



CITY OF
TUCSON

CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

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RULE 1 - OBJECTIVES AND SCOPE

Section 1. Objectives

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

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

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

Section 2. Positions Covered

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

Section 3. Definitions

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

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

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

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

Assessment Test means a device, method, or demonstration used to measure the degree to which an applicant possesses the competencies, and competencies necessary for successful job performance. Examples of assessment tools may include but are not limited to questionnaires, demonstrations of competencies, written or oral tests, or work samples.

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

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

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

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

Classified Service means an employment system as defined by Chapter XXII Section 3 of the City Charter, and the rules and regulations of the civil service commission. In contrast, the unclassified service means an employment system as defined by Chapter V Section 2, 2.1 and 13(b) of the City Charter.

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

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

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

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

Competencies are clusters of highly interrelated attributes, including knowledge, skills, and abilities (KSAs), that give rise to the behaviors needed to perform a given job effectively.

Competitive Test means an evaluation of applicants through the administration of any combination of assessment test or application evaluation methods that may consist of a written, oral, or performance test, interview, any test or assessment of technical knowledge, manual skill, or any combination thereof that measures applicant qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

Interview is an applicant or candidate evaluation tool in the form of a formal meeting used to assess the applicant's training, experience, competencies, and other evaluation factors.

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

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

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

Merit means the basis upon which applicants are evaluated and selected for employment determined by the applicant's ability to meet the qualifications of the position and as demonstrated by their performance in a competitive evaluation process.

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

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

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

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

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

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

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

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

Rank is an outcome following the method used to assess, rate, and score job applicants based on their training, experience, competencies and other evaluation methods for a position.

Reemployment List means a list of names of persons, established on either a departmental or service-wide basis as the Commission may determine, who have attained the status of permanent employees in a specified class, who separated from their position due to layoff, medical reasons, or who left the classified service to take a position in the unclassified service, and who are entitled to placement on a certification list to be considered for employment in the class when a vacancy occurs prior to certification of other persons from an entrance eligibility list. Upon expiration of the applicable list, individuals will have to apply for any position and if hired, serve the applicable probationary period.

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

Score is a method used to assess or rate job applicants based on their training, experience, competencies and other evaluation methods for a position.

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

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

Transfer means the reassignment of an employee from a position in one classification to another position.

RULE II – ORGANIZATION

Section 1. Election of Officers

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

Section 2. Meetings

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

Section 3. Director of Human Resources

It is the responsibility and duty of the Director:

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

RULE III – APPLICANT EVALUATIONS

Section 1. Duty of Director to Evaluate Applicants

As conditions warrant, the Director may conduct entrance, department specific, service-wide and public safety commissioned promotional recruitments for the purpose of establishing eligibility lists.

Section 2. Department, Service-wide and Public Safety Promotional Recruitments and Applicant Evaluations

- A. Department, service-wide, and public safety promotional recruitments shall be conducted under the supervision of the Director. Applicant evaluations shall consist of any combination of the following: interviews, assessment tests, evaluation of training, experience, and competencies, evaluation of performance ratings, seniority, and verification of required licenses and certifications. The Director will announce in advance of the recruitment the combination of application evaluation procedures to be utilized. The applicant evaluation procedures will be determined based on approved human resources practices.
- B. Competitive department, service-wide and public safety promotional recruitments shall be open only to probationary and permanent employees in the classified service who possess the minimum qualifications for the position for which such recruitment is held.

Section 3. Non Competitive Promotions

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

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

Section 4. Notices of Recruitments

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

Section 5. Filing Applications

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

Section 6. Qualifications of Applicants

- A. Applicants for all recruitments must meet all minimum qualifications for the positions involved, and other requirements specified in recruitment notices on or before the closing date. Required certifications and licenses may be obtained by the end of the period specified in the recruitment notice.
- B. All persons whose applications have been submitted and accepted shall be notified by the Director of the time and place of initial applicant evaluations where his/her/their presence is required. Such notice shall be made not less than five calendar days prior to the date fixed for the interview or assessment test unless otherwise requested or waived by the applicant.

Section 7. Disqualification of Applicants

- A. The Director shall reject the application and refuse to evaluate any applicant, or remove any applicant's name from the eligibility list, if the applicant:
1. During the preceding five-year period, has been discharged for just cause by the City or otherwise separated from service and found ineligible for reemployment.
 2. Lacks any of the minimum qualifications established for the class of positions involved.
 3. Due to disability is unable to perform the essential duties of the job with or without reasonable accommodation.
 4. Has made a false statement in the employment application.
 5. Has used or attempted to use political pressure or bribery to secure an advantage in the applicant evaluation or in securing an appointment from an eligibility list as a result of such evaluation.
 6. Has directly or indirectly obtained information regarding applicant evaluation methods or materials to which an applicant was not entitled.
 7. Has directly or indirectly obtained information regarding any assessment test to which the applicant is not entitled.
 8. Has failed to submit a complete employment application correctly or within the prescribed time limits.
 9. Has taken part in the compilation, administration, or evaluation of the applicant.
 10. Is a member of the Commission.
 11. Is deemed unsuitable for City employment for any job-related reason.
- B. If the Director determines there is a reason to cancel a recruitment or extend the closing date, the Director may do so. The Director shall notify all applicants of any such cancellation. When the closing date is extended, accepted applications received pursuant to the original recruitment notice are deemed adequate for any subsequent notice made for the same recruitment.

Section 8. Character of Applicant Evaluations

- A. Applicant evaluations may consist of a interviews, assessment tests, evaluation of education, training, experience, and competencies, physical or mental fitness, or any combination thereof to measure qualifications. Subject matter experts may be utilized in the evaluation of applicants when technical expertise is deemed necessary by the Director.
- B. The Director shall retain full authority in determining all criteria pertaining to applicant evaluations, but when necessary may consult with the appointing officer or the appointing officer's designee as subject matter experts. A job analysis will be conducted to determine essential duties and minimum qualifications. Existing job analyses are evaluated for current relevancy. Following consultation, the Director shall determine the process to be followed and criteria considered in evaluating applications.
- C. The Director may limit the number of applicants to be evaluated to:
 - 1. Those applicants who appear to be most qualified on the basis of any preceding applicant evaluation element such as evaluation of experience, training, and competencies, assessment test(s), interview; or
 - 2. Those applicants who appear to be the most qualified as determined by a comparison of the applications submitted and specific criteria for the position developed by the Department of Human Resources in consultation with the appointing officer; or
 - 3. A specified number of applicants as predetermined by the Director and set forth in the recruitment notice; or
 - 4. Those applicants who meet the preferred selection criteria as stated in the notice of recruitment.

Section 9. Conduct of Applicant Evaluations

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

Section 10. Scoring or Rating Applicant Evaluations

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

All applicants for the same position shall be accorded equitable treatment in all phases of the evaluation procedure.

- B. The Director shall select the procedure to be followed in determining the minimum final score or rating which shall qualify applicants to have his/her/their name placed on the eligibility list established by such evaluation. The procedure may limit eligibility to:
 - 1. Those applicants whose final score or rating is not less than the minimum score or rating determined by the Director before any part of the applicant evaluation is conducted.
 - 2. A fixed number from among those who on the basis of his/her/their scores or ratings on any one part or combination of parts of the evaluation are found to be best qualified. The fixed number shall be determined by the Director before any part of the evaluation is conducted.

- C. Failure to earn a minimum score or rating on any one part or combination of parts of the applicant evaluation may be grounds for disqualifying an applicant and excludes participation in subsequent parts of an evaluation.
- D. In fixing the score or rating under (B)(1) or the fixed number under (B)(2) above, consideration may be given to the nature of the evaluation, the number and quality of applicants, and the number of vacancies reasonably expected in the positions involved during the life of the eligibility list to be established.
- E. When training and experience form a part of the evaluation score or rating, the substitution of training for experience and of experience for training shall be allowed, as determined appropriate for the position by the Director. Substitution criteria and eligibility shall be established, maintained and posted by the Director.

Section 11. Notices of Results of Applicant Evaluations

As soon as practicable, but not later than thirty calendar days after the conclusion of the applicant evaluation process, the final scores or ratings of applicants shall be completed and the eligibility list established. The Director shall then provide written notification to each applicant of the results of the applicant evaluation, and if he/she/they have been placed on the eligibility list in ranked order.

Section 12. Special Evaluations

- A. Special evaluations may be administered when the Director finds that the applicant's failure to be evaluated was due to an obvious error caused by the Director or designee(s). Claims for special evaluation shall be filed in writing with the Director within five calendar days after the date of the original evaluation or disqualification.
- B. Applicants may be admitted conditionally to an applicant evaluation or any part thereof by the Director pending consideration of a duly filed review. Admission to an applicant evaluation or any part thereof under such circumstances shall not constitute a waiver of the rejection of the applicant's application and does not entitle the applicant to a score or rating on such evaluation or a place on the eligibility list if the review is subsequently denied.
- C. Any applicant whose application has been disqualified for any of the reasons specified in Section 7 A, shall be notified promptly by e-mail utilizing the last known e-mail address provided by the applicant. The notice shall inform the applicant involved of his/her right to request review and reconsideration. The request for review must be:

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

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

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

Section 13. Physical and Medical Examinations

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

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

Section 14. Applicant Evaluation Records

The Director is responsible for the maintenance of all applicant evaluation records, including assessment tests, scores or ratings and other pertinent applicant evaluation materials. This shall be kept in accordance with the Records Retention and Disposition for Arizona State Agencies.

All change of address notices, including physical and e-mail, shall be updated by applicants through the online application system.

Section 15. Applicant Preference/Inclusion

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

A. Veterans' Preference

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

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

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

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

B. Preference for Persons with Disabilities

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

C. Inclusion Points for Native Americans

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

D. Maximum Preference/Inclusion Points Allowable

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

Section 16. Open Continuous Recruitment

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

RULE IV - Establishment Of Eligibility Lists And Their Use

Section 1. Entrance, Department, Service-wide and Public Safety Promotional Eligibility Lists

- A. Entrance, department, service-wide and public safety promotional eligibility lists shall include the names of all persons with final scores or rankings established through the applicant evaluation process or are among a predetermined fixed number of candidates. Names shall be placed on the eligibility list in ranked order. Whenever two or more candidates have equal scores, their names shall have equal ranking on the eligibility list.
- B. If a vacancy exists in a class of positions for which there is no specific eligibility list or such list is insufficient as determined by the Director, the Director may establish an eligibility list for the class from candidates who appear on any eligibility or reemployment list and possess the skills, knowledge, and abilities required by the position to be filled. For this purpose, the Director may review lists for classes which have the same or similar skills, knowledge, or abilities specified in the class description as for those specified in the class in which the vacancy exists. The Director may re-rate education and experience in accordance with Rule III, Section 10(D), on the basis of the current qualifications required for the class in which the vacancy exists.

Section 2. Duration of Entrance, Department, Service-wide and Public Safety Promotional Eligibility Lists

- A. The duration of each eligibility list shall begin with the date of the list; each entrance, department and service-wide eligibility list shall expire after six months and each public safety promotional list shall expire after two years. Once an eligibility list is in effect, the Director may reduce its duration, cancel or extend the list. When the duration of a list is reduced or a list is canceled, all persons whose names appear thereon shall be notified and, provided they possess the current qualifications for the class involved, given an opportunity to be evaluated during the establishment of a new list. Lists may be extended by the Director prior to their expiration in six month increments.
- B. An eligibility list for a position is deemed canceled if the position for which it was established is canceled or classification is abolished.

Section 3. Establishment of Reemployment Lists

- A. The Director shall establish and maintain reemployment lists for positions in the classified service. These lists shall include the names of persons who attained the status of permanent employees and who separated from their positions due to layoff, medical reasons or having left the classified service to take a position in the unclassified service.

- B. The names of eligible persons who separated service due to layoff shall automatically be placed on a reemployment list specific to the department and class from which separated. Persons shall be placed on the list in order of seniority. When a position vacancy for the same department and class becomes available, the person with the greatest service-wide seniority shall be entitled to reemployment. Service as a probationary employee shall be included in calculating an employee's length of service in a given class.
- C. Employees separated from positions in superior classes as provided in (B) above, may request that their names also be placed on a department or service-wide reemployment list or lists for any lower class in the same class series, or in some other lower class in which the employee has completed probation. When a position vacancy becomes available, such persons may be considered for employment. Such consideration does not entitle persons to employment.
- D. Names of eligible persons who separated service due to medical reasons as verified by the City Physician and who separated in good standing may request, in writing, that their names be placed on a reemployment list specific to the department and class from which separated. Such persons may be considered for employment provided the former employee is medically and physically qualified to perform the assignments. Such consideration does not entitle persons to employment.
- E. A former permanent employee who left the classified service to accept a position in the unclassified service, may request in writing that the Director place his/her name on a reemployment list specific to the department and class from which separated. Provided that the employee has remained in the employ of the City without any break in service, if a position vacancy becomes available in that specific department and class, the employee may be considered for reemployment into the classified service. Such consideration does not entitle the employee to reemployment into the classified service.
- F. Commissioned public safety personnel who attained status of permanent appointment, who separate from their employment in good standing, may at the time of separation request to be placed on a reemployment list for the position from which they separated. A person can remain on a Commissioned Public Safety reemployment list for a period of up to twelve months. Such persons may be considered for employment in the position they vacated, but such consideration does not entitle persons to re-employment.
- G. As provided in (F) above, names will be placed on reemployment lists based on date of separation. If rehired from a reemployment list, an employee's leave accrual shall start at a rate of zero hours of continuous service and seniority shall reset to the most recent date of hire.

Section 4. Duration of Reemployment Lists

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

Section 5. Removal of Names from Eligibility Lists

- A. The Director shall remove the name of a candidate from a list for any of the following causes:
 - 1. On receipt of a statement from the candidate stating consideration for a position in the classified service of the City is no longer desired.
 - 2. On evidence that the candidate cannot be located by the postal authorities or that the candidate's legal residence has been changed to a place outside the area prescribed for the particular eligibility list involved.
 - 3. If upon inquiry by the Director, the candidate declines three considerations for a probationary appointment to the class for which the list involved was established, provided the candidate has not previously waived such consideration.
 - 4. If the name of a candidate has been considered from the same eligibility list for appointment at least three times and an appointing officer has indicated in writing that for any three separate positions that such candidate is not acceptable.
 - 5. If a candidate has declined a probationary or permanent appointment as provided in Rule VI, Section 2(C).
 - 6. If a candidate fails to respond to a communication from the Director in which a reply is requested, within the time required by any of these rules involved.
 - 7. When a candidate has failed without cause to appear for a scheduled interview.
 - 8. During the preceding five-year period, has been discharged for just cause by the City or otherwise separated from service and found ineligible for reemployment.
 - 9. Lacks any of the minimum qualifications established for the positions involved.

10. Due to disability is unable to perform the essential duties of the job with or without reasonable accommodation.
 11. Has made a false statement in the employment application.
 12. Has used or attempted to use political pressure or bribery to secure an advantage in the applicant evaluation or in securing an appointment from an eligibility list as a result of such evaluation.
 13. Has directly or indirectly obtained information regarding applicant evaluation methods or materials to which an applicant was not entitled.
 14. Has directly or indirectly obtained information regarding any assessment test to which the applicant is not entitled.
 15. Has failed to submit a complete employment application correctly or within the prescribed time limits.
 16. Has taken part in the compilation, administration, or evaluation of the applicant.
 17. Is a member of the Commission.
 18. Is deemed unsuitable for City employment for any job-related reason.
 19. Accepts a conditional offer of employment.
- B. Except for items (1) and (4), the Director shall notify the candidate of the action taken under this section, the reasons for the action, and of the candidate's right of review as provided in Rule X.
- C. Any candidate whose name has been removed due to three not acceptable considerations may request a review of the record by the Director to ensure that consideration was given by the appointing officer for three separate positions. This would not necessarily require three interviews, but only consideration for three separate positions.

Section 6. Waivers

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

RULE V - CERTIFICATION OF APPLICANTS

Section 1. Request to Hire

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

Section 2. Method of Certification

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

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

1. Reemployment lists *
2. Department list
3. Service-wide list, and
4. Entrance list

*Qualified candidates on a reemployment list due to layoff must be selected prior to considering candidates on any other list(s) above.

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

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

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

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

H. The Director will schedule candidates for final selection interviews. The Director may consider a candidate unavailable if there is no reply to an e-mail inquiry five calendar days after the date sent to the e-mail address provided by the candidate. If applicable, the Director shall remove the name of the candidate from the eligibility list pursuant to Rule IV Section 5(A).

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

RULE VI – APPOINTMENTS

Section 1. General

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

Section 2. Probationary and Permanent Appointments

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

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

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

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

Section 3. Temporary Appointments

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

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

Section 4. Non-permanent Appointments

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

Section 5. Employment in Grant Funded Positions

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

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

Section 6. Assignment Positions

A. An assignment position is a position that includes:

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

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

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

RULE VII - PROBATIONARY PERIOD

Section 1. Commencement, Duration, Nature and Purposes

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

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

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

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

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

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

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

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

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

Section 2. Expiration of Probationary Period

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

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

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

Section 3. Discharges and Terminations during Probationary Period

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

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

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

Section 4. Promotions during Probationary Period

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

RULE VIII - TRANSFERS AND LAYOFFS

Section 1. Transfers

A. An employee holding a position in any class may:

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

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

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

Section 2. Layoffs

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

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

The following procedure shall be followed:

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

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

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

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

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

Section 3. Reemployment Lists

An employee who has attained the status of permanent employee in a specified class and has been separated from employment through layoff shall be placed on a reemployment list in accordance with Rule IV Section 3(B) and considered for reemployment in accordance with Rule V Section 2(C) of these rules and regulations.

RULE IX – SUSPENSIONS, DEMOTIONS, DISCHARGES AND RESIGNATIONS

Section 1. Suspensions for Not More than Ten Working Days

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

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

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

Section 3. Voluntary Demotions

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

Section 4. Resignations

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

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

- B. A permanent employee who is forced by the appointing officer to resign in lieu of discharge may appeal such coerced resignation to the Commission. The effective date of the termination shall be the same date as the coerced resignation.

RULE X – APPEALS

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

Only the following actions may be appealed to the Commission:

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

Section 2. Review and Appeal of Applicant Evaluation Scores

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

3. Clearly state the basis for the objection.

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

C. Review of Individual Applicant Evaluations

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

D. Request for Review of Applicant Evaluation Score

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

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

E. Appeal of Individual Applicant Evaluation Score

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

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

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

4. The contents of the keyed examination booklet.

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

F. Effects of Corrections by Director or Commission

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

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

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

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

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

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

- b. The hearing may be conducted by the Commission or by a Hearing Officer pursuant to Rule X, Section 3(E).
 - c. The hearing on an appeal shall be held within forty-five calendar days after receipt by the employee of the appointing officer's action.
- B. In an appeal of a Coerced Resignation, the employee shall include a statement specifying the grounds upon which the claim is based. The Director shall provide notice to the appointing officer within three days of receipt of the appeal. The appointing officer shall have ten days from the date of notice to provide the employee and the Director a written statement describing the circumstances of the resignation. Within ten calendar days of the date of the appointing officer's statement, the employee may file a detailed written response.

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

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

1. The employee bears the burden of proof to show that the resignation was obtained through duress or coercion or that the employee was misled by the appointing officer;
2. The appointing officer then has the burden of showing he/she engaged in no actions creating a Coerced Resignation as defined in these rules.
3. In the case where the resignation is in lieu of termination, the resignation is presumed to be voluntary and the appointing officer has the burden of proof to show there was just cause for termination and, but for the resignation, the appointing officer would have proceeded to termination.
4. The employee then has the burden of proof to show that termination for just cause could not be sustained.

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

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

C. As a precondition to the Commission granting the right of appeal for Constructive Discharge, the employee must present evidence that a fifteen day written notice was provided to the appointing officer or Director explaining that:

1. the employee was being subjected to intolerable working conditions and felt compelled to resign, and
2. the appointing officer or Director refused or failed to address the issue.

In an appeal of Constructive Discharge, the Commission shall schedule a hearing to determine whether there is objective evidence to support an employee's allegation that

1. the appointing officer created and/or allowed intolerable working conditions and,
2. refused or failed to address the issue(s) after being given fifteen days' notice of the condition and the employee's intent to resign.

The employee bears the burden of establishing that a reasonable person would feel compelled to resign under such working conditions. At the hearing, the appointing authority has the opportunity to rebut the allegations.

If the Commission finds the conditions as presented by the employee were so intolerable that a reasonable person would have felt compelled to resign, and that the appointing officer failed to adequately address the conditions, the Commission shall issue a written decision, including recommendations regarding remedial action.

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

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

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

- E. The Chairperson or the Director with the concurrence of the Commission, may designate three or more members to hold the hearing and take testimony, or may delegate one of its members to hold the hearing and take the testimony, in which case a transcript of the hearing and hearing officer's report shall be reviewed by a majority of the Commission prior to its making a decision. A decision to sustain the action of the appointing officer or to impose any lesser penalty shall require a majority affirmative vote of the Commissioners then constituting the quorum. In the absence of a decision by a majority, the action of the appointing officer shall be overruled and in the event of discharge or coerced resignation, the employee shall be reinstated with full back pay and benefits in accordance with Section 7. The Director or designee shall provide assistance to the Commission regarding any exclusion of back pay. The discussion, when applicable, will take place at the conclusion of the hearing provided that both parties are still present and able to address the Commission.
- F. The Commission shall issue a written decision and its order for the disposition of the case. The written decision shall memorialize the Commission's ruling that the action of the appointing officer stands, that a lesser penalty be imposed, or that the employee's former status be reinstated. Unless the Commission orders that a discharge for just cause shall stand, pension and seniority rights shall not be affected by any disciplinary action. If the Commission orders the employee reinstated to his/her former status, it shall specify as part of its decision whether the employee shall receive back pay for all or part of any time lost as a result of the appointing officer's action.
- G. When an appeal is made by the Director of Human Resources, Chief of Police, or Fire Chief, the decision of the Commission shall be advisory only; in all other cases it shall be binding and final and the appointing officer shall impose the Commission's decision.
- H. Not less than ten calendar days prior to the date set for any hearing on any appeal pursuant to Rule X, Section 3, all parties represented by an attorney or other representative, shall through his/her attorney or representative, meet and discuss the issues of fact and law, if any, exchange all exhibits including reports and backup documentation, and shall jointly prepare and submit to the Commission a Pre-Hearing Statement containing the following:
 - 1. A list of all exhibits including reports and backup documentation either party intends to utilize at the hearing along with a statement that each exhibit may be admitted without objection or a statement of the objection to the exhibit;

2. A list of the witnesses intended to be called at the hearing by each of the parties and any objections to the listed witness(es);
3. A statement as to the uncontested facts which the parties agree are material and which can be stipulated to;
4. A list of the contested issues of fact and law;
5. A statement as to whether or not the parties agree that the Department of Human Resources personnel file for the appealing employee may or may not be considered by the Commission as a part of the evidence at the hearing, including performance evaluations, commendations, reprimands, and any and all other contents of said personnel file.

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

- I. Where there are contested issues of fact and/or law which may cause undue delay at the time of a hearing, either party may submit an administrative motion in limine at least five (5) days before the scheduled appeal. The opposing party may file a response. A special hearing to decide the issues will be set prior to the Civil Service Appeal Hearing. Depending on the nature of the issue(s), the special hearing will be scheduled either on a separate day or just prior to the start of an appeal.

At the appeal, both the employee and the appointing officer shall appear and present their evidence and witnesses, either personally or through his/her chosen attorney or representative. Technical rules of evidence do not apply at the hearing. Irrelevant, incompetent, immaterial or unduly repetitious evidence and evidence protected by rules of privilege recognized in judicial proceedings may be excluded. Both parties shall be allowed reasonable latitude in the presentation of his/her case and shall file with the Commission all documents, records, or reports necessary to the determination of the appeal.

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

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

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

1. The employee's entire personnel file;
 2. All memoranda or other documents, other than those containing confidential attorney client communications, prepared as a result of the events underlying the termination or disciplinary action that is being appealed; and
 3. All documents prepared for use as exhibits at the hearing
- K. Additional disclosure may be requested by the parties and ordered by the Commission only upon written request and only if the information sought is determined to be relevant to the termination or disciplinary action being appealed. The Commission may issue its decision in writing without a hearing.

Section 4. Continuance of Appeal

Requests for continuance of a hearing on appeal shall be in writing specifying the reason for the request and filed with the Director of Human Resources or designee. Either side shall have the opportunity to file an objection. Requests for continuances will be presented to the Commission Chairperson and a response to grant or deny the request will be communicated to the Director of Human Resources or designee. No continuance requested by the employee shall be granted unless the employee agrees in writing that the extended time resulting from the continuance may be excluded from any award of back pay. When scheduled, the Director shall notify the employee of the hearing date. An employee who has requested a continuance of a hearing on appeal, either individually, through legal counsel or other representative, shall have one hundred twenty days from the date of filing in which to complete the appeal. Barring exceptional cause, no additional continuances shall be granted by the Commission beyond the one hundred twenty days from the original date of filing. If the employee fails to appear for a scheduled hearing, the appeal shall automatically be dismissed. Within ten days of automatic dismissal by the Commission, the employee may request in writing, with good cause shown, that the Commission reinstate the appeal. The Commission shall have the discretion to hold a hearing on petitioner's request and the decision of the Commission shall be final and will be made a part of its official record.

Section 5. Reinstatement/Back Pay Procedures

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

employee and for processing appropriate back pay. The completed documentation will be forwarded to Human Resources within one business day.

Within one business day of receiving the documentation from the department, the Human Resources Payroll Division will initiate action to reinstate the employee. The Payroll Division is responsible for calculating the amount of back pay owed to an employee and will issue a check for the amount owed to the employee within two weeks. The Director is responsible to ensure the employee is appropriately paid in a timely manner. Under limited circumstances, timeframes may be extended with the Director's approval.

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

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

Section 6. Review of Layoff

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

Section 7. Administrative Review of Removal from Eligibility Lists

A. A candidate whose name has been removed from an eligibility list for any of the reasons specified in Rule III, Section 7 and 12 and/or Rule IV, Section 5 may request review and reconsideration by the Commission. The Commission shall consider such request provided:

1. It is in writing and received by the Director within ten calendar days after the date that notification was made to the candidate; and
2. It states the specific grounds for the requested review.

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

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

RULE XI – RECORDS AND REPORTS

Section 1. Personnel Records

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

Section 2. Payroll Information

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

Section 3. Transcript of Testimony

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

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

RULE XII - CERTIFICATION OF PAYROLLS

Section 1. Submission of Payrolls

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

Section 2. Review and Examination of Payrolls

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

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

Section 3. Certification of Payrolls

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

In all cases in which the Director has taken exception in making certification either as to the whole or part of the amount purporting to be due, the department director

or appointing officer concerned may appeal to the Commission which after opportunity is afforded all interested parties to be heard shall finally determine the matter.

RULE XIII – AMENDMENTS

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

RULE XIV - EFFECTIVE DATE

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