

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 15 – Requisition and Certification

SECTION 1501. REQUEST FOR APPLICATIONS TO BE FORWARDED

Whenever a vacancy in the classified service is to be filled, the Department Head shall submit a requisition to the Finance Department. The requisition shall be on an official form and shall specify the department, the classification title, the compensation or pay step, the days and hours of work, the preferred starting date, EEO information if applicable, and whether the service is temporary, seasonal, or permanent, and probable length of service, if not permanent. Upon receipt by the Civil Service Department of a properly executed requisition, the classification shall be posted for a minimum of ten (10) days, unless the classification is posted continuously, has been approved by the Board to be posted annually, was last posted within sixty (60) days, is exempt from the classified service, or as provided otherwise by the Board. The referral of applications shall not be made until the posting period has expired, and the applicants have had the opportunity to be processed through the selection procedure.

Selections for Public Service Worker I may be made from the established eligible register without retesting or reposting for a period of one year from the date of the most recent eligibility register, unless the Department head requests reposting and retesting.

SECTION 1502. RULE OF FIVE

Upon receipt of a properly executed requisition in compliance with Section 1501 of these Rules, the Executive Secretary/Director shall forward to the Department Head the names of five (5) eligible of highest standing for each such position except where otherwise provided for in Sections 1522, 1523 and 1524.3 of this Article. If more than one vacancy is to be filled, a multiplier shall be used to provide the names of five (5) additional eligible applicants for referral to the Department Head for each vacancy. For example, if two vacancies exist, the names of ten (10) eligible applicants of highest standing shall be referred; if three vacancies exist, the names of fifteen (15) eligible applicants of highest standing shall be referred; etc. When the name of any eligible is included in a referral for consideration for appointment, the names of all other eligible on the list having the same final grade as such eligible shall likewise be included in such referral for consideration.

SECTION 1503. JUSTIFICATION FOR SELECTION

All applicants ranking higher on the referral than the applicant selected must be interviewed by the hiring authority. Because hiring decisions are at the discretion of the Department Head, rank order on the referral does not in any way guarantee that an individual will be hired. Ranking on the referral only means that all individuals above the individual selected are guaranteed an interview, but not that such individuals have any preference in the selection process. If there are any applicants above the applicant selected, detailed justifications for selection of the applicant selected must be given, except as otherwise provided for in these Rules. Only after documentation of refusal of employment or justifications for not selecting said applicant(s) shall the Department Head be able to obtain additional names from the register. Upon receipt of the justification for selection, the Executive Secretary/Director may request additional information and/or justification should he/she deem said information necessary to access compliance with the spirit and purposes of these rules and regulations prior to processing the selection.

SECTION 1504. ORDER OF ELIGIBILITY REGISTERS

The eligibles forwarded shall be the highest ranking eligibles (willing to accept employment) ranked in the following order:

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1. Those on the reinstatement to position list, if any
2. All those on the transfer list, if any (not to exceed 5) and (not required to accept)
3. All those on the reinstatement to class and re-employment lists combined and in order by seniority in the classification, if any
4. Those on a promotion list, if any
5. Those on an open-competitive employment list

SECTION 1505. DEPLETION OF REINSTATEMENT OR REEMPLOYMENT LISTS

All eligible individuals on the reinstatement and re-employment lists must have been certified or eliminated from the list before referrals from the remaining lists shall be permitted. When there are no applicants on the reinstatement or re-employment lists, names referred may be taken from two or more lists if necessary in order to refer the appropriate number of eligibles.

SECTION 1506. SUPPLEMENTATION OF ORIGINAL REFERRALS

On notification from a Department Head that one or more eligibles have declined appointment, have failed to respond to a notice properly sent, have indicated they are no longer interested, have not reported for a scheduled interview, or where the Department Head has rejected the applicant(s) and provided justification satisfactory to the Board, the Board shall supplement the original referrals with the addition of the name or names of the eligibles next in order of standing on the list sufficient to provide the Department Head with the appropriate number of applicants from which to make a selection.

SECTION 1507. INSUFFICIENT ELIGIBLE LIST

When fewer than the appropriate number of names are available on a list, the Department Head may make the appointment from the names referred. If the Department Head does not wish to make the appointment from the names referred, the requisition may remain open until additional applicants are tested and placed on the eligible list for that classification unless cancelled by the Finance Department or other authority.

SECTION 1508. CERTIFICATION FROM RELATED ELIGIBLE LISTS

Whenever the number of names on an eligible list is insufficient to make a complete list of applicants to be forwarded for consideration, the Executive Secretary/Director may forward the names of eligible willing to accept employment from lists for classes of higher standing or from lists of other comparable classes. In cases where promotional applicants are available, the list shall not be supplemented with applicants from lists of other classifications.

SECTION 1509. TEMPORARY APPOINTMENT

When a vacancy is to be filled in a position for which there are no eligibles available for consideration, the Department Head may make a temporary appointment as specified in Section 101.11.

SECTION 1510. STRUCTURED INTERVIEW

The Department Head or designated supervisor shall interview the referred applicants using questions that seek job relevant information. The interviewer shall not ask questions about race, political affiliation, or religious beliefs, and shall avoid questions about the spouse, child care plans and other matters not related to the job.

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SECTION 1511. SELECTION REPORT

This report includes:

Section 1511.1. The name of every applicant who was referred by the Board Office to the Department Head and justification for selection.

Section 1511.2. An optional inclusion is a list of the name(s) of applicants from this list who the Department Head would appoint if the individual selected does not ultimately fill the position. (This might occur if the applicant refuses the offer of employment, fails the medical examination, polygraph, psychological evaluation, fails to report to work, etc.)

Section 1511.3. A certification by the Department Head that he approves of the action recommended in the Selection Report.

SECTION 1512. REINSTATEMENT TO CLASS

A Civil Service employee who has been retreated from a higher class to a lower class for other than disciplinary reasons, incompetency, or voluntary reduction shall be placed on a reinstatement list for the classification from which he/she retreated. The employees on the "reinstatement to class" list shall be combined with the employees on the re-employment list for such classification in the order of their seniority in the classification. Such employees shall be granted priority over the promotional and the open-competitive eligibility lists.

SECTION 1513 REINSTATEMENT TO POSITION

A Civil Service employee who has "bumped" or moved laterally from one position to another within their current classification for other than disciplinary reasons, incompetency, or voluntarily shall be placed on a "reinstatement to position" list and shall be reinstated to his/her former position with priority over all other lists when said position becomes open.

SECTION 1514. FAILURE TO COMPLETE PROBATIONARY PERIOD DUE TO DISCIPLINARY ACTION

An employee in the classified service who fails to complete the probationary period for a promotional position due to disciplinary action, and is consequently demoted, shall not be placed on a reinstatement list, but shall maintain the rights and privileges of taking promotional examinations.

SECTION 1515. RE-EMPLOYMENT

Re-employment lists shall consist of names of persons who were laid-off in accordance with Civil Service Merit Board Rules and Regulations, and who, at the time of their separation, had attained permanent Civil Service status during their most recent employment with the City. The order in which these names shall be ranked on the re-employment list shall be in accordance with their seniority.

SECTION 1516. DEMOTION FROM A CIVIL SERVICE CLASSIFICATION

An employee in the classified service who is demoted from a classification in accordance with Article 27 of these Rules and Regulations does not have the right to automatically return to said classification unless the employee reapplies, retests and is reappointed in accordance with civil service procedures for said classification.

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SECTION 1517. TIE IN SENIORITY ON REINSTATEMENT-TO-CLASS AND RE-EMPLOYMENT LISTS

If the seniority in the current classification of two or more employees is equal, the Department Head shall select between the persons eligible for re-employment based upon merit fitness for employment. To this end, consideration shall be given to the quality of the service of these employees whose seniority is equal. If, after quality of service, a tie among the employees still exists, the preference shall be given to the employee with the greatest overall seniority with the City.

SECTION 1518. RETIRED

No person may be certified from a re-employment list or be re-employed in a civil service job if he/she has voluntarily retired from the City of Knoxville.

SECTION 1519. REMAIN ON RE-EMPLOYMENT LIST FOR TWO YEARS

The name of a classified employee who has been laid off shall be placed automatically on the appropriate re-employment list(s). His/Her name shall remain on said list for a period of two years from the date of separation unless removed earlier by any of the provisions of these Rules and Regulations, and he/she shall be mailed notification 30 days prior to removal from said list by expiration of two year limit. Promotional preference shall be given to laid off employees for an additional two year period providing they qualify by passing all requirements for eligibility.

SECTION 1520. REMOVAL OF NAMES FROM LISTS

Names of eligibles may be removed from an eligible list as a result of the following causes:

Section 1520.1. Refusal of a permanent, full-time appointment with regular working hours for that position, unless eligible is seeking part-time employment;

Section 1520.2. Appointment through certification from such list to fill a permanent position;

Section 1520.3. Statement that he/she is no longer interested in employment with the City in that classification;

Section 1520.4. Failure to respond within the time specified in a notice of an inquiry by the appropriate authority unless satisfactory evidence is furnished justifying such failure to respond;

Section 1520.5. Failure to report to a required medical, polygraph, psychological, etc.;

Section 1520.6. Failure to report to an interview;

Section 1520.7. Expiration of term of eligibility on an eligibility list;

Section 1520.8. Notice by postal authorities of their inability to locate eligible at his last known address;

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Section 1520.9. Death of eligible;

Section 1520.10. The separation from the service of the City, other than layoff, of an eligible whose name is on a promotional list;

Section 1520.11. Negative reference check of previous employer (applicant will be notified and have opportunity to respond);

Section 1520.12. Review of eligibility of any applicant who is found to lack any of the qualifications prescribed as reasonable requirements for admission to the test for the class for which he/she has applied, or who is physically unfit to perform effectively the duties of the position for which said applicant is applying, or who is addicted to the habitual use of drugs or intoxicating liquors to excess, or who has been adjudged guilty of a crime which, if repeated, might constitute a serious risk to the City in the job for which application has been made, or who has made false statements of any material fact, or has practiced or attempted to practice deception or fraud in his/her application, or in his/her tests, or otherwise, in securing eligibility for appointment or attempting to do so;

Section 1520.13. No officer or employee elected or appointed by the Council, the Civil Service Merit Board, or any appointing authority or administrative officer shall be related to any of said members of the Council, the Civil Service Merit Board, or any appointing authority or administrative officer controlling or having a vote or voice in the election or appointment of said officer or employee within the third degree, either by affinity or consanguinity.

Section 1520.14. A confirmed positive drug test will result in disqualification of applicants and removal from the eligible list as follows:

- (A) Entry-level civilian applicants shall be ineligible for employment for a period of one (1) year from the date of the drug test and shall be removed from the eligible list for all classifications;
- (B) Entry-level applicants for Police Officer Recruit, Police Cadet and Firefighter Recruit shall be ineligible for employment in said classifications for a period of two (2) years from the date of the drug test and shall be removed from the eligible list for all classifications; and
- (C) Promotional applicants shall be ineligible for promotion to another classification for one (1) year from the date of the drug test and shall be removed from the eligible list in the promotional classification for which he/she was being processed.

Any entry-level or promotional applicant, who refuses to submit to a drug screen, refuses to sign a consent form or fails to report for a drug test is considered the equivalent of receiving a confirmed positive result. Said applicant shall be removed from the eligible list(s) as provided above.

Intentional tampering with the drug testing process by an applicant is considered deception or fraud in the securing of appointment or promotion and is just cause to withdraw the offer of employment and to disqualify the applicant as provided above.

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SECTION 1521. REMOVAL FROM ELIGIBLE LIST

Upon any person's name being removed from an eligible list, except at the expiration of their one year eligibility, such person shall immediately be notified in writing, sent to the address on his/her application. Such person may request reinstatement within ten days of receipt of notice. The request must set forth the justification for reinstatement. The Board, after determining whether or not such reasons are justified, may order the restoration of such name or refuse such request and shall notify such person of the action taken.

SECTION 1522. CATEGORICAL ELIGIBLE LIST

For some classifications, scores shall be grouped into categories with each category representing the relative qualification of the applicants. When a vacancy is to be filled, the Executive Secretary/Director shall refer to the Department Head the available eligibles in the highest category of the eligible list. The number of eligibles to which a Department Head is entitled is five times the number of vacancies to be filled. If requested by the Department Head, the next and successively lower categories of eligibles may be referred until the five to one ratio is reached. Also, applicants may be referred in accordance with Section 1524, Expanded Certification, of the Civil Service Merit Board Rules and Regulations. Fewer eligibles may be referred when there is not the required number on the eligible list.

SECTION 1523. SIMPLIFIED EXAMINATION PROCEDURE

For some classifications involving unskilled, semi-skilled, domestic, attendant, custodial work, or otherwise where the character or conditions of employment make it impractical to supply the needs of the service through standard examination procedures, the Executive Secretary/Director may adopt or authorize the use of such other procedures as he determines to be appropriate, based upon a job analysis and which will assure the selection of such employees on the basis of merit and fitness. In such cases, the evaluation shall determine if applicants meet the minimum equal duties of the job and if so shall rate them as qualified and place them in random order on the eligible list. When a vacancy is to be filled from such an eligible list, all eligible applicants shall be referred to the Department Head for consideration.

SECTION 1524. EXPANDED CERTIFICATION

The use of expanded certification to remedy an under-representation of women or minorities in the City's workforce when properly documented requires the approval of the Board.

Section 1524.1. Recommendation for Expanded Certification

If the EEO staff, by independent analysis or upon request of the Department Head, determines that a department is unable to fulfill its commitments under the Affirmative Action Program, and believes that expanded certification is the appropriate method of fulfilling said commitments; a recommendation for expanded certification shall be made to the Executive Secretary/Director.

Section 1524.2. Decision

The Executive Secretary/Director shall make a decision on the use of expanded certification.

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Section 1524.3. Identification of Subjects of Expansion

Upon receipt of a requisition for which expanded certification has been approved, the eligibles for which the list was expanded shall be identified. Such eligibles shall be referred in the manner described in Section 1524.4.

Section 1524.4. Referral

When vacancy(ies) exist(s) (and expanded certification has been approved), there shall be a minimum of two women or minorities (whichever is underrepresented) in each group of five to be forwarded. If the list must be expanded to accomplish this minimum goal, all applicants whose ranking on the list is higher than those for which the list was expanded, must be referred to the Department Head for consideration and all applicants referred must be interviewed by the appointing authority. .

Section 1524.5. Expansion Not Approved

In the event that no minorities or women are eligible, expanded certification shall not be approved by the Executive Secretary/Director.

SECTION 1525. STATUS OF EMPLOYEES AFFECTED BY THE ACQUISITION OF COMPANIES, GOVERNMENTAL AGENCIES, ETC.

Should the City of Knoxville, either through its General Government or through the Knoxville Utilities Board, acquire or take over the operation of a company, governmental agency, etc. not previously operated by the City of Knoxville, the employees of said company, governmental agency, etc., may come under the classified service as follows:

1. A complete list of all affected employees and their classifications shall be submitted to the Civil Service Merit Board at the earliest possible date;
2. Each employee whose position became classified as a result of such acquisition shall be appointed to retain that position without being subject to examination and pending successful completion of a one (1) year probationary period, the beginning of said probationary period to be approved by the Civil Service Merit Board;
3. Upon satisfactory completion of the one (1) year probationary period, said employees shall be certified in their respective classifications by the Executive Secretary/Director.