

ARTICLE IV. RECRUITMENT, SELECTION, PROBATION AND PROMOTION

A. General Requirements

All recruitment, selection, and promotion procedures of the City Independence, Missouri, shall comply with the City Charter, merit system standards, and Federal, State and local law governing employment practices.

B. Recruitment

1. **Requisition**: Recruitment shall be planned to assure open competition and shall be conducted by the Personnel Department. When a vacancy in the Classified Service is to be filled, the recommending authority shall submit a Request for Personnel to the Personnel Director. This requisition shall state the job title and other information as the Personnel Director may require.
2. **Posting**: The Personnel Director shall post notice of the vacancy in places where such notices would obtain public attention and attract qualified persons. The posting shall include the job title, essential functions of the position, the minimum qualifications for the position, and the place for applying.
3. **Application Forms**: Applications for employment in the Classified Service must be processed through the Personnel Department. Applications shall be made on forms prescribed by the Personnel Director and shall be filed with the Personnel Department. Applications shall be signed by the applicant to certify the truth of the statements contained therein.

The Personnel Director may require proof of age, education, experience and other claims as may be appropriate to the position for which the applicant applies. Applications for employment in the Classified Service must be processed through the Personnel Department prior to any action by any recommending authority or by the appointing authority. No department will bypass the Personnel Department, which by Section 3.25 of the Charter is responsible for the maintenance of the Merit System.

4. **Disqualification**: The Personnel Director may disqualify any applicant whose application indicates the following:
 - a. The applicant is physically or mentally unable to perform the essential functions of the position;
 - b. The applicant has been convicted of a felony and has not received a pardon or cannot obtain a statement from a probation officer attesting rehabilitation and the conviction relates to the qualifications or requirements of the position;
 - c. The applicant has made any false statements or omissions of material fact on the application.

- d. The applicant has failed to submit the application correctly;
- e. The applicant does not possess the minimum qualifications for the position as indicated in the job description;
- f. The applicant was a previous City employee who was dismissed for cause.
- g. The applicant will be disqualified for an appointment which violates the nepotism policy (Article VI.G.). If a position vacancy occurs in a department where a job applicant has relative(s) by consanguinal or affinity relationship, the case shall be reviewed for possible conflicts with the Charter or Merit System by the Personnel Director, and a recommendation made to the appointing authority.

If an applicant is disqualified, the individual shall be given notice of the disqualification and the reasons for the disqualification. If any applicant feels he or she has been discriminated against in regards to race, ethnicity, religion, color, sex, age, or national origin, the applicant may appeal the disqualification to the Human Relations Commission within ten (10) working days after receipt of the disqualification notice.

In the event the applicant believes he or she was discriminated against due to a disability, the applicant may file an appeal with the City's ADA Coordinator, within ten (10) working days after notification of disqualification.

C. Selection

Selection procedures used to determine the relative fitness and ability of applicants will be job related and maximize validity, reliability, and objectivity.

1. Application Evaluation: The Personnel Director, or designee, shall review and evaluate all applications to insure compliance with application guidelines as set forth in paragraph 3 of Section B above. The application evaluation will determine if the job applicant meets the minimum qualifications of the job. Applicants meeting the qualifications for the position will proceed through the selection process until the final eligible candidates are selected for review by the recommending authority.

2. Testing/Examinations: The Personnel Director shall insure that all tests and examinations, including physical examinations (with or without drug screenings), given to applicants, whether assembled or unassembled, are job related, and open to all qualified applicants. All tests, examinations and evaluations shall be under the direction and control of the Personnel Director. The Personnel Director shall determine minimum passing scores for all tests and examinations. These scores shall be consistent, reasonable and shall not be established to exclude any applicant from competing for a position. The Personnel Director will, in as far as possible, insure that each qualified applicant has a minimum of three (3) working days notice of the date, time, and place of all assembled examinations, or tests. The Personnel Director will, in as far as possible insure that public safety employees will be given a two (2) week notice for all promotional examinations. The notice will state the date, time, and place of

assembled examinations, or tests.

Employees will be allowed to take a make-up examination when applying for a promotional position if the employee is absent on approved leave during the time of the test and has received advanced authorization in writing from the Personnel Director, or if the employee is unable to be relieved from duty due to an emergency as documented by the employee's department director.

Each qualified applicant taking a written examination shall be notified of his or her score. Individual test scores shall be made available only to the applicant, the recommending authority, and the City Manager.

All written tests and examinations will be confidential and the Personnel Director shall take appropriate steps to insure that tests and examinations are not compromised. If the Personnel Director has knowledge, or suspects any test or examination material has been compromised he or she will immediately destroy that material and cease using the material for any selection procedure.

Special eligibility for candidates with disabilities: In some instances, established testing procedures may not be appropriate for candidates with disabilities. The eligibility of these candidates shall be determined by scored procedures which best measure the candidates' ability to perform the essential functions of the position. Reasonable accommodation for testing will be considered when requested by the applicant forty-eight (48) hours before the scheduled test.

3. Eligibility Lists: The Personnel Director may create an eligibility list of all candidates who have successfully passed all tests, examinations or evaluations. Candidates' names will be placed on this list from first to last according to total score with the highest scoring candidate first. When more than one test, examination or evaluation is used, the Personnel Director will assign a weight to each testing/evaluation procedure. Weights to a particular test, examination or evaluation, will be based on the relative importance of each skill related to the essential functions of the position and will not be assigned to exclude or give advantage to an applicant or candidate. In case of a tied total score, the names of the candidates with tied scores will be placed on the list in the order of the score received on that part of the selection procedure assigned the highest weight.

If no assembled test is given, the Personnel Director shall evaluate candidates according to related experience, work history, and education.

After the eligibility list has been established, the Personnel Director shall certify the list. This certification shall insure that all candidates on the list meet minimum qualifications for the position; that all candidates are evaluated by their ability to perform the essential functions of the position; and that the list was established in accordance with the requirements of the Merit System, these policies and procedures, and the Charter.

Each eligibility list shall become effective on the date certified by the Personnel Director and

shall remain in effect for a period of up to one (1) year from the date of certification. The duration of a certified eligibility list may be extended once, for a period not to exceed six (6) months, by the Personnel Director.

The Personnel Director may remove the name of any candidate from an eligibility list:

- a. If it is discovered that the eligible candidate was subject to disqualification as an applicant;
- b. If an eligible candidate requests that his/her name be removed;
- c. If an eligible candidate cannot be contacted or fails to respond to a request from the recommending authority for an employment interview. Eligible candidates must notify the Personnel Department, in writing, of any change of address; or
- d. If an eligible candidate, following appointment to a position in the municipal service, fails to report to work as scheduled, it will be considered that the candidate has refused the appointment.

A candidate who has been removed from an eligibility list for failing to appear for an employment interview may request the Personnel Director, in writing, to restore his/her name to the list. The request must be made within ninety (90) days from the date of removal, and must show good cause for failing to appear.

The Personnel Director may evaluate only the top candidates, if the recruitment is for a specific position and no eligibility list will be maintained. Only the candidates whose resume/application reflects the highest level of related education and experience will be ranked.

4. Appointments in the Classified and Unclassified Service: All appointments to the Classified or Unclassified Service shall be defined by Section 3.30 of the Charter.

a. Regular Full-time

(1) The Personnel Director shall furnish the department director with the names of at least the top three (3) candidates for each vacancy, if available.

(2) After receiving the candidate applications, the department director or designate shall conduct an employment interview with all candidates. The department director can then make a recommendation for hire to the Personnel Director, from the candidates interviewed or reject the list of candidates. Additional candidates will be referred, if requested and available.

(3) Upon review of the department director's recommendation, the Personnel Director shall forward the recommendation to the City Manager.

(4) The City Manager, being the sole appointing authority in the City for the Classified Service, may approve or disapprove the department director's recommendation. No offer of employment in the Classified Service can be made until approved by the City Manager. If not approved, the City Manager may request additional recommendations.

b. Regular Part-time Appointments - Appointments to regular part-time positions in the Classified Service shall follow the same procedure set forth for regular full-time positions.

c. Public Safety Appointments - Candidates appointed to public safety positions shall meet all of the requirements of these Personnel Policies and Procedures, and the requirements of applicable City, State and Federal laws.

d. Temporary Appointments

(1) Temporary appointments need not follow the formal selection procedures established for permanent positions, however, the Personnel Director shall furnish the department director with an adequate number of qualified applicants from which to make a selection. The department director shall then make recommendations to the City Manager for approval. The City Manager may then approve or disapprove the department director's recommendation. Temporary appointments may be budgeted for particular projects or to perform the duties of a position where the regular employee is on extended leave.

(2) If a position in this category becomes regular, the procedure, as provided for in this Article, for filling a position will be followed. The incumbent may apply for the regular position, however, such appointment will not be automatic.

(3) Temporary appointments shall only be made under the direction of the City Manager for the good of the service.

(4) Credit shall be allowed for service as a temporary appointment toward meeting the requirement of a regular appointment. Uninterrupted service between a temporary appointment and a regular appointment shall be credited toward benefits. Temporary appointment service shall not apply to a probationary period.

(5) A temporary appointment shall not exceed six (6) months, and may end at any time. The employee shall be given as much prior notification regarding their end of assignment, as is practicable.

5. Emergency Appointments: To meet the immediate requirements of an emergency which threatens public safety or property, a City officer or employee may appoint persons

needed for the duration of the emergency, without regard to the Charter or these Personnel Policies and Procedures. The employee engaging the person or persons, shall, in writing, notify the City Manager and the Personnel Director of the emergency appointments as soon as possible.

6. Acting Capacity Appointments: The City Manager shall have the authority to make an acting capacity appointment for a period not to exceed six (6) months. Appointments shall be made from qualified individuals who are familiar with the work of the department in which the acting capacity appointment is to be made. Appointments may occur in either the Classified or Unclassified Service.

7. Out-of-Position Appointments: An appointment of an employee to a position at a higher salary rate in the classified or unclassified service can be made during an extended absence of the incumbent. This appointment is recommended by the department director and approved by the Personnel Director and City Manager. An out-of-position appointment may range from five days to six weeks. After six weeks the appointment shall be reviewed for continuation based on the needs of the service.

D. Probation

The probationary period is a working test during which an employee, appointed or promoted, demonstrates his or her ability to meet the required standards of the position to which he or she has been appointed or promoted. All classified employees appointed or promoted to regular full-time or regular part-time positions shall serve a probationary period.

1. Duration:

a. General Service Employees - The probationary period for employees in the Classified Service, whether originally appointed or promoted, shall be for six (6) months. If a general service employee on probation is transferred during his or her initial probationary period, he or she shall serve six (6) months probation for that position beginning with the effective date of the transfer.

b. Public Safety Employees -

(1) The probationary period for newly appointed Fire Fighters will be a minimum of twelve (12) months

(2) The probationary period for newly appointed police officers will be one calendar year from date of commission.

(3) The probationary period for newly promoted commissioned officers will be one calendar year from the date of appointment.

2. Extension of the Probationary Period:

a. A department director may recommend an extension of the probationary period up to

an additional six months, if he or she feels the employee is capable of meeting the performance standards within a specified time. The recommendation shall be reviewed by the Personnel Director and approved by the City Manager. A performance appraisal and action plan for improvement must include the recommendation to extend the probationary period.

- b. If the probationary employee is absent more than thirty (30) calendar days during the probationary period, this time shall not be considered toward completion of the probationary period. The probationary period shall be extended for the same period of the absence to allow for a full six months performance evaluation.

3. Probationary Performance Appraisals:

- a. General Service Employees - Two performance appraisals shall be submitted during the probationary period; one at the end of the third (3rd) month, and one at the completion of the six (6) months probationary period.
- b. Public Safety Employees - Three (3) performance appraisals shall be submitted during the initial probationary period; the first at the end of six (6) months' employment; the second at the end of nine (9) months' employment; and the third two weeks prior to completion of the twelve (12) months' period. Performance appraisals for promoted Public Safety employees shall be the same as for general service employees.

4. Regular Status: Only upon recommendation of the department director and the Personnel Director, with the approval of the City Manager, shall an employee be granted regular status in the City service. Regular status will not be granted until the employee has successfully completed the probationary period as reflected by the performance appraisal report.

5. Release During Initial Probationary Period: At any time prior to granting regular status, an initial probationary employee may be separated from employment with or without cause. Such action cannot be appealed or grieved, except if the employee feels that the separation is due to discrimination as defined in Article II.G.2.

6. Promotional Probation: Upon successful completion of the required probationary period following a promotion, the employee shall be granted regular status. Regular status shall be approved only after the Personnel Department has received a performance appraisal report. If during the required probationary period the employee shows an inadequate performance and subsequent lack of improvement, the department director may serve written notice that he or she intends to deny regular status. Upon the recommendation of the Personnel Director and the approval of the City Manager, the denial shall become effective on the date recommended by the department director. The employee shall be notified as soon as practicable. The employee shall have the right to grieve the matter in accordance with Article VIII.

An employee who fails to qualify for regular appointment during a promotional probationary period, or who voluntarily decides not to promote, shall be reinstated to the position from which the employee was promoted. Reinstatement will be made only if the probationary

employee is not discharged for cause in the manner prescribed in these Personnel Policies and Procedures. If the position has been filled, he or she shall be put at the top of the eligibility list for that class. If there are no vacancies in that class the employee may be moved to layoff status.

E. Employee Performance Appraisals

Performance appraisals shall serve the dual purpose of providing feedback to employees regarding their performance and ensuring that all employees meet acceptable levels of performance. The annual appraisal of regular employees shall consider individual ability and competence, acknowledge the employee's accomplishments, and designate areas for improvement.

1. Frequency: Performance appraisals shall be scheduled in the following manner unless specifically provided for otherwise:

<u>Employment Duration</u>	<u>Status</u>
3 months	New/probationary
6 months	Promotional/probationary
Each 12 months thereafter	Regular

2. Procedures

- a. The performance appraisal shall be completed on standard performance appraisal forms provided by the Personnel Department. The employee's supervisor shall be responsible for administering this appraisal which shall be signed by the department director.
- b. The employee shall sign the original to acknowledge that the performance appraisal was discussed with the employee. The employee shall receive a copy of the performance appraisal and the original shall be sent to the Personnel Department and be maintained in their personnel file.
- c. The supervisor shall discuss progress or work areas needing improvement, personal development and achievements with the employee. Any disagreement may be recorded, in writing, to be filed at the same time in the personnel file and shall be retained with the performance appraisal.
- d. Pay increases, if authorized, shall be effective on the employee's annual review date and shown on the properly executed action form. To insure pay increases are handled timely performance appraisals shall be completed ten (10) business days prior to the employee's anniversary date. Performance increases will not be authorized without an approved performance appraisal report.

- e. Pay increases will be recommended by the department director based upon performance.

The City Manager and Personnel Director must authorize all pay increases.

3. Appeal of the Performance Appraisal

The employee may appeal the performance appraisal to the department director, or in the case where the department director is the immediate supervisor, the employee may appeal the performance appraisal to the City Manager. This will be the only remedy available to the employee.

F. Promotions

Procedures for selecting candidates for promotion in the classified service shall be identical to the procedures for selection as stated in Section C of this Article.

If an eligibility list for a position includes both City and non-city applicants, preference shall be given to qualified City employees who have applied. This is to promote upward mobility in the classified service.

G. Nepotism

- 1. Nepotism in Hiring Decisions: All hiring decisions shall comply with Section 5.11, Nepotism, of the City of Independence Charter.

The City discourages nepotism by prohibiting:

- a. any City official or employee from participating in the hiring of a relative; and
- b. an employee from working under the supervision of a relative.

- 2. Supervision by Relatives: No employee shall be employed, promoted, transferred or reinstated in or to any position and shift where the employee will supervise directly or be supervised directly by any relative.

- 3. Marriage: Upon marriage, where a situation of nepotism is created under section 2 above, the employee with the least seniority with the City will be terminated unless other solutions are made. For purposes of this paragraph 3 only, "relative" means any person related by affinity or consanguinity within the second degree. Other methods for resolution may include:

- a. The employee with the most seniority submits his or her resignation;
- b. One of the effected employees is qualified, and willing to accept placement in another department or area, and such placement would eliminate the violation of paragraph 3,

above. A vacancy must exist, and the employee successfully competes for the vacant position within the limits of the City's merit system; or

c. The employee voluntarily resigns.

4. Effective Date: The provisions of this section shall not be retroactive and shall not apply to any employment, promotion, transfer or reinstatement which occurred prior to May 6, 1991. This section applies to all employees, including part-time, seasonal and temporary employees.

H. Continuing Professional and Technical Education Requirements

1. General:

a. Continuing education is required for designated professional, administrative, management, supervisory and technical employees. The continuing education program is designed to increase the professional and technical competence of City employees. Unclassified administrative personnel must complete fifteen (15) contact hours of continuing education each calendar year. Managers and administrative personnel must complete ten (10) contact hours of continuing education each calendar year. Employees classified as technical-supervisory must complete five (5) contact hours of continuing education each calendar year.

Employee shall report continuing education hours annually to the Personnel Department. Failure to meet the continuing education requirements will, unless the requirement is waived, be cause for the effected employee to be placed on service probation and be an evaluation criteria utilized in the employee's annual performance appraisal. Not meeting the continuing education requirements may lead to the demotion or termination of the effected employee.

Specific criteria for compliance with this provision is available in the Personnel Department. The Personnel Department shall monitor compliance.

2. Basic Requirements:

- a. For those new employees to the City the reporting period and the continuing education requirements will begin the calendar year following their successful completion of an applicable probation.
- b. Any employee who has not completed the required number of hours during a calendar year will be allowed the next two months to make up the deficiency. Hours credited toward a deficiency during this two month period may not be counted toward the annual minimum requirement of the calendar year in which they are taken.