

CHAPTER 5 CIVIL SERVICE

1.141. Civil Service Commission. The Civil Service Commission of the City shall consist of three (3) members to be appointed by the Mayor by and with the consent of the Council by an affirmative vote of two-thirds (2/3) of the members elect. One member shall be appointed for the term of two (2) years, one member for the term of four (4) years and one member for the term of six (6) years from the first Monday of May of the odd numbered year next thereafter. On the first Monday of May of each odd numbered year thereafter one member shall be appointed for the term of six (6) years, each commissioner to serve until his successor is appointed and qualified. The three (3) members of the Commission shall together elect one of their number to act as president of the Commission who shall serve for two (2) years. Each odd numbered year thereafter the commissioners shall elect one of their number president, the members so elected to serve for two (2) years.

1.142. Qualifications. No person shall be appointed a member of said commission who is not a citizen of the United States, and who has not been a resident of this City for a period of one (1) year and an elector of this county for a period of at least three (3) years immediately preceding such appointment.

1.143. Vacancies, Removals from Office. In event that any commissioner of said Civil Service Commission shall cease to be a member thereof by virtue of death, removal or other cause, a new commissioner shall be appointed to fill out the unexpired term of said commissioner, such appointment to be made in the same manner as original appointments. The Mayor may, at any time remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause, which shall be stated in writing and made a part of the records of the Commission. Once the Mayor removes any commissioner, such removal shall be temporary only and shall be in effect for a period of ten (10) days, if at the end of said period of ten (10) days the circuit court of the County in which this City is located, is in term or session. Within said ten (10) day

period the Mayor shall file in the office of the clerk of the circuit court of said County a petition setting forth in full the reason for said removal and praying for the confirmation by said circuit court of the action of the Mayor in so removing the said commissioner. A copy of said petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and shall have precedence on the docket of the said court and shall be heard by said court as soon as the removed commissioner shall demand. All rights hereby vested in said circuit court may be exercised by the judge thereof during a vacation. In event that no term of court is being held at the time of filing of said petition, and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the Mayor. The court, or the judge thereof, in vacation, shall hear and decide upon said petition. The contestant, against whom the decision of the court or judge thereof, in vacation, shall be rendered, shall have the right of appearing in person and by counsel and presenting his defense and to appeal the decision of the circuit court, or the judge thereof in vacation, as provided by law. In event that the Mayor shall fail to file this petition in the office of the clerk of the circuit court, as hereinbefore provided within ten (10) days after the removal of said commissioner, such commissioner shall immediately resume his position as a member of the Civil Service Commission.

1.144. Clerk. The City Clerk shall "ex officio" be clerk of the Civil Service Commission and shall supply to the Commission without extra compensation all necessary clerical and stenographic services for the work of the Civil Service Commission.

1.145. Appointments. Appointments to the office of City Clerk or City Treasurer shall be made only under the procedure prescribed by this Chapter and no person shall be appointed, reinstated, or discharged as City Clerk or City Treasurer in any manner or by any means other than those prescribed in this Chapter.

1.146. Assistance. It shall be the duty of the Mayor and heads of the departments of this City to aid the Civil Service Commission in all proper ways in carrying out the provisions of this Chapter, and to allow the reasonable use of public buildings and to cause suitable and convenient rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted for carrying on the work and examinations of the Civil Service Commission and in all proper ways to facilitate the same. The Civil Service Commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use.

1.147. Duties. The Civil Service Commission shall:

- (1) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this Chapter. All rules so prepared may, from time to time, be added to amended or rescinded.
- (2) Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office, received by the said Commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of ten (10) years, and all such records, recommendations of former employers accepted, and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection. It shall file statements on all matters relating to the character and quality of the work done and the attitude of the individual to his work and such other matters as it may see fit.
- (3) Make investigations, either sitting in a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this Chapter, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the Commission, or any person in the public service in respect to the execution of this Chapter. In the course of such investigations, each commissioner

shall have the power to administer oaths and affirmations, and to take testimony.

- (4) Have power to subpoena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses called to testify in circuit court. All officers in the public service, and their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said Commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any one of them to any person, shall be held a contempt of court, and shall be punished by the circuit court, within the County in which the said subpoena has been issued. Any judge of any said courts shall, upon the application of any one of said commissioners, in such cases cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear and to give testimony before the said commissioners; any one of them shall have the power to punish any such contempt.
- (5) Make an annual report to the Mayor showing its own action, and rules and regulations, and all exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishments of the purpose of this Chapter. Such reports shall be available for public inspection five (5) days after the same shall have been delivered to the Mayor.

1.148. Application. The Civil Service Commission shall require persons applying for admission to any examination provided for under this Chapter or under the rules and regulations of the said Commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application to which the applicant shall state

under oath or affirmation:

- (1) His full name, residence and post office address.
- (2) His citizenship, age, and the place and date of his birth.
- (3) His health, and his physical capacity for public service.
- (4) His business and employments and residence for at least three (3) years previous; he will become a resident of said City within thirty (30) days after expiration of probationary period.
- (5) His formal education.
- (6) His experience in positions likely to be helpful to a City Clerk or City Treasurer.
- (7) Such other information as may reasonably be required, touching the applicant's qualifications and fitness for public service.

1.149. General Qualifications. Blank forms for such applications shall be furnished by the said Commission, without charge to all persons requesting same. Said Commission may require in connection with such application such certificate of citizens, physicians or others, having knowledge of the applicant as the good of the service may require. The said Commission may refuse to examine an applicant, or after examination, to certify as eligible, one who is found to lack any of the established preliminary requirements for the examination of position or employment for which he applied; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who may have been guilty of any crime, or infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility; or who refuses to comply with the rules and

regulations of the Commission. If any applicant feels himself aggrieved by the action of the Commission in refusing to examine him, or after an examination, to certify him as an eligible, as provided in this section, the Commission, shall at the request of such applicant, appoint a time and a place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the Commission shall then review its refusal to make such examination or certifications, and testimony shall be taken. The Commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the Commission shall file the testimony taken in its records and shall again make a decision, which decision shall be final.

~~1.150. Age, Education, Physical Ability. No applications shall be received or considered if the person applying is less than twenty-one (21) years of age or more than fifty-five (55) years of age at the date of his application, or has not at least a high-school education or its equivalent, or in the judgment of the Commission does not have the physical ability to carry on the duties of the office applied for.~~

1.151. Eligible Lists. The Civil Service Commission shall keep separate lists of eligibles for the office of City Clerk and office of City Treasurer and shall take separate applications for examination for each position. The same person may make application for both positions, but shall be examined and rated separately for each. Ratings by the Civil Service Commission shall be on the basis of the following factors:

- (1) Education.
- (2) An oral interview.
- (3) Experience.
- (4) Moral character.
- (5) A written examination.

Each of these factors shall be given such relative weight as may be determined by rules of the Commission

adopted prior to announcement of any examination. The written examination shall however, determine at least seventy (70) percent of the rating. Notice of the time and place and purpose of every examination shall be given by the Commission by publication for two (2) weeks preceding such examination, in the official paper of this City and such notice shall be publicly posted by the Commission in a conspicuous place in the office of the City Clerk and the City Treasurer for two (2) weeks before such examination. Such further notice of examination may be given as the Commission shall prescribe. The Commission shall post in a public place in its office, the eligible list containing the names and ratings of those who have passed examinations for City Clerk or City Treasurer. No question in any form of application or any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall inquiries be made concerning such opinions or affiliations; and no discrimination shall be exercised, threatened, or promised by any person or official against or in favor of any applicant for the position of City Clerk or City Treasurer because of his political or religious opinions or affiliations.

1.152. Original Appointments, Probationary Term. All original appointments of City Clerk or City Treasurer shall be for a probationary period of six (6) months. During the probationary period the appointee may be dismissed for cause as provided in this Chapter. If at the close of this probationary term, the conduct or capacity of the probationer is determined to be unsatisfactory by the Mayor or the City Council, the probationer shall be notified in writing that he will not receive permanent appointment, whereupon his employment shall cease otherwise his retention in the service shall be equivalent to his final appointment. The probationer shall be entitled to a hearing before the Commission as provided in section 1.154.

1.153. Manner of Appointment. The positions of City Clerk or City Treasurer shall be filled only in the following manner: The Mayor shall notify the Civil Service Commission of any vacancy and shall request the certification of eligibles. The Commission shall forthwith certify from the eligibles list, the names of three (3) persons, or such lesser number as may be eligible, with the

highest rating as determined by the Commission in a manner herein provided. The Mayor shall appoint one of the persons so certified to the vacant position with the consent of the City Council by an affirmative-vote of two-thirds (2/3) of the aldermen elect. If for any reason appointment or confirmation is not made within the period of one (1) month after the certifications by the Civil Service Commission, the person having the highest rating by the Civil Service Commission shall be deemed appointed to the office in which a vacancy exists, and upon qualification shall enter upon the duties of such office. Temporary appointments may be made to the office of City Clerk or City Treasurer by the Mayor by and with the consent of the City Council, but such temporary appointees shall hold office only until his successor shall have been selected and appointed under the terms of this Chapter and shall have qualified.

1.154. Demotion, Suspension, Discharge. No person holding the office of City Clerk or City Treasurer shall be reduced in pay or position, laid off, suspended, discharged or otherwise disciplined except for cause and in accordance with the procedure established in this Chapter. Provided, however, that the salary of the City Clerk or City Treasurer may be reduced as part of a general reduction of salaries paid by the City; and provided, however, such reduction is not discriminatory. Any person so removed or disciplined by the Mayor and City Council as above provided, may demand a hearing before the Civil Service Commission which hearing shall be held within a period of ten (10) days after the final determination by the City Council as provided in Section three (3) of Chapter seven (7) of the City Charter. At such hearing the burden of proof shall be upon the person removed or disciplined. The Civil Service Commission, upon such hearing, may sustain the action of the Mayor and City Council, or overrule the same and forthwith order the officer to be reinstated, or make such modification of any disciplinary action as it may determine just. The decision of the Civil Service Commission is final.

1.155. Examination; Offenses. Any commissioner or examiner, or, any other person, who shall willfully, by himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his right of examination or registration according to this Chapter, or to any rules or regulations prescribed pursuant thereto, or who

shall willfully or corruptly, falsely, mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, according to this Chapter, or aid in doing so, or who shall willfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered, or certified, or to be examined, registered or certified; or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense be deemed guilty of a violation of this Code.

1.156. Appointments; Offenses. Whoever makes an appointment to office, or selects a person for employment contrary to the provisions of this Chapter, or willfully refuses or neglects otherwise to comply with, or conform to, any of the provisions of this Chapter, or violates any of such provision, shall be deemed guilty of a violation of this Code.