

Memorandum

To: School Board
From: Kerry Leider 
Date: April 15, 2015
Re: Resolution to Adopt New Civil Service Rules – 04/16/2015 COW Meeting

School District legal counsel, Elizabeth Storaasli wrote to the District that, "Matters of inherent managerial policy include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure, selection of personnel, and direction and the number of personnel." Minn. Stat. Sec. 179A.07 Subd. 1: These are items which remain with the employer, and no statute has delegated them to the Duluth Civil Service Board. The Duluth Civil Service Board was only granted the right of "classification", and the determination of jobs and job duties has at all times been retained by the School Board.

The Updated Civil Service Rules of ISD709 provided to the School Board for action in March were written to limit the role of the Duluth Civil Service Board (CSB) to the functions prescribed by applicable laws.

Since March, there has been some conversation regarding language in the 1971 Rules that could still provide guidance to the District for its administration of those matters and where those matters are not otherwise provided for in collective bargaining agreements or other applicable sources of rule or practice. Therefore, you will find attached a new draft of the Civil Service Rules of ISD709 that includes additional language and is recommended by the district Administration.

You will also find attached a copy of the old 1971 Rules, highlighted with notes relating to the general principal for the changes and the specific rule section impact.

I understand this is a considerable amount of information for you to consider, and I will plan to provide you a summary of these documents at our meeting on Thursday. A printed copy of these documents will be provided at that meeting.

Cc: William Hanson
Superintendent Gronseth
Beth Storaasli
Samuel Michelizzi, Maintenance Unit President

CIVIL SERVICE RULES OF ISD709

Adopted by the School Board of ISD709 on April 16, 2015 to replace all Rules previously adopted.

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Sec. 1. Purpose.

The Laws of the State of Minnesota 1933 Chapter 35-H.F. No. 155 and amendments 1967; 1971; 1983; 1984; 1985; and 1986 provide: The employees of ISD709 shall be eligible to be classified and shall be classified as employees under the provisions of the charter of the City of Duluth pursuant to which a civil service board has been or may be established. The civil service board is established pursuant to Chapter V of the Duluth City Charter. This document shall constitute the rules and regulations to accomplish the execution and intent of Minnesota law 1967 CHAPTER 252 – H.F. No. 1345 and all amendments thereof; provided the Minnesota law and agreements reached under the Minnesota Public Employment Labor Relations Act (PELRA), 2012 Minnesota Statutes Chapter 179A, to which ISD709 is a party shall supersede these rules and regulations as required by Minnesota law. The provisions and employee protections of PELRA, 2012 Minnesota Statutes Chapter 179A, whether subsequently amended or rescinded, are hereby incorporated into these Rules to the extent allowed by Minnesota law. The purpose of these Rules is to ensure a fair, efficient and effective system of the District's human resource administration for the Classification of employee positions for all individuals within the civil service of ISD709.

Construction of words, terms, and phrases used herein. Certain words, terms and phrases used in these rules shall be construed as defined in Rule 2. Words used in the singular include the plural, and the plural, the singular. Words used in the masculine gender include the feminine, and the feminine, the masculine. The word "shall" is always used in its mandatory sense. Wherever a section is referred to in these rules by number or otherwise, it shall be understood to refer to a section of these Rules.

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Sec. 2. Definitions.

The definitions provided for in the Minnesota Public Employment Labor Relations Act (PELRA), 2012 Minnesota Statutes Chapter 179A, whether subsequently amended or rescinded, are hereby incorporated into this Chapter to the fullest extent allowed by Minnesota law. The following additional definitions apply to this Chapter:

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- (a) School Board. The School Board of ISD709 who is also the appointing authority;
 - (b) Board. The Civil Service Board (board) established pursuant to Chapter V of the Charter;
 - (c) Charter. The City Charter for the City of Duluth;
 - (d) Class or class of positions. A group of positions established under these Rules sufficiently similar in respect to the duties, responsibilities qualifications, and authority that the same descriptive title may be used to designate each position allocated to the class;
 - (e) Classification description. A description of the major duties of each class, examples of tasks performed, and the minimum qualifications required, and other essential functions of the class;
 - (f) Classification plan. The classes of positions within the classified service;
 - (g) Classified employee. Any employee, except an employee provisionally appointed, who, in accordance with the provisions of regulating laws, occupies any position in the classified service, or who is on leave of absence from such position if such position is held vacant pending the employee's return;
 - (h) Classified service. Any position in the service of the ISD709 except the following:
 - (1) Any employee excluded from the definition of employee under applicable state Law.
 - (i) Layoff series. A list of class titles that has been created to allow a qualified employee to bump into a lower classification, and whose order has been negotiated as provided in a collective bargaining agreement to which the School Board is a party;
 - (j) Position. A full or part-time job held by one person, unless the job is filled by a job sharing arrangement;
 - (k) Reappointment list. A list containing the names of District employees within the classified service who have been demoted for non-disciplinary reasons;
 - (l) Re-employment list. A list of the names of persons who have occupied permanent positions allocated to any class, who have been separated from the service as a result of layoff or approved leave of absence, and who, in accordance with these Rules, are entitled to have their names considered for re-employment when vacancies in the class are to be filled;
 - (m) Public Employment Labor Relations Act (PELRA). 2012 Minnesota Statutes Chapter 179A. PELRA regulates labor relations between ISD709, its employees and the labor organizations that represent ISD709 employees;
 - (n) Chief administrative officer. Chief administrative officer of the ISD709 Human Resources Office
 - (o) Secretary. The manager of human resources for the City of Duluth or the board's designee.
 - (p) Appointing Authority. Independent School District #709 (ISD709)
 - (q) The District (district). Independent School District #709 (ISD709)

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Sec. 3. Duties of the board.

(a) The board shall oversee compliance with these Rules. The board may investigate any allegation of a violation of these Rules. If the board rules there has been a violation, it can recommend a remedy to the appointing authority.

(b) In addition to the authority and responsibility conferred upon the board by Chapter V of the Charter and by the provisions of City of Duluth Code Chapter 13 relating to City of Duluth Classified Employees, the board shall, as relates to matters of ISD709 Classified Employees, act in accordance with the authority and responsibility conferred upon it by these Civil Service Rules of ISD709;

(c) The board shall serve as a veteran's hearing board for ISD709 employees as provided by Minnesota law;

Sec. 4. Meetings of the board.

All meetings of the board shall be open to the public as required by state law. A simple majority of the board membership then serving shall constitute a quorum for meeting purposes. Any meeting shall be adjourned in the absence of a quorum. Regular meetings of the board shall be scheduled once per month. The board shall make the determination of whether to hold or cancel meetings when there is no business requiring board action. Special meetings of the board may be held at any time on the call of the secretary or the board chair.

Sec. 5. Duties of secretary to the board.

(a) The secretary shall act as the secretary to the board, attend meetings of the board, prepare matters that require board action and prepare the board minutes;

(b) The secretary shall serve as a non-voting, ex officio member of the board and shall have the right to participate in board discussions;

(c) The secretary shall arrange and provide for all communications and reports required by these Rules.

Sec. 6. Civil service administration, duties of the secretary.

Unless otherwise provided herein, the secretary shall have all powers necessary to administer the functions and provisions of these Rules. These powers include, but are not limited to, the creation and maintenance of the Classification Plan.

Sec. 7. Interpretation of Class Specifications.

(a) The specifications are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements, but the use of a particular expression or illustration as to duties, qualification requirements or other attributes shall not be held to exclude others not mentioned if such others are similar as to kind or quality.

(b) In determining the class to which any position should be allocated, the specifications for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications, and the relationships to other classes as affording together a picture of the positions that the class is intended to include.

(c) Titles, as far as possible, are intended to be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.

(d) The general summary or purpose of the job (general statement) shall be construed as a general description of the kind of work performed by the incumbent of a position that properly is allocated to the class, and not as prescribing or limiting what the duties of any position shall be.

(e) The essential duties shall be illustrative of specific duties as outlined by the general statement, although these examples are not intended to be complete or exclusive, and the fact that the actual tasks

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performed by the incumbent of a position do not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties and provided further that any one example of a typical task within the described duties, taken without relation to the general statement of duties and all other parts of the specifications, shall not be construed as determining whether a position shall be allocated to the class.

(f) The statement of required and desirable qualifications constitutes a part of the description of the kind of employment by expressing the minimum and desired qualifications expected of any new appointee if he is to perform the work properly, and is to be so construed, and not as imposing in itself any new or additional requirements for the filling of positions, and although they may not be mentioned in the qualifications statement, such qualifications as should properly be required in common of the incumbents of all positions -- such as physical requirements, honesty, and sobriety for example are taken for granted.

Sec. 8. Establishment of and amendments to the classification plan.

- (a) The Classification Plan for ISD709 is attached to these Rules as Exhibit A;
- (b) The Classification Descriptions for classified employees of ISD709 are attached to these Rules as Exhibit B;
- (c) Management of ISD709 shall confer with the applicable union personnel committee, labor management committee or appropriate union representative regarding all new and revised class descriptions of all positions within the classification plan prior to approval by the School Board; or consideration by the board for classification or reclassification;
- (d) The creation or amendment of classification descriptions of all positions within the classified service shall be approved by the chief administrative officer before being submitted to the board for classification;
- (e) Upon the creation of a new class or amendment to the name of an existing class by the board, or upon the deletion of a class by the chief administrative officer, such new class, amendment or deletion action shall be reflected in a revised Exhibit A.
- (f) The ISD709 Human Resources office, subject to the approval of the chief administrative officer, shall determine the classifications to be utilized within any organizational unit under the supervisory authority of the appointing authority;
- (g) The chief administrative officer may abolish existing classes that are obsolete and no longer in use, subject to the approval of the School Board;
- (h) Upon the creation of a new or amendment to an existing classification description approved by the chief administrative officer, such new or revised description after its classification by the board shall be incorporated into a revised Exhibit B.

Sec. 9. Reclassification of positions.

- (a) If, after the evaluation of a class description provided to the board for its consideration, it is the opinion of the board that there has been a significant change in the duties of such position, the board may assign such position to either a different current classification or to a new classification created by the secretary subject to the approval of the chief administrative officer and the School Board. The board's creation of a new class or any amendments to existing class titles shall be subject to School Board approval;
- (b) Upon reclassification of any position, the chief administrative officer shall determine whether the reclassified position will be filled by the appointment of the incumbent of the former position to the reclassified position, or by method as prescribed in the collective bargaining agreement by which the reclassified position is covered;

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Sec. 10. Reappointment list--ranking of names.

The names of persons who have been involuntarily demoted are eligible for inclusion on a reappointment list and shall be ranked in order of seniority within the classified service. The chief administrative officer or designee shall provide written notice to persons whose names are placed on a reappointment list.

Sec. 11. Re-employment list--ranking of names.

The names of persons who have been laid off are eligible for inclusion on a re-employment list shall be ranked on the list for their class and lower classes in the layoff series in order of their seniority.

Sec. 12. Probation period for classified employees.

Except as otherwise provided by this Section, any person appointed to a position in the classified service shall be on probation for a period of six months or the period specified in the position posting notice, whichever is longer.

(a) Any person who bumps from a position in one classification to a position in a lower classification as provided for in a collective bargaining agreement, or these Rules, shall be on probation for a period of six months; provided, that if an employee bumps or has been laid off or demoted without fault of such employee, and has completed the probationary period in the classification to which he or she is bumping, being demoted or reappointed, such employee shall not be required to serve a second probationary period;

(b) If an employee bumps or is laid off or demoted without fault of such employee during the probationary period, and is re-appointed to a position in the same class within one year of bumping, layoff or demotion, and into the same classification from which such employee bumped or was laid off or demoted, the probationary period already served shall be carried over to the new appointment.

Sec. 13. Rejection of probationary employee.

The appointing authority may at any time before the expiration of the probation period reject any person appointed to a position; provided, that the appointing authority shall forthwith provide a written report to the chief administrative officer or designee of the action, identifying the date the rejection becomes effective and the reasons for the rejection. Any probationary employee who fails to successfully complete probation shall be considered permanently separated from the classified service unless the employee was promoted to the position from a lower classification and in that case, the employee will be placed on the re-employment list for the lower classification previously held prior to the promotion. The person will not be entitled to bump back into the lower classification previously held.

SEC. 14 Layoff.

(a) When it becomes necessary through lack of funds or for other cause, for which the employee is not at fault, to reduce the number of employees in a given class, temporary and provisional employees shall be the first to be laid off, and thereafter decrease of the number of employees shall be accomplished, first, by laying off the least senior employee in the class or if she has seniority in a lower class, demoting her to such lower class, providing the least senior employee in the lowest class to which demotion is made as a result of reduction in any higher class shall be laid off if layoff was not made in a higher class, provided that for the purpose of layoff an employee shall have seniority in each class in which she previously completed a probation period, such seniority to be computed on time served in that class and all higher classes: Provided that, where it is determined that there are two or more persons in the class in which layoff or reduction is to be made have equal seniority in the class, the order of layoff or reduction in such tie cases shall be determined by the total of service with the school district, and if a tie

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still exists, based on the discretion of the chief administrative officer.

Provided, further, that any person reduced under the provisions of this section shall have the same rights with respect to seniority in the higher class if she had been actually so employed.

(b) Chief administrative officer or designee shall notify in writing the employee or employees to be laid off and forthwith transmit to the secretary the names of those so notified for the purpose of the board's consideration and initiative for making recommendation to the School Board in this matter.

(c) Name of Employee Laid Off to be placed on Re-Employment List. The chief administrative officer shall enter on the appropriate re-employment list, the names of those eligible for re-employment and those who desire to be re-employed when vacancies occur.

(d) The School Board shall have ultimate authority to enforce compliance with the regulations embodied in this section; the board may however, upon its own initiative and upon the request of the employees concerned, hear the employee or employees and make recommendation to the School Board whether in their opinion the planned layoff is consistent with these Rules.

RULE 15. DEMOTIONS

(a) Reduction Allowed. Upon the request of an employee or by the appointing authority an employee may be reclassified from a higher to a lower classified position, which in the discretion of the chief administrative officer, the employee is eligible to fill.

(b) Supervisor or manager of an employee shall make recommendations to the chief administrative officer for demotion of an employee. The chief administrative officer shall make his recommendation in writing to the board sufficiently in advance of any School Board action on the demotion, and shall supply the employee with a copy of such recommendation, and such recommendation shall give the future date on which the proposed demotion is to become effective, the class to which it is proposed to demote the employee, the new rate of pay, the specific reasons why such demotion is for the good of the school district service; provided, that the recommendation shall also advise the employee that he may within five (5) days file a written request with the board and ask for a hearing.

(c) Board May Grant Hearing Where Demotion is Proposed. When the chief administrative officer recommends the demotion of an employee, the board may, upon its own initiative, and shall, upon the request of the employee concerned, hear the employee and determine whether the proposed demotion is in the opinion of the board justified and for the good of the school district service. After such hearing and investigation or upon the expiration of the (5) days if no communication is received from the employee, the board shall provide its statement of opinion to the School Board and so notify the employee regarding their stated opinion.

(d) The School Board will be provided the opinion of the board for their consideration when taking action on the employee demotion; final decision regarding demotion will be made by the School Board.

RULE 16. SUSPENSIONS

(a) Suspension. The chief administrative officer or officer acting in his place may for disciplinary purposes suspend without pay any employee on account of inefficiency, incompetency, misconduct, negligence, insubordination, disloyalty, or other sufficient cause.

(b) Board may Investigate Suspension. The board, upon the petition of the employee suspended, or upon its own motion, may investigate the suspension, and if it is of the opinion that such suspension is unjust or made in error or that the punishment inflicted was too severe, may provide their written opinion and finding to the School Board along with suggested adjustment.

(c) Employee to be Notified of Suspension. In case the chief administrative officer or officer acting in his place shall forthwith give written notice to the suspended employee stating the reason for the suspension and the duration thereof, and shall forthwith personally deliver such written notice to the employee or mail it to his last known address; he shall also forthwith send to the board a copy of such notice sent to the employee. Such notice shall also advise the employee that he may within five (5)

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calendar days from the date on which notice is mailed file an answer with the Board, may request that the Board investigate the charge and may request an opportunity to be heard in his own behalf.

RULE 17. REMOVALS

(a) Removals. (i) Except as provided in Rule 17(b(1)) any employee holding a position in the classified service who has completed the probation period prescribed in accordance with these rules may be removed only for cause.

(b) Causes for Removal. The following shall be sufficient cause for removal, though removals may be made for causes other than those enumerated:

- (1) The employee is incompetent or inefficient in the performance of his duties.
- (2) The employee has been wantonly careless or negligent in the performance of his duties.
- (3) The employee has been brutal in his treatment of public charges, fellow employees or other persons.
- (4) The employee has been offensive in his conduct toward his fellow employees or the public.
- (5) The employee has some permanent or chronic physical or mental ailment or defect which incapacitates him for the proper performance of his duties for which there is no reasonable accommodation to be made that allows the employee to perform the essential functions of the job.
- (6) The employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given him by his superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the organization or to result in loss, inconvenience, or injury to the district or to the public.
- (7) The employee has taken for personal use a fee, gift, or other thing in the course of his work or in connection with it when such fee, other valuable thing is given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.
- (8) The employee is engaged in a private business or in an outside trade or occupation when the duties of his position, as prescribed by law or regulation by his official superior, require his entire time for their performance.
- (9) The employee has failed to pay or make reasonable provision for the future payment of just debts.
- (10) The employee has been convicted of a criminal offense or of involving moral turpitude.
- (11) The employee, through negligence or willful conduct, has caused damage to public property or waste of public supplies.
- (12) The employee during his hours on duty has engaged in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office or when not on duty has engaged in any political activity to such an extent that his efficiency during the working hours has been impaired or it has caused him to be tardy or absent from his work.
- (13) The employee has used or has attempted or caused to be used influence in securing promotion, transfer, leave of absence, or increased pay.
- (14) The employee removed public or personal property from his employment without the owner's or supervisor's approval.
- (15) The employee knowingly falsified any record or report required or authorized to be kept by the school district or school board; defrauded the school district, or knowingly made a false statement, or misrepresented or concealed any material fact, or deceived or committed any fraud in any application for employment with the school district.

(c) Who May File Removal Charges. The chief administrative officer or officer acting in his place may file written charges asking for the removal of any employee in the classified service; and provided further, that the appointing authority may suspend without pay the employee against whom charges are filed, pending the decision of the School Board.

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(d) Charges to State Grounds for Removal. Any charges filed against any employee shall state specifically the cause or causes enumerated in this rule or other cause considered sufficient to constitute grounds for removal, and in addition, the specific act or acts of the employee constituting such cause.

(e) The Chief Administrative Officer to Mail Notice of Charges to Employee. The chief administrative officer shall mail one (1) copy by registered mail to the last known address of the employee against whom the charges are brought, or hand deliver the notice, and with copy delivered to the secretary. Such notice shall also advise the employee that he may within five (5) calendar days from the date on which such notice is mailed or delivered, request the board investigate the charges, and may request an opportunity to be heard in his own behalf.

(f) Board to Investigate Charges. Upon its own initiative or at the request of the employee, the board itself or through some person or board appointed by it, shall within ten (10) days if practicable and in any case within thirty (30) days, investigate the charges, and at the request of the employee or upon its own initiative, give the employee an opportunity to be heard in his own behalf.

(g) Board not Bound by Rules of Evidence in Conducting Investigations or Hearings. The board, or the person or entity appointed by it to investigate charges, may proceed in an informal manner and in no case shall be bound by the rules of evidence observed in courts of record.

(h) Board may Recommend Removals, etc. As soon as practicable after the completion of an investigation and after a hearing is held, or in case there is no investigation or no hearing held, and after the expiration of five (5) days from the mailing of the charges to the employee, or as soon thereafter as practicable, the board shall act upon the charges and may in its discretion file a recommendation to the School Board to take the following action:

(1) Recommend the restoration of the employee to his position without loss of pay or with reduced pay for a period of time it believes is commensurate penalty to coincide with the causes cited by the chief administrative officer as justification for removal.

(2) Recommend the demotion of the employee to a class for which a lower maximum rate of compensation is prescribed.

(3) Recommend the removal of the employee from the position in the classified service of the school district.

(i) Decision of School Board to be Final. The decision of the School Board after considering recommendations from the board, shall be final subject to other legal proceedings allowed by Minnesota law.

Sec. 18. Veterans.

(a) All action by the board relating to veterans will be according to Minnesota Statute.

Sec. 19. Appeals.

(a) Right to appeal. Any ISD709 classified employee affected by a decision of the board who wishes to appeal pursuant to these Rules may appeal such decisions as provided below;

(b) Manner and time for appeal. An appeal is perfected by filing a notice of grievance according to the collective bargaining agreement for the employee;

(c) Appeal of any board decision relative to the Veterans Preference Act will be according to Minnesota Law;

(d) Limitation of board authority. Unless otherwise required by the provisions of a collective bargaining agreement to which the appointing authority is a party, the board shall have no authority to hear the appeal of a dispute that is subject to the grievance article of a collective bargaining agreement;

(e) Finality of board decision. All decisions of the board are final subject to School Board

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approval. Any party aggrieved by a decision of the board may appeal as provided in this section or authorized by Minnesota law.

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CIVIL SERVICE RULES
INDEPENDENT SCHOOL DISTRICT NO. 709
ST. LOUIS COUNTY, MINNESOTA

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Principle changes and amendments to 2015 ISD709 Civil Service Rules (CSR): The new rules will recognize the ultimate authority in these matters is the School Board; and preserves the statutory function of the Civil Service Board (CSB), to classify positions; and where there is language in the Collective Bargaining Agreement taking precedent over CSR, that duplicate language in Rules is deleted; and where old rules prescribed a function to the CSB where for all other ISD709 employees those matter are managed by the District's HR Department, those Rules are changed to provide the ISD 709 HR department having the primary role; and beyond the CSB primary role of classification of positions the role of the CSB is to make recommendation to the School Board for their consideration and final action on matters effected by these CSR.



JULY 1971

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- 20.1 Amendment of Rules
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- 20.3 Rules Shall not Apply to Pending Proceedings
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- 20.5 These Rules Shall Take Effect and Be in Force Immediately Upon Approval by the School Board and Civil Service Board and its Publication

BE IT RESOLVED BY THE SCHOOL BOARD OF INDEPENDENT SCHOOL DISTRICT NO. 709,
ST. LOUIS COUNTY, MINNESOTA:

RULE 1. ADOPTION

Replaced by
Purpose Section

1. That there is hereby approved and adopted for the conduct of the affairs of the School Board of Independent School District No. 709 the following rules and regulations relating to the classified service and positions within the classified service of the school district as set out in Rules 2 to 20, inclusive.

1.1 Construction of words, terms, and phrases used herein. Certain words, terms and phrases used in these rules shall be construed as defined in Rule 2. Words used in the singular include the plural, and the plural, the singular. Words used in the masculine gender include the feminine, and the feminine, the masculine. The word "shall" is always used in its mandatory sense. Wherever a section is referred to in these rules by number or otherwise, it shall be understood to refer to a section of these rules.

RULE 2. DEFINITIONS

Provided in new
CS Rules

2.1 The term "Board" as used in these rules means the Civil Service Board of the City of Duluth, Minnesota.

2.2 The term "School Board" as used in these rules means the School Board of Independent School District No. 709, St. Louis County, Minnesota.

2.3 The term "School District" as used in these rules means Independent School District No. 709, St. Louis County, Minnesota.

2.4 "Appointing Authority" means the School Board or a staff officer delegated to perform those functions required of an appointing authority in these rules.

2.5 "Position" means any office or place of employment in the classified service of the school district with duties and responsibilities calling for the full time or part time of one person in the performance and exercise thereof.

2.6 "Permanent position" means any position in the classified service of the school district which has required or which is likely to require the services of an incumbent without interruption for a period of more than 120 working days in any calendar year.

2.7 "Temporary or extra position" means any position in the school district which requires or is likely to require the services of any incumbent for a period of 120 working days or less.

2.8 "Employee" means a person who is legally an incumbent of a position in the classified service of the school district or who is on leave of absence according to these rules and whose position is held for him pending his return.

2.9 "Substitute appointment" means an appointment to fill a temporary vacancy in a permanent position caused by the temporary absence of the regular incumbent because of sickness, special leave of absence, military leave of absence, or other similar cause.

2.10 "Eligible" means any person whose name is on a re-employment, promotional or employment list for a given class.

2.11 "Class" or "class of positions" means a group of positions established under these rules sufficiently similar in respect to the duties, responsibilities and authority thereof that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity.

2.12 "Title," "class title" or "classification title" means the designation given under these rules to a class, to each position allocated to the class, and to the incumbent of each position allocated to the class.

2.13 "Eligible list" means a list of the names of persons who have been found qualified for employment in positions in the classified service, including the names of persons on the re-employment, promotional and employment lists as hereinafter defined.

2.14 "Employment list" means a list of the names of persons arranged in the order of merit who have been found qualified through suitable original entrance tests for employment in positions allocated to a special class.

2.15 "Re-employment list" means a list of the names of persons arranged in the order provided by these rules who have occupied permanent positions allocated to any class in the classified service, who have been separated from the service, and who, in accordance with these rules, are entitled to have their names certified to appointing authorities when vacancies in the class are to be filled, ahead of those whose names are on the employment list for the class.

2.16 "Promotional list" means a list of the names of persons employed in the classified service in a lower class of a series of positions who have been found qualified through suitable tests for promotion to a higher position in the same series of classes.

2.17 "Qualifying list" means a list of names of persons who have been employed in the classified service of the school district for not less than one year in a classification that may have, for any reason, been abolished and who have been found qualified through suitable test for employment in related existing classes in any department.

2.18 "Original entrance test" means a test or group of tests held to determine the relative fitness of applicants for positions allocated to a class and open not only to persons employed in the classified service but also to other persons who are not or have not been so employed.

2.19 "Promotion test" means a test or group of tests held by the Board to determine the relative fitness of applicants for positions allocated to a specified class and open only to employees in the classified service who have previously

served in specified classes for such period as may be prescribed in each specific case in the class specifications, in the public notice of the tests, or by special action of the Board.

RULE 3. CIVIL SERVICE BOARD AND DIRECTOR

Functions replaced by
"secretary of board"
consistent with City Code

3.1 Regular meeting of Board. Regular meetings of the Civil Service Board shall be held, unless otherwise scheduled, on the first Tuesday of each month in the office of the Board, except when such a day is a holiday, in which case the meetings shall be held on the next following business day.

3.2 Special Meetings of Board. Special meetings of the Board may be held at any time on the call of the Director, or of the chairman, or of two members.

3.3 Quorum. Two members of the Board shall constitute a quorum and any meeting shall be adjourned in the absence of a quorum.

3.4 Board Meetings Open to Public. All meetings of the Board, whether regular or special, shall be open to the public, except that the Civil Service Board may by unanimous vote conduct hearings in such privacy as the Board may deem necessary; provided, that no official action shall be consummated at any closed meeting.

3.5 Publicity for the Board's Records. Except as otherwise provided in these rules, the minutes, eligible lists, official roster, and papers prepared by the Board for general distribution are hereby declared to be public records and shall be open to public inspection at the Board's principal office under reasonable conditions during business hours; provided that materials used in tests, correspondence and records not specifically mentioned herein may by direction of the Director be considered confidential and not open to examination by any person not employed by the Board, except the appointing authority. If the Director should deny the employee the opportunity to review all of the material in his personal file, the employee may appeal the Director's decision to the Board.

3.6 Board to appoint Director and staff. The Civil Service Board shall appoint a Director and such examiners, investigators, clerks and other employees as may be necessary to carry out its work properly and as funds may be provided.

3.61 General Duties of Director. The Director shall be the chief executive officer of the Board, and, under the direction of the Board, shall administer and enforce these rules, investigate the effect of their enforcement, report from time to time any violations and other conditions which in his judgment make it desirable to amend the rules, and have general charge of the holding of tests, the preparation of eligible lists, the certification of the names of eligibles, the preparation and maintenance of the official roster, the checking and certification of payrolls, the office and records of the Board, the supervision and direction of its employees, and passing upon employment matters under these rules except as action is specifically required by the Board.

3.62 Additional Duties of Director. The Director shall conduct such hearings, pass such formal orders and perform such other duties as may be required by these rules or by orders, resolutions or regulations adopted by the Board from time to time; provided, that any act of the Director or any other employee of the Board shall be subject to abrogation, reversal or modification by action of the Board.

3.63 Director to Attend Meetings of Board. The Director or in the case of his disability or absence, the person acting for him, shall attend meetings, shall act as Secretary to the Board, shall prepare such matters as require action by the Board, and shall prepare the minutes; provided, that the Director shall have the right to participate in discussions, but shall have no vote in such meetings.

3.7 Roster of Employees. The Director shall cause to be maintained in the Board's office an official roster, on cards or in other form, showing for each employee in the classified service and for such other employees as the Director may from time to time designate, the name, the classification of title, the rate of pay, each change of status (including promotions, transfers, increases or decreases in the rate of compensation, demotions, layoffs, removals and other actions, taken in accordance with these rules), and such other information as the Director may consider necessary for the maintenance of a proper record of the service of employees in the classified service, and the appointing authorities shall supply such information as the Director may consider necessary to establish and maintain the official roster.

RULE 4. POSITION CLASSIFICATION PLAN

Provided in new CS Rules

4.1 Classified Service. All positions in the School District, whether full time or part time, whether permanent, seasonal, provisional, or substitute, other than those designated in Laws of Minnesota 1967, Chapter 252, Section 2, or any acts amendatory thereof, shall be included in the classified service, and the provisions of these rules shall be applicable to them and to their incumbents except that Rule 11 shall apply only to incumbents certified to permanent positions.

4.2 Unclassified Service. Positions specifically exempted by Laws of Minnesota 1967, Chapter 252, Section 2, or any acts amendatory thereof, are hereby designated as in the unclassified service and all such positions are in no way subject to these rules and regulations.

4.3 Classification Plan. The classes of positions as named in Appendix V of these rules shall constitute the classification plan for positions in the classified service; provided, that the Civil Service Board, with the approval of the School Board, may hereafter amend the classification plan by providing for the establishment of new classes, the abolishment of existing classes, or for the combination of two or more classes.

4.4 Specifications of Classification Plan. The Director shall cause to be maintained in the office of the Board in loose leaf or other suitable form, accurate, complete and up-to-date specifications of the classes of positions named in Appendix V of these rules, as adopted by the Civil Service Board, and the specifications for each class of positions shall be endorsed with the date of adoption or last amendment and the signature or initials of the Director.

4.5 Requirements of Class Specifications. Class specifications shall include a statement of duties of each class of positions, examples of tasks performed by employees holding positions with the class, and the minimum qualifications required of applicants for positions within the class.

4.6 Specifications to have Force and Effect. The specifications for the various classes of positions are hereby declared to have the force and effect as specified hereafter in Rule 4.7.

Function provided in new CS Rules

4.7 Interpretation of Class Specifications.

(a) The specifications are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements, but the use of a particular expression or illustration as to duties, qualification requirements or other attributes shall not be held to exclude others not mentioned if such others are similar as to kind or quality.

(b) In determining the class to which any position should be allocated, the specifications for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the required and desirable qualifications, and the relationships to other classes as affording together a picture of the positions that the class is intended to include.

(c) Titles, as far as possible, are intended to be suggestive of the kind of work performed by the incumbent of the position and indicative of the rank.

(d) The duties statement shall be construed as a general description of the kind of work performed by the incumbent of a position that properly is allocated to the class, and not as prescribing or limiting what the duties of any position shall be.

(e) The typical tasks shall be construed as examples only, illustrative of the duties as outlined by the general statement, although these examples are not intended to be complete or exclusive, and the fact that the actual tasks performed by the incumbent of a position do not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties and provided further that any one example of a typical task, taken without relation to the general statement of duties and all other parts of the specifications, shall not be construed as determining whether a position shall be allocated to the class.

(f) The statement of required and desirable qualifications constitutes a part of the description of the kind of employment by expressing the minimum and desired qualifications expected of any new appointee if he is to perform the work properly, and is to be so construed, and not as imposing in itself any new or additional requirements for the filling of positions, and although they may not be mentioned in the qualifications statement, such qualifications as should properly be required in common of the incumbents of all positions -- such as good physical condition, freedom from disabling defects, citizenship, suitable age, honesty, sobriety and industry -- are taken for granted.

ISD709 Function not CS Bd

4.8 Amendments to Specifications. The Civil Service Board may revise the specifications for any class when in the opinion of the Board such a revision is necessary; provided, that when changes in specifications are made the School Board shall be given written notice three (3) days preceding a School Board meeting and said changes shall become effective on the third day after said meeting, and said changes shall be recorded in the minutes of the regular School Board meeting.

4.9 Allocation of Positions. Positions in the classified service are hereby allocated to classes in the classification plan as shown on the official roster cards at the time these rules take effect and the title of the class shall forthwith become the title of such positions and shall be used in payrolls submitted to the Civil Service Board for checking and certification and for all other official purposes.

Function remains with CS Bd in new Rules

4.10 Allocation of New Positions and Re-allocation of Old Ones. Whenever a new position is established or the duties of an existing position are so changed that in effect the old position as described no longer exists and in its place there is created a position which should be allocated to a different class, the appointing authority shall forthwith report this fact to the Board with a full statement of the circumstances and a description of the duties as changed; the Board shall thereupon,

after an investigation of the actual and proposed duties, responsibilities, and qualification requirements, classify or re-classify the position, subject to the approval of the School Board by allocating the position to its appropriate class in accordance with the classification plan then in effect, and if necessary, a new class shall be established to provide for the new position, subject to the approval of the School Board.

ISD709 Function not CSB

4.11 **Board May Investigate Positions.** The Board may from time to time of its own motion make investigations of any or all positions in the classified service, and may, in accordance with these rules, make changes in the allocation of positions whenever the facts are such as to warrant such action, subject to the approval of the School Board; provided, that no change in the allocation of any position shall be made until the appointing authority and the employee holding the position shall have had reasonable opportunity to be heard.

ISD709 Function not CSB

4.12 **Incumbent May Retain Re-Classified Position.** Where a position has been re-classified by the Civil Service Board, and approved by the School Board on account of additional duties and responsibilities or to correct original errors in classification, the incumbent of the former position may be promoted or appointed to the new position without examination, upon the request of the appointing authority and the incumbent; provided, that it must be shown to the satisfaction of the Board that the person for whom such promotion or appointment is requested has fully performed the additional duties and assumed the responsibilities on account of which reclassification was allowed and is fully qualified to fill the position.

RULE 5. **ELIGIBLE LISTS**

Not applicable; Per Maint. Unit Collective Bargaining Agreement (CBA) Art. 22

5.1 **Re-employment List.** The name of any person holding a permanent position in the classified service who has performed his duties satisfactorily and has been laid off without fault on his part, or of any person on probation who has performed his duties satisfactorily and has been laid off without fault on his part shall be placed on the re-employment list for the appropriate class; or whenever any person has taken leave of absence and is ready to return to duty when a position in the class is open, or has resigned in good standing and, with the consent of the appointing authority and of the Board, has withdrawn his resignation, and who has not been restored to his position.

5.2 **Arrangement of Names on Re-employment List.** The names shall be arranged on the re-employment list for each class in the order of their seniority in that and higher classes in the same series; provided, that after a period of one year any name shall be removed from the re-employment list for the class and the person notified of such action unless the period is further extended by the Board; provided further, that the Director may remove from any re-employment list the name of any person who, without giving a satisfactory reason, refuses to accept an appointment offered him.

5.3 **Filling Higher Positions Through Promotion.** Vacancies in the higher classes of positions shall be filled as far as in the judgment of the Board is consistent with the best interests of the School Board as an employer, by promotions following competitive tests; provided, that when promotional tests are held, they shall be open only to employees in the classified service who, immediately preceding the closing date, have served not less than one year in the class or classes designated in the public notice of the tests, unless otherwise specified in the class specifications.

5.4 Both Promotion and Original Entrance Tests May Be Held. Whenever tests are to be held to establish an eligible list for any class, the Board, after securing the recommendation of the appointing authority, shall decide as to whether promotion or original entrance tests, or both, shall be held, and if both promotion, and original entrance tests are held, they may be entirely different, entirely alike, or partly different and partly alike.

5.5 Promotional List to have Precedence Over Employment List. The employment list resulting from original entrance tests shall not be used as long as there are three employees whose names are on the promotional list for that class who are willing to accept appointment when certified, provided that the appointing authority may ask for additional names if less than three names are certified to him.

5.6 Duration of Eligible Lists. Eligible lists shall continue in force for one year from the date of the approval of the eligible lists, or such other period as the Board may specify in the published notice for the test, subject to the following provisions:

(a) Any employment list may be continued in force not to exceed one (1) year beyond the original period, if such action is approved by the Board before the expiration of the time previously fixed.

(b) Any re-employment list or promotional list may be continued in force from time to time beyond the original period, if such action is approved by the Board before the expiration of the time previously fixed.

(c) Any seniority list upon which the applicants qualify by examination shall remain in force for a period not to exceed five (5) years.

(d) Nothing contained in this section shall invalidate eligible lists approved and effective on or before the effective date of these rules.

5.7 Board May Cancel Employment or Promotional List in Case of Illegality in Tests. In case of illegality or fraud or mistake in connection with the tests of any class of positions, the whole or any part of any employment or promotional list may be cancelled upon the direction of the Board; provided, that no employment or promotional list shall be cancelled in whole or in part until after a public hearing.

5.8 Employment Lists May be Combined. In case there is an employment list for any class when another employment list for the same class is approved, the two shall be combined and the names of eligibles entered on the combined employment list in the order of the total weighted scores. Any portion of the combined employment list, however, shall be automatically cancelled and the names removed from the list at the expiration of the period for which such list was originally approved unless held in force as prescribed above.

5.9 Promotional Lists May be Combined. In case there is a promotional list for any class when another promotional list for the same class is approved, the two shall be combined and the names of eligibles entered on the combined promotional list in the order of the total weighted scores. Any portion of the combined promotional list, however, shall be automatically cancelled and the names removed from the list at the expiration of the period for which such list was originally approved unless held in force as prescribed above.

5.10 Employment List. The Director shall estimate as closely as may be possible from all available sources of information the number of appointments to positions allocated to the class likely to be made before tests for the class are held again and the number of eligibles likely to be needed to make available the estimated number of appointees, and thereafter the names of the number of testees so estimated by the Director making the highest total weighted scores shall, upon approval by the Board, constitute the employment list for the class; provided, that in no case shall the name of any testee be included in the employment list if he fails to obtain the minimum raw or weighted score required in any test or group of tests, as stated in the public notice of the test.

5.11 Board to Approve Employment and Promotional Lists. No employment or promotional list shall become effective until it is submitted to and approved by the Board.

NA per CBA now ISD709 HR Function

RULE 6. APPLICATIONS

6.1 Entrance Application to be Filed with Director. Any person desiring appointment to or promotion in the classified service shall file with the Director a written application on the prescribed form for entrance to the next test to be given to persons from whom selections are to be made for appointment or promotion to positions in a given class.

6.2 Director May Require Evidence of Minimum Qualifications, etc. The Director may require of any or all applicants for tests for any class, evidence of the possession of the minimum qualifications set forth in the specifications for the class, and also in case any license or other evidence of competency is required by federal or state law, or city ordinance, evidence of the possession of such license or other evidence of competency.

6.3 Applicants and Eligibles May be Rejected for Cause. The Board may for cause reject any applicant either prior to the date of tests or after his name is placed on the eligible list if information becomes known to the Board which would indicate that the applicant would not be a desirable employee; provided, that the Director shall notify in writing any applicant or eligible whose name is rejected under this rule, specifying the cause for the rejection of the application.

6.4 Causes for Rejection. Any of the following may be deemed sufficient cause for rejecting an applicant, though rejection may be made for causes other than those enumerated:

(a) That the applicant is found to lack any of the minimum qualifications as stated in the class specifications.

(b) That the applicant is physically unfit to perform the duties of the position to which he seeks appointment.

(c) That the applicant is an habitual or excessive user of drugs, narcotics or intoxicating beverages.

(d) That the applicant has been guilty of a crime or of disgraceful conduct.

(e) That the applicant has been dismissed from employment in the public service or in a commercial or other organization for delinquency or misconduct.

(f) That the applicant has intentionally made a false statement in his application with regard to any material fact.

(g) That the applicant on the closing date announced for filing applications has not attained the age of nineteen years or exceeds the age of fifty-five years, unless otherwise prescribed in the class specifications and specified by the Board in the announcement of the examination; provided that this section shall not apply to employees who are otherwise qualified to compete in a promotional examination.

(h) That the applicant has been previously employed in the classified service and has been removed for cause or did not resign in good standing.

RULE 7.

TESTS

NA per CBA now ISD709 HR Function if any

7.1 Director to Recommend Schedule of Tests to Board. The director shall submit to the Board for its approval schedules of entrance and promotional tests for the various classes of positions as required by these rules or the needs of the service.

7.2 Public Notice of Tests. When the Board approves his recommendations, with or without modifications, the Director shall proceed to hold the tests and shall see that proper public notice is given, that the necessary test material is prepared, that applicants are notified of the time and place of the tests, that rooms and other facilities are secured, that the work of the testees is rated, and that the resulting eligible list is prepared and submitted to the Board for approval.

7.3 Public Notice of Tests to be Given. The Director shall give public notice of tests for any class of positions at least ten (10) calendar days in advance by causing to be advertised in a daily newspaper of the school district, with wide circulation throughout the school district, a notice stating the title of the class for which tests are to be held, and such other information as the Board may direct. The Director shall prepare in a form suitable for general distribution detailed information as to duties, qualification requirements, nature of the tests to be used, relative weight assigned to each test or group of tests, the minimum rating, if any, required in any test or group of tests, and other pertinent information. A copy of the statement containing such detailed information shall be supplied to each applicant, to any person requesting it and to each appointing authority.

7.4 Director May Call on Others for Assistance in Holding Tests. The Director may call on other persons not on the regular staff of the Board, whether within or without the classified service, for assistance in holding tests.

7.5 Tests to Determine Fitness and Ability of Applicants. The tests used to determine the fitness of applicants for positions in any class in the classified service and to establish employment lists containing the names of persons eligible for appointment to positions allocated to the class may be written or oral or in the form of a demonstration of skill, or by evaluation

of work record and education, or any combination of these and shall, as far as possible, be of a character fairly to test and determine the relative fitness and ability of applicants actually to perform the duties of the positions to which they seek appointment, and any tests or combination of tests that in the judgment of the Board, with consultation with the appointing authority, serve to this end may be employed.

7.6 Tests to Measure Educational Achievement, Employment Record, etc. Tests intended primarily to measure one or more of the following qualifications may be included, though others may be used if in the judgment of the Board they are suitable, provided that no person shall be permitted to enter upon the performance of any duty in a classified position without first filing with the Director a certificate of health made upon a form prescribed by the Board and certified by a duly licensed physician practicing in the school district and designated by the Board.

- (a) Educational achievement as shown (1) by the completion of courses in educational institutions and technical schools, or (2) possession of the information and the ability to use it which such courses are intended to give.
- (b) Employment record, including experience in the occupation, reputation and standing in the community.
- (c) Abstract intelligence.
- (d) Mechanical aptitude or intelligence.
- (e) Social intelligence.
- (f) Special traits, such as ability to understand and follow oral or written directions and ability to understand and interpret written and printed matter.
- (g) Aptitude for certain kinds of work.
- (h) Specialized knowledge useful in performing the duties of positions allocated to the class and ability to use such specialized knowledge.
- (i) Skill or proficiency as shown in the performance of typical tasks.
- (j) Personal traits, such as honesty, industry, dress, manner of speech, bearing, attitude toward life and work, and poise.
- (k) Physical condition, strength and agility.
- (l) In promotion tests, probable fitness as shown by length of service (seniority) and character of service (service ratings) in lower positions.

7.7 Concealment of Identity of Testees. The Board shall determine in advance of the tests for any class of positions whether the identity of the testees shall be concealed in any or all of the tests, and shall take such steps as it considers necessary and desirable, to bring about the concealment of the identity of testees where such action is decided upon.

7.8 Conduct of Tests. The Director shall see that as far as possible all testees who take the tests for any class of positions shall be given equal opportunity to demonstrate their qualifications and shall see that proper precautions are taken to prevent any unauthorized person from securing in advance questions or other material to be used in any test unless such questions or other material are available for all applicants.

7.9 Procedure When a Testee is Found Using Unfair Methods. When any testee is found to be using without permission any extraneous, forbidden or unfair source of information, memorandum, pamphlet, book or notes to assist him in answering the questions or doing the assigned work, the person in charge is authorized to take from such testee any such material; he shall in all cases make a written statement of the circumstances to be submitted along with the test papers or other work of the testee to the Board; and the Board may take such action as it considers the merits of the case warrant and may, in its discretion, disqualify the testee.

7.10 Director to Report Unfair Tests to Board. In case the Director is of the opinion that the conditions under which the tests are held are not such as to be fair to the testees, he shall report the fact to the Board, together with his recommendations, and the Board may order that the test be held over.

7.11 Scoring of the Work of Testees. The Director shall see that the work of testees is scored as promptly as possible and shall keep for a period of at least two (2) years a copy of any written tests used, a description of any other tests used, a copy of the public notice of the tests, a copy of the scoring stencils or other scoring standards used, and the reports of the examiners.

7.12 Director to Prepare Statement of Scores of Testees arranged in Order of Score. Following the completion of the scoring, the Director shall prepare or cause to be prepared a statement showing the names of the testees, the raw score of each testee in each test or group of tests, and the total weighted score of each testee, with the scores of the testees who pass rounded to the nearest whole score, and the names of testees shall be arranged in the statement in the order of total weighted scores with the highest first.

7.13 Notice to Testees. As soon as possible after the approval of any employment list by the Board, and in any case within a week, the Director shall send to each testee a written report of the score given him for each test or group of tests, of his total weighted score, and, if his name is placed on the employment list, of his relative standing on the list, and any testee who fails to make the score required for any test or group of tests shall be notified of the fact.

7.14 Inspection of Test Papers and Other Work of Testees and of Scoring Standards. Any testee may at any time during business hours inspect his own test papers or other work at the main office of the Board during the time which such papers or other work are preserved and with the approval of the Director any testee or other person may inspect the papers or work of any testee under such conditions as the Director may prescribe.

7.15 Preservation of Test Papers and Other Work of Testees. The applications, test papers and other work of testees who receive scores less than the minimum required in any test, group of tests or the test as a whole, and whose names are therefore not placed on the eligible list, shall be preserved for three months after the approval of the eligible list, and the applications, test papers and other work of testees whose names appear on the eligible list shall be preserved during the life of the eligible list but may be destroyed thereafter or may be preserved at the discretion of the Director.

RULE 8. **CERTIFICATIONS**

8.1 Requirements for Entrance to and Promotion in the Classified Service. Except as specifically provided otherwise in these rules, no person shall be appointed to a position in the classified service unless he shall have (1) filed a written application on the Board's prescribed form; (2) qualified by passing the required tests; and (3) been certified in accordance with these rules; provided, that no additional written application shall be required from a person who has been employed, and whose name is certified from a re-employment list.

8.2 Request for Certification of Eligibles. Whenever a vacancy in a position in the classified service is to be filled other than by transfer, demotion or emergency appointment, whether the position is full time or part time, or is permanent or substitute, the appointing authority shall make a written request of the Board for the certification of the names of the persons eligible for appointment to positions in the class to which the vacant position is allocated; and whenever practical, the appointing authority shall make such request thirty (30) days in advance of the time the new employee is to begin work.

8.3 Certification of Names of Eligibles. Forthwith upon the receipt of the appointing authority's request for the certification of eligibles, or as soon as practicable thereafter, the Director shall certify to the appointing authority the name and address of the person whose name is highest on the re-employment list for the class who is willing to accept employment in the position in which the vacancy exists at the rate of compensation designated in the request.

8.4 Certification of Provisional Employee. When a provisional employee has passed an entrance examination with a final score sufficiently high enough to place his name among those with the highest three whole scores the Director shall not be required to certify the other names to the appointing authority, provided the Director shall certify additional names to bring to a total of a minimum of three names when such request is made by the appointing authority.

8.5 Certification Procedure Where There is no Re-Employment List. In case there is no re-employment list for the class or no person whose name is on said list is willing to accept appointment, the Director shall certify the names and addresses of those persons with the three highest whole scores on the promotional list for the class who are willing to accept appointment in the position in which the vacancy exists, at the rate of compensation designated in the request. In case there are less than three names on the promotional list, the Director shall certify the number of names that remain on said list and in addition a sufficient number of names from the employment list to bring the number certified to a minimum of three, and provided that if there is no re-employment or promotional list, the name and address of the person with the greatest seniority in his original classification who is on the qualifying list for the class, and who is willing to accept appointment shall be certified. In case there are no lists as described above or no persons on any of said lists who are willing to accept appointment, the names and addresses of the persons with the three highest whole scores on the employment list for the class who are willing to accept appointment shall be certified.

8.6 Request for Certification of Additional Names. The appointing authority may also request the certification of the name of an additional eligible in case one whose name was first certified will not accept the position or will not respond to his request for an interview.

8.7 Other Use of Eligible List. The Director may pass upon the appropriateness of an eligible list as a source from which appointment may be made to a given position. If a vacancy exists in a class or position for which there is no eligible list, or if less than three names appear on such list, the Director may appropriate an existing list to fill the position; provided that the position is at the same or lower salary range as the position for which requisition was originally made; that the eligibles on the list meet the qualifications for the vacant position, and that eligibles on the appropriate list be offered appointment in order of their standing on the list.

8.8 Certification Procedure Where More than One Vacancy Exists. If more than one vacancy is to be filled, when certification is made from the employment list, the number of names certified shall be a minimum of two more than the number of vacancies, provided that if there are less than the required number of names on the promotional list the Director shall certify an additional number of names, based on whole score, from the employment list to bring to a minimum the number of names certified to two more than the number of vacancies. When certification is made from a re-employment list, the number of names certified shall be equal to the number of vacancies.

8.9 Director to Certify According to Sex Where Employee of Particular Sex is Required. If the duties and responsibilities of the vacant position and the conditions under which the work is to be done are such as require an employee of a particular sex, the Director shall certify the names of the highest qualifying eligibles.

8.10 Director to Notify Appointing Authority of Certification. Certification shall include notice to the appointing authority that he should make all necessary employment arrangements at the earliest possible date and notify the Board of his action.

8.11 Director to Notify Eligibles of Certification. Whenever the name of an eligible is certified to an appointing authority, the Director shall mail a written notice to the person whose name is certified at the last address appearing on the records of the Board, stating the fact of certification, the title of the position, the organization unit, the name and address of the appointing authority, and that unless he reports to the appointing authority for an interview within five (5) days or notifies the Director that he does not desire the appointment, giving satisfactory reasons therefor, his name may be removed from the eligible list. The name of any eligible may also be removed by the Director if he has been rejected for employment three (3) separate times, provided the eligible may appeal the action of the Director to the Board. Any cause specified in Rule 6.4 may likewise be cause for removal of an eligible from an eligible list.

8.12 Appointing Authority to Notify Director of Employment of Eligibles. The appointing authority shall promptly notify the Director as soon as he has made arrangements to begin work with an eligible whose name has been certified; such notice shall include the date when the eligible is to begin work and when the new employee begins work, the appointing authority shall forthwith report that fact to the Director, giving the date; provided that if such notice is not received within fifteen (15) days after certification the appointing authority shall file with the Director, in writing, the reason for the delay. In case of failure to appoint within ninety (90) days after certification, the Director shall report the facts to the Director of Personnel of the school district who shall then proceed to make such appointment in accordance with these rules.

8.13 Eligible to have Reasonable Time to Make Arrangements to Begin Work. The appointing authority shall allow the eligible reasonable time to make any arrangements necessary before taking up the duties of the position to which he is appointed; if the time required, however, is more than two weeks, the appointing authority may ask for the certification of the name of some other eligible, giving the reasons therefor, and such request for additional certification may be approved or denied by the Director as seems to him for the best interest of the school board as an employer.

8.14 Employees in Classified Service to be Legal Residents of School District. Any person holding a position in the classified service must be a legal resident of the School District or acquire legal residence within six (6) months after receiving appointment to such position; except that any employee living on school board owned or leased property lying in whole or in part outside of the limits of the School District shall retain his Civil Service status and shall be eligible for any promotional examination for which he is otherwise qualified, and provided, however, that the Board is authorized to waive the residency requirement if it makes a finding that a suitable candidate, willing and able to meet the residence requirements, cannot be found, and the Board deems it to be in the public interest that the residence requirement be waived.

RULE 9. PROVISIONAL AND EXTRA POSITIONS

NA to CS Rules

- 9.1 - Provisional Appointments to Permanent Positions Pending Tests.
- (a) Whenever an appointing authority sends in a request for the certification of eligibles to a permanent position in the classified service and no eligible list for the class exists or when no person whose name is on an eligible list for the class is willing to accept appointment, the Director shall, if necessary to prevent the stoppage of the public business, loss of public property or serious inconvenience to the public, but not otherwise, certify to the appointing authority the name of any person whom he believes to be qualified for provisional appointment to the position in which the vacancy exists, pending such time as an eligible list can be established; provided that the Director shall not certify the name of any person until such person shall have filed an application on the Board's prescribed form.
- (b) The appointing authority shall appoint such person pending the establishment of an eligible list; provided that such provisional appointment shall continue in force only until tests can be held, an employment list established, certification made and arrangements completed with the qualifying person who is to begin work; in no case shall any provisional appointment continue in force longer than six months.
- (c) The Director in making any certification for a provisional appointment, shall not regard such interruption in the work of any organization unit as would be occasioned by the regular vacation, the illness for a short period, or similar absence of the person regularly employed in the position as constituting stoppage of the public business or serious inconvenience to the public.

9.2 Director to Establish List Promptly. Unless public notice of tests for the class has already been given when a provisional appointment is to be made, the Director shall thereafter, at the next regular or special meeting, of the Board, submit his recommendations for such tests and shall use diligence to see that an eligible list is established as soon as practicable.

9.3 Notice of Appointee Beginning Work. The appointing authority shall notify the Director of the date any appointee begins work in a temporary position.

9.4 Extra Positions to Become Permanent After 120 days. When a temporary employee has been employed for approximately 120 days, the Director shall report such fact to the appointing authority, who shall determine if the position is to be considered a permanent one. If the position is to be considered permanent, the Director shall be so notified and certification shall be made from the appropriate eligible list, as heretofore provided in these rules, and the temporary employee shall be displaced as soon as such certification can be made and arrangements can be completed for the regularly certified employee to begin work, provided that the temporary employee shall not be permitted to work beyond 120 working days.

9.5 Seasonal Positions. All positions in the classified service where the nature of the work is such that the service is not continuous throughout the year but recurs in each successive calendar year, shall be designated as seasonal positions; provided, that all appointments to seasonal positions shall be made from the appropriate eligible list. Any employee appointed to such position and who has been temporarily terminated during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided he is not in the meantime disqualified for cause; and provided further, that a seasonal employee, not assigned to work for a period of one (1) year, due to lack of work or refusal of same on his part, shall be considered as having resigned effective as of one (1) year after the date he was last employed.

NA to CSB Rules language provided in CBA

RULE 10. TRANSFERS

10.1 Transfers. The transfer of an employee from a position in one class to another position in the same class shall be called a transfer and may be made by the appointing authority.

10.2 Transfer may be Considered Promotion. Any transfer of an employee involving a change from a position in one class to a position in another class for which higher maximum rate of compensation is prescribed shall be considered a promotion and shall be made only as the result of test and certification from a promotional list.

10.3 Transfer may be Considered Demotion. Any transfer of an employee involving a change from a position in one class to a position in another class for which a lower maximum rate of compensation is prescribed, whether such transfer does or does not involve an immediate reduction in pay, shall be called a demotion and may be made upon the recommendation of the appointing authority with the approval of the Board after the employee to be demoted has had an opportunity to be heard.

10.4 Employee May Request Transfer. Any employee holding a position in the classified service who desires to be transferred to another position in the same class or another class where there is not a higher rate of compensation, may inform the Director of Personnel of the school district in writing of such desire, stating his reasons therefor, and the Director of Personnel shall, if he considers the reasons sufficient and he thinks such a transfer will be for the good of the School Board service, call to the attention of the supervisors concerned the desire of the employee to be transferred; provided, that the Director of Personnel may take the initiative in recommending transfer when he considers such action for the good of the School Board service.

RULE 11. LEAVES

11.1 Sick Leave. Employees holding a position in the classified service and who have served the required probationary period shall be granted sick leave with full pay at a rate of accumulation which is determined by the School Board. To obtain approval for use of sick leave, employees must notify their supervisors, as soon as possible, but not later than the time they are scheduled to report for duty, except when past practice has established an earlier notifying time. Employees will obtain prior approval for the purpose of medical, dental, optical examinations or treatments, except where emergency precludes prior notice and approval.

11.2 Sick Leave May Be Accumulated. In the event that an employee does not take the full amount of sick leave allowed in one (1) year, the amount not taken may be accumulated from year to year up to a total which is determined by the School Board. With the unanimous recommendation of the Board, approved by a majority vote of the School Board, sick leave with full or partial pay may be granted beyond the maximum specified accumulation when, in the judgment of said Board and School Board, it is deemed to be justified.

11.3 Sick Leave Defined. Sick leave is hereby defined to mean the absence of an employee because of illness, exposure to a contagious disease, attendance upon a member of his immediate family requiring the care or attendance of such employee, or death in the immediate family of the employee. Up to but not more than five (5) consecutive days shall be allowed for any one death in the family. The appointing authority shall evaluate the particular circumstances in each case and shall have the final authority in determining the number of allowable days. "Family" shall constitute members of the immediate family which for the purposes of this section shall include spouse, father, mother, brother, sister, child, grandparent, grandchild or wards of the employee. This shall also apply to foster relationships of the above listed categories. Not more than one day may be allowed for attendance upon a member of the immediate family requiring the care and attendance of such employee, with the exception that not more than three (3) consecutive days may be approved for this purpose if supported by a written statement from the attending physician, including an explanation of why the employee's attendance is necessary. Simple illness or disability in the immediate family, not requiring emergency medical treatment or professional attention is excluded. No employee, unless officially assigned to special duty, shall be granted sick leave for any injuries or illness resulting from any gainful employment on any job other than his regular school board employment. Any employee removed from the payroll because he has used all accumulated vacation and sick leave shall be considered to be on leave not to exceed one year and shall be reinstated in his position upon filing with the Board a certificate of physical fitness to perform the duties of his position, signed by a doctor who shall be chosen and compensated by the Board.

11.4 Former Employee May Have Sick Leave Reinstated. A former employee in the classified service of the school board, who is reinstated under rules 18.3 to a position in the classified service, shall have his previously accumulated and unused balance of sick leave reinstated and placed to his credit.

11.5 Director Shall Require Certificate of Sick Leave. If an employee is absent from duty because of personal illness for more than three (3) consecutive days, or absent the day before and/or the day after a holiday because of personal illness, it will be necessary for him to file a certificate of illness from a reputable physician, osteopath, chiropractor, dental surgeon, or Christian Science Practitioner.

In lieu of a medical certificate, when such certificate would normally be required, the employee's signed statement explaining the nature of his illness may be accepted when it is unreasonable to require a medical certificate because of shortage of physicians or remoteness of locality. If an employee is believed to be abusing sick leave privileges, he shall be advised that because of his questionable sick leave record, a medical certificate may be required for each subsequent absence of sick leave, whether or not such absence exceeds three (3) days; failure to furnish such written explanation shall preclude such employee from being allowed such absence as sick leave, but such employee may appeal such directive to the Civil Service Board.

11.6 Special Leave of Absence. Any employee holding a position in the classified service who is mentally or physically incapacitated to perform his duties or who desires to engage in a course of study such as will increase his usefulness on his return to the classified service, or who for any reason considered good by the appointing authority desires to secure leave from his regular duties, may, on written request approved by the appointing authority and the Board, be granted special leave of absence without pay for a period not exceeding one (1) year, which leave may be extended up to one additional year.

11.7 Special Leave to be in Writing. Any employee asking for special leave without pay shall submit, on forms prescribed by the Board, his request for special leave stating the reason the request should be granted, the date when he desires the leave to begin, and the probable date of his return.

11.8 Board to Determine Status of Employee on Return. For each separate case of special leave without pay, the Board shall at the time it approves the leave determine whether the employee granted such leave shall be entitled to his former position on his return from such leave or whether his name shall be placed on the re-employment list for the class.

11.9 Military Leave of Absence. Any employee while holding a permanent position in the classified service of the School Board, who, shall become a member of the armed forces of the United States in time of war or other emergency declared by proper authority, or who shall hereafter become a member of said armed forces during said time, shall be granted a leave of absence without pay for the term of said military service and shall, upon receiving a discharge from such military service, be reinstated to said position.

11.10 Reinstatement of Employee on Military Leave of Absence. Reinstatement of any employee on military leave of absence shall be at the same salary which he would have received had he not taken such leave and shall be upon the following conditions:

- (a) That the position has not been abolished;
- (b) That the employee is not physically or mentally disabled from performing the duties of such position;
- (c) That the draftee or enlistee makes written application for reinstatement to the appointing authority within ninety (90) days after termination of service and the employee assigned to training duty makes application for reinstatement within forty-five (45) days;
- (d) That he submits to the appointing authority an honorable discharge or other form of release by proper authority indicating that his military or naval service was satisfactory.

11.11 Employee Not to Lose Civil Service Rights. Upon reinstatement of any employee who has been on military leave of absence, said employee shall have such rights as provided in federal and state laws and regulations.

11.12 Employee on Probation May Receive Military Leave of Absence. Any employee who has been appointed to a permanent position in the classified service of the School Board who, subsequent to September 16, 1940, shall have become a member of the armed forces of the United States in time of war or other emergency declared by proper authority, or who shall hereafter become a member of said armed forces during said time, who has not served the required probationary period for said position at the time of becoming a member of said armed forces shall, with the approval of the appointing authority and the Board, at the date that he becomes a member of the armed forces of the United States, be considered to have completed said probationary period and shall thereafter have full civil service status as though a full probationary period had been served and shall be granted a military leave of absence in accordance with the rules set out in this ordinance, and shall, upon completion of such military service, if he is physically and mentally able to perform the duties of the position, be reinstated to the position which he held at the time of becoming a member of said armed forces in accordance with the rules hereinbefore set out.

11.13 Vacancy Caused by Military or Special Leave of Absence to be Known as Temporary Vacancy in Permanent Position. A vacancy created by an employee receiving a military or special leave of absence shall be known as a temporary vacancy in a permanent position, and any person appointed to fill such a temporary vacancy in a permanent position shall be known as a substitute in that position and said substitute shall acquire only such civil service rights as are herein-after specifically provided in Rules 11.14, 11.15 and 11.16 inclusive.

11.14 Name of Substitute to be Placed on Re-Employment List. The name of any person appointed to a temporary vacancy in a permanent position as a substitute and who has been certified from an eligible list shall, upon the reinstatement of regular incumbent, be placed upon the re-employment list. Any employee so promoted shall revert to his former class upon the reinstatement of the regular incumbent.

11.15 Substitute may be Appointed as Regular Incumbent. If it shall have been determined that the regular employee who has been on a leave of absence is physically or mentally unable or elects not to return to said permanent position, said substitute who has been certified from an eligible list shall be appointed to said position as the regular employee.

11.16 Name of Substitute May be Placed on Re-Employment List if Called into Armed Forces. The name of any substitute appointed from an eligible list, who, while acting as such, becomes a member of the armed forces of the United States in time of war or other emergency declared by proper authority, shall be placed upon the re-employment list for the proper class, if, within ninety (90) days after receiving an honorable discharge from said armed forces said substitute shall file a written request with the Board and if said substitute is mentally and physically capable of handling said position; provided, that if the name of more than one such substitute is placed upon said re-employment list, such names shall be arranged on said list in the order of original appointment.

RULE 12. SERVICE RATINGS ← NA to CS Rules language provided in CBA

12.1 Service Ratings. The Director in cooperation with the School Board shall recommend plans for obtaining from appointing authorities and for checking, analyzing and verifying service ratings showing estimates of the performance and ability of employees working under their supervision, and the Board may from time to time by order give effect to such recommendations.

12.2 Factors on which Employees are to be Rated. Any such recommendations shall include the factors on which employees are to be rated. Such factors may include the quantity and quality of the work performed, the manner in which the work has been performed, observance by the employee during the period of rating of regulations and procedure, and any other factors the Director may deem significant.

12.3 Two Supervisory Officers to make Ratings. Whenever service ratings are secured based upon the judgments of rating officers the independent judgments of two or more supervisory officers, at least one of whom shall be the immediate superior of the employee whose services are rated, shall, if possible, be secured.

12.4 Board to Maintain Records of Service Ratings. From service ratings and from investigations made from time to time as it may consider necessary, the Board shall establish and maintain records showing the service ratings of employees in the classified service for use in deciding seniority ties for determining the order of layoff, in discovering whether an employee is increasing or decreasing in usefulness, in discovering employees who because of low efficiency ought to be separated from the service, in aiding supervisors to discover and correct the deficiencies of employees, and in such other manner as may be found desirable.

12.5 Employee may Ascertain Service Ratings. Any employee may upon application at the Civil Service office at any time during the business hours ascertain his own service rating as recorded and may also, with the consent of the Director, inspect any reports regarding him by supervisory officers.

12.6 Records of Service Ratings shall be Open to Appointing Authorities. The Board's records of service ratings shall also be open to inspection by appointing authorities at any time during business hours, and to such other persons as the Board may direct.

RULE 13. LAYOFF

New language provided in new CS Rules

13.1 Layoff Rule.

(1) When it becomes necessary through lack of funds or for other cause, for which the employee is not at fault, to reduce the number of employees in a given class, temporary and provisional employees shall be the first to be laid off, and thereafter decrease of the number of employees shall be accomplished, first, by laying off the least senior employee in the class or if he has seniority in a lower class, demoting him to such lower class, providing the least senior employee in the lowest class to which demotion is made as a result of reduction in any higher class shall be laid off if layoff was not made in a higher class, provided that for the purpose of layoff an employee shall have seniority in each class in which he previously completed a probation period, such seniority to be computed on time served in that class and all higher classes:

Provided, that where it is determined that two or more persons in the class in which layoff or reduction is to be made have equal seniority in the class, the order of layoff or reduction in such tie cases shall be determined by the total years of service with the school district, and if a tie still exists, from an average of the three last and most recent efficiency ratings, or, in the case of employees with less than three such efficiency ratings, by such ratings or average of such ratings as such employees have received.

Provided, further, that any person reduced under the provisions of this section shall have the same rights with respect to seniority in the higher class as if he had been actually so employed.

(2) The Board shall have authority to enforce compliance with the regulations embodied in this section.

(3) The employee has the physical fitness and ability to perform the duties of the lower position.

(4) Demotions made in accordance with this section are not subject to the requirements for hearings, reasons, and approval contained in Rule 15.

13.2 Appointing Authority to Notify Employee of Layoff. The appointing authority shall notify in writing the employee or employees to be laid off and shall forthwith transmit to the Director the names of those so notified.

13.3 Name of Employee Laid Off to be Placed on Re-Employment List. The Director shall enter on the appropriate re-employment or qualifying list the names of those eligible for re-employment and those who desire to be re-employed when vacancies occur.

RULE 14.

PROBATION

Language provided in new CS Rules

14.1 Probation Period. Any person appointed to a position in the classified service after certification from an eligible list shall be on probation for a period of six (6) months, unless a different period is specified in the job specifications of such tests; provided, that if an employee has been laid off or demoted without fault on his part, and has completed his probationary period and is appointed to a position in the same class or another class in which he has previously served a probationary period, he shall not be required to serve a second probationary period; provided further, that if an employee is laid off or demoted without fault on his part during the probationary period, and is appointed to a position in the same class from which he was laid off or demoted, the probationary period already served shall be carried over to the new appointment.

14.2 Rejection on Probation. The appointing authority may at any time before the expiration of the probation period fixed according to these rules reject for cause any person appointed to a position as the result of certification; provided, that the appointing authority shall forthwith report to the Director in writing each rejection on probation, stating the date the rejection becomes effective and the reasons for the rejection. If the appointing authority is not satisfied that a probationer's work or attitude is sufficiently satisfactory to warrant his recommending that the employee be granted permanent status, he may recommend extension of the employee's probationary period for a specified period of time not to exceed six (6) months; provided, the recommendation shall be submitted to the Board in writing at least fifteen (15) days before the date the employee's probationary status expires. A copy of such recommendation for extension of probationary period shall be furnished the employee.

14.3 Name of Rejected Probationer may be Placed on Re-Employment List. Any probationer rejected as provided in the preceding section shall be considered permanently separated from the position he has held; provided, that an employee promoted and then rejected during the probation period shall have the right to assume the position from which he was promoted if it is not occupied by a permanent employee, and that in case he is not restored to his former position, the Director shall place his name on the re-employment list for the class from which he was promoted and upon the re-employment lists of all lower classes in the same series.

14.4 Appointing Authority to Notify Director of Probationer's Work. Within ten (10) days preceding the end of the probation period, the appointing authority shall report to the director in writing whether in his opinion the employee's work has been such as to indicate that he is able and willing to perform his duties in a satisfactory manner.

RULE 15. **DEMOTIONS**

Language provided in new CS

15.1 Reduction Allowed. Upon the request of an employee or by the appointing authority an employee may be reclassified from a higher to a lower classified position, which in the discretion of the Board, the employee is eligible to fill; provided, that this section shall not prevent the removal of the employee under Rule 17.1 (b) nor his right for a hearing under Rule 17.6.

15.2 Appointing Authority Shall Make Recommendations to Board for Demotion. Any appointing authority proposing the demotion of an employee shall make his recommendation in writing to the Board, and shall supply the employee with a copy of such recommendation, and such recommendation shall give the future date on which the proposed demotion is to become effective, the class to which it is proposed to demote the employee, the new rate of pay, and any other information that the Board may require, including the specific reasons why such demotion is for the good of the school district service; provided, that the recommendation shall also advise the employee that he may within five (5) days file a written answer with the Board and ask for a hearing.

15.3 Board May Grant Hearing Where Demotion is Proposed. When the appointing authority recommends the demotion of an employee, the Board may, upon its own initiative, and shall, upon the request of the employee concerned within ten (10) days, hear the employee and determine whether the proposed demotion is justified and for the good of the school district service. After such hearing and investigation or upon the expiration of the five (5) days, if no communication is received from the employee, the Board shall forthwith approve or disapprove the recommendations of the appointing authority and so notify the appointing authority and the employee.

Language provided in new CS Rules

RULE 16. **SUSPENSIONS**

16.1 Suspension. Any appointing authority and, in his absence, the officer acting in his place, may for disciplinary purposes suspend without pay any employee under supervision from the performance of his duties for one or more periods aggregating not more than thirty (30) days in a calendar year on account of inefficiency, incompetency, misconduct, negligence, insubordination, disloyalty, or other sufficient cause.

16.2 Board may Investigate Suspension. The Board, upon the petition of the employee suspended, or upon its own motion, may investigate the suspension, and if it is of the opinion that such suspension is unjust or made in error, or that the punishment inflicted was too severe, may restore pay in whole or in part to the suspended employee.

16.3 Employee to be Notified of Suspension. In case any appointing authority or the officer acting in his place suspends any employee, he shall forthwith give written notice to the suspended employee stating the reason for the suspension and the duration thereof, and shall forthwith personally deliver such written notice to the employee or mail it to his last known address; he shall also forthwith send to the Board a copy of such notice sent to the employee. Such notice shall also advise the employee that he may within five (5) calendar days from the date on which notice is mailed file an answer with the Board, may request that the Board investigate the charge and may request an opportunity to be heard in his own behalf.

RULE 17. REMOVALS

17.1 Removals. (a) Except as provided in Rule 17.1 (b) any employee holding a position in the classified service who has completed the probation period prescribed in accordance with these rules may be removed only for cause; that in no case may an employee be removed on account of his religious or political opinions or affiliations or for refusing to contribute to a political fund or to render political service.

(b) All classified employees who have attained the age of 65 years shall be retired; provided that classified employees hired prior to July 1, 1965, and who are not under the coordinated PERA-OASI retirement plan, may work to age 67 unless disabled from performing such work.

17.2 Causes for Removal. The following shall be sufficient cause for removal, though removals may be made for causes other than those enumerated:

(a) That the employee is incompetent or inefficient in the performance of his duties.

(b) That the employee has been wantonly careless or negligent in the performance of his duties.

(c) That the employee has been brutal in his treatment of public charges, fellow employees, or other persons.

(d) That the employee has been offensive in his conduct toward his fellow employees or the public.

(e) That the employee has some permanent or chronic physical or mental ailment or defect which incapacitates him for the proper performance of his duties.

(f) That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given him by his superior officer when such violation or failure to obey amount to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the organization or to result in loss, inconvenience, or injury to the city or to the public.

(g) That the employee has taken for personal use a fee, gift, or other valuable thing in the course of his work or in connection with it when such fee, gift, or other valuable thing is given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons.

(h) That the employee is engaged in a private business or in an outside trade or occupation when the duties of his position, as prescribed by law or regulation or by his official superior, require his entire time for their performance.

(i) That the employee has failed to pay or make reasonable provision for the future payment of just debts.

(j) That the employee has been convicted of a criminal offense or of a misdemeanor involving moral turpitude.

(k) That the employee, through negligence or wilful conduct, has caused damage to public property or waste of public supplies.

(l) That the employee during his hours on duty has engaged in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office or when not on duty has engaged in any political activity to such an extent that his efficiency during the working hours has been impaired or that it has caused him to be tardy or absent from his work.

(m) That the employee has used or has attempted or caused to be used political influence in securing promotion, transfer, leave of absence, or increased pay.

(n) That the employee removed public or personal property from his place of employment without the owner's or supervisor's approval.

(o) That the employee knowingly falsified any record or report required or authorized to be kept by the school district or school board; defrauded the school district; or knowingly made a false statement, or misrepresented or concealed any material fact, or deceived or committed any fraud in any application for employment with the school district.

17.3 Who May File Removal Charges. The appointing authority, any member of the Board, the Director or any citizen may file written charges, in duplicate, asking for the removal of any employee in the classified service; provided that the Director shall file charges against any employee in the classified service whose service ratings, as determined by the reports of the rating officers or by investigation are unsatisfactory for two consecutive rating periods; and provided further, that the appointing authority may suspend without pay the employee against whom charges are filed, pending the decision of the Board.

17.4 Charges to State Grounds for Removal. Any charges filed against any employee shall state specifically the cause or causes enumerated in this rule or other cause considered sufficient to constitute ground for removal, and in addition, the specific act or acts of the employee constituting such cause; provided, that in no case shall such vague and indefinite charges as "for the good of the service" be considered reason for removal.

17.5 Director to Mail Notice of Charges to Employee. Upon receiving any charges, the Director shall forthwith mail one (1) copy by registered mail to the last known address of the employee against whom the charges are brought. Such notice shall also advise the employee that he may within five (5) calendar days from the date on which such notice is mailed file an answer with the Board, may request that the Board investigate the charges, and may request an opportunity to be heard in his own behalf.

17.6 Board to Investigate Charges. Upon its own initiative or at the request of the employee, the Board itself or through some person or Board appointed by it, shall within ten (10) days if practicable and in any case within thirty (30) days, investigate the charges, and at the request of the employee or upon its own initiative, give the employee an opportunity to be heard in his own behalf.

17.7 Board not Bound by Rules of Evidence in Conducting Investigations or Hearings. The Board, or the person or board appointed by it to investigate charges, may proceed in an informal manner and in no case shall be bound by the procedure or rules of evidence observed in courts of record.

17.8 Board may Order Removals, etc. As soon as practicable after the completion of an investigation and after a hearing is held, or in case there is no investigation or no hearing held, and after the expiration of five (5) days from the mailing of the charges to the employee, or as soon thereafter as practicable, the Board shall act upon the charges and may in its discretion:

(a) Order the restoration of the employee to his position without loss of pay or with reduced pay during the period between the filing of the charges and the making of the order.

(b) Order the demotion of the employee to a class for which a lower maximum rate of compensation is prescribed.

(c) Order the removal of the employee from the position in the classified service of the school district.

17.9 Decision of Board to be Final. The finding and decision of the Board, or of any person or Board appointed by it when approved by the Board, shall be final and not subject to review by any court except as to the procedure followed.

17.10 Removed Employee Not Eligible to Compete in Future Tests. Unless otherwise determined by the Board, no employee who has been removed from the classified service in the manner enumerated in these rules shall be allowed to compete in any future tests held to establish eligible lists.

RULE 18.

RESIGNATIONS

NA to CS Rules language provided in CBA

18.1 Resignations. Any employee in the classified service who wishes to resign in good standing shall give the appointing authority written notice of at least two (2) weeks, unless the appointing authority consents to his leaving on shorter notice. Such notice of resignation shall be forwarded forthwith to the Director by the appointing authority, together with a report as to the character of the employee's services.

18.2 Resignations Without Notice. If any employee resigns from the classified service without giving the required notice, the Director shall enter that fact on his roster card, and such failure to give the required notice may be considered sufficient reason for rejecting any future application from him to enter tests.

18.3 Resignations May Be Withdrawn. Any employee who has resigned after giving proper notice may, within thirty (30) days after termination of employment, and with the consent of the Board and appointing authority, withdraw his resignation and be restored to the position vacated if it is still vacant or is filled by a temporary employee, and if it is not, he may, upon written request to the Director, have his name placed on the re-employment list for the class.

18.4 Resignation May Be Presumed in Certain Cases. Any employee who is absent from duty for three consecutive business days without securing leave from his superior officer or without notifying him of the reason for his absence and the time when he expects to return, or who fails to notify the Director of his readiness to resume his duties within five (5) days after the expiration of a leave of absence, shall be considered to have resigned, and such resignation shall be treated as a resignation without notice and a report thereof made to the Director, unless it can be proven that the employee had sufficient and good cause for not reporting for duty.

RULE 19.

CERTIFICATION OF PAYROLLS

ISD709 HR function not in new Rules

19.1 Certification of Payrolls. No auditing, disbursing or other officer of the School Board shall hereafter pay, cause or permit to be paid any salary, wage or other compensation to any employee, except those specifically excluded under Laws of Minnesota 1967, Chapter 252, Section 2, or any acts amendatory thereof, until a form, approved by the Director has been submitted to the Board showing the name, title, amount to be paid, starting date, changes in status or pay and such other information the Director may require; provided that a copy of the payroll shall be submitted to the Board showing such information as the Director may require and the Director shall certify that each employee named in

such payroll and indicated as being in the classified service has been appointed to and employed in the position during the period for which compensation is claimed in pursuance of and in compliance with these rules and that each employee indicated as not being in the classified service, unless excluded by Laws of Minnesota 1967, Chapter 252, Section 2, or any acts amendatory thereof, in accordance with the Rules of the Board.

19.2 Persons Authorized to Certify Payrolls for Board. In the checking and certification of payrolls the Director shall act for the Board and shall supervise the work, and the Director is hereby authorized to attach the Board's certificate to payrolls for salaries, wages or other compensation, and to authorize in writing any regular employee of the Board to perform this duty for him.

19.3 Submission of Payrolls. The Director and the Clerk of the Board shall arrange a schedule for the checking of payrolls in advance of the dates, or as soon thereafter, on which payments for services are to be made to the persons who appear on the payroll.

19.4 Information to be Placed on Payroll. Any payroll submitted to the Board for checking and certification shall set forth the following data as to each employee not excluded under Laws of Minnesota 1967, Chapter 252, Section 2, or any acts amendatory thereof, whose name appears thereon.

- (a) The payroll period
- (b) The name of the employee as carried on the records
- (c) The classification title of the employee or other approved designation
- (d) Time worked
- (e) Rate of pay
- (f) The total amount earned by the employee for his services during the payroll period

19.5 Payroll to be Certified. Appended to each payroll shall be a certificate as to the truth of the facts set forth therein in a form prescribed by the Board to be made by the person responsible for the accuracy of such statements and to be approved by the appointing authority.

19.6 Director to Compare Payroll with Official Roster. The Director shall cause each payroll to be compared with the official roster or other record in the Board's office to determine whether the employees names therein as not being in the classified service are correctly indicated and whether employees indicated therein as occupying positions in the classified service have been appointed and employed and have held their positions during the period for which compensation is claimed in pursuance of and in compliance with the Board's laws and rules.

19.7 Director Shall Certify Payroll. If the Director or the regular employee of the Board authorized by him to perform such work shall find that the payroll compares with the official roster or other record in the Board's office, and determine that the employees named in such payroll have been appointed and employed and have held their positions during the period for which compensation is claimed in pursuance of and in compliance with the Rules, the Director or the person authorized by him in the matter shall endorse upon or append to such payroll a certificate to the effect; provided, that if the Director or the person authorized by him in the matter shall find otherwise, he shall so indicate in his certificate and shall so notify the Director of Personnel of the school district.

19.8 Unlawful for Certain School Board Officers to Pay Salaries, etc. When Payroll Not Certified. It shall be unlawful for any auditing, disbursing, or other officer of the School Board to pay or cause to be paid, directly or indirectly any salary, wage or other compensation to any person or persons whose name or names appear on the payroll, whose appointment and employment have not been certified as provided in Rule 19.7 of these Rules.

19.9 No Payroll to be Certified When Name of Employee Not in Official Roster. No payroll proposing the payment of wages or salaries to any person whose name does not appear on the official roster or any person whose name has been ordered removed therefrom shall be certified or approved for payment by the Director provided, that such payroll may be certified for payment when an affidavit is submitted by the Director of Personnel to the Director stating that such person's name shall be removed from subsequent payrolls until authorized by the Director.

19.10 Separations Occurring After Submission of Payroll. If any payroll is submitted for checking and certification in advance of the end of the payroll period and any employee whose name appears on such payroll is separated from his position before the end of the payroll period, the appointing authority shall immediately notify the Director of such fact.

Language provided in new CS Rules

RULE 20. AMENDMENTS AND EFFECT OF THESE RULES

20.1 Amendment of Rules. The Board, with the approval of the School Board may at any time abolish, alter, change, make additions to, or otherwise amend these rules after reasonable notice and an opportunity for a public hearing shall first have been given. Any work rules, policies or agreements of the School Board inconsistent with these rules shall be null and void, unless and until approved by the Civil Service Board.

20.2 Repeal of Certain Rules. All rules and parts of rules now or heretofore existing for the conduct of the affairs of the Board of Civil Service of the City of Duluth as they relate to the School Board and school district are expressly repealed by these rules.

20.3 Rules Shall not Apply to Pending Proceedings. These rules shall not apply to any proceeding or proceedings where charges have been preferred against any employee now pending before the Board.

20.4 Veteran's Preference Provisions. Nothing in these rules shall be construed so as to deprive any veteran as so defined for purposes of said statute of any rights to which he is entitled under Minnesota Statutes, Sections 197.45 and 197.46, commonly known as the Veteran's Preference Act, except that Rule 17.1 (b) of these rules shall apply to all employees in the classified service and shall not be construed to be in derogation of said statutes.

20.5 These rules shall take effect and be in force immediately upon approval by the School Board and Civil Service Board and its publication.

Not appended in in new rules

APPENDIX I

Excerpt from the Charter of the City of Duluth, Establishing Civil Service Board:

Not appended in in new rules

CHAPTER V

Section 35. There is hereby established a civil service board, which shall consist of three members, who shall be appointed by the council, and shall serve without compensation, and whose term of office shall be for six years, except as herein next provided. The council first elected under this charter, as soon as practicable after its election, shall appoint one member of said Board to serve for two years, one member to serve for four years, and one member to serve for six years. Any vacancies in the Board shall be filled by the council for the unexpired term.

Not appended in in new rules

APPENDIX II

Laws of Minnesota 1967, Chapter 252, as amended by Chapter 683, S.F. 2757, Laws of Minnesota 1971.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. (EMPLOYEES TO BE CLASSIFIED.) The employees of special school district No. 3, Duluth, Minnesota, shall be eligible to be classified and shall be classified as employees under the provisions of the charter of the city of Duluth pursuant to which a civil service board has been or may be established.

Section 2. (WHO ARE EMPLOYEES.) The term "employees", as used in this act, shall not include members of the school board, superintendent of schools, assistant superintendents of schools, teachers, other employees of the school district whose positions require them to be certified pursuant to rules and regulations adopted by the state board of education, directors, administrative assistants, deputy clerk and purchasing agent, supervisors, advisors, coordinators, physicians, attorney, nurses, and temporary employees.

Section 3. (CLERK TO CERTIFY LIST.) It shall be the duty of the clerk of the board of education promptly to furnish the secretary of any such civil service board a list of the employees of the school board, together with a statement of the duties performed by them, and the salaries paid to them, and it shall thereupon become the duty of the civil service board to classify such employees under the rules of said civil service board, said classification to be subject to final approval of the school board.

Section 4. (PRESENT EMPLOYEES TO RETAIN POSITIONS.) Employees of the school board who are regularly employed by the board at the time of the classification of the employees by the civil service board as provided in Laws 1933, Chapter 35, shall retain their positions unless removed for cause.

Section 5. (EFFECTIVE DATE.) This act shall become effective upon approval by the governing body of special school district No. 3, Duluth, Minnesota, and upon compliance with Minnesota Statutes, Section 645.021, and

WHEREAS. This law shall become effective upon its approval by resolution adopted by a majority vote of the school board of said district;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the City of Duluth, as the governing body of Special School District No. 3, that Chapter 252, Laws of Minnesota 1967, be approved, and that the Clerk of the Board be instructed to file a certificate of approval of said special law with the Secretary of State of the State of Minnesota as required in Minnesota Statutes 645.021.

APPENDIX III

Not appended in in new rules, remains applicable until change in law.

LAWS OF MINNESOTA 1969, CHAPTER 699

Section 5. Laws 1933, Chapter 35, and acts amendatory thereto, shall apply and extend to the employees of the school board of the independent district hereby created including those employed in the annexed territory.

APPENDIX IV

Not appended in in new rules, remains applicable until change in law.

LAWS OF MINNESOTA 1971, CHAPTER 711, H.F. NO. 2127

Section 1. The school board of Independent School District No. 709, St. Louis County, Minnesota, is hereby empowered to adopt by policy, rule or agreement a provision for the mandatory retirement of all employees of the school district on or after their 65th birthday but in no event later than their 68th birthday for certified employees and 67th birthday for all civil service employees.

APPENDIX V

Provided in new CS Rules

List of Classified Positions, Independent School District No. 709, St. Louis County, Minnesota.

RESOLVED, That the class titles of the various positions in the classified service of Independent School District No. 709, St. Louis County, Minnesota, as provided by the terms and provisions of Laws of Minnesota 1933, Chapter 35, and Laws of Minnesota 1967, Chapter 252, and any acts amendatory thereof, and which said class titles have been duly presented to this School Board by the Civil Service Board of the City of Duluth, be and same are hereby in all things approved and adopted.

RESOLVED FURTHER, That said class titles as so presented to this School Board by the Civil Service Board of the City of Duluth, be and same are hereby ordered filed and made a permanent record in the office of the Clerk of the Board.

Accountant	Engineer IV	School Records Clerk I
Automotive Mechanic	Engineer V	School Records Clerk II
Automotive Shop Foreman	Fireman I	School Records Clerk III
Buyer	Fireman II	School Records Clerk IV
Cafeteria Cook	Fireman III	School Secretary I
Cafeteria Helper	Junior Accountant	School Secretary II
Cafeteria Manager	Keypunch Operator I-II	School Secretary III
Carpenter	Maintenance Foreman	School Secretary IV
Carpenter Foreman	Mechanical Shop Foreman	School Secretary V
Electrical Foreman	Painter	School Secretary VI
Electrician	Painter Foreman	Storekeeper
Engineer I	Printer I	Systems Analyst Programmer
Engineer II	School Bus Driver	Systems Maintenance man
Engineer III	School Custodian	Transportation Foreman
		Utilityman I
		Utilityman II