RULES OF THE

CIVIL SERVICE COMMISSION

OF THE

CITY OF NEW BRITAIN

(MERIT RULES)

Revised through December 16, 2016

CONTENTS

RULE		PAGE
I	PURPOSE AND AMENDMENT OF RULES	1
II	DEFINITIONS	1
III	ESTABLISHMENT AND DEFINITION OF POSITIONS	4
IV	METHOD OF FILLING VACANCIES	5
V	RE-EMPLOYMENT AND EMPLOYMENT LISTS	7
VI	APPLICATIONS AND APPLICANTS	8
VII	EXAMINATIONS	10
VIII	PROBATIONARY PERIOD	13
IX	LEAVE OF ABSENCE WITHOUT PAY	14
X	MILITARY LEAVE	15
XI	VACATIONS, HOLIDAYS, SICK LEAVE AND EMPLOYEE BENEFITS	16
XII	HOURS OF WORK	17
XIII	DISCIPLINE	17
XIV	CLASSIFICATION AND COMPENSATION PLANS	18
XV	ELECTION PROCEDURE EMPLOYEE REPRESENTATIVE	24

RULE I. PURPOSE AND AMENDMENT OF RULES

A. It is the purpose of these rules to give effect to the provisions of the Charter of the City of New Britain with particular reference to Section 302 of such Act which provides: "Said Commission shall: (1) after public hearing adopt and amend rules and regulations for the administration of this chapter which shall have the force and effect of law, upon approval by a majority vote of the Common Council, including classification and compensation plans for employees in the classified service, together with rules for their administration . . .".

B. Amendments to these rules may be proposed by the Director of Human Resources or Civil Service Commission. The Commission, after public hearing, shall submit them to the Common Council for approval. At least ten (10) days notice of a public hearing shall be given by the Director of Human Resources by publication in at least one (1) newspaper of daily circulation in New Britain. Upon approval of any amendment to these rules by the Common Council, the Director of Human Resources shall promptly transmit such amendments to appointing authorities, post them on the City Hall bulletin board, and file them with the Town Clerk as required by law.

RULE II. DEFINITIONS

A. The definitions in Section 453 of the City Charter shall apply likewise to these rules. In addition, the following words and terms, unless the context clearly requires otherwise, shall have the meaning indicated below:

1. "Absence Without Leave" means the period of time an employee is not at work, has not notified the city, or has not received permission for such absence.

2. "Acting Assignment" means an assignment to a permanent, full time vacancy of an employee who is to fill the position on an interim basis. Such acting appointments will be made only upon the existence of a bona-fide vacancy, and will be terminated upon promulgation of a certified employment list or within six months, whichever occurs first. If a certified employment list is not promulgated within six months of appointment to an acting position, approval to continue the acting assignment must be granted by the Appointing Authority and the Civil Service Commission in blocks of time not to exceed 90 calendar days. For purposes of this definition, the term "Acting" does not apply to provisional appointments or special assignments in any city department.

3. "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.

4. "Certification of Open Competitive Examination Results" means approval by the Civil Service Commission.

5. "Certification of Eligible" means the act of forwarding names from a Certified Employment List to an Appointing Authority for the purpose of filling a bonafide position vacancy. The forwarding of names shall be done in accordance with the "Rule of Five Plus Three".

6. "Class Specification" means the written description of a class containing the official title, a statement of the duties, authority, and responsibilities of the class, the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class, and the length of the period of probation.

7. "Days" Unless otherwise specified herein, any reference to day or days shall be construed to mean calendar days.

8. "Demotion" means the change of an employee from a position in one class to a position in another class having a lower maximum salary rate.

9. "Dismissal" means the complete separation of an employee from the service for just cause or by failure on his/her part to complete the probationary period successfully.

10. "Domiciled" means that place where an individual has his/her true, fixed and permanent home and which constitutes his/her primary residence and whenever the individual is absent he/she has the intention of returning. To be certified as an individual domiciled in the City of New Britain, an applicant shall have filed proof of domicile at the time of filing his/her application for employment. Subsequent verification may be required at time of appointment.

11. "Eligible" means a person whose name is on a re-employment, or certified employment list and who may be certified for appointment.

12. "Full-time Position" means a position requiring the observance of scheduled working hours on a year-round basis.

13. "Heads of Departments" (or "Department Heads") shall mean permanent employees who are the administrative heads of an agency or a department, who report directly to the Mayor and/or a Board or Commission. Heads of Departments have duties which include the development and oversight of the agency or department budget, recommending disciplinary actions of subordinates to the Mayor and/or Board and Commission, and the administration of the City's performance evaluation system within his or her agency or department. Heads of Departments exercise substantial supervisory control over their agency or department.

14. "Layoff" means the separation of an employee from the service for an indefinite period by reason of lack of work or funds.

15. "Open Competitive Employment List" means the proposed list of eligible candidates that is prepared by the Civil Service Commission Office. It is a list based upon the order of ranking of examination results. No one may be appointed from this list until it has been certified by the Civil Service Commission. The Civil Service Commission certifies the Open Competitive Employment List only after establishing that the testing process conformed with the principles of merit, was non-discriminatory, and met established regulations.

16. "Open Competitive Examination" means an examination open to all qualified persons, including permanent employees of the City of New Britain.

17. "Original entry examination" shall be limited to open competitive examinations for the following classifications: Police Officer, Firefighter, Bus Driver, Clerk Typist I, Cashier Clerk, Police Matron, Dispatcher, or any other classification so designated by the Civil Service Commission

18. "Part-Time Position" means a position involving less than twenty (20) hours per week.

19. "Periodical" shall include any regularly published material, whether for sale or distributed for free.

20. "Permanent Employee" means an employee who has satisfactorily completed a probationary period following appointment.

21. Permanent Position" means an established position in the classified service in which the duties are of such a nature that it can be reasonably assumed that the position will continue indefinitely.

22. "Promotion" means a change from one position to another position having the same or higher maximum rate of compensation, involving increased or different duties and responsibilities, and requiring an open competitive examination.

23. "Re-assignment" means the change of an employee from one position to another position, in the same class or another class having the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

24. "Seasonal Position" means a position requiring the observance of regular working hours, but which is filled annually on a recurring basis, not to exceed 6 months.

25. "Suspension" means the temporary separation of an employee from the service for disciplinary reasons.

26. "Temporary Position" means a regularly established position in the classified service created for a designated period of time.

27. "Transfer" means the change of an employee from one department to another department in the same class or another class having the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

RULE III. ESTABLISHMENT AND DEFINITION OF POSITIONS

A. Establishment of Permanent Positions. Whenever an appointing authority desires to establish a permanent position, or class of positions, or to establish additional positions in an existing classification in the classified service, said authority shall forward to the Civil Service Commission on forms supplied by that Commission, the following information:

1. The title of the position or class.
2. The number of positions to be filled.
3. A detailed description of the duties, responsibilities, and supervision exercised and received, if a new classification is involved.
4. A statement of the conditions requiring the establishment of the new class.
5. An estimate of the length of time required.
6. The proposed compensation range.
7. The proposed effective date.
8. A statement of the availability of funds for such position or class of position.

9. A statement of whether there is a residency requirement for continued employment.

After a determination of the necessity for such new position or class of positions, the Civil Service Commission shall forward either its recommendation or disapproval of their establishment to the Common Council, giving its reasons therefor.

No person shall be appointed to, nor receive payment for any services performed in any position in the competitive classified service not authorized by the Common Council.

B. Establishment of Temporary Positions. Whenever, because of the temporary or seasonal nature of the work involved, an appointing authority desires to establish positions, the following information shall be submitted to the Civil Service Commission or Director of Human Resources:

1. The cause for the temporary positions.
2. The probable length of time required.
3. The duties to be performed.
4. The proposed compensation rate or range.
5. Availability of funds therefor.

If the Civil Service Commission determines that such temporary or seasonal positions are necessary, it may authorize the appointment of qualified persons, except that the Director of Human Resources is authorized to make such appointments for a maximum of thirty (30) days except that it shall expire no later than the day following the next regularly scheduled Civil Service Commission meeting.

C. Permanent and Temporary Full-Time, Part-Time and Seasonal Positions. Each position in the Classified Service shall be designated as either permanent or temporary and either full-time, part-time or seasonal as defined in these rules.

RULE IV. METHOD OF FILLING VACANCIES

A. Requisition. When a vacancy occurs, the Department Head may submit a personnel requisition form to the Director of Human Resources. This requisition may be approved if the Department wishes to fill the vacancy, funds are available, and the appropriate approvals are secured. If a certified employment list of eligibles is available, certification will be made in the manner prescribed below:

B. In the filling of all vacancies, the Director of Human Resources shall use eligible lists or certified employment lists in the following order:

1. Re-employment Lists
2. Open Competitive Lists

Except that when the good of the service indicates otherwise, a transfer of an employee from another department in an equivalent class and grade may be affected upon request of both appointing authorities with the approval of the Director of Human Resources.

C. Provisional Appointments. When an appointing authority finds it essential to fill a vacancy and the Civil Service Commission is unable to certify eligibles for such vacancy because there is no existing appropriate certified employment list, or because there is not a sufficient number of persons on appropriate certified employment lists, who are willing to accept appointment, the Civil Service Commission may authorize the appointing authority to fill the vacancy by means of a provisional appointment. No provisional appointment shall be made without the prior approval of the Director of Human Resources and no payment shall be made for services rendered by the appointee prior to such approval. A provisional appointment shall expire automatically six (6) months from the date of such appointment and shall not be subject to renewal.

Provisional employees are not protected under these rules from suspension, layoff, or discharge.

D. Certification of Eligibles. In the filling of a vacancy from an open competitive certified employment list, the names certified to the appointing authority shall be those of the five (5) persons standing highest on the certified employment list plus the next three (3) highest ranked names on the certified employment list of individuals who are domiciled in the City of New Britain, if available. For each list certified to the appointing authority the eight (8) eligible candidates will be categorized as the top five (5) chosen by "rank" and the next three (3) chosen by virtue of "domicile", if available. If there is more than one vacancy, the Civil Service Commission will certify one additional name from the appropriate category (rank or domicile), if available, for each additional position vacancy. Practically, this may mean forwarding names from each category (rank or domicile) in a "back-up" status, until such time as the first appointment is made and it is known from which category (rank or domicile) the appointee has been selected. If there is no complete list, then a list of the person(s) eligible shall be certified. The appointing authority shall forthwith appoint one of those whose names have been certified for each bonafide position vacancy, in accordance with the "Rule of Five Plus Three". The

appointing authority shall appoint from the names certified off of the open competitive employment list no later than thirty (30) days after said list has been forwarded from the Civil Service Office, unless such time is extended by the Civil Service Commission.

RULE V. RE-EMPLOYMENT AND EMPLOYMENT LISTS

A. Re-Employment List. When a permanent employee is laid off because of lack of work, lack of funds, or any other reasons not attributable to him/herself, his/her name shall be placed on a re-employment list for the appropriate class. In filling any vacancy, re-employment lists shall have priority over any other list. No name shall remain on any re-employment list for a period of more than two years.

B. Open Competitive Employment Lists. The Civil Service Commission shall establish and maintain such open competitive employment lists for the various classes of positions as it deems necessary or desirable to meet the needs of the city. On each such open competitive list the eligibles shall be ranked in order of their rating earned in tests given for the purpose of establishing such lists.

1) Any individual who has a current certification from the Connecticut Police Officer Standards and Training Council ("POST") or an individual from another state who is deemed to meet POST training requirements, shall upon application for the position of Police Officer, be automatically eligible for appointment whether or not there is an active employment list at the time.

2) Any individual who is a recent graduate of the recruit firefighter program at the Connecticut Fire Academy (CFA) or possesses similar credentials from another state which meet the National Fire Protection Association (NFPA) Professional Qualification System Standards, which is deemed by the Fire Chief to be equivalent, shall upon application for the position of Firefighter, be automatically eligible for appointment whether or not there is an active employment list at the time. The candidate shall have passed the Candidate Physical Agility Test (CPAT) within two years prior to appointment as a New Britain firefighter

C. Order of Names on Lists. Names of eligibles shall be placed on the open competitive employment lists in order of their final earned rating plus veteran's preference credit when applicable. In the case of ties in the final ratings, names shall be placed on the open competitive list in the order of ratings earned in the part of the examination given the greatest weight.

D. Duration of Open Competitive Employment Lists. A certified open competitive employment list shall be in effect for one year from the date of its original establishment

(certification) by the Civil Service Commission. The Civil Service Commission may, upon the showing of exigent or extenuating circumstances, extend the duration of the list at the time of original certification or any time thereafter when it is deemed to be in the best interest of the City. However, in no cases shall any certified employment list remain in force for more than two years.

E. Removal of Names from Employment List. The name of any person appearing on a certified employment list or re-employment list may be removed by the Director of Human Resources if the eligible requests in writing that his/her name be removed or if he/she cannot be located at the last known address on file with the Civil Service office. The name of any eligible may be removed by the Director of Human Resources if the name has been certified for appointment three (3) separate times and has not been appointed, or if the eligible has waived appointment three (3) times in the same class or position. If an eligible chooses to waive appointment, that individual will not be certified for employment before 30 days from the date of waiver, unless the need exists otherwise to certify that name prior to thirty days, as determined by the Director of Human Resources.

Any cause specified in Section 366 of the City Charter, or found in these rules for the rejection of applicants, may likewise be cause for the removal, by the Civil Service Commission, of the name of an eligible from the certified employment list(s) on which it appears. Any appeal from removal from an Employment List, or refusal to certify a name by the Director of Human Resources shall be heard by the Civil Service Commission. Their decision shall be final.

RULE VI. APPLICATIONS AND APPLICANTS

A. Application Forms. Applications shall be made on forms provided by the Director of Human Resources. Such forms may require information covering training, experience, references, and other pertinent information. All applications must be signed by the applicant, in order to be considered complete. No applicant may be permitted to amend, alter or modify his/her application after submission to the Director of Human Resources, except if there is a change in the examination announcement. Persons domiciled in the City of New Britain shall submit proof of domicile at the time of application.

B. Announcement. All examinations for permanent, non-appointed positions in the classified service shall be published by posting announcements in such places as the Director of Human Resources deems advisable, including but not limited to newspapers in general circulation in the New Britain area, the City's website, and/or social media.

The announcement shall specify the title and salary range of the class for which the examination is announced, the nature of the work to be performed, the minimum qualifications for the performance of the work of the class, the time, place and manner of making application, the closing date for receiving applications, and other pertinent information.

A written notice of an open-competitive examination shall be posted in a prominent place in the department concerned at least two weeks before the time fixed for filing applications for taking such examinations. The Department Head shall cooperate with the Civil Service Commission Office in bringing the announcement of the examination to the attention of all employees in the department.

C. After the closing date for applications, the Director of Human Resources or his/her designee shall review all applications to determine if the minimum qualifications for the position have been met. If the applicant meets the minimum qualifications, he/she will be qualified to take the test. The Director of Human Resources may reject any application, submitted for an open competitive examination, which indicates on its face value that the applicant does not possess the minimum qualifications required for the position, or who fails to file by the announced closing date for receiving applications, unless prior to such date an extension has been publicly announced. Applications may also be rejected if the applicant has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud on his or her application. Whenever an application is rejected, written notice of such rejection, with statement of reason, shall be mailed to the applicant by the Director of Human Resources with notice of appeal rights.

For purposes of achieving the posted minimum qualifications, the closing date for applications will be the date by which such minimums must have been achieved. Those applications received after the closing date are not subject to any appeal rights.

D. Examination Rejection Appeals Hearing Officer.

There shall be a designated hearing officer, who shall not receive compensation for services, for the purpose of hearing rejection appeals filed by applicants who have been denied admission as candidates to examinations. The officers shall be appointed by the Mayor in consultation with the Civil Service Commission on the basis of his/her experience and knowledge in the areas of personnel management or labor relations, and he/she shall serve for not more than two (2) successive three (3) year periods.

The hearing officer shall be responsible for scheduling the hearing, notifying the applicant of the date and time of the hearing, and reporting in writing to the appellant the results of the hearing. Human Resources staff will serve as a resource for this purpose. Appellant may be represented by counsel if he or she so decides. A member of the Civil

Service staff may serve in the role of the Director of Human Resources in his or her absence.

It is the hearing officer's charge to determine whether or not the candidate has been fairly rejected from the testing process. The hearing officer may not admit someone into the testing process who has not met the minimum qualifications of the position. (Minimum qualifications must be met by the closing date of applications unless otherwise noted on the job announcement.) It is the hearing officer's sole responsibility to consider the written documentation (employment application and other supporting documents) and also to evaluate any verbal substantiation which the appellant provides at the appeal hearing.

The hearing officer shall receive copies of all documentation at the time of the hearing. The Director of Human Resources explains the process to the appellant also at that time. The Director of Human Resources proceeds first with an explanation of why the candidate was rejected for admission into the examination process. The appellant then proceeds to present his or her appeal. Any witness in attendance at the hearing is for the sole purpose of verifying or attesting to the candidate's experience and training as it relates to the minimum qualifications of the job from which the, candidate was rejected. The hearing officer, may ask for further clarification of the appellant's or the Director of Human Resources' written or verbal comments. The hearing officer shall immediately consider the facts and make a decision. The appellant is then given a copy of the decision.

If the hearing officer votes to sustain the appeal, he/she must offer an explanation of his/her decision to the Director of Human Resources, for the record. Any decision of the appeals hearing officer, with any explanation of his/her decision, will be reported to the Civil Service Commission.

RULE VII. EXAMINATIONS

A. All appointments to open competitive positions in the classified service shall be made according to merit and fitness and be ascertained by open competitive examination. Performance Evaluation and seniority in service shall be considered in connection with tests for promotion. Examinations may include written, oral, rating of training and experience, physical or performance tests, any combination of these, or any other types of tests as deemed appropriate by the Director of Human Resources. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications which in the judgment of the Civil Service Commission will assist in determining the relative fitness of applicants.

In the event an open competitive examination is not conducted in accordance with the concepts of merit and fitness, the examination shall be declared null and void by the Civil Service Commission and any person appointed to a position from the certified open competitive employment list in connection with said examination shall be removed and, if

applicable restored to his/her former position. Fraud or collusion in connection with any open competitive examination or appointment in the classified service is sufficient grounds for removal from the position obtained by virtue of said open competitive examination or appointment.

Based upon job related requirements, applicants may be required to furnish proof of their age, citizenship, educational qualifications, veteran's status, or other data at any time.

All panels administering oral examinations under this chapter shall be composed of not less than three (3) Connecticut residents who shall be chosen for their knowledge of and experience with the position or class of positions to be filled and such examinations shall relate to the job responsibility and the knowledge, skills and abilities related thereto. A standardized written list of questions will be used for all oral examinations and all written notes and follow-up questions will be given to the Director of Human Resources.

For all purposes, the oral examination will be considered conducted and valid if three or more members participate in the questioning and at least two panel members rate the candidate.

B. Tests for original appointment in the classified service shall be open competitive tests open to all applicants who meet such age, experience, educational, character, physical, citizenship, and other requirements as may be established in the official announcement of such test.

C. In connection with promotions, the most recent performance evaluation shall be considered unless such rating is more than one (1) year old. In such event, a new performance evaluation shall be required. Seniority, in promotions, shall mean total service time as a full time city employee, except sworn personnel on the Police and Fire Department where it shall mean total service time in that department as a full time city employee.

D. In all examinations the minimum rating by which eligibility may be achieved shall be determined by the Civil Service Commission. Candidates shall be required to attain at least a minimum rating on each of the announced parts of the test, and in addition must attain a general average of not less than the minimum determined by the Civil Service Commission. For purposes of promotion, seniority and performance evaluation ratings shall be a weighted part of the final score of the examination.

The final earned rating of the candidate shall be determined by multiplying the earned rating on each part of the examination by the announced weights for such parts and adding the results.

E. Rating of Training and Experience. Where a rating of experience and training forms all or part of the examination, the Director of Human Resources shall develop such procedures to be approved by the Civil Service Commission for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience and to the pertinence and amount of training. The Director of Human Resources may verify statements contained in the application of the applicant and secure further information concerning his/her character and fitness. If, after an employment list is certified, information which materially affects the rating of experience and training, character, or fitness of the applicant is discovered, the Civil Service Commission may make a new rating of the applicant's examination and make the necessary adjustment in the lists.

F. Notification of Examination Results. Within two weeks of certification of the employment list by the Civil Service Commission, each person who takes an examination shall be given written notice as to whether he/she passed or failed in such examination and of his/her relative standing on the list or of his/her failure to attain a place on the list. Each person in an examination shall be entitled to inspect his/her rating and examination papers, but examination papers shall not be open to the general public. No person, other than the Civil Service Commission, shall have the right to inspect the examination of another person. Such inspection shall be permitted only during regular business hours at the office of the Civil Service Commission and under such conditions as the Director of Human Resources may prescribe.

G. Where permitted, each person who takes a written examination shall be entitled to inspect his or her written examination directly following the completion of the test for a period of time not to exceed an additional 1/2 of the time that was allocated for the test itself (For example, a candidate would have an additional 1 1/2 hours to inspect a 3-hour written test). Any appeals of test items would have to be filed before leaving the examination site, on appeal forms provided by the monitor. Only appeals which address clerical or typographical errors or clearly obsolete questions will be considered. There will be no appeals on oral, typing, practical or experience and training examinations.

H. Appeals must be filed prior to leaving the examination site as described in Rule VII G above. The Director of Human Resources will act upon the appeal(s) as soon after the test as deemed practicable. The Director of Human Resources may consult with Subject Matter Experts (SMEs) as is deemed necessary by him or her. The decision of the Director of Human Resources will be forwarded to all individuals who took the test, in writing. The decision of the Director of Human Resources shall be final, and no further appeals may be submitted as a result of the disposition of the appeals by the Director of Human Resources.

Individuals may contact the Human Resources Office for a verification of scoring so that, administratively, grades may be verified. The individual may make an

appointment to review his or her examination sheet with the examination key in the presence of the examination monitor.

This verification phase is administrative only, and would not be considered a part of an appeal. Request for verification shall be completed no later than ten (10) days after the mailing of the examination results.

I. Medical Certificate. All appointments to the classified service, including promotions, shall, at the option of the City, be contingent upon passing a medical examination. The City reserves the right to have an individual examined by a Physician selected by the City or to accept a certificate from the individual's Physician certifying that he/she is physically able to perform the duties of the position in question.

J. Once the employment list is certified by the Civil Service Commission, copies of the list will be forwarded to the Mayor, Human Rights/Affirmative Action Officer and the Department Head for further consideration. The Department Head will notify the Director of Human Resources who to bring in for further interviews and the Director of Human Resources or his/her designee will make all the arrangements by written notice. If calls are made/received by the Director of Human Resources, written documentation of those calls will be noted.

K. For other than Council positions, which are appointed by the President Pro Tempore, Majority Leader and Minority Leader, the Department Head will provide a memo to the Mayor recommending candidates for the position. If the Mayor approves the recommendation, the Director of Human Resources will send a written conditional offer of employment to the chosen applicant contingent upon the successful completion of a medical examination (including a drug screen), background check, reference check, and a probationary period. Director of Human Resources will also provide written notification to the applicants who were not selected.

RULE VIII. PROBATIONARY PERIOD

A. Length of Probationary Period. For purposes of Section 372 of the City Charter, job specifications will mean the job descriptions on file in the office of the Civil Service Commission. Each job description will specify the probationary period for that position.

B. Evaluation of Performance. Each probationary employee shall receive performance reviews during the period of his/her probation. For a probationary period of six (6) months, the reviews will come at the end of four (4) months and six (6) months, for a probationary period of twelve (12) months, the reviews will come at the end of four (4) months and eight (8) months and twelve (12) months. The reviews shall indicate to the employee the areas where performance has been satisfactory and those areas where improvements are required. They are to be forwarded to the Civil Service Commission.

C. Unsatisfactory Performance. Unsatisfactory performance shall mean performance that substantially does not meet the position requirements as established by the job description and the Department Head.

A performance review outlining unsatisfactory performance may be given to the employee at any time after he/she completes thirty (30) days of service. It must be given at least once before an employee is terminated or demoted in position.

D. Demotion. Demoting an employee shall be done by the appointing authority and shall be for just cause, including, but not limited to, unsatisfactory performance.

E. Return to Original Positions. Returning a promoted employee to his/her original position shall be done by the Appointing Authority and shall be for unsatisfactory performance. The Appointing Authority shall notify the Director of Human Resources. The employee shall have no right of appeal.

F. Restoration to Appropriate Open Competitive Employment List or Position. If an appointee to a position filled by promotion is removed therefrom during his/her probationary period, he/she shall thereupon be restored to his/her former position if available. If the former position is not available, the appointee who has not completed the probationary period of the promotion successfully may be placed on a re-employment list for the previous position for a period of time not to exceed two years.

RULE IX. LEAVE OF ABSENCE WITHOUT PAY

A. A leave of absence without pay not to exceed ten (10) working days at one time may be granted by the Department Head to any employee with not less than six (6) months service in a classified position. If the employee is a Department Head then the approval of the Appointing Authority is required.

The approval of the Civil Service Commission is not required for such action, but notice must be sent to them on prescribed forms and a record of such actions must be made on the attendance and payroll records of the Appointing Authority.

B. A leave of absence for a period not to exceed thirty (30) working days may be granted by the Appointing Authority. The Appointing Authority shall notify the Civil Service Commission of all such leaves.

A leave of absence for a period of thirty-one (31) to sixty (60) working days may be granted by the Appointing Authority with the prior approval of the Civil Service Commission. These leaves may be for any cause considered reasonable and proper.

C. A leave of absence for a period not to exceed one calendar year may be granted by the Civil Service Commission subject to prior approval of the Appointing Authority, and subject to the following conditions:

1. There must be reasonable expectation that the employee will return to his/her position at the end of the approved period; and

2. A. The leave is for the protection or improvement of the employee's health; or

B. The leave is for the purpose of obtaining training, additional education or specialized training that will improve the employee's qualifications for the benefit of him/herself and the city service.

D. A maternity leave of absence for a period not to exceed three (3) calendar months shall be granted to any eligible employee by the Department Head. Such leave shall begin at a time determined by the employee's personal physician. In the event the employee is unable to return to work because of personal medical reasons at the end of the maternity leave period, an extension shall be granted by the Director of Human Resources providing the employee's physician provides written justification for the need for such an extension.

E. Expiration of Leaves. In the event that the employee fails to return to service at the expiration of his/her leave of absence, he/she shall be considered to have terminated his employment as of the expiration date of said leave and report of such action shall be filed with the Director of Human Resources.

F. Upon the termination of such leave, the employee shall be returned to his/her position.

G. Vacation and Seniority Accrual. No vacation, seniority, or sick time shall accrue during any leave of absence without pay except as provided in Rule X. This shall not affect accruals for years subsequent to the year in which the leave is taken.

RULE X. MILITARY LEAVE

A. Any permanent full time employee who is a member of the National Guard, Militia or the Military Forces of the United States who is required to undergo field training therein, shall be entitled to a leave of absence with full pay for a period of such field training not to exceed two weeks per fiscal year. This leave of absence shall be in addition to the annual vacation leave. The employee is required to submit a statement from military authorities evidencing such attendance. The statement shall include rank, pay and allowance.

B. In the event that an employee enlists in or is inducted into the recognized military services of the United States, then such employee shall be placed on leave for the duration of such military service and for ninety (90) days after separation from such recognized armed service. Such employee shall be restored to his/her position, provided he/she shall not have been in the military service for a period in excess of six (6) years, and he/she is physically and mentally able to perform the duties thereof and shall be entitled to all seniority, which he/she would otherwise have enjoyed except for military service. For the duration of an employee's military leave, his/her contributions to the retirement fund shall be paid for by the city.

RULE XI. VACATIONS, HOLIDAYS, SICK LEAVE AND EMPLOYEE BENEFITS

A. Benefits for all employees represented by a union will be reflected in the appropriate contract. A copy of the contract will be kept on file with the Civil Service Commission Office and will be available to employees of that unit.

B. Benefits for employees not represented by a collective bargaining unit will be determined by the Common Council by resolution and/or ordinance upon the recommendation of Civil Service Commission. The Civil Service Commission Office shall maintain a complete record of those benefits and they shall be available to each employee.

C. General Provisions Governing Holidays

1. No holiday pay will be granted to an employee who is on a leave without pay during the payroll week in which the holiday is celebrated.

2. No holiday pay will be granted to an employee who is suspended or discharged under Rule XIII during the payroll week in which the holiday is celebrated.

D. General Provisions Concerning Vacations

1. No employee shall accrue vacation credit while on a leave of absence without pay; deductions for absences shall be calculated to the nearest quarter day.

2. Length of service for purpose of determining vacation credit shall be calculated from the date of appointment to a permanent position from an eligible list, except that, in the event a provisional appointment leads to a permanent appointment without a break in service of the incumbent, an

employee holding such position shall receive credit from the date of the provisional appointment.

RULE XII. HOURS OF WORK

A. Hours of work for all employees represented by unions will be reflected in the appropriate contract.

B. For all other employees, the hours will normally be 8:15 A.M. to 4:00 P.M. Monday through Friday with a lunch period of thirty (30) minutes. Hours other than those listed may be acceptable, provided an employee works a minimum of 36 1/4 hours per week. Any such work schedule must be submitted in writing and approved by the Department Head and the Director of Human Resources or, in the case of a Department Head, the Mayor. The best interests of the City shall be the sole determinant of whether such request is approved.

RULE XIII. DISCIPLINE

A. An Appointing Authority shall discharge, suspend or otherwise discipline any employee only for just cause. Just cause may include but is not limited to any of the following:

1. Prohibited political activity as defined by applicable law.

2. Commission of a criminal or immoral act.

3. Insubordination.

4. Conduct unbecoming an employee of the City of New Britain.

5. Two successive performance evaluation ratings below 70 or "unsatisfactory" provided the Appointing Authority has notified the employee in writing immediately following the first rating of less than 70 or "unsatisfactory".

6. Intoxication, substance abuse, or unseemly conduct on duty or elsewhere so as to reflect discredit upon the City.

7. Neglect or misuse of any city property, equipment, materials or supplies.

8. Fraud or collusion in connection with any examination or appointment in the classified service.

9. Deliberate violation of any law or rule pertaining to or affecting employment in the city service.

10. Neglect of duty.

11. Violation of disseminated or posted departmental rules.

12. Misrepresentation or falsification of an employment or examination application or other document relating thereto.

B. Any employee who is charged with violation of any portion of Rule XIII, Section A, may be suspended with or without pay by the Appointing Authority, pending either a departmental investigation or the resolution of any criminal case brought against said employee.

C. Any employee who is suspended without pay and who is later reinstated without any disciplinary action being taken, shall be reinstated with back pay to the date of suspension. All notations of the suspension shall be removed from the employee's personnel file and all other personnel records.

D. Form of Notification. Unless otherwise provided for in a collective bargaining agreement, upon the discharge or suspension of an employee, the Appointing Authority shall give such employee notice of the, reasons of said action in writing by registered mail, return receipt requested, and shall forward a copy thereof to the Civil Service Commission. If no appeal is taken, within five (5) days by written notice to the Civil Service Commission, this action will be final.

RULE XIV. CLASSIFICATION AND COMPENSATION PLANS

A. THE CLASSIFICATION PLAN

1. Definition and Adoption of Classification Plan.

a. Classification of Positions. All positions in the municipal service except those exempt from Civil Service by the City Charter, shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skills, abilities and the same rates of compensation are applicable thereto.

b. Preparation and Content of Class Specifications. The Director of Human Resources shall maintain in the office of the Civil Service Commission complete specifications for all classes of positions. These specifications shall include:

1. The class title.
2. A general statement of the main characteristics of the class.
3. Typical examples of duties of positions in the class.
4. Minimum qualification requirements in terms of knowledge, skill, ability, experience, and training.
5. Any license requirement if applicable.

c. Maintenance of Classification Plan. The classification plan shall be maintained by the Director of Human Resources to properly reflect the duties, responsibilities, and qualification requirements of the respective classes of positions in the city service.

2. Interpretation of the Class Specifications.

a. Purpose and Effect of Class Specifications. Each class specification outlines the main characteristics and qualification requirements of the position in the class and gives examples of specific duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills.

b. Allocation of Specifications to Positions. In determining the class to which a position should be allocated, the specification of such class shall be considered in its entirety and in relation to the specifications of other classes in the classification plan.

c. Statements of Minimum Qualifications. The statement of qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and for use in determining the relative value of positions in one class with positions in other classes.

3. Administration and Maintenance of the Classification Plan.

a. Responsibilities of the Director of Human Resources. The Director of Human Resources shall be responsible for the work of administering and maintaining the classification plan. The Director of Human Resources shall make the necessary reviews and the preparation of reports recommending appropriate action to the Civil Service Commission to assure that the classification plan is kept current and that necessary changes in existing classes or establishment of new classes are provided where there are significant changes in duties and responsibilities in any existing positions and of new positions in the classification plan.

The Director of Human Resources, subject to approval of the Civil Service Commission, shall provide for the re-allocation of any position from one class to another class whenever a significant change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable.

b. Employee Requests for Classification Adjustments. Any employee shall have the right to consideration by the Director of Human Resources and the Civil Service Commission of any request he/she may have with respect to a change in the classification of his/her position. The employee shall make the request initially to his/her supervisor and to the head of the department, who shall promptly submit the matter through the Director of Human Resources to the Civil Service Commission. The Commission's decision as to action on such appeal shall be final. No more than one request from an employee will be considered within any six (6) month period. Changes in allocation of positions may be made only to reflect substantial changes in duties and responsibilities.

c. Changes Requiring Approval of the Common Council. The approval of the Common Council shall be obtained by the Director of Human Resources and the Civil Service Commission for the establishment and grading of any new class or change in title or class grade of any existing class. The following procedure shall be used:

1. That the request be initiated by the employee, employee's Commission, Board or Department Head, Director of Human Resources or Civil Service Commission as the case may be.

2. That the initial request be forwarded to the Civil Service Commission for its recommendation and approval.

3. That the Civil Service Commission refer all such requests for reclassification where approved by it to the Common Council, together with its report and recommendation.

B. THE COMPENSATION PLAN

1. Administration of the Compensation Plan

a. Entrance Salary Rates. Starting Rate on Initial Employment Non-Bargaining Unit Employees. Original appointment from the entrance rate to the maximum rate within a pay range shall be by successive steps, for all non-bargaining unit positions. Upon recommendation of the

Director of Human Resources, the Commission may approve initial compensation at a rate higher than the minimum rate in the pay range for the class when the needs of the service so require provided that any such exception is based on the outstanding qualifications and ability over and above the minimum qualification requirements specified for the class, or that a critical shortage of applicants exists.

In the latter case, any incumbents in the same class receiving a lower rate shall have their rates increased to the rate established for entrance of new employees.

b. Starting Rate on Return to Duty. When an employee returns to duty in the same class position after a separation from the City service of not more than one (1) year, which separation was not due to discreditable circumstances, such employee shall receive the rate in the pay range at the step corresponding to the step of the rate received at the time of separation and shall subsequently serve for at least such period as is normally required for advancement to the next higher rate.

c. Starting Rate on Return from Military Service. Any employee who leaves or who has left the City service to enter the active service of the Armed Forces of the United States, and who subsequently is reinstated to a position previously held by him/her, shall be entitled to receive the rate of compensation at the step to which he/she would have been entitled had his/her service with the City not been interrupted by service in the Armed Forces.

d. Compensation for Supervisors. All supervisors shall be paid at a higher rate than their subordinates. In the event that a supervisor is paid a rate of pay equal to or lower than one or more of his/her duty assigned subordinates, on the base schedule, the supervisor shall be advanced to a step in his/her salary range which will provide him/her with a rate of pay one increment higher than any subordinate, regardless of the supervisor's length of service. In the event that there are no remaining steps in the base pay schedule, an equity adjustment to maintain the five percent differential shall be authorized over and above the base pay schedule.

e. Maintenance Deductions. Employees of the City who are provided with personnel maintenance (including lodging and/or meals) shall have the cash value of such maintenance deducted from their individual compensation. Such cash value shall be determined by the Department Head involved with the approval of the Common Council.

f. Salary Adjustment on Demotion.

1. In the event of reclassification or reallocation of a position to a class of a lower grade, the employee concerned shall continue to be paid at his/her former rate and be eligible for salary advances to higher rates, if any, in the lower range.

2. Reclassification of a position to another class of the same grade shall not affect the salary being received by the employee concerned.

3. If an employee accepts a demotion voluntarily, his/her salary shall be at his/her former rate or at the maximum rate of the lower range, whichever is the lower.

g. Rate of Pay on Promotion.

1. In any case where an employee is promoted to a class with a higher maximum pay, the entrance rate shall be at the lowest step in the higher range that will provide a minimum increase of 5% over the rate received immediately prior to such promotion. Advancement to the maximum step subsequent to promotion will be on the same basis as described in 2(b) below.

2. Probation and Advancement Within a Compensation Range.

a. After initial appointment or promotion to a non-bargaining unit position in the classified service, the first one (1) year of service in that position shall be considered the period of probation. Upon satisfactory conclusion of the six months of service, the salary of the employee shall be advanced one-half of the increment to the next higher step in the compensation range for the class to which his/her position is allocated.

b. Upon satisfactory completion of the first year of service in a position, the employee shall be advanced to the next higher rate in the appropriate compensation range. Subsequent advancement within the compensation range shall be made upon the recommendation of the Department Head concerned and the approval of the appointing authority provided that advancement shall be made on the basis of meritorious service and improvement in performance of job duties, and provided that the employee concerned has completed at least one year of service at his/her current rate in the appropriate class grade. Such advancement shall be made annually in the

accordance with the above provisions until the employee has reached the maximum rate of the range for his/her position. Pay adjustments shall be made effective at the pay period immediately following the date of eligibility therefor.

c. Recommendations for Salary Advancement Within Grade. The Department Head concerned shall recommend in writing to the Director of Human Resources the advancement in salary or wage of each employee in his/her department who has met the requirements for advancement as enumerated above. In the case of advancement upon completion of the initial six (6) months in a position, the recommendation shall include the certification that the probationary period has been successfully completed. In the case of subsequent advancements within each compensation range the recommendation shall include a certification that the employee has achieved the minimum overall satisfactory rating.

d. Requirements as to Continuity of Service. Service requirements for advancement within pay ranges and for other purposes as specified in this ordinance, shall have the implication of continuous service, which means employment in the City service without break or interruption. All leaves of absence with pay and leaves without pay of thirty (30) or less days shall not interrupt continuous service nor be deducted therefrom. Absences on leave without pay in excess of thirty (30) days, except for extended service with the Armed Forces of the United States, shall be deducted in computing total service but shall not serve to interrupt continuous service. All absences without leave in excess of three consecutive work days shall be deducted from and shall interrupt continuity of service.

e. Any employee who is reclassified and who would normally have been paid within thirty (30) days a higher rate of pay by having remained in a lower classification shall receive the next highest step of the new class, effective. upon the date of reclassification, promotion or modification.

f. Temporary and provisional employees shall be paid the minimum rate established for the class and shall not be entitled to step increases during such employment. Employees in these categories will be eligible for any general wage adjustments which are implemented during their employment in like positions.

g. Seasonal employees shall be employed at hourly rates approved by the Civil Service Commission and Common Council. Employees will be eligible for annual step increases.

h. Permanent, part-time employees shall be initially employed at hourly rates approved by the Civil Service Commission and Common Council and will be eligible for any general wage adjustment which is implemented during their employment in like positions. Employees are eligible for step increases based on the number of hours worked. When the hourly equivalent of required periods of service has been attained, placement to the next step may be affected. For the purpose of this section, an employee must work a total of 1,885 hours on an annual basis in order to be eligible to advance to the next step. Compensation for part-time work shall be in direct proportion to the full time rate for the position. Salary increases for regular part-time employment shall be determined in the same manner as for regular, full time employment.

i. The compensation plan may be amended only by the Civil Service Commission with the concurrence of the Common Council.

RULE XV. ELECTION PROCEDURE EMPLOYEE REPRESENTATIVE

A. Classified Employees. All permanent full-time employees are eligible to vote. Part-time employees, seasonal employees, provisional employees, and temporary employees are not eligible to vote.

B. Eligible Candidates. All employees included under Section A of this rule as eligible voters, who are residents and electors of the City of New Britain, shall be eligible for nomination and election subject to the following provisions:

1. The Registrars of Voters are designated as the election committee to conduct this election.

2. Each candidate for nomination shall file a petition or a form provided by the election committee signed by not less than twenty-five (25) employees who are eligible to vote. No candidate's name, however, shall appear on the official ballot unless he/she files such petition with the election committee no later than ten (10) days before the date of the election.

3. The members of the election committee together with the

Director of Human Resources shall determine the eligibility of each candidate's petition by comparing the names of the signers thereof with the list of employees in the classified service as certified under Section A, Rule XVI.

C. Petitions. Official petitions prepared by the election committee will be available at the office of the Registrars of Voters twenty (20) days before the date of election.

D. Filing of Petitions. All nominating petitions must be filed with the election committee no later than ten (10) days before the date of election.

E. Withdrawal. Any candidate desiring to withdraw from the election must notify the election committee in writing before the date of election.

F. Ballots. The names of all candidates filing petitions in accordance with the rules as stated herein shall appear on the official ballot in the alphabetical order of their surnames.

G. Election.

1. The election committee shall appoint such disinterested persons as moderators and assistants as may, in their judgment, be necessary for the proper conduct of this election.

2. No official or other person shall during the hours of the election within the limits of the enclosure where the balloting is being conducted, solicit or seek to influence the vote of any individual either for or against any candidate, nor shall any person assist or offer to assist any voter in the preparation of his ballot unless appointed by the Moderator for this express purpose.

3. Each eligible voter shall vote for only one candidate.

4. Voting will be conducted in an area designated by the election committee between the hours of 7:30 A.M. and 7:30 P.M. on the date of election.

5. The ballot boxes or voting machines shall remain locked and sealed until opened by the election committee or other representatives; and the Moderator and his assistants shall proceed to count the ballots. Each candidate may be present or have one representative at the counting of the ballots.

6. Final decisions on all contested ballots shall be made by the Registrars of Voters.

7. The Moderator of the election shall certify the votes cast for each candidate to

the Mayor, the election committee and the Civil Service Commission as soon as practical after the polls close.

8. Whenever, at any election, there shall be no election to this office by reason of a tie vote, such meeting shall stand adjourned to the second following day at the hour as when first held, and the election to fill such office shall be proceeded with in the same manner and upon the same registry list as on the first day; except that if the second following day is a Saturday, Sunday, or legal holiday, then the election shall be held on the day following.

9. The election committee shall prepare all the necessary forms, petitions, ballots, and other material; and give such publicity as may in their judgment be necessary for the proper information of all interested parties.

10. When only one candidate is nominated to run in the election, the Registrars of Voters shall certify that candidate is elected without an election.