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## HUMAN RESOURCES DEPARTMENT

### RULE 1

## CONDUCT OF CIVIL SERVICE COMMISSION MEETINGS

### Section Outline

- Section 1 – Charter Authority
- Section 2 – Commission Responsibility
- Section 3 – Commission Officers
- Section 4 – Commission Quorum
- Section 5 – Removal of Members
- Section 6 – Voting Requirements
- Section 7 – Agenda Preparation
- Section 8 – Minutes of the Meeting
- Section 9 – Conduct of Hearings
- Section 10 – Public Comment
- Section 11 – Declared Emergency

## **Section 1. Charter Authority**

The authority for the establishment of the Civil Service Commission is found in Section 6-405 of the 2012 Detroit City Charter.

## **Section 2. Commission Responsibility**

The Civil Service Commission shall meet at least once a month at the call of the Chairperson or on request of two members. The Commission may hold hearings, subpoena witnesses, administer oaths, take testimony and require the production of evidence.

## **Section 3. Commission Officers**

The membership term of each Commissioner shall begin on the 15<sup>th</sup> day of February, pursuant to Section 6-405 of the 2012 Detroit City Charter. The Commission shall each year during March elect from its membership for a one-year term a Chairperson and a Vice-Chairperson who in the absence of the Chairperson shall serve as Acting Chairperson.

## **Section 4. Commission Quorum**

A quorum shall consist of a majority of appointed members present. Present shall be defined as either an in-person or electronic attendance. Electronic attendance in accordance with this Section shall be achieved through a synchronistic mechanism, including but not limited to telephone or videoconference; whereby all members can hear and speak to each other in real time.

## **Section 5. Removal of Members**

Section 6-505 of the City Charter provides that members of the Commission may be removed by the appointing authority for cause. Cause shall be defined as including but not limited to habitual non-attendance, which for the Civil Service Commission shall constitute unexcused absence from five consecutive meetings. The Commission may by vote of the Body recommend to the appointing authority removal of members for cause.

## **Section 6. Voting Requirements**

For a motion to pass, a majority of the members present shall vote in favor of it. Each member shall vote on each item presented, unless excused for cause therefrom by the Chairperson. An abstention from voting shall not be recorded as a favorable vote. The Chairperson may vote only to resolve a tie.

## **Section 7. Agenda Preparation**

The Human Resources Director shall prepare an agenda for each meeting of the Civil Service Commission. The agenda may be amended at the initiation of the Chairperson or by vote of the members present.

## **Section 8. Minutes of the Meeting**

The minutes of the proceedings of the Commission shall be prepared and maintained by the Human Resources Director on behalf of and subject to the approval of the Commission. The minutes shall be on file with the Human Resources Department and the City Clerk.

## **Section 9. Conduct of Hearings**

Hearings held by the Commission shall be conducted in accordance with provisions of Rule XVIII (18).

## **Section 10. Public Comment**

Public comment shall occur thirty (30) minutes following the meeting's call to order.

## **Section 11. Declared Emergency**

In the event of a public health emergency, disaster, or state of emergency as declared by the Mayor, Governor of the State of Michigan, President of the United States of America, or other public official having authority to declare such emergency(ies), the Civil Service Commission may delegate any or all of their authority to the Human Resources Director or his/her next in command during the emergency.

The partial or full delegation of the Commission's authority requires approval by a majority vote of a quorum. Voting can be via in-person, teleconference, phone polling, or e-mail polling.

The Human Resources Director will provide a summary of any action(s) taken pursuant to the Commission's delegation of authority as soon as possible, but no later than sixty (60) days following the end of the declared emergency.

CSC Adopted: August 22, 1978.

Revised: October 15, 2019.

Revised: March 17, 2020.



## Human Resources Department

### RULE 2

### EXAMINATIONS

#### Section Outline

- Section 1 - Open Competitive Examination Required
- Section 2 - Validation of Human Resources Department Examination
- Section 3 - Public Notice of Open Competitive Examinations
- Section 4 - Nature of Open Competitive Examinations
- Section 5 - Administrative Aspects of Open Competitive Examination
- Section 6 - Disqualification of Application
- Section 7 - Administration of Promotional Competitive Examination
- Section 8 - Notice of Promotional Competitive Examination
- Section 9 - Nature of Promotional Competitive Examination
- Section 10 - Administration of Qualifying Examination
- Section 11 - Nature of Qualifying Examination
- Section 12 - Repeated Participation in an Open Competitive Examination
- Section 13 - Review of Evaluation Results
- Section 14 - Appeal of Rating on Evaluation Score
- Section 15 - Detroit Homestead Property Owner Examination Credit

## HUMAN RESOURCES DEPARTMENT

### RULE 2

#### EXAMINATIONS

##### **Section 1. Open Competitive Examination Required**

Employment in the classified service shall be impartial and on the basis of merit. Entrance into the Classified Service shall be available to those who successfully pass all selection criteria and/or required evaluations which shall be made public, competitive and open to all persons whom appear to possess the require qualifications.

The Human Resources Department shall schedule evaluations for entrance to positions in the Classified Service to meet the anticipated needs of the Service.

##### **Section 2. Validation of Human Resources Department Evaluations**

To the maximum extent possible, the Human Resources Department shall use professionally developed evaluations, supported by empirical data demonstrating that the evaluations are predictive of, and significantly related to, competencies associated with the position or positions for which the applicants are evaluated. The Human Resources Department may consult with the Head of the agency involved and Subject Matter Expert (SME) in the preparation of each of evaluations.

##### **Section 3. Public Notice of Open Competitive Examinations**

- (A) The Human Resources Department shall give public notice of each open competitive opportunity and publicly post for a period of no less than three (3) business days on the official website of the City and/or in any manner that the Human Resources Director determines will result in providing the public with information regarding the competitive opportunity. Under conditions determined by the Human Resources Director, evaluations may be administered and selection of applicants for hire made during the period announced for filing applications.
- (B) The Human Resources Department may provide notices to schools and colleges, labor, community and civic organizations, and advertise open positions on social media, in professional and trade publications where applicable, and employ any other method(s) of publicizing open positions which it finds appropriate and effective to ensure that employment opportunity receive optimum publicity.
- (C) Each official notice of an open position shall state the duties and pay of positions in the class for which the evaluation is to be held, minimum entrance qualifications, procedures for applying to the position, weights and measures, banding and other information as the deemed pertinent by the Human Resources Director or Designee.

#### **Section 4. Nature of Open Competitive Examinations**

Examinations shall determine qualifications, competencies, fitness and ability of the persons evaluated to perform the duties of the class of positions for which the examination is given. Examinations may take into consideration such factors as education, training, experience, aptitude, capacity, knowledge, physical fitness, and other qualifications established by the Human Resources Department.

Possession of professional or occupational license(s) or certificate(s) issued by appropriate governmental authorities, professional organizations or a certifying body may be used in the appraisal of qualifications. Possession of such licenses or certificates shall be mandatory where required by law or where included as a requirement of the position.

#### **Section 5. Administrative Aspects of Open Competitive Examinations**

(A) Composition and assessment procedures:

The examination may comprise any of the following evaluations in any appropriate combination:

- work sample or performance tests,
- practical written tests,
- individual or group oral test,
- interview
- training and experience ratings,
- physical evaluations,
- background and reference checks, and/or
- other well-developed predictors of job performance.

The evaluations shall be established and weighted in a manner suitable for use in selecting and ranking eligible candidates for employment. Weighting of evaluations shall be based on the relative importance of each part of the prediction of the job performance as determined through job analysis and statistically validated evaluation.

Evaluation sections shall be determined in advance and the weights assigned to each part shall be listed in the examination announcement.

(B) Qualifications

The statement of qualifications as set forth in the official class specification will be used in the evaluation and rating process of the examination. No person shall be passed or placed on an eligible list for such class unless he/she meets such qualifications.

(C) Application Requirements:

Application for all open competitive examinations must be submitted in the prescribed manner defined by the Human Resources Director during the announced filing period. Application is the initial step in the examination process and will be considered a part thereof.

(D) Applicant Processing:

All applicants who have applied for the any given position in accordance with all application requirements will be processed until such time the position is filled, or by direction of the Human Resources Director. The Detroit Homestead Property Owner Examination credit shall be applied as set forth in Section 15 below. Voluntary submission of Veteran's Preference credit and Domicile credit will be added to the final score, in accordance with all City Charter, local ordinance, and State of Michigan and/or Federal regulations.

(E) Applicant Information:

The applicant will be required to furnish all information requested at the time of application and submit a statement under oath attesting to the accuracy of the information submitted. The applicant may be requested to present valid certificates, diplomas, licenses, employment references or other documentation to substantiate claimed qualification(s). The burden of proof for such documentation and the submission of the documentation will be on the applicant.

(F) Age Requirements:

All applicants shall meet the specific minimum age qualifications listed in the examination announcement provided that persons who apply who are within ninety (90) days of the minimum age on the date of the evaluations may compete in the evaluations but may not be certified to a position in the classified service prior to the attainment of the minimum age.

(G) Anonymity of Examination Applicant:

No inquiry shall be made on an application form as to an applicant's race, color, religion, sex, gender identity and/or expression, sexual orientation, genetic information, pregnancy, age, national origin, political affiliation, religious beliefs, disability, veteran's status or marital status. However, in accordance with local, state and federal regulations, the City of Detroit may be required to collect and maintain demographic data. The collected data shall be separate from the application, will be kept confidential shall not be used in any employment decision.

**Section 6. Disqualification of Application**



The Human Resources Director may disqualify an applicant, or may refuse to further evaluate any applicant, or after examination withdraw the eligibility of any applicant for certification for any of the following reasons: (If the applicant has already been employed see Certification Rule “Recall of Certification.”)

(A) False Statement or Fraud:

Any applicant who has made a false statement, committed fraud or misrepresented information in his/her application on any material matter relative to his/her employment by the City or to any information provided to in pursuit of securing employment with the City shall be cause for disqualification.

(B) Improper Influence:

Any attempt on the part of an applicant either by him/herself or through others with his/her knowledge to influence or induce any member of the Human Resources Department to give said applicant an undue advantage or accord him/her a preferential rating on an evaluation, shall be cause for disqualification.

(C) Substitution in the Evaluation Process:

Any applicant who has another person impersonate him/her or in connection with any evaluation or any of the processes/procedures related thereto, or uses unauthorized aids or helps including copying from other applicants in any part of the evaluation shall be disqualified from said evaluation and may be barred from participation in any future examination(s). Any current city employee involved in any activity covered under this provision shall be subject to serious disciplinary action up to and including discharge.

(D) Discharged Employee Application:

Any applicant who was a City employee in the classified service who was discharged therefrom shall be ineligible for any position within the classified service of the City for a minimum period of one (1) year from the date of discharge. Any former employee who does not disclose their prior employment and termination from the City of Detroit at the time of application will be disqualified.

(E) Basic Eligibility Requirements:

Any applicant who fails to meet the eligibility requirements or essential functions of the position, with or without reasonable accommodations, in compliance with all local, state and federal regulations, shall be disqualified.

## **Section 7. Administration of Promotional Competitive Examinations**

The Human Resources Director or Designee may authorize scheduling of promotional competitive examinations upon the written request of a department head or when The Human

Resources Director finds that scheduling a promotional competitive examination would be for the good of the service.

As determined by the Human Resources Director, promotional competitive examinations may be open to all employees of a named department(s) or named division(s) or to employees holding positions in specific classes, or persons on named preferred eligible list(s) provided that the Human Resources Director may specify a required minimum period of employment in the Classified Service.

### **Section 8. Notice of Promotional Competitive Examinations**

The Human Resources Department shall give notice of evaluation for a period of not less than three (3) business days by posting in a manner that the Human Resources Department determines will result in providing information regarding the promotional competitive opportunity.

The official notice of a promotional competitive examination shall state the class for which the evaluation is to be held, the qualifications and requirements for eligibility to apply, the opening date of the posting, the method of application for such examination, together with a listing of the evaluation weights and measures.

### **Section 9. Nature of Promotional Competitive Examinations**

Evaluations are given to determine the qualifications, competencies, fitness and ability of the persons who apply to perform the duties of the class of positions for which the examination is given. The evaluation may consist of the following; singularly or in such combination and such weights as are determined by the Human Resources Department:

- work-sample and performance tests,
- competency based testing,
- interviews,
- practical written test,
- training and experience ratings,
- work record
- individual or group oral test,
- physical evaluations, and/or
- other well-developed predictors of job performance.

### **Section 10. Administration of Qualifying Examinations**

A qualifying examination is one administered which may be used to determine the qualifications, competencies, fitness and ability of the employee(s) evaluated when such employee(s) are considered for transfer, promotion or demotion to a classification other than that in which currently employed. Such examination is non-competitive in nature, that is, the applicant is not given numerical rating nor is there any ranking of applicant.

A qualifying examination is required in all cases of proposed transfers or promotions of employees inducted under Charter Section 6-410 and pursuant to Charter Section 6-412, where the Human Resources Department determines that an examination is necessary for evaluation of the qualifications of the employee(s) for the proposed classification.

**Section 11. Nature of Qualifying Examinations**

The Character and composition of qualifying examinations are substantially similar to that of open competitive or promotional competitive examinations for the classification to which placement is being considered and shall include an evaluation of work performance from the employee’s current employing department.

The form of rating for qualifying examinations is a “qualified” or “not qualified rating.

- a. A “qualified” rating indicates that the employee can be considered for placement in the classification for which examined.
- b. A “not qualified” rating indicates that the employee cannot be considered for placement in the classification for which examined.

**Section 12. Repeated Participation in an Examination**

A person shall not be permitted to take an examination for the same series of classes or classes with similar evaluative content for a period of ninety (90) days subsequent to the taking of the previous evaluation. A ninety (90) day waiting period before taking an evaluation again shall also apply where the applicant has participated in an evaluation score review of the administration of a prior-evaluation. The Human Resources Director or Designee shall have the authority to disqualify an applicant seeking to participate in the same evaluation to maintain the integrity of the evaluation process.

**Section 13. Review of Evaluation Score**

Any examinee and/or his/her duly authorized agent, evidenced in writing, may schedule a review his/her evaluation score after the eligible list has been established, provided that such request is made within ninety (90) days of the date notice was mailed to him/her of his/her standing in the evaluation.

**Section 14. Appeal of Rating on Evaluation Score**

- (1) Any examinee who believes that the rating he/she received on the evaluation is improper or erroneous must submit in a writing the reason for review of such rating within thirty (30) days from the date results of his/her evaluation were furnished to him/her. Such appeal must set forth substantial reasons why he/she believes the rating given are improper and erroneous and detail how further that the correction of such alleged improper or erroneous rating would entitle him/her to a higher standing on the eligible list.

(2) Any examinee may challenge any part of any evaluation by setting forth substantial reason(s) that the evaluation does not conform to Charter Section 6-410 or the provisions of this rule. Such appeal to the Civil Service Commission, through the Human Resources Director must be filed in writing within thirty (30) days from the date that evaluation results were provided. Upon written response to the Examinee’s appeal by the Human Resources Director, the Civil Service Commission shall investigate the charge and may schedule a hearing in accordance with Rule XVIII- Conduct of Administrative Hearings. Relief may be granted only if the Civil Service Commission finds that there is no clear and convincing evidence of validity for the evaluation result(s) or portion therein that is at issue.

(3) Questions, answers, evaluator notes, or any other information that, if viewed, may threaten the integrity of the evaluation shall not be reviewed or otherwise distributed unless required by law or approved by the Civil Service Commission.

**Section 15. Detroit Homestead Property Owner Examination Credit**

Individuals who were either assessed and/or paid City of Detroit homestead property taxes for any tax year period between 2010 and 2016, shall receive an additional ten (10) points to their final evaluation score, upon request and after verification of tax assessment and/or payment. This credit shall remain effective until December 31, 2024.

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|-----------------------|--|
| <i>C.S.C. Adopted</i> | <i>02/10/1974</i>  |
| <i>Revised</i>        | <i>10/16/1985</i>  |
| <i>Revised</i>        | <i>12/19/2001 (Reference to residence requirements for veterans deleted)</i> |
| <i>Revised</i>        | <i>09/28/2017 (Revised 2/7/2019 Format Only)</i>                             |
| <i>Revised</i>        | <i>09/15/2020 (Detroit Homestead Property Owner Examination Credit)</i>      |



## HUMAN RESOURCES DEPARTMENT

### RULE 3

#### EMPLOYMENT REGISTERS

##### Section Outline

- Section 1 - Open Competitive Eligible Registers
- Section 2 - Amendment to Open Competitive Eligible Registers
- Section 3 - Removal from Open Competitive Eligible Registers
- Section 4 - Promotional Competitive Eligible Registers
- Section 5 - Use of Promotional Competitive Eligible Registers
- Section 6 - Use of Qualifying Examination Registers
- Section 7 - Non-Competitive Eligible Registers
- Section 8 - Preferred Eligible Registers
- Section 9 - Duration of Preferred Eligible Registers
- Section 10 - Amendment to Preferred Eligible Registers



## HUMAN RESOURCES DEPARTMENT

### RULE 3

#### EMPLOYMENT REGISTERS

Employment registers are composed of applicants that are screened, evaluated and/or deemed as meeting the minimum qualifications of a given position.

There are four (4) types of employment registers:

- a. Open Competitive
- b. Promotional Competitive
- c. Promotional Qualifying
- d. Non-Competitive

#### **Section 1. Open Competitive Eligible Registers**

- a. The names of applicants who are successful on the open competitive examination for a given classification shall be placed on the open competitive eligible register for the class in accordance with their final ratings or within an established band. In the event two or more applicants receive the same final rating the names of such eligibles shall be accorded the identical placement on the eligible register.
- b. The name of an eligible shall remain on an open competitive eligible register for a period of at least 90 days from the date of being placed on the register unless sooner employed or properly removed from the register in accordance with this rule; provided that the period of eligibility may be extended by action of the Human Resources Director.
- c. In the event the employing department, during the period of eligibility, proposes to hire a person other than the eligible(s) outside of the Rule of Three (See Certification Rule 4), or the eligible(s) with the highest ranking(s), or the eligible(s) within the highest band, specific reasons for such requested action must be submitted to the Director of Human Resources by the employing department and approved by the Civil Service Commission.
- d. For the use of open competitive eligible registers, see Certification Rule 4.

## **Section 2. Amendment to Open Competitive Eligible Registers**

- a. An amendment to an open competitive eligible register shall only be by direction of the Human Resources Director under the following circumstances:
  1. A clerical error or omission has caused the name of an applicant to be improperly excluded from the register or to have an incorrect rating on the register.
  2. The applicant has submitted timely valid evidence of qualification, the lack of which was a bar to successful completion of the examination and placement on the eligible register.
- b. No amendment to change an applicant's standing on the eligible register or to add an eligible shall be made more than 90 days after the applicant receives notice of his/her examination result.
- c. In no event shall an amendment to an eligible register disturb a certification and hire already completed.

## **Section 3. Removal from Open Competitive Eligible Register**

An eligible's name shall be removed from an open competitive register for a class for any one of the following reasons:

- a. The eligible is offered a position in the class, but refuses such employment or is unavailable; provided, however, in its discretion the Human Resources Department may elect to retain the eligible on the register for future employment.
- b. A finding by the Human Resources Director that placement on the eligible register was obtained by fraud, falsification, misrepresentation or error.
- c. The eligible was discharged for cause from a position in City service while on the eligible register.
- d. Evidence available after placement on the eligible register demonstrates that the applicant does not meet all of the qualifications for the class, fails to meet any of the basic eligibility requirements, or evidence that he/she is unable to perform satisfactorily, with or without reasonable accommodation, the essential functions of the job.
- e. Separation or Retirement.

- f. Conduct that violates City policies, work rules, or any conduct that places the City in disrepute.
- g. The eligible waives his/her right to remain on the register.
- h. Whenever an eligible shall accept certification and hire to a permanent position, his/her name shall be removed from all other eligible registers for classes which are at the equivalent or lower level. The employee's name shall, however, remain on the eligible register for any higher level class.

#### **Section 4. Promotional Competitive Eligible Registers**

- a. The names of City employees who are successful on an announced departmental or city-wide promotional competitive examination for a given classification shall be placed on a promotional competitive eligible register for the class in accordance with their final ratings. In the event two or more employees receive the same final rating, the names of such employees shall be accorded the identical position on the eligible register.
- b. The duration of the eligible register for an announced promotional competitive examination shall be for a period of at least 90 days from the date of being placed on the eligible register; provided that the period of eligibility may be extended by action of the Human Resources Director.
- c. Reasons and procedure for amendment of, or removal from a promotional competitive eligible register shall be the same as those listed in Sections 2 and 3 for open competitive eligible registers. In addition, an employee who retires or resigns from City service shall have his/her name removed from all promotional competitive eligible registers.

#### **Section 5. Use of Promotional Competitive Eligible Registers**

- a. Eligible registers resulting from announced promotional competitive examinations shall be published to the City department(s) for which such examinations were administered for use in making promotions or transfers.
- b. In the event the employing department above, during the period of eligibility of the register, proposes for promotion some person other than the eligible(s) with the highest ranking(s) or within the highest band, specific reasons for such action must be submitted to the Director of Human Resources by the employing department for approval.



## **Section 6. Use of Qualifying Examination Registers**

- a. The names of employees who are successful on a qualifying examination shall be placed on a qualifying examination register. A qualifying examination is administered to determine the qualifications, fitness and ability for consideration for transfer, promotion or demotion to a classification other than that in which currently employed;
  - 1. Such qualifying examination is non-competitive in nature and
  - 2. The applicant is not given numerical rating nor is there any ranking of applications.
- b. The names of City employees who successfully complete a qualifying examination are accorded one of two (2) forms of rating:
  - 1. Qualified rating indicates that the employee can be considered for placement in the classification for which examined;
  - 2. Not Qualified rating indicates that the employee should not be proposed for placement in the classification for which examined and
- c. Employees are placed on Qualifying Examination registers in the categories above. Any qualified employee may be selected in any order.

## **Section 7. Non-Competitive Eligible Registers**

- a. The Human Resources Director may establish an eligible list for employment or promotion on a noncompetitive basis for positions involving unskilled manual labor and for other classes of work if a competitive process is impractical, as determined by the Human Resources Director.

## **Section 8. Preferred Eligible Registers**

- a. The Human Resources Department shall maintain preferred eligible registers for given classifications in accordance with the following:
  - 1. The names of employees affected by a reduction in force who were laid off, demoted or placed in a lower class, shall be placed on appropriate preferred eligible registers as provided in the Reduction in Force Rule. (See the Reduction in Force Rule also for provisions for placement of persons on special registers "blocking lists" as a result of reduction in force.)

2. The names of employees who were on an approved leave of absence shall be placed on the preferred eligible register for their class in lieu of an extension of the leave of absence where such action has been taken pursuant to the provisions of the Leave of Absence Rule.
  3. The names of employees who requested and were approved for a voluntary layoff for reasons approved by the Human Resources Director shall be placed on the preferred eligible register for their class.
  4. The names of persons who resigned in good standing from City service within one (1) year and whose application for reinstatement was approved by the Department Director and the Human Resources Director may be placed on the preferred eligible register for the class from which they resigned by action of the Human Resources Director for a period of no more than one (1) year.
  5. The names of other persons shall be placed on appropriate preferred eligible registers as directed by the Human Resources Director pursuant to legal action or resolution of a grievance.
- b. The order of placement on a preferred eligible register for a class shall be in accordance with City seniority; the most senior employee being accorded the highest position. The names of those eligibles with no credited seniority will be ranked in accordance with date of placement on the register.
  - c. Persons entitled to placement on the preferred eligible register for a given class may request that their names be placed on the preferred eligible register for a lower level class in the same occupational series in lieu of placement on the eligible register for the highest class. Such requests shall be in writing and are subject to approval by the Human Resources Director.

### **Section 9. Duration of Preferred Eligible Registers**

- a. Eligibles who have “blocking rights” as a result of a reduction in force shall remain on a preferred eligible register for a period not to exceed three (3) years from the last paid day on the payroll unless sooner placed or properly removed from the list.
- b. Eligibles who have less than one year of permanent classified status shall remain on the preferred eligible register for a period not to exceed one (1) year.
- c. Eligibles who were placed on the preferred eligible register in lieu of an extension of leave of absence shall remain on the register for a period, including the time on approved leave of absence, not to exceed two (2) years dating from the last paid day on

the payroll.

- d. Eligibles who were placed on the preferred eligible list by special action of the Human Resources Director may remain on the register for a specified period as determined by the Human Resources Director not to exceed one (1) year.

**Section 10. Amendment to Preferred Eligible Registers**

- a. Reasons and procedure for amendment to or removal from a preferred eligible register shall include those listed in Sections 2 and 3 for an open competitive eligible register.

|        |          |   |
|--------|----------|---|
| C.S.C. | Adopted: | 08-27-74                                  |
|        | Revised: | 10-16-85                                  |
|        | Revised: | 12-19-01 (Deleted Residence Requirements) |
|        | Revised: | 7-20-11                                   |
|        | Revised: | 11-21-17                                  |



## HUMAN RESOURCES DEPARTMENT

### RULE 4

### CERTIFICATION

#### Section Outline

- Section 1 - Certification Procedure
- Section 2 - Order and Use of Eligible Registers
- Section 3 - Recall of Certification
- Section 4 - Permanent and Limited-Term Certification
- Section 5 - Certification from Eligible Lists of Higher or Equivalent Classes
- Section 6 - Certification of Employees on One or More Eligible Register



## HUMAN RESOURCES DEPARTMENT

### RULE 4

#### CERTIFICATION

##### **Section 1. Certification Procedure**

A Department Director may, in consultation with the Human Resources Director, use any selection process that meets the department's needs and is consistent with these provisions.

The Human Resources Department shall certify persons to employing departments for placement to available positions upon receipt of approved personnel requisitions. The order of certification shall be in accordance with their final rating, ranked or banded, on the eligible register being used.

- a. On an eligible register, the highest (3) three ranking eligible(s) ("Rule of Three") will be provided to the department for each open vacancy. The employing department may select from any of these eligibles for the Human Resources Department to hire. The names of those persons not placed in employment shall remain on the eligible register for future referral. (See Rule 3)
- b. In circumstances which are in the best interest of the City, banding may be used to create tiered qualified and non-qualified registers based on a passing score. On a banded register, selection may be made from any eligible within the band. Preference will be given to an individual entitled to the Detroit Homestead Property Owner Examination credit. (See Rule 2) Those on the eligible list that are not selected will remain on the list for future selections. The use of a banding register must be approved by the Director of Human Resources.
- c. No qualified eligible(s) outside the (3) three highest ranking eligible(s) or eligible(s) within a band, shall be passed over for certification and hired in favor of a person with a lower rating on the same eligible register unless the employing department presents reasons in writing which are acceptable to and approved by the Civil Service Commission.
- d. In the case of two or more persons on a register with the same rating, the names of all such eligibles will be referred to the employing department. The employing department shall then select from among these-eligibles and notify the Human Resources Department of its selection(s) to fill the available position(s), and the Human Resources Department shall then certify such person(s) for hire by the employing department. The names of those persons not placed in employment shall remain on the eligible register for future selection.

- e. When a department determines an incumbent, either working as a contractor, working out of class, provisional, limited term or in a temporary administrative services position, has demonstrated that they are the best candidate and satisfactorily perform their duties, the department may request to certify the incumbent upon approval of the Human Resources Director and Civil Service Commission.

**Section 2. Order and Use of Eligible Registers**

- a. Employment rights of persons on preferred and open competitive eligible registers are subordinate to the restoration rights of persons on the special registers (“blocking lists”) maintained by the Human Resources Department which consist of employees removed from positions in their class as a result of a reduction in force, as provided in the Reduction in Force Rule; provided the employee is qualified and able to perform the essential functions of the position with or without reasonable accommodations(s), as determined by the employing department and approved by the Human Resources Department. The determination of qualification may include, but not limited to, interview, evaluation, examination, demonstration, evidence of continuing education or valid license/certification.
- b. Persons on the preferred eligible register for a class may be entitled to an offer of employment to available positions in the class before the requisitions for such positions are filled from an open-competitive eligible register; provided the person has demonstrated that he/she is qualified and able to perform the essential functions of the position with or without reasonable accommodations(s), as determined by the employing department and approved by the Human Resources Department. The determination of qualification may include, but not limited to, interview, evaluation, examination, demonstration, evidence of continuing education or valid license/certification.

**Section 3. Recall of Certification**

The Human Resources Director may direct that the certification of a person certified and hired from an eligible register be recalled, and the person’s position in an employing department vacated, under the following circumstances:

- a. Placement on the eligible register which resulted in the certification was obtained by fraud, falsification, misrepresentation or error.
- b. Additional evidence not available at the time of certification from the eligible

register demonstrates that the person does not meet all of the qualifications of the class or fails to meet any of the eligibility requirements for employment.

**Section 4. Permanent and Limited-Term Certification**

An eligible from an appropriate eligible list may be certified and hired to a position in an employing department on a permanent basis, or to a position which limits employment to a specified term, conditional event or assignment to a particular project. This latter type of certification is referred to as limited-term certification.

**Section 5. Certification from Eligible Lists of Higher or Equivalent Classes**

When it is necessary to fill a position in a class for which there is no eligible register, certification may be made from the eligible register for a higher class in the same or allied series or from an eligible register for an equivalent class. If such certification is made and the eligible hired to a permanent position, the name of the eligible will be removed from the eligible register. However, if such certification is made but the eligible is hired to a limited-term position, the name of the eligible may at the discretion of the Human Resources Director be retained on the original register.

**Section 6. Certification of Employees on One or More Eligible Registers**

Whenever an eligible shall accept certification and hire to a permanent position, his/her name shall be removed from all other eligible registers for classes which are at the equivalent or lower level. The employee's name shall, however, remain on the eligible register for any higher level class. Such employee shall be eligible for certification to a position in the higher level class prior to completion of the probationary period in his/her present position unless such action shall adversely affect departmental operations or is not in the best interest of City service as determined by the Human Resources Director.

C.S.C.            Adopted:        08/27/1974  
                     Revised:        04/22/1980  
                     Revised:        11/21/2017  
                     Revised:        09/15/2020



## HUMAN RESOURCES DEPARTMENT

### RULE 5

#### PROVISIONAL HIRES

##### **Section 1. Authorization of Provisional Hire**

When a vacancy develops in a classified position which cannot be filled as provided under these rules due to absence of an appropriate eligible list, the position shall not be filled by provisional hire unless the head of the department in which the vacancy exists (a) certifies in writing that administrative necessity warrants filling the position immediately, and (b) requests authorization of a provisional hire pending the establishment of an appropriate eligible list. The Civil Service Commission may, upon the recommendation of the Human Resources Director, grant such request of the department head to fill the position by provisional hire. Such hire may continue only until the position can be filled by certification and hire as provided under these rules but for a period not to exceed six (6) months

##### **Section 2. Nomination of Provisional Hire**

In nominating a candidate for provisional hire, the department head shall transmit to the Human Resources Department on the prescribed form the candidate's statement of his/her qualifications and other pertinent information. The nominee may be hired if such person is found to possess prima facie qualifications required for the position involved.

##### **Section 3. Renewal of Provisional Hire**

Where the Human Resources Department has not replaced the provisional hire within the six (6) month period, the provisional hire will expire unless the department head submits written substantiation of the continuing administrative necessity to have the position filled and requests renewal of the provisional hire for an additional six (6) month period. The Civil Service Commission may grant the request to renew the provisional hire for an additional six (6) month period and may grant further requests for additional six (6) month periods as required.



**Section 4. Status of Provisional Hires**

- a. A provisionally hired employee may be continued in employment only until examinations can be held, an eligible list established, certifications made, and arrangements completed with the person whose name is certified to begin work, at which time the provisional hire shall be terminated. During any period of provisional hire, the employing department head may terminate the provisional hire for unacceptable work performance or without cause for administrative or fiscal reasons upon written notice to the employee.
- b. No work performed as a provisionally hired employee shall ~~be~~ credited as part of a probation period.
- c. A provisionally hired employee shall not acquire status in the Classified Service nor accrue seniority credit for any period of employment resulting from the provisional hire, any renewal, or any extension thereof; and in the event of layoff, shall be the first laid off among employees in the same class in a department, and shall be displaced by laid-off employees with permanent status in the same classification in the event of city-wide displacement (in accordance with Rule 10, Reduction in Force).
- d. Because a provisionally hired employee does not have status in the Classified Service, he/she is not eligible for leaves of absence, for transfers to other classifications, or for promotions (in accordance with Rule 6, Status Changes); or the right to exercise the grievance procedure or to a hearing on the subject of status or tenure.

CSC Revised 09/28/2017

# **HUMAN RESOURCES DEPARTMENT**

## **RULE 6**

### **STATUS CHANGES**

#### **SECTION OUTLINE**

- Section 1 Definition of Changes in Status in the Classified Service
  - Section 2 Notification of Human Resources Director
  - Section 3 Promotions and Transfers
  - Section 4 Demotions
  - Section 5 Investigations of Status Change Requests
  - Section 6 Additional Provisions Governing Status Changes
  - Section 7 Transfers and Promotion to Exempt Positions
- Policy Statements Re Promotions

## HUMAN RESOURCES DEPARTMENT

### RULE 6

#### STATUS CHANGES

##### Section 1. Definitions of Changes in Status in the Classified Service

- a. **Promotion**: Any change in status where the requirements, such as skill, knowledge, aptitude, training, experience or physical qualifications are higher or greater for the class to which the change is recommended than for the class from which the change is made; provided, however, a request for status change to a class with a higher salary range or higher maximum salary as provided in the official pay plan shall be deemed a promotion.
- b. **Demotion**: Any change in status where the requirements, such as skill, knowledge, aptitude, training, experience, or physical qualifications are lower or lesser for the class to which the change is recommended than for the class from which the change is made; provided, however, for purposes of protest and investigation in accordance with Section 6-513 of the Charter, a request for status change to a class with a lower salary range or lower maximum salary as provided in the official pay plan shall be deemed a demotion.
- c. **Transfer**: Any change in status which is neither a promotion nor a demotion as above defined.
- d. **Interdepartmental Transfer**: Any transfer involving the shift of an employee from one City department, as officially recognized by the City, to another.
- e. **Transfer-Promotion**: Any promotion where experience or training in the lower position does not normally fully qualify for promotion; also, promotion from one class in one department to a higher class in another department.
- f. **Transfer-Demotion**: Any demotion as defined in Section 1 (B) above, where experience or training in the higher position does not normally indicate full qualifications for the lower position, also, demotion from one class in one department to a lower class in another department.
- g. **Inducted Employee**: Any employee who attained regular Civil Service status in accordance with Section 6-519 of the Charter where the activity of a public or private organization is merged with the City.
- h. **Certified Employee**: Any employee who attained regular Civil Service status by certification from an open-competitive eligible register.

- i. **Official Pay Plan:** The official Compensation Schedule of the City of Detroit established in accordance with Charter provisions 2-108 and 6-508.

**Section 2. Notification of Human Resources Director**

The head of a department or his designated agent shall notify the Human Resources Director on forms provided by the Human Resources Department of all proposed status changes, which notification shall contain the following information, in addition to other necessary information:

- a. The date employee is to assume duties of the position to which the employee is to be assigned.
- b. Brief specific description of duties.
- c. The effective date of the status change.
- d. The reasons, in detail, for the proposed status change which shall be sufficiently explicit to show, prima facie, that the status change is being recommended on the basis of merit.
- e. Bargaining unit, if any.
- f. Where licenses, certifications, or registrations are a part of the classification, the identification, registration number and date of expiration is to be given.
- g. The duration of the status change, which may be permanent, temporary, or on an "as needed" basis. Where status changes are other than permanent, the employee shall automatically revert to his former status at the end of the specified period.

**Section 3. Promotions and Transfers:**

- a. Unless exceptional reasons are presented to, and accepted by the Human Resources Director, no employee shall be promoted and/or transferred, except to a position in the same class in another department, until he shall have served a full six months in the class from which he is recommended for promotion or transfer. In no event shall an employee be promoted until he shall have served successfully the required probation period in the position from which he is to be promoted.
- b. No employee whose promotion and/or transfer shall have been denied by the Human Resources Department shall again be recommended for promotion and/or transfer to the same class or higher class in the same series for a period of thirty (30) days after such denial.

**Section 4. Demotions:**

Demotions shall be subject to the approval of the Human Resources Director and the following list includes acceptable reasons for making demotions:

- a. Lack of work or lack of funds.
- b. Deficient or sub-standard ability: This can include lack of physical or mental fitness.
- c. Disciplinary purposes: This can arise from the delinquency or misconduct of the employee.
- d. Voluntary demotions.
- e. Purposes of rehabilitating the employee.

**Section 5. Investigations of Status Change Requests:**

- a. The Human Resources Director shall investigate all requests for status change to determine whether or not such status change requests were recommended on the basis of merit and fitness. Such investigation may include any or all of the following: service ratings, seniority, departmental performance and work records, proper classification of duties performed and responsibilities exercised, purpose of status change, non-competitive examinations, ratings in competitive or promotional examinations, and such other factors as the Human Resources Director may determine.
- b. Qualifying or non-competitive examinations administered under these provisions may be written, oral, physical, practical demonstration of skills or an appraisal of the work record and training, or a combination of any of the foregoing, as the Human Resources Director may require. Qualifying examinations can be required as a part of the investigational process generally in the following instances:
  1. In transfers and transfer-demotions, where neither the positions held in City employment nor the examination record of the employee clearly indicate that such employee is qualified to fill positions in the class to which transfer or transfer-demotion is recommended.
  2. In promotions, transfer-promotions, and transfers, other than to positions in the same class in other departments, where the employee has held the position from which he is recommended for transfer

and/or promotion for less than six months, unless such employee shall have previously held a position in the class to which promotion or transfer is sought or shall have passed within the last four-year period an examination administered by the Human Resources Department for the appropriate class.

3. In promotions and transfer-promotions, where the class to which promotion is recommended is more than one class or grade higher than the class from which promotion is recommended.
4. In such other cases as the Human Resources Director shall direct.

**Section 6. Additional Provisions Governing Status Changes**

- a. Probation Periods: Any request for change of status may be subject to a probationary period of not less than ninety days nor more than six months at the request of the department head or on motion of the Human Resources Director. Such probationers shall be treated insofar as possible in accordance with the Charter provisions and rules of the Human Resources Department governing probationary employees, except that no probationary employee under this provision may be discharged except for reasons which would have been grounds for discharge in the position previously held.
- b. Effective Date of Status Changes: Unless otherwise specifically ordered by the Human Resources Director, status changes shall have the effective dates indicated as follows:
  1. Demotions: Any date subsequent to the service of the demotion notice on the employee by the department head.
  2. Transfers, transfer-promotions, transfer-demotions, and interdepartmental transfers: Any date subsequent to approval by the Human Resources Director provided that such transactions must be effected within no more than thirty days from date of approval unless otherwise authorized by the Human Resources Director.
  3. Promotions: Effective date shall be at least thirty days subsequent to receipt of notification by the Human Resources Director from the department head and shall not take effect prior to assumption by employee of duties of the position. In an emergency which requires the assignment of an employee to perform the duties of a critically essential position which becomes vacant unexpectedly, a department may, with the approval of the Human Resources Director, on forms used for promotion, designate an employee to perform the duties of the position on a provisional non-status basis for a period of not to

exceed 30 days, pending the processing of a promotion in accordance with the requirements of the City Charter.

- c. Effective Date of Salary Change: No change in salary as the result of a status change shall be made prior to the effective date of the status change. On promotions of certified employees, no change in salary or pay shall be made until approval of such promotion by the Human Resources Director. If such approval occurs during the same pay period as the effective date, the payroll for that pay period may be presented with the salary change from the effective date of the promotion. Should the approval be granted in a pay period subsequent to the requested effective date, supplementary payrolls for the differences in pay between the position from which promotion is made and the position to which the promotion is made, for the prior pay periods, shall be honored.
- d. On status change requests for certified employees which are requested to be effective "on approval", when the date of approval is a day other than Monday, the respective departments are authorized to make such status changes effective on the payrolls as of Monday preceding the date of approval of the Human Resources Director.

**Section 7. Transfers and Promotions to Exempt Positions:**

It is the intention of this rule to implement the provisions of Section 6-517 of the Charter which specifies that exempt positions shall be defined as:

- Elective officers;
- Persons holding appointments under the Charter;
- Persons employed to make or conduct a temporary or special inquiry, investigation or examination on behalf of the City;
- Others exempted by the Charter.

- a. Promotions or transfers may be made to positions in the exempt service, by the officer having the authority to make the appointment under the following provisions and provided further where the exempt position is an elective position the officer so elected shall be deemed to be the appointing officer for purposes of making the promotion:

1. In case of a promotion or transfer to an office involving a fixed term, the promotion may be made for such fixed term but not to exceed four years. In promotions to positions not involving a fixed term, they may be made for a period not to exceed the term of the officer making the appointment, or four years whichever is the lesser. Promotions so made may be renewed or extended in accordance with the provisions of this rule.
2. The Human Resources Department shall be notified of such promotion or transfers on the forms normally used for promotions in the classified service.
3. Any employee so promoted or transferred and whose promotion or transfer is certified to and recorded by the Human Resources Department on the forms provided shall have all the rights and no others in his classified position that he would have if he had not been so promoted or transferred.
4. Upon termination of promotion or transfer to the exempt service, whether by expiration of the promotion or by the independent action of the appointing authority, the Human Resources Department shall be notified on forms provided it, whereupon the employee shall revert to his position in the classified service. Discharge for cause in the promoted or transferred position shall not be deemed grounds for failure to restore to the classified service, unless such cause would be deemed appropriate grounds for discharge if committed by an employee in the classified service, in which event such employee shall have the right of protest to the Human Resources Department with respect to his status as a classified employee as provided for in the City Charter.
5. A promotion or transfer to the exempt service may be terminated by the resignation from the exempt service of the employee who shall have all the rights set forth in paragraphs 3 and 4 above, provided he shall notify in writing the department in which he holds a classified service position and the Human Resources Department of his resignation at least thirty days in advance of its effective date, unless he shall secure from this department a written waiver of the thirty days notice, which waiver shall be filed with the Human Resources Department.

C.S.C. Adopted: 07/30/94

Revised: 04/22/80

Revised: 5/19/04 (Deleted Residency Requirements)

## **POLICY STATEMENT RE: PROMOTIONS**



Effective: September 19, 1999

- A. Except as otherwise provided by collective bargaining agreement, the Human Resources Department may waive the written portion of the Qualifying Examination when a department submits a change of status recommending promotion or inter-departmental transfer-promotion, provided that the Human Resources Department determines that the following conditions are satisfied:
1. The employee recommended has status in the classified service.
  2. The employee recommended is not on probation.
  3. The employee recommended meets the Minimum Entrance Qualifications for the class.
  4. The change of status is subject to a probation period as prescribed by the Probation Rule.
- B. For promotion to professional level classes where the Minimum Entrance Qualifications include possession of a bachelor's degree, additional policy guidelines have been established to set forth the conditions for promoting employees who are short of completion of the degree.

A department may submit a change of status to a professional level classification for an employee who is being trained to fill a vacant professional position providing the employee meets the following conditions:

1. The employee recommended is a student currently attending a university of recognized standing in an approved curriculum which is appropriate for the proposed class.
2. The employee recommended has completed the required number of academic credits required to attain Senior class standing. Official transcripts from the university must be obtained for verification of senior class standing.
3. The employee recommended must pass the evaluation procedure established for the appropriate professional level examination.
4. A time limit for the employee to obtain his/her degree will be established in advance of the employee's approved placement in the new professional classification.

The change in status can be approved subject to a six-month probation period and a continuing review of academic progress. A degree must be attained within the previously established time limit. The employee's supervisor is responsible for monitoring the employee's academic progress. Upon satisfactory completion of probation and attainment of degree, the change in status will be affirmed in the professional title. Failure to attain a degree within the agreed time limit or satisfactorily complete probation is cause for disapproval of the change of status, reversion of the employee to his/her former status, and removal from the training assignment. These policy guidelines supersede any previous policy regarding the reassignment of employees to professional classes prior to meeting academic requirements.

C.S.C. : Approved: 03/14/1975  
Revised: 06/23/1999



## HUMAN RESOURCES DEPARTMENT

### RULE 7

### PROBATION

#### Section Outline

- Section 1 - Nature of Probation Period
- Section 2 - Employment Requiring Probation Period
- Section 3 - Duration of Probation Period
- Section 4 - Probation Reports
- Section 5 - Extension of Probation Period
- Section 6 - Termination of Probation
- Section 7 - Additional Provisions on Probation Periods

# HUMAN RESOURCES DEPARTMENT

## RULE 7

### PROBATION PERIODS

#### **Section 1. Nature of Probation Period**

Probationary periods shall be construed as “working test” periods that are required as a continuation of the selection and rating process. Probationary periods serve to supplement other evaluations and determine whether an employee fully meets the performance and entrance qualifications for the classification in which employed.

#### **Section 2. Employment Requiring Probation Period**

The following probationary periods are required:

- a. In all cases of an initial certified hire to the classified service.
- b. In all cases of promotion in the classified service.
- c. In all cases of transfer and transfer-promotion or transfer-demotion, including all cases of transfer between departments.
- d. In all instances of reinstatement to the classified service.
- e. In all instances of certification and employment from a preferred re-employment list to a classification different than the re-employment list.

#### **Section 3. Duration of Probation Period**

The period of probation in any classification shall commence immediately upon date of hire or the effective date of a change in status, but may not be prior to the employee’s assumption of the duties.

- a. The probation period shall be a three, six, or twelve month period depending on the classification and/or the appropriate Collective Bargaining Agreement (CBA).
- b. Exceptions may be established by action of the Human Resources Director upon request of the head of the employing department.

#### **Section 4. Probation Reports**

- a. Probation report forms shall be provided to departments by the Human Resources Department.
- b. At such times during the probation period and in such manner as the Human Resources Department may require, the department head or his designated representative shall report to the Human Resources Department evaluations of the employee's work performance and qualifications for the classification in which employed.
- c. Probation reports shall be reviewed with the employee prior to the expiration of the probation period. Such reports must be received by the Human Resources Department no later than 15 days following the expiration of the probation period.
- d. An employee subject to a probation period, either upon initial hire or change in status, shall be deemed as having acquired permanent status in the classification in which employed upon the expiration of the probation period unless the employing department, on a timely basis, submits a report of unsatisfactory performance or requests an extension of the probation period.

#### **Section 5. Extension of Probation Period**

- a. A probation period may, upon departmental request, be extended once for an interval not to exceed the length of the initial period provided that written reasons acceptable to and approved by the Human Resources Department are provided by the employing department.
- b. In the event an employee is on a Leave of Absence during their probationary period, the time invested in probation will be held in abeyance pending the return of the employee from leave. Upon the employee's return, the probation period will start again from the time the employee left.

#### **Section 6. Termination of Probation**

- a. Initial Hire:

At any time during an employee's initial hire probation period, a department head or his designated representative may recommend the discharge of the employee. The final probation form must be completed and signed by the department head or designee for final review by the Human Resources Department.

b. Promotions, Transfers & Reversion:

1. The employing department shall report its evaluation of the departmental recommendation as to the retention of the employee or the reversion of the employee to the employee's last prior status.
2. If the employee does not successfully pass the probation period, he/she shall immediately revert to the last position in which they obtained permanent status, unless the Human Resources Director finds that the department's recommendation for reversion is not warranted.
3. No employee serving a probation period as a condition of a status change may be discharged except for reasons which would have been grounds for discharge in the position held prior to the status change.

**Section 7. Additional Provisions on Probation Periods**

a. Permanent Status & Reversion:

An employee who has accepted a promotion or transfer to a new position, whether intra-departmental or inter-departmental, prior to the completion required probation period, will not obtain permanent status in the position.

b. Lay-off:

Where an employee has been certified and is laid off prior to completion of the probation period, he/she shall be placed on the preferred eligible list and shall, upon re-certification, be required to complete the remaining portion of the probation period.

c. Grievances:

Probationary discharges, probation ratings or determination are not grievable.<sup>i</sup>

C.S.C. Adopted: 12/16/75  
Revised: 04/22/80  
Revised: 05/15/18

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<sup>i</sup> Any and all grievances regarding probationary discharges, probation ratings or determinations that are properly filed with the Labor Relations Hearings Division prior to 5/15/2018 shall be processed through the third step of the non-union grievance procedure.

# HUMAN RESOURCES DEPARTMENT

## RULE 8

### SENIORITY

#### **SECTION 1. Effect of Seniority**

Seniority, as defined in this Rule, is established primarily to serve as a basis for determining the order of demotion or layoff in the event of a reduction in force and the reemployment rights of employees. This definition of seniority shall not mandate, restrict or limit the establishment of different measures of seniority for use within City departments for other departmental personnel purposes.

#### **SECTION 2. Definition of City-Wide Seniority**

City-wide seniority is hereby defined as the length of continuous service beginning on the date of legal certification to a position in the classified service of the City of Detroit, or the date of induction into such classified service as provided by law. Effective July 1, 1978, employees, who are certified for employment but not hired within thirty (30) days of such certification, shall have their date of hire recorded as their date of certification and seniority.

#### **SECTION 3. Definition of Classification Seniority**

Classification seniority is defined as the length of time an employee is assigned and continuously employed in the same classification after the effective date of legal certification or promotion to the classification.

#### **SECTION 4. Seniority Date**

An employee's seniority date shall be defined as the beginning date of continuous service as defined in this Rule, and as may be adjusted or modified by the succeeding provisions of this Rule. (See also Rule 15 Veterans Preference for adjustments to seniority based on qualifying military service.)

#### **SECTION 5. Continuous Service**

Continuous service is defined as employment in the classified service without interruption or break.

- a. The following shall be considered breaks in service and shall result in loss of accumulated seniority.
  1. Resignation or voluntary quit.
  2. Discharge or permanent removal of the employee, without the separation being reversed through a legal or administrative

process.

3. Regular service retirement.
4. Failure to return to work when recalled from layoff.
5. Failure to return to work upon expiration of a leave of absence.
6. Voluntary Layoff

b. The following shall not be considered breaks in service.

1. Servicing in the Armed Forces of the United States.
2. Absence from work due to injuries compensated under the Worker's Compensation Act of Michigan.
3. Duty-disability retirement.
4. Appointment or election to an exempted non-classified position of the City of Detroit.
5. Layoff as a result of a reduction in force for a period not exceeding four (4) years.
6. Leave of absence to serve in a qualifying employee labor organization for a period not exceeding two (2) years.
7. Other approved leaves of absence for a period not exceeding one (1) year.
8. Non-duty disability retirement for a period not exceeding one year.

c. Periods of absence from work for those reasons provided in b.(6), (7), (8) and a. (6) above which are greater than those periods specified, shall be considered as breaks in service and shall be deducted from the length of continuous service and the employee seniority date adjusted accordingly.

d. Other circumstances affecting continuous service:

1. Adjustments to continuous service for periods of absence due to illness or injury for persons covered under a sickness and accident insurance program shall be in accordance with applicable provisions of such programs.
2. In the event the discharge of an employee is withdrawn as part of a settlement or a grievance or reversed as the result of a decision by a judicial or administrative entity, the extent to which seniority shall be restored to the discharged employee shall be in accordance with such settlement or decision. Unless otherwise specified, such restoration shall be with full benefit of seniority without break in service.

## **SECTION 6. Adjustments for Seasonal, Temporary or Part-Time Employment**

If an employee in a special service classification employed on a seasonal, temporary or part-time basis is subsequently placed in a regular full-time classified position, the following adjustments to seniority shall be made:

- a. In the case of a seasonal or temporary employee, for each twelve month period of employment in which the employee worked six months or less, six months shall be deducted from the length of continuous, regular full-time employment.
- b. In the case of a part-time employee, for each period of employment in which the employee worked on a half-time or less basis, the employee shall be awarded one-half seniority credit, and the length of continuous, regular full-time employment will be adjusted accordingly.

## **SECTION 7. Resolving Ties in Seniority**

- a. Where two or more persons have the same seniority date, the employee with the highest examination score on the eligible register from which the employees were certified shall be deemed as having the greater seniority. In the event of identical examination scores, the employee with the earliest examination date shall be deemed as having the greater seniority. In the further event of identical examination dates, the employee who first submitted his/her employment application shall be deemed as having the greater seniority.
- b. In the case of inducted employees with the same seniority date, employees will be ranked in accordance with their length of continuous service in the department, agency or activity in which they were employed when inducted into classified service. Insofar as it is possible to determine, such continuous service shall include any adjustments in accordance with procedures outlined in this Rule.
- c. Notwithstanding the above, in all cases of identical seniority dates, persons entitled to preference under the Michigan Veteran's Preference Act shall be deemed as having greater seniority than those employees without such preference.

CSC Adopted: 1/08/80

Revised: 9/19/2012



## **ADDENDUM TO RULE 8**

### **Seniority Dates of Inducted Employees**

Following are the original seniority dates of particular groups of employees inducted into the classified service of the City of Detroit as adopted by the Civil Service Commission in accordance with pertinent Charter provisions, laws and legal decisions.

1. Employees of the Department of Street Railways (other than Transportation Equipment Operators and Common Laborers) – January 1, 1933.
2. Employees of the Housing Commission – January 13, 1938.
3. Employees of the House of Correction – November 17, 1938.
4. Common Laborers and Transportation Equipment Operators – November 14, 1938.
5. Employees of the activities assimilated by the Department of Public Welfare – December 1, 1939.
6. Employees of the Department of Health – November 15, 1940.
7. Employees of the Election Commission – April 7, 1941.
8. Civilian employees of the Police Department – April 23, 1941.
9. Employees appointed to positions of assistant corporation counsel, attorney, city physician and city engineer, and prior to November 14, 1939, to positions of nurse and laboratory technician – date of appointment to the City service.
10. Employees of Traffic Court – November 20, 1945. (See note below)
11. Employees of Nursery Day Care Program assimilated by the Department of Public Welfare – September 30, 1946.
12. Employees of the Art Institute Library (Arts Commission) – July 1, 1947.
13. Employees of the Community Relations Commission – May 14, 1953.
14. Employees of the Tuberculosis Rehabilitation Service, Department of Health – July 1, 1955.
15. Employees of Recorders Court – Criminal Division – November 12, 1965.
16. Employees in Federal Economic Opportunity Act (FEOA) Service Classes – October 16, 1973.

NOTE: A decision of the Wayne County Circuit Court dated October 4, 1976 ruled that employees of Recorder's Court – Traffic and Ordinance Division were employees of the Court, not the city of Detroit, and the action inducting these employees into the classified service violated the Michigan Constitution providing for separation of the legislative, executive and judicial branches of government.

# HUMAN RESOURCES DEPARTMENT

## RULE 9

### SUSPENSION AND REMOVAL OF CLASSIFIED EMPLOYEES

#### Section 1. Authority and Procedure

The head of each department or agency has the authority to discipline or remove by discharge a classified employee from the department or agency for proper cause. Action taken to discharge an employee during the initial probation period requires prior approval of the Human Resources Director as provided in Human Resources Department Rule 7 (Probation Periods). Other discharges do not require prior approval.

In the case of discharge and suspensions of more than thirty (30) days, written notice must be served on the employee and such notice signed by the department or agency head, or in his absence, the deputy or other authorized acting department or agency head.

Actions to suspend employees for thirty (30) days or less may be taken by the employee's supervisor pursuant to properly delegated authority and subject to review by the department or agency head. Such action must also be accompanied by written notice on the employee.

An action to discharge an employee may, at the option of a department or agency, be initiated by a suspension to allow additional time to investigate or verify charges. Such suspension notice must indicate that the suspension is pending action to discharge.

#### Section 2. Requirement of Notice

The official notice of suspension or discharge must be served on the employee either personally or by mail addressed to the employee's last known address on record with the department or agency, and shall state with reasonable definiteness the reason(s) alleged to constitute the cause for the action taken against the employee.

Copies of such notice shall be promptly submitted to the Human Resources Director and the recognized bargaining representative, where applicable.

### **Section 3. Appeal Procedure**

An employee who believes that the suspension or discharge action taken against him is improper may either file a grievance in accordance with Human Resources Rule 17 (Employee Grievances) or seek relief through the grievance procedure established under an applicable bargaining agreement; provided, however, that if the collective bargaining agreement states that the contractual grievance procedure is exclusive, the employee may not file a grievance under the Human Resources Department procedure.

In addition, an employee who qualifies under the Veteran's Preference Act shall have such appeal rights as provided by law.

### **Section 4. Rulings by the Civil Service Commission**

In all appeals of suspension or discharge to the Civil Service Commission pursuant to Human Resources Department Rule 17, the decision of the Commission shall be final and binding on all parties. If the decision of the Commission has the effect of modifying or revoking the disciplinary action taken by the department, the employee shall be entitled to restoration of rights and benefits to the extent provided in the Commission's ruling,

### **Section 5. Cause for Suspension or Discharge**

A classified employee may be suspended or discharged for any of the following reasons:

- a. Willful violations of rules, orders or policies properly established or implemented by the employing department or agency; or any provisions of the Charter related to the employee's duties and obligations as an employee of the City of Detroit; or any ordinances, resolutions, directives or Human Resources Department Rules enacted, adopted or issued pursuant to such Charter provisions.
- b. Failure to carry out the duties and obligations properly imposed by management of the employing department or agency.
- c. Unsatisfactory work performance including but not limited to the following:

incompetence, carelessness, failure to meet work standards, excessive tardiness or absenteeism, absence without proper leave or being unavailable for work.

- d. Acts committed while on duty or off duty which impair the ability of the employee to perform his/her work, adversely affect the operations of the employing department or agency, or bring the city service into public disrepute.

C.S.C.      Adopted: 2/26/79  
Revised: 4/22/80



## HUMAN RESOURCES DEPARTMENT

### RULE 10

### REDUCTION IN FORCE

#### SECTION OUTLINE

- Section 1      Reduction in Force Terms Defined
- Section 2      Order and Manner of Reduction
- Section 3      Reemployment Procedures
- Section 4      Effect of Jurisdictional Lines
- Section 5      Employees Holding Multiple Titles
- Section 6      Conditional Waiver of Employee Rights
- Section 7      Preemptive Lay off Requests
- Section 8      Status Changes in Anticipation of Lay Offs

## HUMAN RESOURCES DEPARTMENT

### RULE 10

#### REDUCTION IN FORCE

##### SECTION 1. Reduction in Force Terms Defined

- a. A **reduction in force** is a reduction in the number of employees in a given class in a department of the City for lack of work, lack of funds, restructuring, or reasons other than the acts or delinquencies of employees.

The expiration of a limited-term certification or change of status shall not be considered a reduction in force.

- b. A **lay off** due to reduction in force is the removal of an employee from a position in a department and from the classified service of the City of Detroit, subject to the recall rights provided under this Rule.
- c. A **demotion** due to reduction in force is the removal of an employee from a position in a class in a department by change of status to a position in a lower class and/or lower pay grade.
- d. A **transfer** due to reduction in force is the removal of an employee from a position in a class in a department by change of status to a position in another class which is at the same level and/or same pay grade.
- e. A **voluntary lay off** is a removal of an employee from the classified service of the City of Detroit, which is made at the request of and for the convenience of the employee.
- f. Unless otherwise indicated, **seniority** shall mean total city seniority as determined in accordance with Human Resources Department Rules.
- g. An employee acquires **status** in the classified service by certification in accordance with Section 6-410 of the City Charter and Human Resources Department Rules 3 and 4.
- h. An employee who is certified, promoted, transferred, or demoted to a position in a class on a regular permanent basis or permanent-subject to continuing availability of program funding, acquires **permanent status** in the class, provided he has satisfied all qualification requirements of the class including completion of any required probation period. An employee can have permanent status in only one class at a time.

- i. An employee who is certified, promoted, transferred, or demoted to a position in a class only for a specified term or conditional event, or where the certification or status change states that such employment is limited to assignment on a particular project, acquires **limited-term** status in the class.
- j. The Human Resources Department shall maintain **preferred eligible registers (i.e., special registers)** for given classifications in accordance with HR Rule 3, Section 6.

Employees may be placed on a special register as a

(a) **“blocker”** said placement on the **“blocking list”** for the class from which they were demoted, transferred or laid off, or any lower class in the same series as a result of a reduction in force and shall be eligible for reemployment pursuant to Section 4 of this rule.

(b) **“preferred”** for all other classes in which they have held permanent status and are eligible for reemployment pursuant to Section 4 of this rule.

## **SECTION 2. ORDER AND MANNER OF REDUCTION**

Reduction in force shall be by class in a department and shall be made from among all employees in the same class in that department.

- a. Within the department, for the following categories of employees, the order of removal shall be as follows:
  - 1. Provisional employees shall be separated by terminating their services; provided, however, that employees provisionally employed in the class who hold permanent status in some other class shall revert to the class in the department from which they were provisionally promoted or transferred.
  - 2. Employees who have not completed their initial probationary period shall be laid off in accordance with their seniority, the least senior employee being laid off first.
  - 3. Employees hired on a seasonal, temporary or other limited-term basis shall be laid off in accordance with their seniority, the least senior employee being laid off first.
- b. In the event it is necessary to reduce the number of permanent status employees in the class, the order of removal shall be as follows:



1. Employees in the class on a limited-term basis and employees in the class on a permanent basis who have not completed the required probationary period, but who hold permanent status in some other class, shall revert to the class in the department from which they were promoted or transferred. Removal shall be in accordance with their total City seniority, the least senior employee to be removed first.
2. Employees in the class on a permanent basis shall be removed in accordance with their total City seniority, the least senior employee to be removed first. Such employees shall be laid off subject to the following demotion or transfer rights within the department.

a. Demotion in Series

If the employee is in a class within an occupational series, the employee shall be demoted to a position in a lower class in the series, provided there is one or more employees in the lower class in the department having less total city seniority and provided that the employee possesses the competencies, skills, abilities and qualifications, (CSAQ) to perform the duties of the lower position, with or without accommodation, as determined by the applicable department and in consultation with the Human Resources Department.

The determination of an employee's CSAQ shall be based on the employee's successful completion of an objective and measurable evaluation process; including, but not limited to, a license review, written examination, demonstration, oral appraisal or another measurable and validated method of review.

The least senior employee displaced as a result shall be subject to demotion, transfer or layoff in accordance with applicable provisions of this Rule.

An employee who waives his/her right to demotion to the next lower class in series and is laid off, shall lose all rights to restoration as provided for in Section 3, Paragraph a of this rule.

b. Demotion or Transfer to a Formerly-Held Class

If the employee has previously held permanent status in another class not in an occupational series which is at the same or lower level, the employee may elect demotion or transfer to such class, provided there are one or more employees in the class in the department having less total city seniority and provided that the employee possesses the competencies, skills, abilities and qualifications, (CSAQ) to perform the duties of the previously held position, with or without

accommodation, as determined by the applicable department and in consultation with the Human Resources Department.

The determination of an employee's CSAQ shall be based on the employee's successful completion of an objective and measurable evaluation process; including, but not limited to, a license review, written examination, demonstration, oral appraisal or another measurable and validated method of review.

The least senior employee displaced as a result shall be subject to demotion, transfer or layoff in accordance with applicable provisions of this Rule.

An election to accept a demotion or transfer to a formerly held class is optional for employees who also have a right to a demotion in series.

c. Change of Status to Vacant Positions in Other Classes

If the employee has exhausted his/her rights to demotion or transfer under (a) and (b) above, the department may propose transfer or demotion of the employee to an available vacant position in any other class in the department for which the department, in partnership with Human Resources, determines the employee is qualified and able to perform the essential functions of the position with or without accommodation(s). Such proposed change of status shall be subject to the approval of the Human Resources Director.

### **SECTION 3. REEMPLOYMENT PROCEDURES**

- a. Employees with permanent status in the class who were laid off, demoted, transferred, or laid off and certified to a lower class as a result of a reduction in force shall have their names maintained in order of their total city seniority on a preferred eligible list (special register) in the Human Resources Department pursuant to Human Resources Rule 3, Section 6, with a status of "blocker". Such employees shall be entitled to recertification, promotion or transfer from the register to any vacancy in the class from which they were demoted, transferred or laid off, or any lower class in the same series in any city department, provided the employee is qualified and able to perform the essential functions of the position with or without accommodation(s), as determined by the department in partnership with the Human Resources Department before any such vacancy can be filled by certification, promotion, or transfer.

An employee's name shall remain on the special register until the register expires or he/she is restored to the classification (or equivalent level) from which he/she was demoted, transferred or laid off, or waives an offer of such restoration.

- b. Laid off employees who elect layoff in lieu of demotion in series shall be placed on the preferred eligible list for the class in which they were laid off and shall be recertified to available vacancies in this class in the order of their total seniority from the list.
- c. Laid off employees shall be placed on preferred eligible lists with a status of “preferred” and in accordance with Human Resources Rule 3, Section 6 for all other classes in which they have held permanent status. These employees shall be offered certification to available vacancies in these classes in the order of their total city seniority from such lists, provided the employee is qualified and able to perform the essential functions of the position with or without accommodation(s), as determined by the department in partnership with the Human Resources Department.

Should a laid off employee on a preferred eligible list waive an offer of employment to a position in the class, his/her right to remain on that list shall immediately terminate.

- d. In the absence of a preferred eligible employee for a class, laid off employees may be certified to requisitions for positions in such class from higher, equivalent or allied lists which have been determined to be appropriate by the Human Resources Director.

#### **SECTION 4. EFFECT OF JURISDICTIONAL LINES**

The order of lay off, demotion and reemployment shall not be altered by bargaining unit jurisdictional lines and employees shall carry their total city seniority across jurisdictional lines for reduction in force purposes.

#### **SECTION 5. EMPLOYEES HOLDING MULTIPLE TITLES**

In determining an employee’s rights under this Rule, an employee can have permanent status in only one class at a time. An employee who carries a multiple title shall have permanent status in the lowest class of his/her multiple title or the class in which he last held permanent status on a single title basis, unless there is a contractual agreement which otherwise identifies the class in which the employee has permanent status, or official action is taken designating such class based upon the nature and history of the employment. Such agreement or official action must be completed at least ninety (90) days prior to the announcement of the reduction in force.

## **SECTION 6. CONDITIONAL WAIVER OF EMPLOYEE RIGHTS**

Where the City anticipates that a reduction in force will not exceed thirty (30) days, an employee in a class subject to reduction in force and his/her employing department may agree to a conditional waiver of the employee's seniority rights for a specified period not to exceed thirty (30) days. This conditional waiver must be in writing and be approved by the Human Resources Director.

It is recognized that an out-of-seniority lay off resulting from such waiver is for the benefit of the City and the employee retains the right to exercise all rights to restoration, demotion, transfer and displacement at the end of the specified period.

## **SECTION 7. PREEMPTIVE LAY OFF REQUESTS**

If a reduction in force in a department is imminent or taking place over an extended period of time, any employee who has been identified as being subject to layoff, may request in writing that he/she be laid off prior to the date when he/she would be reached for such layoff. Such request is subject to approval of the employing department and the Human Resources Director.

Employees who are granted an effective date of layoff earlier than the scheduled layoff date shall retain the same rights which they would have had had they been laid off as scheduled.

## **SECTION 8. STATUS CHANGES IN ANTICIPATION OF LAY OFFS**

Where the Human Resources Department Director shall find that any status change made six (6) months or less prior to the announcement of a reduction in force, was made either to avoid the layoff or cause the layoff of any employee, or any reasons other than the good of the service; such status change shall be set aside and proper layoff made.

C.S.C.            Adopted: 03/14/1978  
                     Revised: 03/26/1985  
                     Revised: 05/19/2004 (Deleted Residency Requirements)  
                     Revised: 01/ 21/2009  
                     Revised: 06/11/2010  
                     Revised: 07/20/2010  
                     Revised: 10/17/2012  
                     Revised: 01/17/2015  
                     Revised: 04/16/2019 (Qualifications for Demotion Added)

# HUMAN RESOURCES DEPARTMENT

## RULE 11

### CLASSIFICATION

#### Section Outline

- Section 1 Classification Plan
- Section 2 Definition of Terms
- Section 3 Class Specification
- Section 4 Administration of the Classification Plan
- Section 5 Appeals of Classification Actions
- Section 6 Assignment of Appropriate Duties

# HUMAN RESOURCES DEPARTMENT

## RULE 11

### CLASSIFICATION

#### Section 1. Classification Plan

Section 6-509 of the Charter of the City of Detroit delegates to the Human Resources Director the responsibility for preparing, maintaining and, as required, revising a classification plan for all positions in the classified service. The plan shall consist of the schedule of class titles, descriptive specifications defining each class, and those actions taken by the Human Resources Director allocating positions to specific classifications.

The Human Resources Director shall maintain a schedule of currently active class titles and a file of all corresponding class specifications which shall be accessible to all interested persons.

#### Section 2. Definition of Terms

- a. **Position:** Any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. The position may be occupied, vacant or proposed.

Most positions consist of a set of regularly assigned duties and responsibilities which can be identified and described. Some positions, however, consist of duties and responsibilities which may vary on a day-to-day basis in accordance with the operating needs of the employing department.

- b. **Class:** A group of positions with assigned duties and responsibilities which are sufficiently alike to justify common treatment in regards to selection standards, method of selection, employee compensation and other personnel and employment processes; and to permit interchange of employees without significant loss of efficiency after a reasonable period of orientation. A class may include a large number of positions or only one position if no other positions of the same kind exist.
- c. **Class (or Occupational) Series:** A sequence of classes of increasing scope and/or levels of skill and responsibility in the same occupational field and where it can be reasonably expected that an employee can acquire the knowledge, skill and practical training in his/her current position to qualify for a position in the next higher class.

- d. **Class Group**: Two or more classes which are closely related in terms of the kind of work performed and level of qualifications necessary to perform the work, but differ in the specific knowledge or skills applied on the job. Such classes may be grouped under a common basic class title with designated specialties, but shall be treated as separate classes for all personnel and employment processes.
- e. **Allocation of a Position**: A determination by the Human Resources Director that a position consisting of a given set of duties and responsibilities properly belongs to a specific class.

### Section 3. **Class Specification**

Class specifications are intended to define given classes by indicating the kinds of positions that should be allocated to such classes based upon their duties, responsibilities and qualification requirements. They are by nature descriptive, but shall not be held to exclude positions whose duties and responsibilities are not specifically mentioned, if such duties and responsibilities are similar as to kind, equal in level, and require the same set qualifications.

Although composed of parts, all parts of the specification must be considered together for use in determining whether a given position or group of positions should be allocated to a given class. Typically, a class specification includes the following major components:

- a. **Title/Group**: The name of the class which should give a general indication of the kind of work performed in the positions in the class. The class title/group may include some designation of rank in a class series.
- b. **Classifications in Group**: The individual department/functional designations for classifications used in multiple sites.
- c. **Class Summary**: A general statement of the work performed in positions which fall within the class. This section of the specification is not intended to prescribe the specific duties of any position, but the major duties of positions in the class should be consistent with the general description of the kind of work and level of responsibilities contained in the general statement.
- d. **Relationships and Contacts**: A general statement of the reporting and hierarchy relationships of the class group. General information on the level of and types of contacts.

- d. **Major Job Functions:** A representative listing of specific duties assigned to positions allocated to the class. These examples are intended to elaborate upon the class summary. They are not intended to be inclusive of all duties and responsibilities, which may be assigned to a position in the class.
- e. **Physical Demands:** A general description of the physical efforts related to performing the duties of the class.
- f. **Working conditions:** A general description of the typical work environment associated with the class.
- g. **Education:** The minimum formal academic and/or vocational requirements for employment in the class.
- h. **Experience:** The minimum level of previous work or activities relevant to the duties of the class.
- i. **Knowledge, Skills, and Abilities:** The body of information, proficiencies, and competencies required to perform the duties of the class.
- j. **Other Requirements:** Additional licenses, certifications and/or training requirements.

#### **Section 4. Administration of the Classification Plan**

- a. **Investigation of Current Work Organization:** Pursuant to the authority granted under the Charter, the Human Resources Director may initiate investigations of positions within city departments to insure compliance with the classification plan. Should such investigation determine that any position or positions are not properly classified, the Human Resources Director shall, after consulting with the head of the department involved, take whatever action is necessary to see that such position or positions are allocated consistent with the corresponding duties and responsibilities.
- b. **Review of Requisitions and Status Changes:** All personnel requisitions and status change requests submitted by city departments shall be reviewed by the Human Resources Director to verify that the duties and responsibilities ascribed to the positions to be filled are properly allocable



to the requested classes. Approval of such requisition or status change by the Human Resources Director shall constitute an allocation of the position(s) to the indicated class, provided, however, that such allocation may be revised should the duties and responsibilities associated with the position(s) change.

- c. Request to Review Allocations: In those instances where a position or positions have changed as a result of departmental reorganization, technological changes, job expansion or other reasons, the department, the incumbent(s) of the position(s) or the labor organization having representation rights over the incumbent(s) may submit a request to the Human Resources Department to review the allocation of such position(s). Such requests shall be in writing and shall include sufficient information to identify the position or positions involved and the reason(s) for the requested review.
- d. Departmental Action Following Reallocation: If a result of the review of a position, final action is taken reallocating the position to a different classification, the employing department shall within thirty (30) days initiate action to give effect to the reallocation or, alternatively, to reorganize departmental work activities to make the duties and responsibilities of existing positions consistent with the classifications of present incumbents.
- e. Revision to the Classification System: To meet the needs of the City service, the Human Resources Director may institute revisions to the classification system. Such revisions may include the following as conditions warrant: combining, separating or altering existing classes; establishing new classes; abolishing existing classes; and designating classes as "interim" where the duties of positions in given classes have been substantially incorporated into other classes. Where a class has been designated as interim, no persons other than present incumbents or previous incumbents with established reemployment rights may hold such class title.
- f. Reporting Changes in Work Organization: It shall be the duty of responsible administrative officers in the various departments to report to the Human Resources Director any changes in work organization, introduction of new equipment or work methods or reassignment of personnel, which significantly change the duties or responsibilities of existing positions and which may affect the proper allocation of such positions. Likewise, departments anticipating establishment of new positions or a new activity which may require the establishment of new classes shall so advise the Human Resources Director and furnish details of the contemplated positions.

## **Section 5. Appeals of Classification Actions**

Following review of the allocation of a position or positions and subsequent action by the Human Resources Director, if any interested party disagrees with such action, such party shall have the opportunity to appeal such action to the Civil Service Commission and be afforded a hearing before a Classification Appeal Board in accordance with Rule 18 - Conduct of Administrative Hearings.

The request for appeal must be in writing and must be submitted within fifteen (15) calendar days after the date of notice of the action. Such request for appeal shall also state those reasons why the appealing party believes the action by the Human Resources Director to be erroneous. If no request for appeal is filed within the above specified time period, the action by the Human Resources Director shall be deemed final.

At the Classification Appeal Board hearing, all interested parties will have the opportunity to give testimony concerning the duties and responsibilities associated with the position(s) in question and to present statements evaluating the duties and responsibilities of the position(s) in terms of the classification plan. A report of the Board's findings and recommendation will be submitted to the Civil Service Commission for final action.

## **Section 6. Assignment of Appropriate Duties**

Employees are to be assigned duties and responsibilities which are appropriate to their classification and are not to be assigned to perform work which falls outside of their classification except in cases of emergency, absence of other employees, or other situations where such assignment is necessary to effectively carry out departmental operations.

Where an employee is assigned for a period greater than thirty (30) days to perform the set of duties regularly performed by and requiring the qualifications of an employee in a higher-level class, the employing department shall submit a status change to an appropriate class to properly compensate the employee for any period of time so assigned in excess of the thirty days. Such status change for out-of-class work shall not confer any standing in the higher class.

The following situations shall not be construed as constituting out-of-class work assignments provided the assigned duties are consistent with the general duties statement of the employee's current classification.

- a. The assignment of increasingly more responsible duties as part of a training program or in the course of a work experience program to develop skills in an occupational series or related class.

- b. The assignment of duties which are similar to those which may be performed by employees in a higher class, but where the proficiency and quality of performance may be expected to vary in accordance with the qualifications possessed by employees assigned to such duties.

All requests for out-of-class work recognition must be reviewed and approved by the Human Resources Director. Disputes between employees and their employing departments concerning out-of-class work claims shall be referred to the Classification/Compensation Section for evaluation and report to the Human Resources Director.

C.S.C. Adopted: 05/06/1980

**HUMAN RESOURCES DEPARTMENT  
RULE 11 – B (For Restructured Departments)  
CLASSIFICATION AND COMPENSATION**

**Section Outline**

- Section 1: Classification Plan
- Section 2: Definitions of Terms
- Section 3: Class Specifications
- Section 4: Administration of the Classification Plan
- Section 5: Appeals of Classification Actions
- Section 6: Assignment of Appropriate Duties
- Section 7: Development of Position Descriptions
- Section 8: Compensation Plan
- Section 9: Compensation Surveys
- Section 10: Pay/Salary Schedules

**HUMAN RESOURCES DEPARTMENT  
RULE 11 – B (For Restructured Departments)  
CLASSIFICATION AND COMPENSATION**

**Section 1.     Classification Plan**

Section 6-409 of the Charter of the City of Detroit delegates to the Human Resources Director the responsibility for preparing, maintaining and, as required, revising a classification plan for all positions in the classified service. The plan shall consist of the schedule of class titles, descriptive specifications defining each class, and those actions taken by the Human Resources Director allocating positions to specific classifications.

The Human Resources Director shall maintain a schedule of currently active class titles and a file of all corresponding class specifications, which shall be accessible to all interested persons.

**Section 2.     Definition of Terms**

a. **Occupational Class:** A group of occupations with assigned duties and responsibilities which are sufficiently alike to justify common treatment in regards to selection standards, method of selection, employee compensation and other personnel and employment processes; and to permit interchange of employees without significant loss of efficiency after a reasonable period of orientation. A class may include a large number of positions or only one position if no other positions of the same kind exist.

**Occupational Classes**

**Class I: Service/Maintenance and Skilled Craft Workers** - This Class includes two (2) sub-classes: Class 1A and Class 1B.

Class 1A: Service/Maintenance Workers - This Class of occupations includes occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this class may operate machinery. Work in this class may include: drivers, truck drivers, bus drives, laborers, custodial employees, gardeners, refuse collectors, construction laborers, maintenance workers, craft apprentices, trainees and helpers.

Class 1B: Skilled Craft Workers - This Class of occupations includes occupations in which workers perform jobs, which require special manual skill, and a thorough and comprehensive knowledge of the processes involved in the work, which is acquired through, on the job training and experience or through apprenticeships or other formal training programs. Work in this class may include: mechanics and repairers, electricians, plumbers, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, power plant operators, water and sewage treatment plant operators and other craft workers. Licensing and certification requirements may apply to many of the occupations contained in this class.

**Class II: Technical, Paraprofessional, Office and Administrative** - This Class includes nonsupervisory classifications that typically require less than a bachelor's degree. Occupations in this Class typically provide technical, paraprofessional, office, and other services that do not require a four-year degree. Occupations included in this class may include instructional or leader functions to lower-level Class II employees. Typically the immediate supervisor is a Class IV employee but may be a Class V or Class VI employee as well.

**Class III: Professional** - This Class includes nonsupervisory occupations that typically require a bachelor's degree or higher, or an equivalent combination of education and experience. Occupations in this Class typically provide professional services. Occupations in this Class may include instructional or leader functions to Class II and lower level Class III occupations. Typically the immediate supervisor is a Class IV employee but may be a Class V or Class VI employee as well.

**Class IV: Management Supervisory Service (MSS)** - This Class includes supervisors and managers. Some positions in this Class may be appointed and "at-will". Those positions that might be included in the MSS as appointees are those positions that have been identified as "appointment" positions by an Order, Ordinance, Grant, or by another legal or regulatory vehicle and do not meet the requirements of an Executive Service position or as an Appointed Position. If one of these appointment positions are assigned to the MSS the duties and responsibilities must meet the requirements of the MSS. All other positions allocated to the MSS are in the Classified Service.

A supervisor is a position or an employee that accomplishes work through the direction of other people – at least three (3) in the same or substantially similar occupation. Those supervised may include City of Detroit employees, full-time, part-time or intermittent, contractor staff, cooperative education staff, interns and volunteers.

A manager is a position or an employee that accomplishes work through the direction of multiple layers of supervisors or also subordinate managers. Distinctions between class levels in the management series are based on the program's complexity, sensitivity and/or size, organizational impact, the nature and number of functions/programs managed, decision-making responsibility, level of supervision exercised, nature of positions supervised, and the nature and scope of duties assumed such as hands-on work versus planning and policy development activities.

The Management Supervisory Service is divided into two (2) groupings of supervisors and managers. The first grouping are those positions that supervise or manage Group II occupations. The second group of supervisors and managers are those positions that supervise or manage Group III occupations.

Supervisors and Managers of Class II Employees and Functions

Supervisor I  
Supervisor II  
Manager I  
Manager II

Supervisors and Managers of Class III Employees and Functions

Supervisor III  
Supervisor IV  
Manager III  
Manager IV

Generally, a first level supervisor personally directs subordinates of Class II clerical, paraprofessional, administrative or technical occupations without the use of other, subordinate supervisors. A second level supervisor usually directs work through one layer of subordinate Class II supervisors or may supervise a significant number of Class II subordinates that warrants allocation as a second level supervisor even though the organization setting does not include a subordinate layer of supervisors.

Generally a third level supervisor directs subordinates of Class III occupations, or in some instances, directs a combination of subordinates of Class II and Class III occupations, without the use of other subordinate supervisors. A fourth level supervisor usually directs work through one layer of subordinate Class III supervisors, or, in some instances, may supervise a combination of Class II and Class III supervisors.

A fourth level supervisor may supervise a significant number of subordinate Class III occupations or a combination of subordinate Class II and Class III occupations that warrants allocation as a fourth level supervisory.

Generally a first level manager in this Class manages supervisors of Class II clerical, paraprofessional, administrative or technical occupations. A second level manager in this Class typically manages Class II Level I managers or manages an operation of significant scope that warrants allocation as a Class II Level II manager.

Generally a third level manager in this Class manages supervisors of Class III professional or may manage a combination of Class II and Class III occupations and/or supervisors. A fourth level manager in this Class manages other Class III managers, or may manage a combination Class II and Class III managers or an operation or program of significant scope, has a high degree of decision making, has both an internal and external organization impact and may have budgetary responsibility.

**Class V: Executive Service (EXS)** - This Class includes department and agency heads appointed by the Mayor of the City of Detroit; or individuals appointed by department or agency heads with appointing authority or other individuals with appointing authority of Executive Level positions. Individuals in these positions include a wide range of positions that have responsibility for major programs, divisions, commissions, agencies or departments that warrant allocation as an Executive Level position. This Class also includes some staff level positions. These positions might include policy making staff; operational staff that have the authority to speak for or act upon issues for another Executive or have day-to-day responsibility for administrative or operational support functions that cut across an agency, department or a group of agencies or departments. Positions/employees in this class are not in the Career/Classified Service.

**Class VI: Appointed Service (APS)** - This Class includes all positions within the City of Detroit government that are appointed, not a member of another Class and are not a member of the Career/Classified Service. Members of the Appointed Service are at-will.

**Class VII: Public Safety Service (PSS)** - This Class includes all uniform positions within the Detroit Police Department and the Detroit Fire and EMS Department, including those appointed by the Mayor to these organizations, and where delegated by the Chief of Police and the Fire Commissioner.

b. **Occupational Series:** A sequence of classes of increasing scope and/or levels of skill and responsibility in the same occupational field and where it can be reasonably expected that an employee can acquire the knowledge, skill and practical training in his/her current position to qualify for a position in the next higher class.

c. **Occupational Family:** Two or more classes which are closely related in terms of the kind of work performed and level of qualifications necessary to perform the work, but differ in the specific knowledge or skills applied on the job.

d. **Position:** Any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. The position may be occupied, vacant or proposed. Most positions consist of a set of regularly assigned duties and responsibilities, which can be identified and described. Some positions, however, consist of duties and responsibilities, which may vary on a day-to-day basis in accordance with the operating needs of the employing department.

e. **Allocation of a Position:** A determination by the Human Resources Director that a position consisting of a given set of duties and responsibilities properly belongs to a specific class.

### **Section 3. Class Specification**

Class specifications are intended to define given classes by indicating the kinds of positions that should be allocated to such classes based upon their duties, responsibilities and qualification requirements. They are by nature descriptive, but shall not be held to exclude positions whose duties and responsibilities are not specifically mentioned, if such duties and responsibilities are similar as to kind, equal in level, and require the same set qualifications.

Although composed of parts, all parts of the specification must be considered together for use in determining whether a given position or group of positions should be allocated to a given class. Typically, a class specification includes the following major components:

1. Occupational Information: This section of the Class provides an overview and description of the occupations.
2. Definition of Class: This section provides specific information related to the occupations contained in the specification.
3. Duties and Responsibilities: This section includes typical or illustrative duties and responsibilities required of the positions. This section is not intended to include all of the duties and responsibilities required but present those that are typical.
4. Knowledge, Skills and Abilities: This section includes the knowledge, skills, abilities and competencies required to perform work associated with the occupations included in the Class.
5. Supervisory Controls/Supervision Received: This section includes descriptions of the kinds and supervision received for positions assigned to this class.
6. Guidelines: This section includes descriptions of the kinds, availability and use of guidelines to perform the work of occupations included in the class.
7. Complexity: This section includes description of the nature of the work being performed.
8. Scope and Effect: This section includes descriptions of the impact the work has on both internal and external operations.
9. Personal Contacts: This section describes whom contacts are with.
10. Purpose of Contacts: This section describes why the contacts exist.
11. Physical Demands: This section includes descriptions of any unusual physical requirements.
12. Work Environment: This section includes descriptions of any unusual work setting conditions.
13. Minimum Qualifications: This section includes the description of the minimum experience, education, licenses/certification, and training required of positions included in the class.
14. Written Test Requirements: This section highlights testing requirements.
15. Background Checks/Tax Clearance: This section includes discussion of background checks and tax clearances requirements.
16. Probationary Period: This section included descriptions of the probationary period requirements.

A Class Specification is not a position description.

### **Section 4. Administration of the Classification Plan**

a. **Investigation of Current Work Organization:** Pursuant to the authority granted under the Charter, the Human Resources Director may initiate investigations of positions within city departments to insure compliance with the classification plan. Should such investigation determine that any position or positions are not properly classified, the Human Resources Director shall, after consulting with the head of the department involved, take whatever action is necessary to see that such position or positions are allocated consistent with the corresponding duties and responsibilities.

b. **Review of Requisitions and Status Changes:** All personnel requisitions and status change requests submitted by city departments shall be reviewed by the Human Resources Director to verify that the duties



and responsibilities ascribed to the positions to be filled are properly allocable to the requested classes. Approval of such requisition or status change by the Human Resources Director shall constitute an allocation of the position(s) to the indicated class, provided, however, that such allocation may be revised should the duties and responsibilities associated with the position(s) change.

c. **Request to Review Allocations:** In those instances where a position or positions have changed as a result of departmental reorganization, technological changes, job expansion or other reasons, the department, the incumbent(s) of the position(s) or the labor organization having representation rights over the incumbent(s) may submit a request to the Human Resources Department to review the allocation of such position(s). Such requests shall be in writing and shall include sufficient information to identify the position or positions involved and the reason(s) for the requested review.

d. **Departmental Action Following Reallocation:** If a result of the review of a position, final action is taken reallocating the position to a different classification, the employing department shall within thirty (30) days initiate action to give effect to the reallocation or, alternatively, to reorganize departmental work activities to make the duties and responsibilities of existing positions consistent with the classifications of present incumbents.

e. **Revision to the Classification System:** To meet the needs of the City service, the Human Resources Director may institute revisions to the classification system. Such revisions may include the following as conditions warrant: combining, separating or altering existing classes; establishing new classes; abolishing existing classes; and designating classes as “interim” where the duties of positions in given classes have been substantially incorporated into other classes. Where a class has been designated as interim, no persons other than present incumbents or previous incumbents with established reemployment rights may hold such class title.

f. **Reporting Changes in Work Organization:** It shall be the duty of responsible administrative officers in the various departments to report to the Human Resources Director any changes in work organization, introduction of new equipment or work methods or reassignment of personnel, which significantly change the duties or responsibilities of existing positions and which may affect the proper allocation of such positions. Likewise, departments anticipating establishment of new positions or a new activity which may require the establishment of new classes shall so advise the Human Resources Director and furnish details of the contemplated positions.

## **Section 5. Appeals of Classification Actions**

Following review of the allocation of a position or positions and subsequent action by the Human Resources Director, if any interested party disagrees with such action, such party shall have the opportunity to appeal such action to the Civil Service Commission and be afforded a hearing before a Classification Appeal Board in accordance with Rule 18 - Conduct of Administrative Hearings.

The request for appeal must be in writing and must be submitted within fifteen (15) calendar days after the date of notice of the action. Such request for appeal shall also state those reasons why the appealing party believes the action by the Human Resources Director to be erroneous. If no request for appeal is filed within the above specified time period, the action by the Human Resources Director shall be deemed final.

At the Classification Appeal Board hearing, all interested parties will have the opportunity to give testimony concerning the duties and responsibilities associated with the position(s) in question and to present statements evaluating the duties and responsibilities of the position(s) in terms of the classification plan. A report of the Board’s findings and recommendation will be submitted to the Civil Service Commission for final action.

**Section 6. Assignment of Appropriate Duties**

Employees are to be assigned duties and responsibilities which are appropriate to their classification and are not to be assigned to perform work which falls outside of their classification except in cases of emergency, absence of other employees, or other situations where such assignment is necessary to effectively carry out departmental operations.

Where an employee is assigned for a period greater than thirty (30) days to perform the set of duties regularly performed by and requiring the qualifications of an employee in a higher-level class, the employing department shall submit a status change to an appropriate class to properly compensate the employee for any period of time so assigned in excess of the thirty days. Such status change for out-of-class work shall not confer any standing in the higher class.

The following situations shall not be construed as constituting out-of-class work assignments provided the assigned duties are consistent with the general duties statement of the employee's current classification.

- a. The assignment of increasingly more responsible duties as part of a training program or in the course of a work experience program to develop skills in an occupational series or related class.
- b. The assignment of duties which are similar to those which may be performed by employees in a higher class, but where the proficiency and quality of performance may be expected to vary in accordance with the qualifications possessed by employees assigned to such duties.

All requests for out-of-class work recognition must be reviewed and approved by the Human Resources Director. Disputes between employees and their employing departments concerning out-of-class work claims shall be referred to the Classification/Compensation Section for evaluation and report to the Human Resources Director.

**Section 7. Position Descriptions**

Employee job descriptions are written statements that describe the duties, responsibilities, and reporting relationships of a particular job within a class of occupations. The job description clearly identifies and spells out the responsibilities of a specific job and includes information about the knowledge, skill, abilities and competencies necessary to perform the requirements of a positions, the relationships with other positions, the supervision exercised, the working conditions, and other characteristics that determine successful performance.

The Director of Human Resources will develop the procedures and process for the preparation of position descriptions as well as the position evaluation system to determine the appropriate class, title, level and compensation for the duties and responsibilities as described in the position description.

**Section 8. Compensation Surveys**

The Director of Human Resources shall conduct tri-annual compensation surveys to determine whether the compensation ranges for City of Detroit workers are competitive for the surrounding area. The Director of Human Resources may conduct compensation surveys for specialized occupations, for significant changes in occupational requirements, or for any other reason deemed appropriate at any time.

**Section 9.     Pay/Salary Schedules**

The Director of Human Resources shall prepare pay/salary schedules to cover the Class of occupations in the City of Detroit. These pay/salary schedules can be any of the following:

- Salary ranges based on hourly rates
- Fixed Rates
- Grades and steps
- Broad bands with minimum, midpoint and maximum levels identified
- Other approaches as determined by the Director of Human Resources

Adopted by C.S.C.: 9/15/15

# HUMAN RESOURCES DEPARTMENT

## RULE 13

### PERFORMANCE PLANNING AND DEVELOPMENT

#### Section 1. Period of Coverage

Performance Planning and Development meetings, forms and ratings shall be completed annually, covering all employees in the classified and exempt service who have been employed for at least 1680 hours within the last year period immediately prior to the employees' class anniversary date.

#### Section 2. Departmental Actions

Each department Director is responsible for the completion of the performance process with his/her department. Each department's Performance Planning and Development Process Forms shall be properly completed and returned to the office of the Human Resources Department within thirty days of the employees' class anniversary date.

#### Section 3. Using of Rating

The Human Resources Department shall give consideration to and act upon recommendations for promotions or reductions and requests for transfer of any city employee by a department head or commission only when such recommendations or requests contain the respective employees' performance process rating and development evaluations. In all cases of proposed transfer, the request shall contain the respective ratings of all employees in the classification within the department where the person or persons to be transferred are currently employed and the respective ratings of all employees in the classification within the department whereto the transfer is requested, and shall be accompanied by a written and signed statement showing the respective rating to the transferee.

#### Section 4. Employee Review

Employees shall have the right to request a review by the Human Resources Department of the truth and fairness of any item on their performance form; provided, that the overall rating is below "Meets Exceptions", and that such request be in writing and that it set forth the specific items upon which review is requested, together with the

employee's reasons for questioning the truth or fairness of the overall rating.

No request for review of an evaluation will be acted upon by the Human Resources Department unless the employee has first brought the specific reasons for disagreement with the overall rating to the attention of the department head or his designated representative and has failed to effect a satisfactory adjustment of the protested rating. Any protest addressed to the Human Resources Department must be made within ten working days of this department review.

**Section 5. Disposition of Rating Forms**

The report of each employee shall be finally returned to the personnel files permanently in the office of the Human Resources Department, subject to personal inspection upon request.

**Section 6 Changes in Ratings**

If, for any reason, a department head or commission shall request change to a performance rating after the rating has been computed and officially established, such request shall be in writing and shall set forth fully the reasons for requesting such changes.

Former C.S.C. Rule XII

Note: Rule XIII - Service Ratings is currently under review.

Application of the provision of this Rule is suspended pending completion of this review.

Note added: 4/22/80

Revised: 1/30/02



## HUMAN RESOURCES DEPARTMENT

### RULE 14

### LEAVES OF ABSENCE

#### Section Outline

Section 1 - General Statement

Section 2 - Eligibility for Leaves of Absence

Section 3 - Purposes for Which Leaves May be Granted

Section 4 - Procedure for Applying for Leaves of Absence

Section 5 - Length of Leaves of Absence

Section 6 - Rights of Employees on Leave of Absence

Section 7 - Restrictions on Employees on Leave of Absence

Section 8 - Failure to Report upon Expiration of Leave

Section 9 - Related City Policies

# HUMAN RESOURCES DEPARTMENT

## RULE 14

### LEAVES OF ABSENCE

#### Section 1: General Statement

Leaves of Absence (LOA) may be granted at the discretion of authorized City representatives when such leaves are deemed to primarily benefit the City and its departments, rather than solely for the convenience of employees. During periods of serious personnel shortages or emergencies, leaves may be restricted to serve the interests of the municipal service.

Approval for a leave of absence must be obtained from the employee's department director and/or the Human Resources Director before the leave begins. Employees must apply through the City's Leave Management partner to review, process, and communicate the final decision, if required.

No leave request will be approved without being processed through the City's Leave Administrator, and any leave granted outside this process may be considered invalid by Human Resources.

Employees must submit a written request to the City's Leave Administrator, under the direction of the Human Resources Department, detailing the reasons for the leave and providing any necessary documentation.

Leave requests must be submitted with sufficient notice to allow for a thorough investigation before the requested start date. Failure to provide adequate notice may result in denial of the request.

Upon receiving a leave request, the Human Resources Department will investigate and may request additional evidence to ensure the request aligns with City policy and serves the City's interests. The employing department director will be notified of the decision.

Requests for extensions must be made and processed in the same manner as the original request.

Employees who misrepresent the purpose of their leave may face leave cancellation and disciplinary action, up to and including termination from City service.

## **Section 2. Eligibility for Leaves of Absence**

- a. To be eligible to apply for a leave of absence, classified employees must have successfully completed an initial probation with the City and have attained “permanent status” and have completed one year of continuous service immediately prior to the application for leave. The one-year requirement does not apply to leaves of absences under Section 2(d)(1 – 4 )below.
- b. An employee with a break in City service, as defined in Rule VIII-Seniority, must complete one year of continuous service after returning to City service before becoming eligible to a apply for a leave of absence.
- c. Permanent, classified employees who do not meet the service requirements for a leave of absence or whose request for a leave of absence is denied may request a voluntary layoff in lieu of a leave of absence. If approved by both the employing department director and the Human Resources Director, the employee’s name shall be placed on the preferred eligible register for possible future reemployment. No seniority credit shall accrue during any period off work that results from a voluntary layoff.
- d. The requirement of one year of continuous service and attaining permanent status or serving in the classified service shall not apply in the following circumstances:
  1. Leaves of absence for the purpose of serving in the Armed Forces of the United States or Federal Emergency Management Agency (FEMA) Reservists pursuant to the Uniformed Employment and Reemployment Rights Act (USERRA).



2. Leaves of absence in accordance with the Pregnant Workers Fairness Act (PFA).
3. Leaves of absence in accordance with the Americans with Disabilities Act (ADA).
4. Leaves of absence in accordance with the Michigan Paid Medical Leave Act (PMLA) or the Earned Sick Time Act (ESTA).

### **Section 3. Purposes for Which Leaves May be Granted**

The following categories outline the purposes for which leaves of absence may be granted, pending proper documentation and review by the employing department and the Human Resources Director:

- a. Medical Leave: An employee's physical or mental incapacity to satisfactorily perform assigned job duties and where the granting of a leave will permit the employee to receive treatment to enable them to return to City service after receiving such treatment.
- b. Educational: Education or training in an approved educational institution which is related to an employee's regular duties or the operating needs of the employing department, or which is deemed to be directly related to meeting the employment needs of the City service. Employees must first exhaust all vacation, swing holiday, and compensatory time before an Educational Leave can be granted.
- c. Military Service: Voluntary or involuntary entry or reenlistment into active military service, participation in reservist training activities in the military or FEMA, or reporting for examination to determine fitness for active military service.

Requests for leaves of absence for military service or FEMA Reservist service shall be granted pursuant to applicable federal law, including but not limited to the Uniformed Services Employment and Reemployment Rights Act (USERRA)

- d. Service in Employee Labor Organization: Election or appointment to a full-time paid position for longer than six (6) months, in an employee labor organization whose members consist largely or exclusively of employees of the City of Detroit. The employee shall not receive any payment of paid time off or any other form of remuneration from the City while working full-time for the labor organization. Employee, however, is still subject to all rules and regulations related to employees on an approved leave of absence.
- e. Personal Leave: Reasons of a personal nature which temporarily prevent the employee from continuing regular employment or to perform assigned duties, and where the employing department director determine that the granting of a leave of absence to allow for the return of the employee would be in the best interests of City service. Leave shall not exceed 30 calendar days. Employees must first exhaust all vacation, swing holiday , and compensatory time before a Personal or Extended Personal Leave is granted.
- f. Extended Personal Leave: Leave for personal reasons as identified in Section 3(e) but for periods greater than those authorized under the Personal Leave provisions and require the approval of the Human Resources Director.
- g. Paid Parental Leave: The leave provides time away from work for eligible City of Detroit employees to care for, and bond with their newborn baby or a newly adopted or fostered child. This leave runs concurrently with the City’s Family Medical Leave Policy (FMLA), as applicable. This policy will be in effect for the birth, adoption or foster placement of a child “life event”.
- h. Americans with Disabilities Act (ADA): Leave provided as a reasonable accommodation to employees with disabilities to help them manage their condition, provided the accommodation does not cause undue hardship for the City. The duration is based on what is reasonable for both the employee and employer.
- i. Paid Medical Leave Act (PMLA): Leave for non-exempt employees:
  - Physical/mental illness, injury, health condition, care, treatment, or preventative care of the employee or his or her family member.

- Closure of the employee's primary workplace by order of a public official due to a public health emergency.
  - The care of their child whose school or place of care has been closed by order of a public official due to a public health emergency.
  - The employee's or their family member's exposure to a communicable disease that would jeopardize the health of others as determined by health authorities or a health care provider.
  - Receiving services from a victim services organization
  - Relocation or obtaining legal services due to domestic violence
  - Participation in any civil or criminal proceedings related to or resulting from domestic violence or sexual assault.
  - PMLA ends February 20, 2025
- j. Earned Sick Time Act (ESTA): Begins February 21, 2025. Leave for the same reasons outlined in the PMLA in Section 3(i), above.
- k. Family Medical Leave Act (FMLA): The FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

*Twelve workweeks of leave in a 12-month period for:*

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

*Twenty-six work weeks of leave during a single 12-month period:*

- to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- I. Pregnant Workers Fairness Act (PFA): Provides specific protections for pregnant employees which requires the City to offer reasonable accommodations for conditions related to pregnancy, childbirth, or related medical conditions.

**Section 4. Procedure for Applying for Leave of Absence**

- a. All eligible employees shall apply for all leaves through The City's Leave Administrator. Upon receipt of the recommended leave request, the Human Resources Department shall make such investigation and may require additional evidence to determine if the request for leave is consistent with City, state and/or federal regulations, if applicable.
- b. All requests for leaves of absence shall be submitted in sufficient time so that an adequate investigation can be performed prior to the requested effective date of the leave. Failure to provide adequate notice may be grounds for denial of a leave request.
- c. Requests for extensions of leaves of absence shall be made and processed in the same manner as original leave requests.
- d. Employees who misrepresent the purpose of the leave of absence shall be subject to the cancellation of the leave and may result in discipline, up to and including termination from City service.

**Section 5. Length of Leaves of Absence**

- a. Generally, leaves of absence shall be initially granted for the period requested by the employee and/or as recommended for approval by the

employee's employing department, but not to exceed one year as follows:

1. **Medical Leave** may be granted for a period of six (6) months with a possible extension of six (6) months for a total maximum leave of one (1) year. Medical leaves shall run concurrent with FMLA, PMLA or ESTA leaves, if applicable.
  2. **Educational Leave** may be granted for a period of six (6) months with a possible extension of six (6) months for a total maximum leave of one (1) year.
  3. **Military Leave** shall be granted for the entire period required to complete the tour of duty or training, not to exceed four years plus one additional year resulting from the request of the United States government.
  4. **Service in Employee Labor Organization:** Approved leave of absence for the time of the employee's term of election or appointment as set forth in Section 3 (d), but not less than six (6) months.
  5. **Personal Leave** may be granted for a maximum of thirty (30) workdays within a twelve (12) month period. No extensions or modifications of the term of the personal leave of absence may exceed the thirty (30) day maximum period.
  6. **Extended Personal Leave** may be granted for a period from thirty-one (31) workdays to the maximum period of six (6) months; however, no extensions or modifications of the term of the extended personal leave of absence may exceed the six (6) month maximum period.
  7. **Paid Parental Leave** is available for up to six (6) weeks and must be taken consecutively. This leave runs concurrently with FMLA.
- b. Upon notice to the Human Resources Department, the employee on leave may return to active employment prior to the termination date of the leave, after successful completion of the Human Resources Department return to work process.

## **Section 6. Rights of Employees on City Leaves of Absence**

### a. Seniority:

In general, employees on approved leaves of absence shall continue to accrue seniority in accordance with Civil Service Rule 8 – Seniority, subject to the following exceptions:

### b. Return to City Employment:

1. Employees must contact Leave Administrator for return-to-work instructions, as certain positions may require additional evaluation before returning to work.
2. When an approved leave of absence ends, the employee is entitled to return to their position in the same classification. However, if the position was eliminated due to a Reduction in Force under Civil Service Rule 10, the employee will be notified at the time of the reduction, but the action will not take effect until the leave concludes.
3. Any employee returning to work following a leave of absence must be capable of performing all the essential functions of the classification with or without accommodations, in compliance with local, state and federal requirements.
4. Employees returning to active status, shall receive the same salary and step level, if applicable; unless general wage increases, steps, or any non-performance-based adjustments were made to their classification during the leave, in which case, the employee will have all such adjustments applied upon return.

### c. Special Provisions Applicable to Persons Returning from Military Service:

Employees returning from a leave for military service, upon fulfilling all statutory conditions for reemployment, shall be entitled to all rights and benefits provided under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Included is the right to be

restored to the employee's pre-service position within the timeframe established by USERRA based on the service member/employee's service time, and they shall receive all benefits and considerations which the employee would have received or would have been entitled to, had the employee remained on the job during the period of military service. Any questions concerning the rights of persons returning from military service, or claims for benefits under the Veterans' Reemployment Rights Statute, should be promptly referred to the Human Resources Department.

**Section 7. Restrictions on Employees on Leave of Absence**

- a. No person while on leave of absence may be remuneratively employed (paid) by any other employer except where such paid employment is provided for in the purposes for which the leave is granted or is a necessary component of an approved educational internship. (i.e., Education and Union Leaves only)
- b. Since the employee on leave is still employed by the City, the commission of any act or conduct which violates the terms of the leave or would be subject to suspension or discharge under the City's Universal Work Rules shall be grounds for cancellation of the leave and may result in termination of all rights to return to City employment.

**Section 8. Failure to Report Upon Expiration of Leave**

Failure to report for reemployment upon expiration of the leave of absence, which includes the initial leave and approved extension(s), shall be considered absence without leave and may subject the employee to disciplinary action. Continued failure to report for reemployment after five (5) workdays at the end of the leave shall constitute a voluntary quit.

**Section 9. Related City Policies**

All Workplace policies referenced in this Rule are located on the City of Detroit Human Resources Department's webpage located at [www.detroitmi.gov](https://detroitmi.gov/departments/human-resources-department/workplace-policies) under Workplace Policies.  
<https://detroitmi.gov/departments/human-resources-department/workplace-policies>

01/08/80 - C.S.C Adopted

05/19/04 - Revised (Deleted Residency Requirements)

09/19/12 - Revised

11/20/24 - Revised:

- Medical Leave Maximum Reduced to one (1) Year

- Renamed Department Leave to Personal Leave

- Created Extended Personal Leave

- Added FEMA Reservist to Military Leave

- Added Reference to Paid Parental Leave, ADA, FMLA, PMLA, and ESTA





## HUMAN RESOURCES DEPARTMENT

### RULE 15

## REINSTATEMENT

### Section Outline

- Section 1 - Procedure
- Section 2 - Explanation of Eligibility Requirements
- Section 3 - Other Conditions of Reinstatement
- Section 4 - Denial of Application for Reinstatement



## HUMAN RESOURCES DEPARTMENT

### RULE 15

### REINSTATEMENT

#### Section 1. Procedure

- a. A person who has previously been in the classified service for a continuous period of not less than one year, with permanent status, and who resigned from such service in good standing, may submit a written application for reinstatement to the position held at the time of resignation to the Human Resources Director, provided such application is submitted within 90 calendar days after leaving City service and provided the applicant meets the other eligibility requirements as set forth in the Civil Service Rules.
- b. Upon receipt of such application, the Human Resources Director shall investigate the circumstances of the applicant's former employment with the City including obtaining of written statements from the department (or departments) in which the applicant was previously employed during the last twelve months of employment in City service.

The statements from the former employing department shall relate to the competencies, performance, character of service and demonstrated work habits of the applicant and shall include a specific recommendation as to whether the employee's request for reinstatement should be granted.

- c. In the event the Human Resources Director determines that the applicant is qualified for the position(s) and that reinstatement of the applicant would be in the best interests of City service, the former employee's name shall be placed on the preferred eligible register for the classification in which the employee last held permanent status.

## **Section 2. Explanation of Eligibility Requirements**

- a. Written Application – All requests for reinstatement must be made in writing on forms prescribed by the Human Resources Director.
- b. Service Requirement – The requirement of not less than one year of service shall mean a period of not less than 2080 hours of paid time in a calendar period of at least twelve months, as a certified, permanent employee in the classified service.
- c. Period of Eligibility – The 90-day period cited in Section (1)(a) above shall be considered as commencing with the first day the employee is off the payroll for any reason, including leaves of absence. In the instance of employees resigning while on departmental or official leave of absence or at the termination of such leave, payment for unliquidated vacation or other time will not be considered as affecting the commencement of the eligibility period.
- d. Good Standing – To be eligible for reinstatement, the former employee must have resigned in “good standing”. “Good standing” shall mean a record of good work performance as determined by the Human Resources Director based upon the report(s) from the previous employing department as described in Section (1)(b), and other relevant information available to the Human Resources Director.
- e. Time of Application – Applications for reinstatement will be accepted for a period of no more than ninety (90) calendar days following resignation.

## **Section 3. Other Conditions of Reinstatement:**

- a. Seniority – Persons re-employed because of reinstatement shall not receive any seniority credit for previous service nor any benefits based on seniority for previous service.
- b. Essential Functions – An applicant for reinstatement must be able to perform all the essential functions of the classification for which he/she seeks reemployment, with or without reasonable accommodations.
- c. Second Reinstatements – A person is eligible for reemployment because of reinstatement only once. However, if the reinstated employee leaves City employment the second time and returns to City service by open-competitive examination and subsequently resigns, he/she may again apply for reinstatement provided the applicant meets the requirements as set forth in this Rule.

**Section 4. Denial of Application for Reinstatement:**

A person whose application for reinstatement is denied may review the reason(s) for such denial and may submit a written request for reconsideration to the Human Resources Director within ten (10) days after receiving notice of such denial. The Human Resources Director shall review the matter and inform the applicant of the results of such review. The Human Resources Director's decision after such reconsideration shall be final.

Where an application for reinstatement has previously been denied, a second application will not be accepted unless accompanied by a written communication for a department which had submitted a report of previous employment clearly stating that certain adverse statements concerning the applicant's previous employment were erroneous, inaccurate or incomplete, and the circumstances which gave rise to submission of the previous report.

C.S.C.      Adopted:                    11/13/79  
                 Number Changed: 04/22/80 (Previously Designated as Rule XXI)  
                 Revised:                    5/19/04 (Deleted Residency Requirements)  
                 Revised:                    11/21/17  
                 Revised:                    5/17/23  
                 Revised:                    10/28/24

# HUMAN RESOURCES DEPARTMENT

## RULE 16

### VETERANS' PREFERENCE

#### **Section 1. Definitions**

- a) A veteran means any person who has honorably served in the active military forces of the United States and meets the definition described in the Veterans' Employment Opportunity Act and its related guides.
- b) Civilian employees of the United States government or employees in the organized military reserves, who are on active duty for the purpose of training, are specifically excluded from the foregoing definition.
- c) A disabled veteran means a veteran (as defined above) whom the appropriate Federal agency shall certify as currently receiving treatment and/or compensation because of active military service connected disabilities.
- d) Veteran' preference also means that qualified ex-military members are entitled to retention preference during a reduction in force (RIF).

#### **Section 2. Examinations for Entry into City Service**

- a. Veterans who qualify on an open-competitive examination by receiving a satisfactory score on the examination shall have a maximum of ten (10) points added to their examination scores.
- b. Disabled veterans who qualify shall have a maximum of fifteen (15) points added to their examination scores. Such points shall be apportioned on the basis of length and character of service or disability.
- c. To receive the benefits provided for by this section, applicants must submit proper documentation of their military service record the Human Resources Department prior to the effective date of establishment of the eligible register. Amendments to the eligible register based on military service credit shall be made only under exceptional circumstances specifically authorized by the Human Resources Director, and in no event more than thirty (30) days after establishment of the register.

### **Section 3. Augmentation to Seniority**

- a. In the computing of seniority (as defined in these rules), veterans shall be entitled to augmented seniority consisting of one (1) additional month of seniority for each three (3) months of continuous service for which seniority is credited with a maximum credit of the total time spent in the Armed Forces as a veteran. Such augmented seniority shall become the veteran's city seniority and shall be used as his/her city seniority for all personnel purposes provided for under these Rules.
- b. Adjustments of seniority in accordance with the foregoing paragraph, shall be made January 1, of each year.

C.S.C. Adopted: 8/13/74

Amended: 8/26/75

Amended: 9/11/79

Revised: 12/19/01

Revised: 5/19/04 (Note deleted residency requirements)

**SCALE FOR AWARDING VETERANS' PREFERENCE  
ON OPEN COMPETITIVE EXAMINATIONS**

1. Length of service during qualifying period as defined in Rule 16, including length of time, if any, of hospitalization as a result of wounds, disease or injury incurred while serving during such period(s).

|                   |          |
|-------------------|----------|
| 6 months or less  | 1 point  |
| 7 to 12 months    | 2 points |
| 13 to 24 months   | 3 points |
| 25 to 41 months   | 4 points |
| 42 months or more | 5 points |

2. Portion of above creditable time served outside the continental limits of the United States in areas of combat or conflict:

|                   |          |
|-------------------|----------|
| 1 to 5 months     | 1 point  |
| 6 to 11 months    | 2 points |
| 12 to 17 months   | 3 points |
| 18 to 23 months   | 4 points |
| 24 months or more | 5 points |

3. Percent disability as rated by the United States Veterans' Administration on date of examination:

|            |          |
|------------|----------|
| 10 percent | 1 point  |
| 20 percent | 2 points |
| 30 percent | 3 points |
| 40 percent | 4 points |
| 50 percent | 5 points |

4. Points to be added not to exceed a total of fifteen (15) for disabled veterans and ten (10) for other veterans for combat awards including:

|                |          |
|----------------|----------|
| Medal of Honor | 5 points |
|----------------|----------|

Distinguished Service Cross, Silver Star,  
Bronze Star and Purple Heart:

|             |          |
|-------------|----------|
| One award   | 2 points |
| Two awards  | 3 points |
| Four awards | 4 points |

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## HUMAN RESOURCES DEPARTMENT

### RULE 17

#### EMPLOYEE GRIEVANCES

##### Section Outline

- Section 1 - Purpose
- Section 2 - General Provisions
- Section 3 - General Rules of the Grievance Procedure
- Section 4 - Representation
- Section 5 - Time Limits
- Section 6 - Steps in the Grievance Procedure





## HUMAN RESOURCES DEPARTMENT

### RULE 17

#### EMPLOYEE GRIEVANCES

##### **Section 1. Purpose**

This rule is adopted in accordance with Section 6-413 of the Charter to provide procedures for the final resolution of any grievance of a classified employee of the City. It is expected that all departments will endeavor to treat all employees equitably, consistent with their obligation of providing efficient service to the City of Detroit.

The purpose of the grievance procedure is to provide a process for a classified employee to bring to the attention of supervision and management a complaint or grievance and to seek redress for an alleged wrong.

No eligible employee shall be prohibited or restrained from using this grievance procedure and is free to use the grievance procedure without fear of retaliation. Supervisors and Managers should prevent conditions which result in grievances and should attempt to resolve grievances promptly and amicably.

##### **Section 2. General Provisions**

a. Grievance Definition:

A "grievance" is a written request for review of a department's interpretation or application of written or oral rules, policy or regulations that directly relate to the terms and conditions of employment.

b. The following are not subjects for the grievance procedure:

Salary schedules, wage rates, fringe benefits, probation evaluations, or performance reviews.

Issues and questions regarding position classification will be administered in accordance with the provisions of Human Resources Department Rule 18 Conduct at Administrative Hearings.

Management rights and responsibilities include, but are not limited to, work schedules, how work is organized, methods and procedures by which work is performed; establishing reasonable rules and policies consistent with the needs of the City of Detroit.

Matters which are beyond the jurisdiction of the executive branch of the City.

- c. An employee may file a grievance for the following types of discipline:
- Written Reprimand (cannot be appealed past the 4<sup>th</sup> Step Decision – Labor Relations)
  - Suspension
  - Discharge
  - Demotion (does not include demotion as a result of a Reduction In Force)
  - Adverse employment action taken in retaliation for the employee's good faith exercise of grievance rights provided in the civil service rules.
- d. An employee cannot grieve an oral reprimand.

### **Section 3. General Rules of the Grievance Procedure**

- a. Grievances may be filed by an individual classified employee. Non-classified employees shall not have access to the grievance procedure.
- b. A group of classified employees with similar or related facts or issues may file a grievance. Each employee must sign the grievance to be considered grievants. The Civil Service Commission must be provided the name, mailing address, email address and telephone number for each grievant.
- c. This grievance procedure shall be exclusively for classified employees not covered by a collective bargaining contract. Employees covered by a grievance procedure under the collective bargaining process are not eligible to file a grievance under this Rule.
- d. An employee must file a written grievance on an official Human Resources Department grievance form. The grievance must be filed in the offices of Labor Relations Division of the Human Resources Department.
- e. An employee may withdraw a grievance at any point in process. The withdrawal must be in writing. The employee must provide the written withdrawal to both the employing Department and Labor Relations. Once a grievance has been heard at the third step, the Department involved must file a copy of the withdrawal with the Labor Relations Division of the Human Resources Department. Once a grievance is withdrawn it shall not be reinstated.
- f. Grievances regarding suspension or discharge shall be filed at Step 3 of this procedure.

#### **Section 4. Representation**

- a. Beginning at Step 2-Division Head, an employee has the right to representation. An eligible classified employee may either represent himself, have legal counsel, or elect to have either a classified employee from their department or elect someone who is not an employee of the City serve as his/her representative.

If the employee chooses to have representation, they shall have 24 hours to secure representation. The employee and their representative will be allowed reasonable notice to participate at the specified steps of the grievance procedure.

The Division and/or the Department Head has the responsibility of conducting and directing their meetings. The employee's representative may participate in the step meeting discussions but shall not otherwise cause unreasonable delay or disruption of the grievance process or time established by the Rule.

- b. Grievances shall be handled during regular business hours.

#### **Section 5. Time Limits**

- a. Time shall be counted in terms of weekdays defined as Monday through Friday, excluding holidays.
- b. A grievance must be filed in writing within fifteen (15) working days after the employee knew of or, in the exercise of reasonable diligence, should have known of the circumstances giving rise to the grievance.
- c. Any grievance not appealed in writing to the next higher step within the specified time limits shall be considered settled on the basis of management's last answer.
- d. If an answer is not received from a management representative within the specified time limit(s), the grievance shall be considered denied and can be appealed within the time limits to the next step.
- e. The time elements in the first three (3) steps of the grievance procedure may be shortened or extended by written agreement of the parties or any of the first three (3) steps may be eliminated by written agreement of the parties.

## **Section 6. Steps in the Grievance Procedure**

### **a. Step 1 – Supervisor Level**

An Aggrieved employee shall bring a complaint to their immediate supervisor for discussion. The supervisor is the person who assigns and reviews the work of the employee. The supervisor and the employee are urged to make every effort to resolve the issue by discussing the complaint in an amicable and professional manner.

If the employee is not satisfied that the complaint has been resolved, they shall reduce the complaint to writing on the official grievance form provided by the Labor Relations Division of Human Resources. The written grievance shall set forth the nature of the grievance, the date, time, location and if applicable, names and titles of persons involved, the rule, policy, or practice that has allegedly been violated, and the specific remedy requested. The written grievance must be signed by the grievant and must be submitted to the immediate supervisor no later than fifteen (15) working days from the date the grievance arose.

The immediate supervisor shall submit a written decision within ten (10) working days of the receipt of the written grievance. The written decision shall set forth the facts and the reasons for the decision. The immediate supervisor shall provide a copy of the decision to the grievant and forward the original to the Division Head.

### **b. Step 2 – Division Head Level**

If the employee is dissatisfied with the immediate supervisor's written decision, they may appeal the grievance to the Division Head. The appeal must be made in writing within five (5) working days of receipt of the immediate supervisor's written decision.

Within ten (10) working days of receipt of the appeal, no more than two (2) management representatives, one of which shall be the Division Head or the designated representative, shall meet with the grievant and, if requested, the grievant's representative, to discuss the grievance.

Within ten (10) working days of the meeting, the Division Head or the designated representative shall prepare a written decision setting forth the facts and reasons for the decision. The Division Head or designee shall provide a copy of the decision to the grievant and forward the original to the Department Head. At the time of issuing the written decision, the Division Head shall provide the Department Head with copies of all appropriate materials/documents used in support of the written decision.

c. Step 3 – Department Head Level

If the grievance is not resolved at Step 2, the grievant may submit an appeal to the Department Head within five (5) working days of receipt of the Division Head's written decision.

Within ten (10) working days of receipt of the appeal, no more than three (3) representatives, one of which shall be the Department Head or the designated representative and one representative of the City Human Resources Department Employee Services Division, shall meet with the grievant and, if requested, the grievant's representative, to discuss the grievance.

Within ten (10) working days of the meeting, the Department Head or the Designated Representative shall prepare a written decision setting forth the facts and reasons for the decision. The Department Head or Designee shall provide a copy of the decision to the grievant, retain a copy, and forward the original, to the Labor Relations Division of the Human Resources Department. At the time of issuing the written decision, the Department Head shall provide Labor Relations with copies of all appropriate materials/documents used in support of the written decision.

d. Step 4 –Labor Relations Level

If the grievance is not resolved at Step 3, the grievant may submit an appeal to the Civil Service Commission within ten (10) working days of the receipt of the written Step 3 decision.

The Labor Relations Division of the Human Resources Department may conduct further investigation and schedule a pre-hearing conference to explore possible conciliation of the grievance or to obtain agreement on the issues and stipulations to be submitted to the hearing officer.

The Human Resources Department will arrange for the hearing to insure final resolution of the grievance as soon as practicable after receipt of the appeal from the Step 3 Decision. (Pursuant to the Charter, Sec. 6-413, any procedure shall be finally determined within sixty (60) days after filing, unless the time is extended by agreement of the parties.)

The employee will be given the opportunity to select a hearing officer from among not fewer than three (3) individuals proposed by the Commission and a hearing shall be provided at no cost to the employee.

However, if a selection is not made from the list proposed by the Commission, the arbitration association designated by ordinance will be requested to propose the names of five (5) persons and the employee and the department involved shall share equally in the costs of the hearing procedure as provided for by ordinance or

resolution of the City Council. The process of elimination of names for a hearing officer shall take place in accordance with the arbitration association's rules.

The Hearing Officer shall file a written report of the decision within in thirty (30) calendar days of the hearing pursuant to Sec. 6-413 of the Charter. The decision shall set forth findings of fact, conclusions of law, and recommendations which will be subject to review by the Civil Service Commission. The Commission may accept, modify or reject the decision and recommendation of the Hearing Officer. If the Commission's decision is different from that of the Hearing Officer the reasons will be detailed in writing and given to the parties. The decision and order of the Commission shall be final and binding on all parties.

A Written Reprimand can only be appealed to Step 4 of the Grievance Procedure. If a grievance for a Written Reprimand is properly filed and processed through all steps within the established filing period(s), the Labor Relations Division of the Human Resources Department will review the Step 3 decision and make a final determination as soon as practicable, but no later than sixty (60) days from the date of the Step 3 appeal. The decision of the Labor Relations Division is final and binding on all parties and cannot be appealed to the Civil Service Commission.

C.S.C. Adopted: 4/29/75  
Effective: 6/1/75  
Revised: 8/21/18 \*\*

\*\* Any and all grievances regarding probationary discharges, probation ratings or determinations that were properly filed with the Labor Relations Hearings Division prior to 5/15/2018 shall be processed through the third step of the non-union grievance procedure.



## HUMAN RESOURCES DEPARTMENT

### RULE 18

## CONDUCT OF ADMINISTRATIVE HEARINGS

### Section Outline

- Section 1 Source of Authority
- Section 2 Notice of Rights of Appeal; Requests for Hearing
- Section 3 Delegation of Hearing Authority; Appointment of Hearing Officer, Classification and Compensation Appeal Board
- Section 4 Impartiality of Administrative Hearing; Disqualification of Hearing Officer
- Section 5 Powers of Hearing Officer
- Section 6 Notice of Administrative Hearing
- Section 7 Adjournments
- Section 8 Attendance at Administrative Hearings
- Section 9 Stenographic Record
- Section 10 Order of Proceedings
- Section 11 Representation by Counsel
- Section 12 Subpoenas
- Section 13 Oaths
- Section 14 Rules of Evidence
- Section 15 Stipulations & Pre-Hearing Orders
- Section 16 Hearing Officer Report; Determination by Civil Service Commission

## HUMAN RESOURCES RULES

### RULE 18

#### CONDUCT OF ADMINISTRATIVE HEARINGS

##### **Section 1. Source of Authority**

The source of the Civil Service Commission's authority to conduct administrative hearings is the Charter of the City of Detroit with specific authorizations as follows:

##### **General Charter Authority**

- A. Section 6-405. Civil Service Commission. “The Commission may hold hearings, subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Commission shall apply to the appropriate court. The Commission may delegate the powers to hold hearings, administer oaths and take testimony.”

##### **Specific Charter and Ordinance Authority**

- B. Section 6-409. **Classification of Positions:** “... the Civil Service Commission may, on its own initiative or at the request of any classified employee or the head of any agency affected, review the classification plan or any revision and, after giving the Human Resources Director a full hearing, may make changes if it finds upon clear and convincing evidence that the description or classification of any position or positions is improper.”
- C. Section 6-411. **Validation:** “An examinee may challenge any part of any examination on the grounds that it does not conform to the requirements of this chapter or departmental policies or rules, but the Civil Service Commission may grant relief only if it finds that there is no clear and convincing evidence of validity for the examination or part being challenged.”
- D. Section 6-413. **Employee Grievances:** “The Civil Service Commission shall, by rule, provide a procedure for the final resolution of any grievance brought by or against a classified employee of the City. “
- E. Section 6-415. **Payrolls:** “The Human Resources Department shall certify that the classified employees named in payroll vouchers are employed in accordance with this chapter and departmental policies and rules. No officer shall make or approve or take any part in making or approving any payment to any classified employee unless the payroll voucher bears the certification of the Human Resources Department.”



## **Section 2. Notice of Rights of Appeal; Requests for Hearing**

Employees or applicants affected by action(s) of the Human Resources Department under one of the above-cited Charter or Ordinance provisions shall be given notice of their right to appeal and request a hearing under the procedures of the Civil Service Commission.

All requests for hearings must be timely and consistent with the specific requirements of the appeal procedure chosen, shall be made in writing, and shall specifically show the reasons for the request. The Civil Service Commission may refuse to grant a hearing where these provisions are not substantially complied with.

## **Section 3. Delegation of Hearing Authority; Appointment of Hearing Officer, Classification and Compensation Appeal Board**

A. The Civil Service Commission may, by vote, designate as Hearing Officer any person it deems qualified to serve and shall delegate to an individual serving in an applicable matter, the powers provided in Section 6-405 of the Charter.

Except as otherwise specifically provided, contested matters shall be heard and determined by one hearing officer.

B. A Classification and Compensation Appeal Board, convened pursuant to Section 6-409 of the Charter, shall be composed of three (3) members including:

1. The Chief of the Human Resources Department's Policy, Planning & Operations Division or designated alternate who shall serve as Chairperson.
2. A human resources officer, an occupational specialist, or administrative employee from a department other than the department in which the person or positions involved are located.
3. A Chief or designated alternate of a division of the Human Resources Department other than the Classification and Compensation Division.

C. Classification and Compensation Appeal Proceedings

1. Appeal proceedings shall be non-adversarial.
2. The Classification Appeal Board accepts testimony from parties concerned, including the employee, their authorized representative, and staff members of the Classification Compensation Division, or an entity acting on behalf of the Classification Compensation Division.

Testimony is limited to statements of fact concerning:

- a. Duties and responsibilities of the position(s) in question.
  - b. Duties and responsibilities of related positions.
  - c. The structure of the department organization.
  - d. Comparison of the duties and responsibilities of the position with the description in the classification plan.
3. Final Determination by Civil Service Commission: The Classification Appeal Board shall file a written report to the Commission of its findings and recommendations.

The Commission may accept, reject, or modify the recommendation of the Classification Appeal Board. The Commission's decision shall be final and binding on all parties.

#### **Section 4. Impartiality of Administrative Hearing; Disqualification of Hearing Officer**

- A. **Impartiality of Administrative Hearings.** Administrative Hearings shall be conducted in an impartial manner. No person shall serve as a hearing officer in any matter in which they have any financial or personal interest in the result of the hearing. The hearing officer shall be a person other than the individual who made the contested decision or determination.
- B. **Disqualification of Hearing Officer.** Any hearing officer shall be impartial and independent and shall perform their duties with diligence and in good faith, and shall be subject to disqualification for:
1. Partiality or lack of independence.
  2. Inability or refusal to perform their duties with diligence and in good faith, and/or
  3. Any grounds for disqualification provided by applicable law.
- C. Upon the objection of any party to a hearing and the timely, sufficient affidavit outlining personal bias or disqualification of a hearing officer, or on its own initiative, the Civil Service Commission shall consider the objection as part of the record in the case. If it is determined that a hearing officer is biased, unqualified, or it is impracticable for the hearing officer to continue with the hearing, another hearing officer shall be assigned to continue with the case. The Civil Service Commission decision shall be conclusive.

## **Section 5. Powers of Hearing Officer**

- A. Control the course of the hearings, set the time and place for continued hearings and decide the time for filing of briefs, if applicable, and other documents.
- B. Administer oaths.
- C. Provide for the taking of testimony.
- D. Judge the relevancy and materiality of the evidence offered.
- E. Sequester witnesses.
- F. Handle contacts with the media including prohibiting the use of photographic and audio equipment which includes, cell phones, laptops, tablets and or any other hand held device.
- G. Order discovery which the hearing officer considers necessary for a full and fair exploration of the issues in dispute.

## **Section 6. Notice of Administrative Hearing**

- A. All parties in a contested matter shall be given an opportunity for a hearing without undue delay.
- B. All parties shall be sent notice of the hearing at least seven (7) calendar days in advance of the start of the hearing. The hearing notice shall include:
  - 1. The date, hour, place, and nature of the hearing.
  - 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.

## **Section 7. Adjournments**

The hearing officer: (1) may adjourn the hearing upon the request of a party for good cause shown; (2) must postpone upon the mutual agreement of the parties; and/or (3) may adjourn upon their own initiative.

The hearing may proceed in the absence of any party or representative who, after proper notice, fails to appear at a hearing or fails to obtain an adjournment. The hearing officer may proceed requiring the party who is in attendance to present such evidence as the hearing officer may require for rendering a report to the Commission, or recommend to the Commission that the appeal be dismissed.

## **Section 8. Attendance at Administrative Hearings**

Hearings on behalf of the Civil Service Commission are public proceedings. The hearing officer shall have the authority to require the sequestration of witnesses during the testimony of other witnesses.

## **Section 9. Record of Hearing Proceedings**

Hearings shall be recorded. When requested by any of the parties, the Human Resources Department shall arrange for stenographic service. The cost of the service shall be paid by the party requesting the service unless the parties agree to share the cost. If copies of the transcript are ordered each party shall pay the cost of their copy of the transcript.

The official record of the hearing maintained by the Human Resources Department Labor Relations Division shall include:

- A. All written notices, pleadings, motions and rulings.
- B. Record of exhibits and the names and addresses of all witnesses.
- C. Findings of fact and final determination.

## **Section 10. Order of Proceedings**

The hearing officer shall determine the order of the proceedings, affording all parties full and equal opportunity to present evidence that the hearing officer deems material and relevant to the resolution of the dispute.

The department shall bear the burden of proof and burden to produce evidence in all disciplinary matters.

The grievant shall bear the burden of proof and burdens of producing evidence in all matters involving the alleged violation of any City rule, policy or procedure, unless the grievant can demonstrate that the department has failed, upon request, to provide the necessary information and/or documents to meet their burden. If the hearing officer determines that the department has failed to provide the requested information or documents, the department shall bear the burden of proving it did not violate a City/departmental rule, policy or procedure.

Witnesses for each party shall submit to direct and cross and examination.

When deemed appropriate, the hearing officer may also allow for the presentation of evidence by alternative means including web conferencing, internet communication, telephonic conferences and means other than an in-person presentation of the evidence. Such alternative means must still afford a full and equal opportunity to all parties to present material and relevant evidence, and when involving witnesses, provide that such witnesses submit to direct and cross-examination.

### **Section 11. Representation by Counsel**

Any party may be represented at the hearing by counsel or by an authorized representative.

An attorney or representative of the grievant must file a written Notice of Appearance. The Notice must include the name, address, telephone number, and email address of the attorney or representative.

### **Section 12. Subpoenas**

Written requests for subpoenas from any party to the hearing shall be referred by Labor Relations or the hearing officer to the Civil Service Commission, along with a list of the names and addresses of the witnesses to be subpoenaed. Such requests shall indicate the reasons for requesting the subpoenas and their relevancy to the issues of the case.

Subpoenas shall be authorized by vote of the Civil Service Commission. The Chairperson of the Commission shall be authorized to grant subpoenas and report to the Commission at the next public meeting.

The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under their control and/or departmental control including books, records, correspondence, which shall include e-mail, and documents regardless of how this information is maintained.

Fees to subpoenaed witnesses, where required, shall be paid by the party requesting the subpoena.

On written request of any party to the hearing, the Commission shall revoke a subpoena if it is shown that the evidence which the subpoena requests does not relate to the matter under contest.

In the case of refusal to comply with a subpoena, the Commission shall apply to the Third Circuit Court for Wayne County for an order requiring compliance.

### **Section 13. Oaths**

The hearing officer is authorized to administer oaths by delegation of power from the Civil Service Commission. The hearing officer may require witnesses to testify under oath when requested by any party to the hearing or upon the initiative of the hearing officer.

### **Section 14. Rules of Evidence**

The parties shall be given an opportunity to present evidence and argument on issues of fact and issues of law.

The hearing officer shall determine if the evidence offered is relevant and material to the resolution of the dispute. The administrative hearings are for the purpose of fact-finding, and conformity to the legal rules of evidence shall not be necessary in determining the relevancy and materiality of evidence offered.

The hearing officer shall give probative weight to evidence of a type commonly relied upon by reasonable people in the conduct of their affairs. The hearing officer may direct the order of proof, bifurcate proceedings and exclude irrelevant, immaterial or cumulative evidence.

Any party may object to the offer of evidence and the hearing officer shall respond on the record to such objections and the evidentiary rulings shall be noted in their report of findings of fact.

For the purpose of expediting hearings, and when the interests of the parties will not be substantially prejudiced, the hearing officer may upon their initiative require all or part of the evidence be submitted in written form.

### **Section 15. Stipulations and Pre-hearing Orders**

The parties to a hearing may agree by written stipulation to any fact involved in the disputed matter. The stipulation shall be used as evidence at the hearing and shall be binding on the parties.

The hearing officer, in exercising their discretion, shall conduct proceedings with a view toward expediting the resolution of the dispute, and may in Pre-Hearing Orders, direct the parties to file a summary of the issues and facts involved in the hearing, identify exhibits to be used at the hearing, identify fact and expert witnesses, provide timelines for the production of any information required in Pre-Hearing Orders.

**Section 16. Hearing Officer Report - Final Determination by Civil Service Commission**

The hearing officer shall file a report setting forth findings of fact, conclusions of law, and recommendations. The report shall be made in writing to the Civil Service Commission within the time period set forth in the Charter, provided that the Commission may require that the report be submitted by a specific date. The findings of fact shall be accompanied by a concise statement of the underlying facts supporting them.

The Commission may accept, reject, or modify the decision and recommendation of the hearing officer. If the Commission's decision is different from that of the hearing officer, the reasons will be detailed in writing and given to the parties. The decision of the Commission shall be final and its order shall be binding on all parties.

A copy of the final decision of the Commission shall be provided to each party to the disputed matter and, if applicable, to their representative or the attorney(s) of record.

C.S.C. Adopted: 08/10/1976  
Revised: 04/22/1980 (Reference to City Layoff Benefit Plan deleted)  
Revised: 12/19/2001 (Reference to Residency Hearings deleted)  
Revised: 04/16/2019

## RULE XIX

### APPRENTICE CLASSES

#### Section 1. Definition

Apprentice classes shall include those classes designated by the Human Resources Director as such wherein the incumbents, in addition to meeting the usual employment requirements of the class, sign a written apprenticeship agreement with the employing department, which has been approved for their particular trade by the Human Resources Director, and wherein provision has been made for both classroom instruction and systematic training through employment.

#### Section 2. Standards and Administrative Procedure

The Human Resources Director shall establish and issue such standards, training schedules and administrative procedures as may be necessary to establish and maintain an effective apprenticeship program in the skilled trades. The standards shall provide for execution of apprenticeship agreements, granting credit for prior training, periodic progress examinations, periodic review of apprentice progress records, alternate procedures for termination of apprentice status, and such other items as are necessary to carry out the intent of this rule.

#### Section 3. Status of Incumbents in Apprentice Positions

- A. Apprentice positions shall be filled in the same manner as other classified positions. Certifications to apprentice classes shall be for "permanent" status, but no person shall remain in an apprentice class unless he is actively participating in a training program approved for that class by the Human Resources Director; and no person shall remain in the class more than 60 days after completing the term of apprenticeship.
- B. The probation period for apprentices shall be 6 months. Failure to comply with the terms of the apprenticeship agreement or repeated failure to make satisfactory progress in the specified training program at any time during the term of training shall be considered grounds for discharge of an apprentice.



- C. Upon successful completion of apprenticeship the incumbent shall acquire status in the journeyman class. If the apprentice is not eligible for promotion to the journeyman class at the end of his term of training but has satisfactory record otherwise, he may be transferred or demoted to any other class for which he is eligible.

Originally Adopted: 10/06/59

Editorial Revisions: 04/22/80