

Rule 7 - Appointment, Transfer, Promotion

7.10 Procedure

All positions in the classified service shall be filled by original appointment, provisional or emergency appointment, reemployment, promotion, transfer or demotion.

(1) Entry Level and Lateral Entry

A. Police

1. Whenever the appointing authority desires to fill a vacancy, the appointing authority shall obtain the most current eligibility list for the position from the Chief Examiner. The appointing authority may appoint one of the three persons whose names appear highest on the eligibility list to the vacant position. If, during the appointment process the name of any eligible is removed from the list for any reason provided in Rule 6.30, the appointing authority shall obtain from the Chief Examiner an updated eligibility list for the position as of the time of the removal, i.e., updated as the result of any continuous testing, and may thereafter appoint one of the three persons whose names appear highest on the updated eligibility list.
2. The appointing authority may request an updated list for each appointment to be made. The Chief Examiner shall, for each successive request, certify the three highest eligibles whose names appear on the list as of the date of the request.

Amended 9/20/06

B. Fire

1. Entry level and lateral entry recruitment processes shall be kept separate.
2. Upon receipt of a request from the appointing authority to fill a vacancy, the Chief Examiner shall certify the names of all persons achieving the top three scores on the examination, regardless of tie.
3. Final scores on entry level and lateral entry examinations shall be rounded to whole numbers.
4. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.
5. The appointing authority may appoint one person from the top three scores on the list to fill each position.

(2) Promotionals

A. Police

1. Upon being advised by the appointing authority of a vacancy in a position, the Chief Examiner shall promptly certify the three highest ranking persons on the promotional eligibility list for such vacant positions, provided, that where two or more eligibles have the same score on the eligibility list, they shall both be certified and given equal consideration. Scores shall be rounded to the nearest whole number.
2. If there is no list of eligibles, the Chief Examiner shall call for examinations in accordance with RMC Chapter 2.12 and these Rules, or otherwise determine what lists shall be deemed appropriate for such class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The authority for making the final decision as to the method of filling the position will be vested in the appointing authority as controlled by these Rules.

B. Fire

1. Upon being advised by the appointing authority of a vacancy in a position, the Chief Examiner shall promptly certify the three highest ranking persons on the promotional eligibility list for vacant positions. Where two or more persons have the same score on the eligibility list, the tie shall be broken using department seniority. If there is no list of eligibles, the Chief Examiner shall call for examinations in accordance with these rules.
2. Scores on promotional examinations shall be calculated and listed to hundredths of a point.
3. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.
4. The appointing authority may appoint one of the top three persons to fill each position.

(3) Reclassification

Reclassification of positions or redescription of duties for an established position, or the creation of a new position or transfers between classifications shall not be used for the purpose of avoiding the provisions herein regarding promotions or demotions. Employees in a position which has been abolished or the duties of which have been changed materially may be reclassified to a position substantially similar to the prior position

without competition or examination, provided, however, no transfer or reclassification of an employee to a class or position having either a greater or lower maximum salary range shall be effective unless recommended jointly by the appointing authority and the Chief Examiner and unanimously approved by the Commission.

7.20 Emergency Appointment

To meet the immediate requirements of an emergency condition which threatens life or property, the appointing authority may employ any person or person whom they may be legally empowered to appoint without restriction of civil service law and rules. Such employment shall be limited to the duration of the emergency period, but which usually should not exceed sixty (60) days.

7.30 Provisional Appointment

A. Police

The appointing authority may make provisional appointments to fill temporary vacancies caused by disability, long term illness or injury, or other vacancies greater than four (4) months duration, without seeking a list of eligibles. The employee temporarily filling the position will be paid the compensation usually paid for such service. When possible, provisional appointments will be made from current eligibility lists when a list exists.

No provisional appointment shall be continued and no person shall be employed on a provisional basis for more than six months in any one year. Extensions for up to six months may be made for good cause, which in the discretion of the Commission warrants an extension. Any time served in an provisional capacity shall not be credited on any probationary period or be used in computing any privilege accruing under civil service law or these Rules.

B.* Fire

The appointing authority may make provisional appointments to fill temporary vacancies caused by disability, long term illness or injury, or other vacancies greater than four (4) months duration, without seeking a list of eligibles. The employee temporarily filling the position will be paid the compensation usually paid for such service. When possible, provisional appointments will be made from current eligibility lists when a list exists.

No provisional appointment shall be continued and no person shall be employed on a provisional basis for more than six months in any one year. Extensions for up to six months may be made for good cause, which in the discretion of the Civil Service Commission warrants an extension. Any time served in a provisional capacity within the twelve (12) months prior to promotion shall be credited to the employee's probationary period and will be used in computing any privilege accruing under civil service law or these Rules.

**Amended 4/21/1999*

7.40 Probationary Appointment

All promotions shall be subject to the probationary period as described in Rule 8.

7.50 Voluntary Reductions in Rank and Appointments in the Fire Department

Any person holding a position within the City Fire Department who voluntarily requests to be reduced to a position of lower rank may be permanently appointed by the Appointing Authority, in the Appointing Authority's discretion, to any then-vacant position:

- A. For which the individual meets the then-current qualifications; and
- B. For which the individual has previously tested and received a passing score; and
- C. To which the individual was previously appointed under these rules and successfully completed probation.

Voluntary reductions in rank and appointments under this Rule may be made without the need for further testing or the establishment of an eligibility list for the vacant position to be filled. Nothing in this Rule creates a right on the part of any individual requesting a voluntary reduction in rank and appointment to be appointed as provided herein and appointments shall be

within the discretion of the Appointing Authority. In the event that the Appointing Authority determines not to appoint an individual requesting voluntary reduction in rank to the then-vacant position, the then-vacant position shall be filled through the customary testing and appointment process established by these rules.

Rule added 6/21/06