

*Appointing officer* means the city manager or other persons authorized by the Charter to make appointments to the classified service.

*Appointment* means the action of an appointing officer which appoints a person as an employee in the classified service.

*Classification* means a class of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum qualifications and other characteristics that the same title, the same test of fitness, and the same schedule of compensation may be applied with equity to each position in the group.

*Commission* means the civil service commission of the city.

*Commissioned personnel* means police department or fire department employees who have been duly certified and commissioned to be a police officer certified as a peace officer or firefighter and who are eligible for the public safety personnel retirement system provided by the State of Arizona pursuant to A.R.S. § 38-851 et seq.

*Demotion* means the reassignment of an employee from a position in one classification to a position in another classification that is assigned a lower salary range by ordinance.

*Director* means the director of human resources as provided for in chapter [XXX](#) of the Charter.

*Discharge* means the termination of the employment of an employee made for cause by action of an appointing officer.

*Eligible* means any person who has, in accordance with the provisions of the rules and regulations of the commission, been officially entered upon an eligible list for a specified class of positions.

*Emergency* means an unforeseen occurrence or combination of circumstances which would not have been foreseen in the exercise of reasonable care, and which required immediate action and remedy.

*Emergency appointment* means the appointment of an individual to a position required by a state of emergency without compliance with the usual procedures of request for and certification of eligibles therefor as provided in the rules and regulations of the commission.

*Employee* means any person, including officer, lawfully appointed to a position in the classified service and receiving compensation for the class of positions to which such appointment is made.

*Entrance examination* means any competitive test considered appropriate by the commission or the director for the selection of eligibles for appointment to a specified class in the classified service, and open to all persons possessing the minimum qualifications therefor.

*Entrance list* means an officially promulgated list of names of persons arranged in the order of their merit who have been found qualified by a suitable entrance examination, or as otherwise provided in the rules and regulations, for appointment to a specified class.

*Full-time basis* means employment on a work schedule consisting of forty (40) hours per week and which is intended to be continuous beyond a period of twelve (12) months.

*Just cause.* The following shall constitute just cause for discipline up to and including termination, although enumeration thereof shall not exclude other causes, namely: fraud in securing appointment; incompetence; inability to perform essential functions of assigned position with or without reasonable accommodation; dishonesty, insubordination; inattention to duties; discourteous treatment of the public, supervisors, or fellow employees; violation of the ordinances of the mayor and council, the rules and regulations of the commission, administrative directive of the city manager, and the rules and regulations of the department in which an employee is employed; absence from duty without leave; intoxication on duty; violation of the city's directives on drug and alcohol use; addiction to the use of narcotics; conviction of a crime involving violence, moral turpitude, or the aggravating circumstances described in A.R.S. § 13-702(c)(15) [relating to "hate crimes"]; and conduct, while either on or off duty, tending to cause discredit to the city or the department that affects its ability to perform its mission, or the city or the department to question an employee's reliability, judgment, and trustworthiness in carrying out assigned responsibilities. In no case shall any political or religious belief of affiliation

of any indefinite or vague charges, such as for the good of the service, be considered just cause.

*Lay-off* means the termination of a person's employment because of lack of funds or work, or because of material changes in duties or organization.

*Minimum qualifications* means the requirements as to education, training, skill, experience and other qualifications prescribed for a given class in the classification plan.

*Non-permanent position* means the following:

A. A position which is annually designated as intermittent, seasonal, or temporary by the human resources director and subject to the conditions hereafter provided. Non-permanent positions supplement the regular permanent workforce and include only the following:

1. Intermittent positions work up to one thousand five hundred (1,500) hours per fiscal year on an on-call, as needed basis or on schedules that vary depending on workload.
2. Seasonal positions work up to one thousand five hundred (1,500) hours per fiscal year with specific start and end dates to cover workloads in specific periods of the year.
3. Temporary positions work part-time or full-time on a specific project that is expected to be one year or less in duration. Temporary positions can be extended one time for an additional six (6) months with the approval of the city manager.

B. Non-permanent positions must be advertised as non-permanent positions on the recruitment notices. Newly appointed non-permanent employees must sign an acknowledgement that the position is non-permanent.

C. The acceptance or declination of a non-permanent appointment shall not affect an applicant's standing on any employment list, eligibility list, or eligibility for a probationary appointment.

D. Employment under a non-permanent appointment shall not be counted as part of a probationary period. Non-permanent appointments do not grant any property rights to the incumbent. The appointing officer may terminate a non-permanent appointment at any time without notice or right of appeal but shall transmit to the director the reasons for such actions.

*Original appointment* means the appointment of an eligible from an entrance list to a position in the classified service.

*Permanent appointment* means the action of an appointing officer which serves to lawfully constitute a person a permanent employee in the classified service. This definition is not to be construed as making the procedures for lay-off, suspension and discharges provided for in this article and such rules and regulations inapplicable to permanent employees.

*Permanent employee* means any employee who either (1) qualified in accordance with [chapter XXV, section 10](#), of the Charter, or (2) has been given a permanent appointment to a position in classified service upon completion of a probationary period.

*Permanent position* means that the tenure of the position is anticipated to continue without interruption for a period of more than twelve (12) months.

*Position* means an office or a position of employment in the classified service, whether part-time, full-time, permanent or non-permanent, occupied or vacant, composed of specific duties which call for services to be performed.

*Probationary appointment* means an original or promotional appointment to a permanent position in the classified service to fill a vacancy therein, other than one caused by the regular incumbent thereof being on leave for a period of not more than twelve (12) months, of an eligible who must serve a probationary period previous to acquiring the status of a permanent employee.

*Probationary period* means a working test period considered an integral part of the examination process during which a new appointee is required to demonstrate fitness for the position to which appointed by actual performance of the duties of the position.

*Promotion* means the reassignment of an employee from a position in one classification to a position in another classification that is assigned a higher salary range by ordinance.

*Promotional examination* means any competitive test considered appropriate by the commission and the director for the selection of eligibles for promotional appointment to a specified class and open only to employees in the classified service possessing the minimum qualifications therefor.

*Promotional list* means an officially promulgated list of names of persons arranged in the order of their merit who have been found by a promotional examination, or as otherwise provided in the rules and regulations, to be qualified for promotion to a specified class.

*Reemployment list* means a list of names of persons, established on either a departmental or servicewide basis as the commission may determine, who have attained the status of permanent employees in a specified class, who have been separated from their positions without fault on their part, and who are entitled to placement on a certification list for consideration for employment in such class when a vacancy occurs therein before certification of persons thereto from either a promotional or entrance list therefor.

*Suspension* means the temporary termination of services of an employee without pay for just cause.

*Temporary appointment* means the appointment of an eligible person to a position or appointment to a permanent position because of a temporary vacancy caused by the regular incumbent being on leave for a period of not more than twelve (12) months.

*Transfer* means the reassignment of an employee from a position in one classification to another position in the same classification, or to another position in another classification that is assigned the same salary range by ordinance.

**Sec. 10-4. Officers, employees in classified service; exceptions.**

The classified service shall be comprised of:

*Sec. 10-4(1).* The appointive officers of the city as enumerated in [chapter V, section 2](#), of the Charter and such other officers as may have heretofore or may hereafter be provided for by ordinance in accordance with subsection (15) thereof.

*Sec. 10-4(2).* All other positions of employment now existing or hereafter created in the city service which are not enumerated in [chapter V, section 2](#) of the Charter, except elected officials and those positions within the city manager's office and the mayor and council offices which are authorized by [chapter V, section 13](#) of the Charter.

*Sec. 10-4(3).* Reserved.

**Sec. 10-5. Reserved.**

**Editors Note:** Section 10-5, dealing with the duties of the civil service commission, derived from the 1953 Code, ch. 10, § 5, was repealed by § 1 of Ord. No. 7369, adopted Mar. 12, 1990.

**Sec. 10-6. Adoption, construction of classification plan.**

Subject to the prior approval of the city manager, the human resources director shall adopt a classification plan. Such plan shall group all positions in the classified service into classes based on their duties, authority and responsibilities. An appropriate job title, a brief description of the job and essential functions to be performed by persons holding positions therein and the minimum qualifications necessary for appointment thereto shall be set forth for each class of positions. The plan shall be so constructed that all positions substantially similar as to duties performed, degree of authority exercised, responsibility assumed, minimum acceptable qualifications, and other characteristics shall be included in the same class.

**Sec. 10-7. Job evaluation grades.**

Subject to the prior approval of the city manager, the human resources director shall appoint a job evaluation team, which shall include representatives of the city's recognized labor organizations. Excepting the mayor and council, charter officers appointed directly by the mayor and council (city manager, city attorney, city clerk and city magistrates), police and fire commissioned classifications, golf professional classifications and hourly classifications, the job evaluation team will evaluate on a periodic basis all existing or new classifications and will make job evaluation grade recommendations to the human resources director and the city manager. The job evaluation shall be based on factors and levels that are consistent with professionally established criteria. Subject to prior approval of the city manager, the human resources director shall record the final job evaluation grades as part of the adopted classification plan.

**Sec. 10-8. Procedures for classification review.**

Subject to the prior approval of the city manager, the human resources director shall establish administrative policies and procedures for review of classifications. For classifications subject to Tucson Code section [10-7](#), the job evaluation team will forward a recommendation to either retain or change the current job evaluation grade. Subject to prior approval of the city manager, the human resources director shall record the final job evaluation grades as part of the adopted classification plan.

**Sec. 10-9. Allocation of positions to appropriate classes.**

Subject to the prior approval of the city manager, and as promptly as practicable after the adoption of the classification plan, the human resources director shall allocate, or cause to be allocated, each position in the classified service to the appropriate class therein on the basis of its duties, authority and responsibilities.

**Sec. 10-10. Changes in classification.**

Subject to the prior approval of the city manager, existing classes may be divided, consolidated, altered or abolished, new classes established and positions allocated or reallocated thereto by the human resources director. All such changes and reallocations, however, shall be made solely for the purpose of meeting the needs of the service and not for the purpose of effecting the separation of an employee from the service or a demotion or promotion contrary to the provisions of this chapter and the rules and regulations of the commission governing such actions.

**Sec. 10-11. Use of class titles.**

Following the adoption of the classification plan and the allocation of positions in the classified service to classes therein, the class titles so set forth shall be used to designate all positions included in the respective classes in all official records and payrolls. No person shall be appointed or employed in the classified service under a class title which has not been approved by the human resources director, subject to the prior approval of the city manager, as appropriate to the duties to be performed.

**Sec. 10-12. Commission rules authorized.**

The commission shall adopt and from time to time amend rules and regulations for the administration of the Charter provisions and the ordinances of the mayor and council governing entry into the classified service, promotion, transfer, demotion, layoff, suspension without pay exceeding ten (10) days and termination of persons within the classified service. Such rules and regulations and all amendments thereto shall be adopted at a public hearing only after affording a reasonable opportunity to city officers and employees for consultation, and after due notice to the public by posting notice in three (3) public places. Amendments may be initiated by the commission, or proposed by the director, city officers, employees or citizens of the city. Rules

and regulations adopted under this section shall have the force and effect of law. Among other things, such rules and regulations shall provide:

*Sec. 10-12(1). Conduct of examinations.* For the conducting of both entrance and promotional examinations, including the manner in which notice thereof shall be given; the requirements for filing applications therefor; the requirements as to residence and age of persons to be admitted thereto, including the requirements established in section [2-4](#) of this Code; the bases and methods to be used in qualifying and disqualifying applicants for admission to examinations; the character of examinations; the method of conducting, rating and providing notice of the results thereof; conditions under which special examinations may be given applicants who are unable or who fail to appear for an examination at the announced time and place; and such other matters as may be deemed necessary and pertinent thereto.

*Sec. 10-12(2). Establishment of lists.* For the establishment of departmental reemployment, servicewide reemployment, promotional and entrance lists of names of persons eligible for appointment to the several classes in the classified service, including the order in which names shall appear thereon; their duration; the conditions under which they may be canceled, extended or consolidated with new lists; the causes for and the procedure to be followed in removing names therefrom; and the manner in which persons whose names appear thereon may waive appointments.

*Sec. 10-12(3). Certification of lists.* For the certification of eligibles to appointing officers upon their request for appointment to positions in the classified service, including the order in which names shall be certified from the departmental reemployment, servicewide reemployment, promotional and entrance lists, and the number of names to be certified therefrom for each appointment to be made.

*Sec. 10-12(4). Making appointments.* For the making of appointments to positions in the classified service, including the conditions under which probationary, permanent, non-permanent, temporary, and emergency appointments may be made, and the imposition of limitations as to the duration and other necessary restrictions upon non-permanent, temporary, and emergency appointments.

*Sec. 10-12(5). Probationary period.* For a probationary period, not to exceed eighteen (18) months, applicable to all appointments, other than temporary, to permanent positions made from entrance or promotional lists, including a statement of the duration, nature and purposes of such period; the conditions preliminary to the attainment of the status of a permanent employee of any person so appointed; the conditions under which an employee may receive a promotion during such period; the procedure to be followed by appointing officers in making discharges of probationary employees; and the rights of such employees when so discharged.

*Sec. 10-12(6). Transfer of employees.* For the transfer of employees from one position to another position in the same class or from a position in one class to a position in another class; however, a transfer from a position in one class to a position in another class which, in accordance with the compensation plan carries a higher salary range of pay, shall be deemed a promotion and shall be accomplished only in the manner provided in the rules and regulations of the commission for making promotions. Further, a transfer from one class to a position in another class which has a lower salary range shall be deemed a demotion which shall be accomplished only in the manner provided in the rules and regulations of the commission for making demotions.



*Sec. 10-12(7). Lay-off of employees.* For the procedure to be followed by appointing officers in effecting the lay-off of employees in a given class required because of a shortage of work or funds, the abolition of a position or other material change in duties or organization. In all such lay-offs, emergency, temporary, and probationary employees in the classes affected shall be laid off in such order before permanent employees; and, within such categories, the order shall be inverse to length of service. The names of all permanent employees so laid off shall be placed on appropriate departmental or servicewide reemployment lists for their respective classes in the order of their length of service, the name of the employee with the longest service in a particular department heading the departmental list, if one is established, and the name of the employee with the longest service on a servicewide basis heading the servicewide list for a given class.

*Sec. 10-12(8). Procedure for disciplinary suspensions exceeding ten days, etc.* For the procedure to be followed by appointing officers in making suspensions without pay for periods in excess of ten (10) days or for periods totaling more than ten (10) days in any period of one (1) year, demotions, reductions in pay, or discharges of employees for just cause and providing for appeals therefrom to the commission, a fair and impartial hearing and the rendering of a decision thereon in accordance with [chapter XXII, section 3](#), paragraph (c) of the Charter.

*Sec. 10-12(9). Other incidents of employment.* For any and all other incidents relating to entry into the classified service, promotion, transfer, demotion, lay-off, suspension without pay exceeding ten (10) days and termination of persons within the classified service, not inconsistent with the Charter and the ordinances and resolutions of the mayor and council, deemed necessary and expedient by the commission.

***Sec. 10-15. Retirement ages.***

The services of all persons holding positions in the classified civil service shall be terminated as of the end of the day preceding the date they attain the compulsory superannuation retirement age for the class of positions in which they are then employed. Such compulsory superannuation retirement ages shall be as follows:

(a) Age sixty-five (65) for all classes of commissioned personnel positions in the police department; however, the services of any person employed in the police department may be extended from year to year by the mayor and council of the city for five (5) successive years and no more, if such person files a written request for each such extension.

(b) Age for all classes of commissioned personnel positions in the fire department are:

1. For all commissioned personnel engaged in fire suppression, continued employment beyond the age of sixty (60) years shall be subject to all of the following: (a) a written request for extension submitted by the fire chief to the city manager no later than sixty (60) days prior to the sixtieth birthday; (b) certification by the city physician that the applicant is mentally and physically capable of performance; and (c) subsequent approval by the city manager. Medical certification shall be in compliance with all local and national established standards for professional firefighters. An approved extension shall be for a period of one (1) year only. A subsequent annual extension may be granted in the same manner, but shall not, except as provided in section [10-15\(b\)\(2\)](#) below, be for a period which will exceed the age of sixty-five (65)

years. Failure to be so certified by the city physician or disapproval by the city manager shall result in mandatory retirement from the commissioned personnel.

2. For all commissioned fire personnel permanently assigned to non-suppression positions, continued employment beyond the age of sixty-five (65) years shall be subject to all of the following: (a) a written request for extension submitted by the fire chief to the city manager no later than sixty (60) days prior to the sixty-fifth birthday; (b) certification by the city physician that the applicant is mentally and physically capable of performance; and (c) subsequent approval by the city manager. Medical certification shall be in compliance with all local and national established standards for professional firefighters. An approved extension shall be for a period of one (1) year only. A subsequent annual extension may be granted in the same manner, but shall not be for a period which will exceed the age of seventy (70) years. Failure to be so certified by the city physician or disapproval by the city manager shall result in mandatory retirement from the commissioned personnel. Any person who extends service beyond the age of sixty-five (65) years under this subsection shall not be assigned or allowed to perform fire suppression duties.

(c) Retirement for all other classes of positions shall be governed by the provisions of chapter [22](#) of the Tucson Code.

***Sec. 10-16. Officers and employees to comply with, carry out civil service provisions.***

All officers and employees of the city shall comply with and aid in all proper ways in carrying out the civil service provisions of the Charter, the provisions of this chapter, and the rules and regulations thereunder. All officers and employees shall furnish or allow access to any records or information which the director or commission may request for any purpose consistent therewith.

***Sec. 10-17. Commission to cooperate with other governmental and private agencies.***

The commission may cooperate with other governmental agencies and private associations or organizations concerned with human resources administration. It may announce and conduct joint examinations and establish joint eligible lists with either federal, state or other local civil service or merit system agencies and the lists so established shall be given recognition under this chapter and the rules and regulations thereunder.

***Sec. 10-18. Discrimination prohibited; political activities.***

(a) *Favor or discrimination in service.* No person shall be appointed or promoted to, or suspended without pay, reduced in pay, demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status, or political opinions, beliefs or affiliations.

(b) *Political endorsement.* No person shall seek or attempt to use any political endorsement in connection with any appointment or promotion to a position in the classified service.

(c) *Use of political influence.* No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in an appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any such person or for any other consideration.

(d) *Solicitations from or reprisals against persons in classified service.*

(1) No officer or employee of the city shall at any time or place, either directly or indirectly, command, solicit or receive, or be concerned in soliciting or receiving, of any officer or employee in the classified service assessments, subscriptions or contributions in money or any other valuable consideration whosoever for any political organization or candidate for public office.

(2) No person shall, directly or indirectly, command, solicit or receive, or be concerned in soliciting or receiving, any such assessments, subscriptions or contributions from officers or employees in the classified service during the hours they are required to be on duty.

(3) A person shall not, directly or indirectly, solicit or command, or be concerned with soliciting or commanding, any officer or employee in the classified service to engage or not engage in activities permitted by this section with the direct or indirect promise or use of any benefit, reward, promotion, advancement or compensation, or with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.

(4) A person shall not, directly or indirectly, subject, or be concerned with subjecting, any officer or employee in the classified service voluntarily engaging, or voluntarily choosing not to engage, in activity permitted by this section to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.

(e) *Prohibited political activities by persons in classified service.*

- (1) No officer or employee in the classified service shall:
- a. Be a candidate for nomination or election to any elective City of Tucson office.
  - b. Take any part in the management of any partisan or nonpartisan campaign or recall effort, except as permitted under paragraph (f)(3) of this section.
  - c. Engage in any permitted political activity during working, duty or service hours.
  - d. Except pursuant to A.R.S. § 16-402, engage in any permitted political activity at any time while wearing any city uniform, badge, insignia, or other similar item that identifies the city or the employee's position with the city, or use city property or any other city resource in such activity.

(2) No officer or employee in the classified service shall at any time take any active part in securing or contributing any money toward the nomination or election of any candidate for any elective office of the city or in influencing the results of an election for any such office.

(f) *Permitted political activities by persons in classified service.* An officer or employee in the classified service is permitted to voluntarily:

- (1) Express a private opinion or cast a vote.
- (2) Be an officer or a member of any national, state or local committee of a political party or partisan political club or organization.
- (3) Take part in any campaign for city office, subject always to the specific restrictions set forth in the City Charter and this section. The following activities are specifically permissible:
  - a. Display pictures, signs, banners, stickers, badges or buttons associated with candidates on their person while off-duty, outside of city buildings or other facilities, or at their private home.
  - b. Sign or circulate nomination or recall petitions.
  - c. Engage in activities advocating a candidate's election or defeat.
  - d. Solicit or canvass for votes in support of or opposition to a candidate.
  - e. Act as a recorder, watcher, challenger, or similar poll officer on behalf of a candidate.
  - f. Drive voters to the polls on behalf of a candidate.
  - g. Endorse or oppose a candidate in a political advertisement, broadcast, campaign literature, or similar material.
  - h. Address a caucus, rally or gathering in support of or opposition to a candidate.
  - i. Solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds, for a partisan political purpose, from persons other than officers or employees in the classified service of the city.
  - j. Organize, sell tickets to, promote, or actively participate in, a fund-raising activity of a candidate.
- (4) Contribute to, or participate in, any candidate election campaigns other than those for city office, or election campaigns on non-candidate matters such as city, county, or state initiative, referendum, franchise or bond measures.

(5) Contribute to the city's election campaign account, used to provide public funds to candidates for city office.

(g) *Participation of persons elected to public office.* No person elected to a partisan public office of the City of Tucson shall, during the term for which elected, be appointed to any position in the classified service.

### **Sec. 10-19. Unlawful acts.**

*Sec. 10-19(1).* No member of the commission, examiner or employee of the commission or any other person, directly or indirectly, shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this chapter; falsely mark, rate, grade or report upon the examination of any person examined hereunder; make any false representations concerning a person examined or his place on an eligible list; or furnish to any person any special or secret information for the purpose of either improving or injuring his prospects or chances in any examination or of being appointed or promoted to a position in the classified service.

Sec. 10-19(2). No person, officer or employee of the city shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to or any advantage in a position in the classified service.

**Sec. 10-20. Commission's authority to investigate.**

The commission may investigate the enforcement of the Charter provisions, this chapter, and its own rules and regulations relating to entry into the classified service, promotion, transfer, demotion, suspension without pay exceeding ten (10) days and termination of persons within the classified service as and when it deems the same necessary or expedient. It may make findings of fact and recommendations as a consequence of any such investigations to appointing officers or the mayor and council.

**Sec. 10-21. Power to administer oaths, require production of evidence, subpoena witnesses.**

The commission, each member thereof, and the director shall have power to administer oaths and affirmations, subpoena witnesses, and compel the production of books, papers and documents which it deems pertinent to any inquiry, investigation or hearing authorized by the Charter or by this chapter. Such subpoenas may be personally served by the human resources department or by any process server recognized in the state.

**Sec. 10-22. Salaries of civil service commissioners.**

Commissioners shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum. The chairperson of the commission shall, for the performance of those additional duties required of the position, receive an additional six hundred dollars (\$600.00) per annum.