City of Knoxville Civil Service Merit Board Rules

CITY OF KNOXVILLE

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CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Table of Contents

ARTICLE 1 GENERAL PROVISIONS
- SECTION 100 SHORT TITLE
- SECTION 101 DEFINITIONS

ARTICLE 2 EXEMPTED POSITIONS
- SECTION 201 LIST OF EXEMPTED POSITIONS

ARTICLE 3 EQUAL EMPLOYMENT/AFFIRMATIVE ACTION PLAN

ARTICLE 4 CONDUCT OF BOARD BUSINESS
- SECTION 401 BUSINESS MEETINGS
- SECTION 402 WORKSHOP SESSIONS
- SECTION 403 PUBLIC HEARINGS
- SECTION 404 AGENDA
- SECTION 405 CONDUCT OF BUSINESS
- SECTION 406 NOTICE
- SECTION 407 ELECTION OF CHAIRMAN
- SECTION 408 ELECTION OF VICE-CHAIRMAN

ARTICLE 5 CONFIDENTIAL RECORDS

ARTICLE 6 ADOPTION OR AMENDMENT OF RULES

ARTICLE 7 PRESERVATION OF RECORDS

ARTICLE 8 EXAMINATIONS
- SECTION 801 JOB-RELATED EXAMS
- SECTION 802 EXAMINATION PARTS
  - Section 802.1 Written Test
  - Section 802.2 Oral Interviews
  - Section 802.3 Performance Test
  - Section 802.4 Physical Test
  - Section 802.5 Mental Test
  - Section 802.6 Training and Experience Evaluation
  - Section 802.7 Assessment Center
  - Section 802.8 Other
- SECTION 803 IDENTIFICATION NUMBER
- SECTION 804 CHEATING ON EXAM
- SECTION 805 APPLICANT IDENTIFICATION
- SECTION 806 EXAMINATION ASSISTANCE
- SECTION 807 DISABILITY POLICY
- SECTION 808 REPETITION OF SAME EXAM
- SECTION 809 WAITING PERIOD TO REPEAT EXAM
- SECTION 810 ORAL BOARD COMPOSITION
- SECTION 811 ROUNDING OFF SCORES
- SECTION 812 REQUIRED EXAMINATIONS

ARTICLE 9 NOTICE OF GRADE ON EXAMINATIONS
- SECTION 901 NOTIFICATION OF TEST RESULTS AND RIGHT OF REVIEW

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Table of Contents

ARTICLE 10 ELIGIBILITY REGISTER
SECTION 1001 ESTABLISHMENT AND MAINTENANCE OF ELIGIBILITY REGISTER
SECTION 1002 AMENDMENT TO OR ABOLITION OF AN ELIGIBILITY REGISTER
SECTION 1003 PLACEMENT ON ELIGIBILITY REGISTER
SECTION 1004 DISMISSAL DURING PROBATIONARY PERIOD

ARTICLE 11 APPLICATION FORM
SECTION 1101 REQUIRED FORMS AND DOCUMENTS
SECTION 1102 PENALTY FOR FALSE STATEMENTS

ARTICLE 12 VETERAN'S PREFERENCE
SECTION 1201 APPLICATION FOR VETERAN'S PREFERENCE
Section 1201.1 NON-DISABLED VETERAN
SECTION 1202 DISABLED VETERAN
SECTION 1203 RETIRED VETERANS
SECTION 1204 PROMOTIONAL EXAMINATIONS
SECTION 1205 LIMITATIONS

ARTICLE 13 THOSE ELIGIBLE TO APPLY FOR CIVIL SERVICE POSITIONS
SECTION 1301 AGE REQUIREMENTS FOR UNIFORMED BODIES
SECTION 1302 MINIMUM QUALIFICATIONS
SECTION 1303 REQUIREMENT OF HIGH SCHOOL EDUCATION
SECTION 1304 REJECTION OF APPLICATION

ARTICLE 14 REJECTION OF APPLICANTS

ARTICLE 15 REQUISITION AND CERTIFICATION
SECTION 1501 REQUEST FOR APPLICATIONS TO BE FORWARDED
SECTION 1502 RULE OF FIVE
SECTION 1503 JUSTIFICATION FOR SELECTION
SECTION 1504 ORDER OF ELIGIBILITY REGISTERS
SECTION 1505 DEPLETION OF REINSTATEMENT OR RE-EMPLOYMENT LISTS
SECTION 1506 SUPPLEMENTATION OF ORIGINAL REFERRALS
SECTION 1507 INSUFFICIENT ELIGIBLE LIST
SECTION 1508 CERTIFICATION FROM RELATED ELIGIBLE LISTS
SECTION 1509 TEMPORARY APPOINTMENT
SECTION 1510 STRUCTURED INTERVIEW
SECTION 1511 SELECTION REPORT
SECTION 1512 REINSTATEMENT TO CLASS
SECTION 1513 REINSTATEMENT TO POSITION
SECTION 1514 FAILURE TO COMPLETE PROBATIONARY PERIOD DUE TO DISCIPLINARY ACTION
SECTION 1515 RE-EMPLOYMENT
SECTION 1516 DEMOTION FROM A CIVIL SERVICE CLASSIFICATION
SECTION 1517 TIE IN SENIORITY ON REINSTATEMENT-TO-CLASS AND RE-EMPLOYMENT LISTS
SECTION 1518 RETIRED
SECTION 1519 REMAIN ON RE-EMPLOYMENT LIST FOR TWO YEARS
SECTION 1520 REMOVAL OF NAMES FROM LISTS
SECTION 1521 REMOVAL FROM ELIGIBLE LIST
SECTION 1522 CATEGORICAL ELIGIBLE LIST
SECTION 1523 SIMPLIFIED EXAMINATION PROCEDURE
SECTION 1524 EXPANDED CERTIFICATION

Table of Contents

Section 1524.1 Recommendation for Expanded Certification
Section 1524.2 Decision
Section 1524.3 Identification of Subjects of Expansion
Section 1524.4 Referral
Section 1524.5 Expansion Not Approved
SECTION 1525 STATUS OF EMPLOYEES AFFECTED BY THE ACQUISITION OF COMPANIES, GOVERNMENTAL AGENCIES, ETC.

ARTICLE 16 INITIAL EMPLOYMENT PROBATIONARY PERIOD
SECTION 1601 LENGTH OF INITIAL EMPLOYMENT PROBATIONARY PERIOD; EXTENSION OF SAID PERIOD
Section 1601.1 Extension of Initial Probationary Period For Uniformed Police Employees
SECTION 1602 LAID OFF DURING PROBATIONARY PERIOD
SECTION 1603 EVALUATION OF PROBATIONARY EMPLOYEE
SECTION 1604 INELIGIBLE FOR APPEAL OF DISCIPLINARY ACTION
SECTION 1605 ANNIVERSARY DATE

ARTICLE 17 CIVIL SERVICE INVESTIGATIONS
SECTION 1701 AUTHORITY
SECTION 1702 PURPOSE
SECTION 1703 EMPLOYEE COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT
SECTION 1704 INVESTIGATION PROCEDURES
SECTION 1705 NON-RETALIATION POLICY

ARTICLE 18 POLICE CADET/APPRENTICESHIP PROGRAM
SECTION 1801 PURPOSE
SECTION 1802 MINIMUM REQUIREMENTS
SECTION 1803 POLICE CADET ELIGIBILITY
SECTION 1804 PROGRAM COMPONENTS
SECTION 1805 CONDITIONS OF CONTINUED EMPLOYMENT AS A CADET
Section 1805.1 General
Section 1805.2 Police Basic Training
Section 1805.3 Work Experience
Section 1805.4 College Education (Optional)
SECTION 1806 CERTIFICATION AS A POLICE OFFICER

ARTICLE 19 PERFORMANCE EVALUATIONS
SECTION 1901 ANNUAL EVALUATION
SECTION 1902 CRITERIA FOR EVALUATION
SECTION 1903 RIGHT OF APPEAL

ARTICLE 20 TRANSFERS
SECTION 2001 TRANSFER LIST
SECTION 2002 ESTABLISHMENT OF TRANSFER LIST
SECTION 2003 MAINTENANCE OF TRANSFER LIST

ARTICLE 21 PROMOTIONS
SECTION 2101 PROMOTIONS AND OPPORTUNITIES
SECTION 2102 PROMOTION POLICY
Section 2102.1 Consideration of Promotional Applicants
Section 2102.1.1 Length of Placement on Promotional Register
Section 2102.2 Increase in Duties

Table of Contents

Section 2102.3 Selection Procedure
Section 2102.4 Determination of Open-Competitive vs. Promotional
SECTION 2103 PROMOTIONAL EXAMINATION
SECTION 2104 TYPES OF PROMOTIONAL EXAMINATIONS
SECTION 2105 TRANSFERS BETWEEN PROMOTIONAL AND OPEN COMPETITIVE LISTS
SECTION 2106 PERFORMANCE AND EDUCATION ACHIEVEMENT CREDIT
SECTION 2107 ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS
SECTION 2108 SERVICE RATING
SECTION 2109 PROMOTIONAL PLAN FOR THE KNOXVILLE FIRE DEPARTMENT
Section 2109.1 Classification Advancement
Section 2109.2 Minimum Requirements
Section 2109.3 Selection Procedure Components
Section 2109.4 Minimum Years of Service
Section 2109.5 Conditions for Waiving Minimum Years of Service Requirements
Section 2109.6 Annual Testing
SECTION 2110 NOTIFICATION
SECTION 2111 APPLICATION
SECTION 2112 INVALID APPOINTMENTS
SECTION 2113 CAREER DEVELOPMENT PLAN FOR THE KNOXVILLE POLICE DEPARTMENT
Section 2113.1 Career Development Philosophy
Section 2113.2 Career Path Alternatives Organizational Chart
Section 2113.3 Provisions Common to All Career Paths
Section 2113.4 Police Officer Career Development Option
Section 2113.5 Criminal Investigator Career Development Option
Section 2113.6 Supervisory/Management Career Development Option
Section 2113.7 Selection Procedure Components
Section 2113.8 Minimum Years of Service
Section 2113.8.1 Conditions for Waiving Minimum Requirement
Section 2113.9 Accelerated Advancement

ARTICLE 22 PROMOTION WITHOUT EXAMINATION

ARTICLE 23 PROMOTION APPOINTMENT PROBATIONARY PERIOD
SECTION 2301 LENGTH OF PROMOTION APPOINTMENT PROBATIONARY PERIOD; EXTENSION OF SAID PERIOD
SECTION 2302 EVALUATION OF PERFORMANCE OF PROMOTIONAL EMPLOYEE
SECTION 2303 REJECTION DURING PROBATIONARY PERIOD
SECTION 2304 ANNIVERSARY DATE

ARTICLE 24 PROMOTION TO NON-CLASSIFIED POSITION
SECTION 2401 RETENTION OF CIVIL SERVICE STATUS
Section 2401.1 Seniority of Classified Employee Who is in Non-Classified Position

ARTICLE 25 CLASSIFICATION/COMPENSATION PLAN
SECTION 2501 CLASSIFICATION/COMPENSATION PROGRAM AUTHORITY
SECTION 2502 PURPOSE
Section 2502.1 Classification Plans
Section 2502.2 Compensation Plans
SECTION 2503 DEVELOPMENT AND MAINTENANCE OF THE

Table of Contents

CLASSIFICATION/COMPENSATION PLANS
Section 2503.1 Review of Classification Plans
Section 2503.2 Review of Requisitions
Section 2503.3 Creation of New Positions
Section 2503.4 Abolishment of a Position
Section 2503.5 Salary Survey
SECTION 2504 ADMINISTRATION OF THE GENERAL GOVERNMENT CLASSIFICATION PLAN
Section 2504.1 Changes In Duties of Positions
Section 2504.2 Reclassification of a Position
SECTION 2505 ADMINISTRATION OF THE GENERAL GOVERNMENT COMPENSATION PLAN
Section 2505.1 Composition
Section 2505.2 Adoption and Amendment
Section 2505.3 Administration
Section 2505.4 Starting Rate of Pay
Section 2505.5 General Structure Adjustments
Section 2505.6 Advancement Through the Pay Range
Section 2505.7 Annual Pay Increase
Section 2505.8 Demotion Rate of Pay
Section 2505.9 Retreat/Reinstatement Rate of Pay
SECTION 2506 ADMINISTRATION OF THE UNIFORMED POLICE & FIRE COMPENSATION PLANS
Section 2506.1 Composition
Section 2506.2 Adoption and Amendment
Section 2506.3 Administration
Section 2506.4 Starting Rate of Pay
Section 2506.5 General Structure Adjustments
Section 2506.6 Advancement Through the Pay Range
Section 2506.7 Annual Pay Increase
Section 2506.8 Demotion Rate of Pay
Section 2506.9 Retreat/Reinstatement Rate of Pay

ARTICLE 26 RESIGNATIONS
Section 2601.1 Withdrawal of Resignation

ARTICLE 27 DISCIPLINARY ACTION
SECTION 2700 PRE-DISCIPLINARY PROCEDURES
SECTION 2701 STATEMENT OF DISCIPLINARY ACTION
SECTION 2702 REQUEST FOR REVIEW OF DISCIPLINARY ACTION
SECTION 2703 SELECTION OF HEARING EXAMINER AND DATE OF HEARING
SECTION 2704 NOTICE OF HEARING
SECTION 2705 CONTINUANCE
SECTION 2706 PRE-HEARING CONFERENCE
SECTION 2707 NON-HEARING DISPOSITION
SECTION 2708 SUBPOENAS
SECTION 2709 HEARINGS FOR THE REVIEW OF DISCIPLINARY ACTIONS
SECTION 2710 TRANSCRIPT OF PROCEEDINGS
SECTION 2711 NOTICE OF APPEAL OF THE HEARING EXAMINER'S DECISION

ARTICLE 28 GRIEVANCE PROCEDURE

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Table of Contents

ARTICLE 29 LAYOFFS AND REDUCTIONS IN FORCE

SECTION 2901 NOTIFICATION OF LAYOFF
SECTION 2902 SECTION
SECTION 2903 EMPLOYEE IN SAME CLASS PERFORMING DIFFERENT WORK
SECTION 2904 REVERSE SENIORITY
SECTION 2905 TRANSFER
SECTION 2906 RETREAT
SECTION 2907 ABSENT RETREAT OR TRANSFER RIGHTS
SECTION 2908 RIGHTS OF AN EMPLOYEE WHO HAS BEEN BUMPED
SECTION 2909 RE-EMPLOYMENT ELIGIBILITY FOR TWO YEARS
Section 2909.1 Re-Employment Seniority Status
SECTION 2910 ELIGIBILITY LIST FOR TWO YEARS
Section 2910.1 Promotional Preference for Two Years
SECTION 2911 RIGHTS LIMITED TO OCCUPIED POSITIONS
SECTION 2912 WORK HISTORY RIGHTS
SECTION 2913 BOARD WILL REVIEW UNUSUAL SITUATIONS
SECTION 2914 QUALIFIED TO FILL A VACANT POSITION

SECTION 2915 VOLUNTARY TRANSFER TO A CLASSIFICATION IN THE SAME SKILL LEVEL

ARTICLE 30 PLACING CIVIL SERVICE EMPLOYEES IN A LOWER CLASSIFICATION IN WHICH THEY HAVE NOT PREVIOUSLY BEEN CERTIFIED

SECTION 3001 REDUCTION OR LATERAL TRANSFER RESULTING FROM DISABILITY
SECTION 3002 VOLUNTARY REDUCTION IN CLASSIFICATION

ARTICLE 31 REVIEW OF DISBURSEMENT OF WAGES AND SALARIES

SECTION 3101 CESSATION OF PAYMENT OF SALARY
SECTION 3102 NOTIFICATION

ARTICLE 32 PROFESSIONAL SERVICES CONTRACT

SECTION 3201 PROCESS FOR REVIEWING CONTRACTS FOR PROFESSIONAL SERVICES AND CRITERIA FOR DETERMINING INDEPENDENT CONTRACTOR/EMPLOYEE STATUS
SECTION 3202 CRITERIA FOR DETERMINING EXEMPTIONS OF EMPLOYEES FROM THE CIVIL SERVICE SYSTEM

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 1 – General Provisions

SECTION 100. SHORT TITLE

The following provisions shall be known and be cited as the Rules and Regulations of the Civil Service Merit Board.

SECTION 101. DEFINITIONS

In these rules, words used in the masculine gender include the feminine and neuter genders. Words used in the neuter gender include the masculine and feminine genders. The following words, terms and phrases, when used in these rules, shall have the meaning respectively ascribed to them in these Rules unless the context plainly indicates a contrary meaning:

Section 101.1. **"CHARTER"** means the Charter of the City of Knoxville.

Section 101.2. **"BOARD"** means the Civil Service Merit Board of the City of Knoxville.

Section 101.3. **"MEMBERS"** means those persons holding office as a member of the Board of the City of Knoxville.

Section 101.4. **"EXECUTIVE SECRETARY/DIRECTOR"** (or in the alternate **"CIVIL SERVICE DIRECTOR"** or **"EXECUTIVE SECRETARY"**) means the person elected by the Board to keep all books and public records and serve as the Chief Administrator of the Board Office.

Section 101.5. **"CITY"** means the City of Knoxville.

Section 101.6. **"KUB"** means the Knoxville Utilities Board.

Section 101.7. **"DEPARTMENT HEAD"** (or in the alternate **"DIRECTOR" or "APPOINTING AUTHORITY"**) means the head of a department of the City who serves as the appointing authority for that department (e.g., Director of Finance and Accountability, Police Chief, Director of Law, etc.).

Section 101.8. **"APPLICANT"** means any person who has filed an application for a civil service classification, or any person who is making an application for such classification.

Section 101.9. **"ELIGIBLE"** means an applicant who has successfully passed all qualifications for a particular classification and who has been placed on the corresponding eligibility register.

Section 101.10. **"CIVIL SERVICE EMPLOYEES"** or **"CLASSIFIED EMPLOYEES"** means those who have been certified and appointed to civil service positions.

Section 101.11. **"TEMPORARY EMPLOYMENT"** means employment on a basis other than permanent (regular) or probationary employment.

Section 101.12. **"CIVIL SERVICE CLASSIFICATIONS"** means all classifications which have not been specifically exempted from the classified service by the Charter or by the Board in accordance with Section 1002 of the Charter.

Section 101.13. **"MINIMUM QUALIFICATIONS"** means the minimum knowledge, skill, ability, experience, education and physical requirements that determine the eligibility of an applicant for a particular civil service classification.

Section 101.14. **"ELIGIBILITY LIST"** means a list of names of persons who have passed civil service examination requirements for a specific job class.

Section 101.15. **"TRANSFER LIST"** means a list of employees who have completed their probationary period in a civil service position and have filed a written request with the Board Office for transfer to another department or position.

Section 101.16. **"PROMOTION LIST"** means an eligible list kept of classified City employees in the General Government and uniformed bodies who have completed their initial one-year probationary period and have successfully passed requirements for a specific job classification and are placed on said list in accordance with these Rules and Regulations.

Section 101.17. **"REQUISITIONING OF AN EMPLOYEE"** is the process of a department notifying the Board Office in writing of a vacancy in a job classification which needs to be filled.

Section 101.18. **"FORWARDING FOR INTERVIEW"** means the act of notifying or forwarding to a Department Head the names and applications of those applicants on the eligibility list who are eligible for appointment.

Section 101.19. **"SELECTION OF AN EMPLOYEE"** means the act by which a Department Head notifies the Board Office of the intention to hire an applicant who was previously forwarded for interview.

Section 101.20. **"CERTIFICATION"** means confirmation in writing of employment by the Board Office to the employee, and to the appropriate department after said applicant has been accepted by the department for hire and has met all the civil service requirements, (including all medical requirements) and is ready to begin working in a particular position.

Section 101.21. **"APPOINTMENT"** means the act of a Department Head of placing a person on the City payroll after certification by the Board Office.

Section 101.22. **"VETERAN"** means any person who has served for a minimum of one-hundred and eighty (180) days of active duty in the Armed Forces of the United States and received an "Honorable" Discharge or discharge "Under Honorable Conditions".

Section 101.23. **"HIGH SCHOOL EDUCATION"** means twelve grades of education, evidenced by a diploma from an accredited high school, or in lieu thereof, satisfactory completion of a General Educational Development or United States Armed Forces Institute equivalency test.

Section 101.24. **"TEST"** means written or oral examinations, performance examinations, or other methods established by the rules and regulations of the Board.

Section 101.25. **"UNIFORMED BODY"** means an employee of the City who has been certified in the classifications of Police Officer Recruit or Firefighter Recruit and has continually been serving in said capacity or any rank-level classification above the entry-level classification.

Section 101.26. **"APPOINTING AUTHORITY"** means the Department Head granted authority to appoint or remove employees from the City.

Section 101.27. **"CITY ATTORNEY"** means the Director of Law or such other attorney as may be designated by the Director of Law to act for him.

Section 101.28. **"SENIORITY"** means length of service or employment in a classification with the City. Seniority shall be measured from the most recent date of employment or placement in a classification. In determining the seniority of an employee in a particular position, for purposes of a reduction in force from that position, only the employee's time in the classification which the employee holds at the time of the action shall be counted.

For purposes of a return to a lesser position and classification, seniority is to be calculated based on the total amount of time the employee served in the classification to which he is returning plus all time served with the City subsequent to the date when said employee first left the classification to which he is returning.

For the purposes of defining the seniority of an employee who transfers from one position to another, seniority means the total amount of time served in the classification in any section or department of the City.

For purposes of computing seniority in a classification from which an employee has been demoted and to which he or she is subsequently reinstated, if the employee's demotion was voluntary or was not caused by poor work performance, which can be substantiated by the Department Head or is properly documented, the seniority in the classification from which the employee was demoted shall be cumulative from his or her first service in said classification, providing the employee had served the appropriate probationary period before the voluntary demotion became effective. However, if the demotion was for cause (i.e., a result of poor work performance, disciplinary action, etc.) the seniority shall be measured from the most recent date of employment or placement in the classification.

When an employee holding a position whose present classification title has been changed from another classification title where the job duties and responsibilities were substantially equivalent to the existing or present classification, the seniority shall be computed based upon the service in the prior classification, plus any time served in the new classification following the title change. For example, an employee who has held a classification entitled Laborer and the title was changed to Utility Worker shall count, for seniority purposes, the time served both as Laborer and Utility Worker.

For purposes of computing seniority in connection with reinstatement or re-employment, if the position within the classification for which the individual is eligible for reinstatement or re-employment is a position within the same classification from which the employee was laid off, only the employee's time in that classification shall be considered in determining seniority. If the position for which he is eligible for reinstatement or re-employment is a position within a classification held previously to the classification he held at the time of his layoff, his seniority shall be determined based upon the time served in the classification for which reinstatement or re-employment is being considered plus all time served for the City subsequent to his service in that classification.

Should the seniority of two or more employees be equal, the Department Head shall select between the persons eligible based upon merit and fitness for employment. To this end, consideration shall be given to the quality of the service of these employees

whose seniority is equal. The Department Head shall rank said employees in the order of their quality of service with the criteria including, but not being limited to, attendance, quality of work, amount of work, dependability, attitude, aptitude, knowledge of the job, physical condition, and previous or pending disciplinary action. If, after consideration of 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 101.29. **"BREAK IN SERVICE"** means any interruption in continuous service, except for approved absences. Re-employment does not constitute continuous service.

Section 101.30. **"CLASSIFIED EMPLOYMENT"** means all offices and positions in the service of the City under civil service.

Section 101.30.1. **"UNCLASSIFIED or EXEMPT"** means all employees or positions in the service of the City which are not covered under civil service protection.

Section 101.31. **"ALLOCATION"** means the assignment of a job class to a pay grade as approved by City Council.

Section 101.32. **"JOB CLASS", "CLASSIFICATION", or "CLASS OF POSITIONS"** means one or more positions which are alike in the following characteristics:

Having sufficiently similar duties and responsibilities based upon a relative analysis of weighted factors including knowledge, skills, impact, accountability, working relationships and working conditions so as to be able to require substantially like qualifications of the incumbents;

Requiring similar experience and training at time of hire;

Equitably compensated by the same rate or rate within a schedule of compensation; and which differ from positions in other classes in one or more of the foregoing characteristics. A classification may include a large number of positions or only one position if no other positions of the same kind exist.

Section 101.33. **"CLASSIFICATION ASSIGNMENT"** means the designation of a new position to an existing or new job class in the Classification Plan, based upon the duties and responsibilities of the position.

Section 101.34. **"CLASSIFICATION PLAN" ("Plan")** means the job classes named and/or described in the schedule adopted by the City

Council and incorporated in Chapter 2, Article III of the Code of Ordinances of the City of Knoxville.

Section 101.35. **"CLASSIFICATION SPECIFICATION"** means a formal written statement about the job class which defines the general character and scope of the duties and responsibilities of positions in the class, lists typical or illustrative examples of work for positions in the class, and states required minimum experience and training for positions in the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed. The Executive Secretary/Director of the Civil Service Merit Board shall approve and maintain a master set of all class specifications, which shall indicate the date of adoption or the last revision of the specification for such class.

Section 101.36. **"CLASS TITLE"** means the designation given to a job class and to each position assigned to such job class. No person shall be appointed to or employed in a position under a title not included in the Classification Plan.

Section 101.37. **"COMPENSATION PLAN"** means the basic salary schedule for the various job classes within the Classification Plan which consists of minimum, midpoint, and maximum rates of pay for each pay grade.

Section 101.38. **"DEMOTION"** means the reassignment of an employee from a higher to a lower class for just cause.

Section 101.39. **"POSITION"** means a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one person. A position may be either occupied or vacant.

Section 101.40. **"REALLOCATION"** is the assignment of a job class to a higher or lower pay band based on the fact that the relative value of the job class has changed.

Section 101.41. **"RECLASSIFICATION"** means the redesignation of an existing position to a different job class due to a permanent and material change of the duties of that position. Reclassification could include a change to a higher, equivalent, or lower pay band.

Section 101.42. **"TITLE CHANGE"** means that the present title of a position or a classification has been changed to another title where the job duties and responsibilities were substantially equivalent to the existing or present classification. Retitling a position or a classification alone does not result in a change in compensation.

Section 101.43. **"PROBATIONARY EMPLOYEES"** means those employees who have received initial appointment to a classified position, but who have not yet satisfactorily completed one year of service in the initial position.

Section 101.44. **"DEPARTMENT"** means a major, functional unit of the government of the City.

Section 101.45. **"DISCHARGE"** means separation from the City's service for cause.

Section 101.46. **"EXAMINATION"** means the process of testing the fitness and qualifications of applicants for a specific job class.

Section 101.47. **"COMPETENCE"** is any motive, attitude, skill, knowledge, behavior or other personal characteristic that is essential to perform a job or differentiates superior from average performance.

Section 101.48. **"PERFORMANCE MANAGEMENT"** means the coaching, feedback, development and reward cycle that is based on employee performance.

Section 101.49. **"SEPARATION"** means leaving employment with the City including, but not limited to, resignation, discharge, and retirement.

Section 101.50. **"BASE PAY"** is the rate or salary paid for work performed. This excludes shift differential, overtime, on-call pay, longevity, bonus payments, or other 'add-on' pay.

Section 101.51. **"PAY GRADE"** is a pay range consisting of a minimum, midpoint, and maximum. Groups of jobs are clustered together based on similar types of work, impact to institution and market comparison.

Section 101.52. **"HEARING OFFICER" or "HEARING EXAMINER"** means the person selected by the Executive Secretary/Director from the list of individuals the Board finds qualified to hear disciplinary appeals or grievances.

SECTION 201. LIST OF EXEMPTED POSITIONS

In accordance with Section 1002 of the Charter the following positions shall be exempted from the classified service:

(A) Positions filled by popular election;

(B) Administrative Assistants to the Mayor, and all employees of the Mayor's Office (interpreted to include those positions which are authorized in the budget codes assigned specifically to the Mayor's Office, such as the Office of Information), Department Directors, an Administrative Aide and Personal Secretary for each Department Director, a Personal Secretary for the Executive Secretary of the Civil Service Merit Board and Special Council to City Council;

(C) Board or commission members;

(D) Executive Director or Secretary of boards or commissions; Executive Secretary of the Civil Service Merit Board; Pension Board Supervisor;

(E) Other positions of a policy making or confidential nature as the Civil Service Merit Board may from time to time exempt from classified service (in accordance with Section 3202 of these Rules and Regulations), including, but not limited to:

Deputy Law Director,

Assistant City Attorney,

Undercover Police Personnel (Not members of the uniformed bodies),

Executive Secretary to the City Judge

(F) Positions exempted by the Civil Service Merit Board which are for seasonal, emergency, temporary or part-time employment and employment involving the provision of professional services on a contractual basis (refer to Section 3201);

(G) Employees of the Auditorium-Coliseum Board;

(H) Other positions as provided by the Charter or otherwise exempted by the Civil Service Merit Board pursuant to Section 3202.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 3 – Equal Employment/Affirmative Action Plan

SECTION 301. It is the policy of the City of Knoxville to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, or military status.

SECTION 302. The City shall establish, implement, and maintain an Affirmative Action Plan which shall have the ultimate goal of making available all levels of employment within the City government structure to all persons who can perform the required duties regardless of age, race, religion, creed, national origin, sex, or for qualified persons with disabilities, or any other legally protected status. The goal of the Affirmative Action Plan is not to bias the process in favor of any group. It is to eliminate city procedures that may work against people who have background or other characteristics different from the majority. This plan shall be consistent with Section 1003 (f) (11) of the City Charter, which states that the Board has the power and duty to "develop a program to provide for equal employment opportunities to all employees and applicants for employment with regard to all aspects of employment." Copies of the Affirmative Action Plan shall be made available upon request to all City employees. Section 1003 (f) (8) gives to the Board the power and duty to "hear allegations of any persons on matters of discrimination in hiring, transfer or promotion…".

SECTION 303. No applicant seeking admission to the civil service eligibility register of the City or who is on the civil service eligibility register of the City shall be discriminated against or favored in any way because of race, national origin, disability, or sex; or because of political or religious opinions; provided however, that no member of a political party advocating overthrow of the Government of the United States by force shall be permitted to take an examination or be placed on the civil service eligibility register of the City of Knoxville.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 4 – Conduct of Board Business

SECTION 401. BUSINESS MEETINGS

The Board shall conduct regular business meetings on the second Wednesday of every month at 1:30 p.m., or at such other dates and times as the Board may designate. The Board shall endeavor to schedule its meetings on an annual basis; to facilitate the notice and agenda provisions and other procedures set forth herein. In the event no business is presented for placement on the agenda, the meeting may be cancelled by the Chair. Business meetings may also be called by the Chair or by a majority of the Board. The purpose of the business meeting is to deliberate on and conduct whatever business that may come before the Board.

SECTION 402. WORKSHOP SESSIONS

The Board may conduct workshop sessions on the second Tuesday of every month at 1:30 p.m., or at such other dates and times as the Board may designate. The purpose of the workshop session is not to conduct business or take official action, but instead to review items on the upcoming agenda, receive staff or other recommendations, and the like. As such, public input or comment shall not be required, but the workshop sessions shall be open to the public consistent with Section 405 of these rules and with the provisions of T.C.A. Section 8-44-101 et seq., as amended or redesignated.

SECTION 403. PUBLIC HEARINGS

At such time as may be necessary to receive public comment on the adoption, amendment, or revocation of rules, or on such other matters as may be required or desired, the Board shall schedule and thereafter hold a public hearing. The purpose of the public hearing is to receive public comment only. No business may be conducted at a public hearing.

SECTION 404. AGENDA

Requests to place a matter on the agenda of a business meeting shall be in writing and shall be delivered to the Executive Secretary/Director, who shall prepare the agenda.

The deadline for placing a matter on the agenda of a regular business meeting shall be noon seven calendar days prior to the day of the regular business meeting, unless a majority of the Board waives such requirement and allows a matter to be placed on the agenda at a later time. The deadline for placing a matter on the agenda of any other business meeting shall be 48 hours prior to the meeting, unless a majority of the Board waives such requirement and allows a matter to be placed on the agenda at a later time.

Once an agenda is established it shall be disseminated to all Board members and to those other persons identified in Section 406, as soon as practicable.

SECTION 405. CONDUCT OF BUSINESS

All Board business meetings, workshop sessions and public hearings shall be open to the public in accordance with T.C.A. Section 8-44-101 et seq., as amended redesignated.

Three members of the Board shall constitute a quorum, and no official action of the Board shall be taken except when the Board is in a business meeting with a quorum present.

The Board shall conduct its business in accordance with Robert's Rules of Order, unless otherwise specified or waived by the Board.

The Executive Secretary/Director of the Board shall act as the secretary of the Board at all business meetings and public hearings, and shall be responsible for keeping the minutes, recording all official action, and recording all votes except when action is taken by unanimous consent.

The order of business at business meetings shall be as follows, except where otherwise specified or waived by the Board:

(1) Roll call, or recognition of quorum.
(2) Consideration of previous minutes.
(3) Special orders of business.
(4) Unfinished business.
(5) New business.

A concurrence of the majority of members present shall be required for the Board to take action. All members, including the Chair, shall be entitled to vote on all actions. Voting shall be by aye, nay, or abstention, and shall be so recorded for each member present and voting.

SECTION 406. NOTICE

As soon as practicable after the Board establishes a schedule of regular business meetings, the Executive Secretary/Director shall give written notice of same to all Board members, and shall include in said notice the deadline for placing matters on the agenda for each meeting. The Executive Secretary/Director shall also disseminate this same information to the Mayor, all Department Heads, parties requesting notice, and other interested parties, and give public notice in compliance with the Tennessee Open Meetings Act.

Notice of public hearings shall be given to the same persons identified in the foregoing paragraph.

In the case of business meetings other than regular business meetings, the Executive Secretary/Director shall give notice to the Board and to those other persons set forth previously as soon as practicable and in a manner and method as may be practicable under the circumstances.

SECTION 407. ELECTION OF CHAIRMAN

The Board shall elect a chairman from its members in April of each year. The Chairman shall serve for a term of one year or until his/her successor is duly elected and qualified. The Chairman shall preside at all meetings of the Board and act as spokesperson for the Board.

SECTION 408 ELECTION OF VICE-CHAIRMAN

The Board shall also elect a Vice-Chairman from its remaining members in April of each year. The Vice-Chairman shall serve for a term of one year or until his/her successor is duly elected and qualified. The Vice-Chairman shall preside at meetings of the Board in the Chairman's absence.

SECTION 501.

The following documents or records shall be confidential to the fullest extent of local, state, and federal law and access to these shall be only upon approval by the Executive Secretary/Director:

a. Civil service exams
b. Examination materials or documents that contain answers to test items
c. Medical information
d. Reports of psychological evaluations
e. Sexual harassment investigations and records
f. Alcohol/drug test results
g. Disability accommodation records

An individual who has taken an exam shall have a right to review the results of said exam within thirty (30) days from the date of the mailing of the notice of the test score.

For purposes of this article, confidential records shall be open only to members of the Board; employees of the Board Office; individuals assigned, requested, or retained to assist the Board or its employees in any proper function of the Board or its Office; employees or representatives of the City Law Department; and Department Heads.

SECTION 601.

No amendment to these rules shall be made by the Board nor shall any rule be repealed or any new rule adopted until a Public Hearing has been held. Any member desiring to amend or repeal these rules or adopt a new rule shall reduce amendment or repealing motion or new rule to writing, and the same shall be considered at a Public Hearing. These rules may be adopted by majority action of a quorum present of the Board.

Article 7 – Preservation of Records

SECTION 701.

All records of the Board and its Office shall be retained in accordance with the Record Retention Ordinance of the City of Knoxville and all applicable state and federal laws.

SECTION 702.

In order to insure the protection of all applicant and employee personnel records, the Board Office shall maintain all records necessary to establish a complete personnel history on each classified employee. Each employee's application, authorizations for pay increases, promotions, disciplinary actions of record, performance evaluation forms, and other matters of record that establish this history shall be maintained by this office as the "official" personnel file of the classified employee. All employees are required to immediately notify their department payroll clerk, who shall initiate the proper paperwork, upon any change in their address, phone number, or other change that affects their personnel records.

SECTION 801. JOB-RELATED EXAMS

All examinations shall be job related, in that they shall relate directly to those matters which will fairly test the relative capacity of an applicant to discharge the duties of the classification to which appointment is sought. Such examination shall also be consistent with the Uniform Guidelines on Employee Selection Procedures which were adopted by the EEOC, U.S. Civil Service Commission, and U.S. Departments of Labor and Justice.

SECTION 802. EXAMINATION PARTS

The examination shall consist of one or more of the following parts:

Section 802.1. Written Test

This part, when required, shall include a written demonstration designated to show the degree of knowledge, skills, and abilities which are required to successfully perform the duties of the classification being tested.

Section 802.2. Oral Interviews

This part, when required, shall include a personal interview for ability to deal with others, to meet the public, or other personal qualifications to be determined; and said interview shall be before such authority as may be designated by the Board to conduct same. An oral test may also be used in examinations where a written test is either unnecessary or impractical to give.

Section 802.3. Performance Test

This part, when required, shall include such tests of performance or trait as will determine the ability and manual skill of competitors to perform the work involved.

Section 802.4. Physical Test

This examination may consist of tests of bodily condition, physical fitness, skill, and any other test deemed appropriate.

Section 802.5. Mental Test

This part, when required, shall include any test to determine mental alertness, the general capacity of applicants to adjust their thinking to new situations or to circumstances; special character traits and aptitudes.

Section 802.6. Training and Experience Evaluation

This part, when required, shall be an evaluation of the training and experience of the applicant as indicated by the application, training and experience questionnaire, oral interview, or any other appropriate source. This information is subject to verification by the Civil Service staff.

Section 802.7. Assessment Center

This part, when required, shall consist of the structured evaluation of the relevant skill, knowledge and abilities of people by means of situational testing.

Section 802.8. Other

Any type of examination, other than those listed above, as might be determined appropriate by the Board.

SECTION 803. IDENTIFICATION NUMBER

The identification of all persons taking a competitive written test shall be concealed from the examiners by use of an identification number which shall be used on all examination papers and the candidate's application form when he presents himself for examination. This number shall be used from the beginning of the examinations until the papers have all been rated.

SECTION 804. CHEATING ON EXAM

Any applicant cheating or assisting another applicant while taking any examination shall be declared summarily disqualified and ineligible to take a civil service examination for a period of two (2) years.

SECTION 805. APPLICANT IDENTIFICATION

The Executive Secretary/Director of the Board or a person designated by the Executive Secretary/Director, shall be present at all written examinations, and shall require that all applicants write their signature on the admission slip in the presence of the monitor. Each applicant taking an examination is required to provide valid picture identification, such as a driver's license, etc., at the time of examination for identification purposes.

SECTION 806. EXAMINATION ASSISTANCE

No applicant shall be permitted to take an examination with someone else writing for him/her. The only exception is an unusual circumstance where the Executive Secretary/Director may authorize assistance from Board staff.

SECTION 807. DISABILITY POLICY

The Civil Service Merit Board endorses the mandate of the Americans with Disabilities Act of 1990 (ADA) to remove barriers, which prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. Reasonable accommodations in the work place shall be provided for qualified persons with disabilities unless such accommodations would cause an undue hardship in accordance with state and federal law. Reasonable accommodations shall be provided to qualified entry-level or promotional applicants, who comply with administrative procedures for requesting an accommodation. In the event such a request involves testing considerations, the accommodation request shall be submitted to the Executive Secretary/Director of the Civil Service Merit Board. The confidentiality of the accommodation request shall be maintained to the extent allowable in accordance with federal law. The Executive Secretary/Director and the Chairman of the Civil Service Merit Board shall confer regarding the appropriateness of the proposed accommodation, and by consensus they shall have the authority to waive rules contained herein to grant the accommodation.

SECTION 808. REPETITION OF SAME EXAM

If an applicant takes the same civil service examination more than once, the most recent test grade will replace the first test grade, regardless of whether it is higher or lower than the first.

SECTION 809. WAITING PERIOD TO REPEAT EXAM

An applicant who has competed in an examination may not repeat that examination or take an examination for the same classification within six (6) months from the date of original examination, unless an alternate form is given and/or the Board waives this rule when sufficient reasons warrant such a change.

SECTION 810. ORAL BOARD COMPOSITION

The Board may, from time to time, determine that applicants for certain classified positions shall have an oral board as a part of or in lieu of other selection devices for a position. This interview shall be conducted by a panel of not less than four persons deemed to be knowledgeable in the field or classification for which the examination is being given. One member of the panel shall be a City employee whose work is closely associated with that of the position for which the examination is being administered. This panel member shall not have a vote or voice in the rating given by the panel. Other panel members (i.e., "rating" members) shall be individuals not associated with the particular position for which the examination is being administered. These rating members shall rate the applicants on job-related criteria, and a score for the oral interview shall be awarded by averaging the ratings of the raters. No person shall sit on an oral board that is to interview an applicant who is related to that person within the third degree, either by affinity or consanguinity. No person shall sit as a rating member of an oral board if that person will have another opportunity to pass upon or in any way influence the outcome of, an applicant's effort to obtain employment or a promotion. A member of the Civil Service staff shall be present during all Oral Board examinations to insure that no rater is unduly influenced by the non-rating member and that all applicants are examined in a consistent and equitable manner.

SECTION 811. ROUNDING OFF SCORES

In accordance with standard procedures, all scores shall be rounded to the nearest tenth. Applicants scoring 69.5 or higher shall be considered as passing and shall be listed on the eligibility register in accordance with their score to the nearest tenth.

SECTION 812. REQUIRED EXAMINATIONS

All persons, before being employed in a civil service position, shall take the required physical examination and/or other required examination unless otherwise stated in these Rules.

SECTION 901. NOTIFICATION OF TEST RESULTS AND RIGHT OF REVIEW

As soon as the score of an examination has been calculated, each applicant shall be notified in writing of his/her test score and of the minimum passing score for that examination. The marking of each applicant's computerized answer sheet shall be open to his/her own inspection in the Board Office for thirty (30) days following the date of the notification to the applicant of his/her test score. Applicants are not authorized to review documents containing examination questions.

SECTION 1001. ESTABLISHMENT AND MAINTENANCE OF ELIGIBILITY REGISTER

An eligibility register shall be established by the Board for each classification after each examination given for the classification. Persons placed on the eligibility register for Firefighter Recruit and Police Officer Recruit shall remain on said eligibility register without the necessity for another examination for a period of two years from and after the establishment of said eligibility register, unless specified otherwise in these Rules and Regulations or by a majority vote of the Civil Service Merit Board members. Persons placed on the eligibility register for all other classifications shall remain on said register without the necessity for another examination for a period of one year from and after the establishment of said eligibility register unless specified otherwise in these Rules and Regulations or by majority vote of the Civil Service Merit Board members.

SECTION 1002. AMENDMENT TO OR ABOLITION OF AN ELIGIBILITY REGISTER

In addition to other provisions of these rules regarding the removal of applicants from an eligibility register, the Board has the power in its discretion to amend any eligibility register where it appears that an error has been made or a violation of these Rules or the City Charter has occurred. The Board may abolish any eligibility register or remove persons from a list under exceptional circumstances, including, but not limited to instances or activities that the Board deems in violation of the provisions of these rules or of merit system principles. However, an eligibility register shall not be abolished nor a person disqualified until after notice and an opportunity to be heard has been given to the affected persons.

Furthermore, the Board may cancel an eligibility register, except for a re-employment or reinstatement register, at such time as the register becomes unsatisfactory or undesirable because of changes in the qualifications standards and thus the selection procedure, or for such other reasons as may be in the interest of good personnel administration. In the event that an eligibility register has been cancelled, the affected applicants shall be notified and provided the opportunity to reapply and to participate in the new selection procedure.

SECTION 1003. PLACEMENT ON ELIGIBILITY REGISTER

After each examination for a particular classification, a new eligibility register shall be established for that classification placing the names of all persons eligible in the order of the grade made on the selection procedure. However, because selection matters are discretionary in nature, successful test results and the meeting of all eligibility requirements do not in any way guarantee the selection of an applicant. "Eligibility for selection" and "actual selection" are separate and distinct matters.

SECTION 1004. DISMISSAL DURING PROBATIONARY PERIOD

Any applicant who is certified and appointed and who, during the probationary period, is dismissed for cause, which cause is found to be justified by the Board, shall not be returned to the eligibility register. Any employee dismissed during the probationary period for any reason other than justifiable cause shall be placed on the eligibility register in his/her respective position according to his/her grade for the period which his/her application would have been valid had he/she not been appointed and he/she shall be notified of the remaining time on the register.

SECTION 1101. REQUIRED FORMS AND DOCUMENTS

Applicants shall be required to submit their applications on forms provided for that purpose by the Board. Each applicant for Police Officer Recruit or Firefighter Recruit must submit a copy of his/her birth certificate and high school diploma or equivalent. A notarized affidavit on school stationery signed by the principal may be submitted if the high school diploma is destroyed or lost. All documents listed in the posting announcement for each job vacancy must be submitted by listed deadlines in order for the application to be deemed complete.

SECTION 1102. PENALTY FOR FALSE STATEMENTS

All blanks on the application form must be completed. Any applicant for a position who knowingly makes any false statement in his application shall thereby forfeit his right to be appointed to a position; and if he has been selected for or given employment, he shall forfeit such employment and shall not within three years thereafter be eligible for employment in any civil service position with the City or be entitled to take any civil service test unless otherwise determined by the Board. The Board shall summarily reject any applicant upon discovery of same.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 12 – Veteran's Preference

SECTION 1201. APPLICATION FOR VETERAN'S PREFERENCE

Any veteran must file a copy of his DD-214 discharge papers or his certificate of satisfactory service. Any veteran claiming disability preference shall file with the Board a letter from the Veteran's Administration showing him to be classified as a disabled veteran. If a disabled veteran is unable to apply for a civil service classification himself due to his disability, his/her spouse may, if he/she so desires, claim veteran's preference by filing with the Board a letter from the Veteran's Administration of the United States establishing the disability of his/her spouse. Any widow/widower desiring to claim preference shall file with the Board a letter from the Veteran's Administration of the United States of the Department of Defense establishing that his/her spouse died in the line of duty. Each individual claiming veteran's preference shall have one opportunity to apply these points as specified in Section 1205.1.

Section 1201.1 Non-Disabled Veteran

Five points shall be added to the passing grade of each candidate on an open-competitive examination who is separated honorably (or under honorable conditions) from the Armed Services and who, other than for training purposes, served in any branch of the Armed Forces of the United States for a minimum of one-hundred eighty (180) days.

SECTION 1202. DISABLED VETERAN

Ten points shall be added to the passing grade of each candidate on an open-competitive examination who is separated honorably (or under honorable conditions) from the Armed Services and is permanently disabled as a result of such service as defined by public law and who, other than for training purposes, served in any branch of the Armed Forces of the United States.

SECTION 1203. RETIRED VETERANS

No points will be accorded to career veterans who have retired as a result of length of service, regardless of the period of their service.

SECTION 1204. PROMOTIONAL EXAMINATIONS

No veteran's preference points shall be added to the passing scores of employees participating in promotional examinations.

SECTION 1205. LIMITATIONS

Section 1205.1. No person shall be entitled to the addition of points under this Rule for more than one appointment.

Section 1205.2. Proof of military service shall be furnished to the Board at the time of filing for an examination.

Section 1205.3. All applicants under this Rule must meet all medical, physical and other requirements of the position for which they apply.

SECTION 1301. AGE REQUIREMENTS FOR UNIFORMED BODIES

All applicants for the classification of Police Officer Recruit must be at least twenty-one (21) years of age. All applicants for the classification of Firefighter Recruit must be at least eighteen (18) years of age.

SECTION 1302. MINIMUM QUALIFICATIONS

All applicants must possess the minimum qualifications specified for each classification by the deadline to apply; however documentation of such qualifications may be submitted at a later date if specified on the posting announcement or other notice to the applicants.

SECTION 1303. REQUIREMENT OF HIGH SCHOOL EDUCATION

No person shall be eligible to apply for a position with the uniformed bodies who does not submit evidence to the Board with his/her application that he/she has an accredited high school diploma, high school equivalency diploma, or a certificate showing a passing grade was achieved on the General Educational Development or United States Armed Forces Institute tests.

SECTION 1304. REJECTION OF APPLICATION

Where the Board has rejected an applicant because of any particular disqualification, such applicant shall not be allowed to file a subsequent application for the same classification for which the same disqualification might apply; and the Executive Secretary/Director shall summarily reject such application upon its being tendered for filing. Any applicant whose application is summarily rejected in this manner by the Executive Secretary/Director shall have the right to a hearing before the Board by filing with the Board Office a written protest within five (5) days of said rejection by the Executive Secretary/Director, stating in full the reason why he should be allowed to appeal and stating any facts which would tend to overcome the reason for his previous disqualification.

SECTION 1401.

Applicants may be rejected as follows:

Section 1401.1. The applicant fails to meet the minimum qualifications of the position or classification as provided by general law, ordinances, the City Charter, these rules, or established in the job analysis;

Section 1401.2. The applicant fails to appear for or pass any part of the selection procedure after applying or re-applying for a position;

Section 1401.3. The applicant fails to submit to or does not successfully complete a post-selection requirement, including, but not limited to, a drug and alcohol test, medical examination, polygraph examination, psychological evaluation, or background evaluation;

Section 1401.4. The applicant has been convicted of a violation of a law involving a matter which may be related to the job for which he/she is applying;

Section 1401.5. The applicant has made a false statement in his/her application with regard to any material fact or has knowingly failed to disclose information called for in his/her application;

Section 1401.6. The applicant was previously removed for justifiable cause from other employment or did not resign in good standing from other employment;

Section 1401.7. The applicant did not respond to communications or notice from the City regarding his/her application for employment, or has relocated and failed to advise the City of a new address and therefore cannot be contacted;

Section 1401.8. The applicant used or attempted to use political pressure or bribery to secure an advantage in his/her examination or appointment;

Section 1401.9. The applicant directly or indirectly obtained, attempted to obtain, or received information regarding examinations to which, as an applicant, he/she would not be entitled;

Section 1401.10. The applicant failed to submit the application correctly or within the prescribed time limit;

Section 1401.11. Subsequent to an applicant's being placed on an eligibility register, a reason developed or was discovered by the Board including, but not limited to, errors disclosed in computing the score, personal activity in violation of these Rules, or any other similar reason. Such person shall be notified and given an opportunity to be heard. If such person fails to appear before the Board, or upon being heard, fails to satisfy the Board, his name shall be removed from the applicable eligibility register.

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.

Promotions in the Police and Fire Department uniformed bodies may be made from the established eligible registers without retesting or reposting for a period of two years from the date of the most recent eligibility register, unless the Department Head requests reposting and retesting. 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:

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.

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.

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;

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.

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.

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.

SECTION 1601. LENGTH OF INITIAL EMPLOYMENT PROBATIONARY PERIOD; EXTENSION OF SAID PERIOD

All personnel receiving an initial appointment to a classified position shall be required to complete satisfactorily a one-year probationary period prior to receiving a permanent appointment. The length of any absence from duty of more than 20 consecutive working days shall be added to the initial employment probationary period. For example: an individual who is absent from duty for 30 consecutive working days would have ten working days added to the individual's initial employment probationary period.

Section 1601.1. Extension of Initial Probationary Period For Uniformed Police and Fire Employees

For uniformed employees in the Police and Fire Departments, the initial probationary period may be extended for up to an additional twelve (12) months for injured employees who are temporarily unable to complete the physical standards required for graduation from the Police or Fire Academy or for completion of the Police Field Training program. Requests for a probationary period extension must be made in writing by the Police or Fire Chief to the Executive Secretary/Director prior to the employee's completion of the initial probationary period.

SECTION 1602. LAID OFF DURING PROBATIONARY PERIOD

Probationary employees who are laid-off and re-employed to the same position and classification within two years of their lay-off, shall resume serving their one-year probationary period without losing credit for time served in the position prior to their lay-off. Probationary employees who are laid-off and re-employed in the same classification, but different position, from which they were laid-off, shall begin a new probationary period from the date they are re-employed.

SECTION 1603. EVALUATION OF PROBATIONARY EMPLOYEE

The probationary period is an adjustment and trial period for the probationary employee during which the employee's attitude, work performance, job compatibility, and other job related criteria will be observed and examined by his/her supervisor(s). A job related performance evaluation form should be completed by the immediate supervisor on every probationary employee no less than three weeks prior to the end of the probationary period. The immediate supervisor should review the evaluation with the employee. After review of it with the employee, the immediate supervisor should submit the completed performance evaluation form to the Department Head for his/her review and approval. The immediate supervisor may submit to the Department Head his/her recommendation to dismiss a probationary employee, along with appropriate documentation, any time prior to the expiration of the probationary period if, in his/her judgment, such action is warranted. Should the Department Head choose to dismiss the probationary employee, he/she shall forward a Statement of Disciplinary Action (Probationary Employee) to the Civil Service Director prior to the end of the employee's probationary period.

SECTION 1604. INELIGIBLE FOR APPEAL OF DISCIPLINARY ACTION

Probationary employees are eligible for full city benefits; however, if terminated, suspended, or demoted during the probationary period, probationary employees are ineligible for application of the appeals procedure in Article 27 of these Rules and Regulations.

SECTION 1605. ANNIVERSARY DATE

The anniversary date for seniority purposes for any employee who is appointed to a full-time permanent position, after completing the required probationary period, shall be the day said employee began his/her employment as a probationary appointee.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 17 – Civil Service Investigations

17.01 Authority

Pursuant to the City of Knoxville Charter, Article X. Sections 1003. (F) and (G) and the City of Knoxville Code, Chapter 15. Section 15-53 and 15-54, the Civil Service Merit Board has the authority and responsibility to hear allegations of discrimination with regard to personnel practices, to conduct any investigation it deems necessary into matters of personnel administration, and to specify rules as to the conduct of investigations.

17.02 Purpose

The City of Knoxville (the "City") prohibits discrimination in employment on the basis of race, color, sex, age, religion, national origin, and disability. The City will take all necessary steps to comply with existing federal and state fair employment laws and guidelines. The City is committed to providing a work environment that is free of discrimination.

In keeping with this commitment, the City maintains a strict policy prohibiting sexual harassment or any other harassment based on a protected class such as race, color, disability, national origin, age, sex, or religion. Any unlawful harassing conduct in the workplace, whether committed by supervisors or non-supervisory employees, is strictly prohibited.

17.03 Employee Complaints of Discrimination and/or Harassment

Any employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. Upon request by the affected employee, the Board staff shall assist him/her with the transcription of the complaint as needed. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to any supervisor, Director, or Senior Director, the party to whom the report and written complaint has been made must notify the Civil Service Director or the Director of Law as soon as possible. If the employee making the complaint does not believe his or her complaint is being addressed, the employee should immediately report this situation directly to the Civil Service Director or, in the alternative, to the Director of Law.

If deemed necessary upon review by the Civil Service Director, an investigation of the complaint will be undertaken by the Civil Service Director, or alternatively the Director of Law, as soon as possible after the report is made. This investigation may include, but is not limited to, interviews of witnesses and an examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director, or Director of Law, to the Mayor, Department Head of the accused employee, and the Director of Law.

17.04 Investigation Procedures

Upon receipt of a written complaint by an employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability, the Civil Service Director shall serve a notice of the complaint, to include the date, place, and circumstance of the allegation(s) as soon as is practicable to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law, and to the Mayor.

After serving notice, the Civil Service Director shall make an initial review of the charges as soon as is practicable. If it is determined upon initial review that the circumstances are not appropriate for the investigation process, a written explanation shall be provided to the

complainant and shall be copied to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law and to the Mayor.

If it is determined upon initial review that the circumstances are appropriate for the investigation process, a Civil Service investigation shall be initiated as soon as is practicable. Civil Service investigations shall be conducted by the Civil Service Director and shall include an attorney from the Law Department to serve as co-investigator and witnesses to the investigation. A member of KPD Internal Affairs Unit or another trained member of the Civil Service staff may also serve as a co-investigator at the request of the Civil Service Director on an as-needed basis. Investigations shall include, but are not limited to, any or all of the following: interviews of the complainant and the accused, interviews of witnesses, and review of relevant documents. Pursuant to the City of Knoxville Charter, Article X., Section 1003. (F) (4), the Civil Service Board shall have the power to administer oaths and to secure, by subpoena, in the name of the City, the attendance and testimony of witnesses and the production of records and papers relevant to any investigation which it deems necessary concerning the administration of personnel. To the extent possible, scheduling of interviews shall be coordinated with the Department Head of the employee being interviewed so that work flow is not disrupted. To the extent practicable, interviews will be taped.

As may be appropriate, City employees questioned will be presented with, and have explained to them, a Garrity Warning which states that City employees questioned as part of a Civil Service investigation are compelled to answer questions or be subject to disciplinary action, up to termination and that no information provided by a City employee as part of a Civil Service investigation may be used against him/her in a criminal matter.

At the conclusion of the fact finding process, a Summary Report of Facts shall be submitted by the Civil Service Director to the Mayor, Department Head of the accused employee, and the Director of Law for judgment and disciplinary considerations. The Civil Service Director shall also submit a letter to the complainant advising him/her that the investigation is complete.

All investigations will be conducted in the most sensitive manner possible, however, complete confidentiality cannot be guaranteed.

17.05 Non-Retaliation Policy

There shall be no retaliation against an employee who brings any good faith complaint of unlawful harassment or discrimination or against any employee who provides good faith testimony or evidence as required during an investigation.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 18– Police Cadet/Apprenticeship Program

SECTION 1801. PURPOSE

The Police Cadet/Apprenticeship Program is created to enhance the recruitment of potential applicants for Police Officer who are between the ages of 18-21 and before their careers have been determined in an area other than law enforcement. This cadet program is also proposed to (1) enable the City to improve its minority hiring and development of Police Officer candidates; (2) enhance recruitment of applicants who meet all qualifications; and (3) assist the Department in providing better services to the City, as well as meeting the policing needs of the future. The cadet program will allow us to develop target groups for recruitment purposes in high schools, colleges, etc.

The Police Cadet/Apprenticeship Program is an alternative for those applicants between the ages of 18-21, who are not old enough to be employed as Police Officers, yet wish to pursue Law Enforcement with the City of Knoxville as a career. The cadet/apprenticeship program will allow such candidates to be employed in non-enforcement activities, while receiving law enforcement training and, if desired, attending college under the City's tuition reimbursement program.

The Cadet/Apprenticeship Program is not a permanent career position with the Knoxville Police Department. This aspect of the program should be clearly understood by all applicants for the position and will be documented by having each applicant sign a Condition of Employment Agreement. The Cadet position is an exempt (non-civil service), trainee position (the Board having determined the position to be exempt consistent with the guidelines set forth in Section 201 of the Rules) in which future police officer candidates obtain training and field experience.

Although Police Cadets are exempt from civil service, the Cadet Program is governed by these rules to ensure completion of all conditions for certification as a Police Officer under Civil Service.

The goal of the Police Cadet/Apprenticeship Program is to prepare individuals between the ages of 18 and 21 to become commissioned Police Officers through education, training, and work experience. The Cadet/Apprenticeship Program is not a permanent career position.

SECTION 1802. MINIMUM REQUIREMENTS

The following are the minimum requirements for employment as a Police Cadet:

(1) Must be at least 18 years old and not have reached their 21st birthday upon entry into the Cadet/Apprenticeship Program. Proof of age is required. Applicants may apply for Cadet at seventeen (17) years of age and be tested; however, eligibility for employment will be deferred until reaching 18 years of age.
(2) Must be a high school graduate or G.E.D. A graduate's diploma or certificate should be submitted with the application. A current high school senior may apply, however eligibility for employment will be deferred until the senior's graduation and receipt by Civil Service of the diploma or certificate.
(3) Must successfully pass all requirements for a Knoxville Police Officer, with the exception of being 21 years of age. This includes but is not limited to the written examination; physical performance test; medical examination, including drug screening; psychological evaluation and background investigation.
(4) Must be a United States citizen.

(5) Must possess or be able to obtain a Tennessee Driver's License.
(6) Applicant may be required to submit to a polygraph examination.
(7) Must be interviewed and accepted by Knoxville Police Department from Civil Service Cadet eligibility register in accordance with applicable Civil Service Rules and Regulations.

SECTION 1803. POLICE CADET ELIGIBILITY

Once an applicant successfully passes all requirements for Police Cadet, said applicant shall be placed on the eligibility register for Police Cadet for a period of two (2) years without the necessity for another examination unless specified otherwise in these Rules and Regulations by majority vote of the Civil Service Merit Board. If an applicant reaches 21 years of age during his/her two years of eligibility as a Police Cadet, he/she shall automatically be transferred from the Police Cadet eligibility list to the Police Officer eligibility list without the necessity of re-examination for the remainder of the original two years of eligibility.

SECTION 1804. PROGRAM COMPONENTS

The Police Cadet/Apprenticeship Program includes three (3) major components which are designed to qualify the cadet for eventual appointment to the classification of Police Officer. These components are:

1. Police Basic Training
2. Work Experience
3. College Education (Optional)

Each Cadet is required to satisfactorily attain department standards in each of the above program components as described in Section 1805 of this Article as a condition of continued employment.

SECTION 1805. CONDITIONS OF CONTINUED EMPLOYMENT AS A CADET

Section 1805.1. General

The Cadet/Apprenticeship Program is a civilian position exempt from civil service status (the Board having determined the position to be exempt consistent with the guidelines set forth in Section 201 of the Rules). Appointments to the Cadet/Apprenticeship Program will be made for a minimum duration of one year to a maximum of four (4) years, depending upon the age of the Cadet. A Cadet who reaches 21 years of age and who has successfully completed the Knoxville Police Department's Recruit Academy may be certified to Police Officer even though he/she has not completed the minimum one (1) year of service as a Cadet. If all other requirements have been met, the Chief of Police and Executive Secretary/Director may request that the minimum one (1) year of service as a Cadet be waived by the Board. At no time will any Cadet be retained in the Cadet Program beyond twenty-two (22) years of age.

Section 1805.2. Police Basic Training

In order to maintain continued employment as a Cadet, each individual must successfully complete all in-service training courses for Cadets as prescribed by the Knoxville Police Department.

Section 1805.3. Work Experience

At the conclusion of the initial Cadet/Apprenticeship basic training, Cadets will be assigned to operational units performing non-enforcement duties. A Cadet's regular work week will consist of 40 hours per week. However, Cadets who choose to pursue college coursework will receive 10 hours work credit each week for class time and will work 30 hours a week. All Cadets will be eligible for full City benefits. A Cadet will be subject to periodic performance evaluations. A Cadet must maintain adequate levels of performance on evaluations based on departmental work standards or will be subject to termination from employment.

Section 1805.4. College Education (Optional)

Cadets who choose to pursue college coursework in exchange for working a reduced work schedule must successfully complete 12 semester hours or 18 quarter hours each year while participating in the cadet program, with a minimum grade of "C" (2.00 on a 4.00 scale). For Cadets hired in the middle of a semester, then the college requirement of 12 hours per year would begin at the start of the next semester.

Coursework approved by the City will be eligible for tuition reimbursement in accordance with the City of Knoxville's Administrative Rules and Regulations.

SECTION 1806. CERTIFICATION AS A POLICE OFFICER

Upon reaching twenty-one (21) years of age, a Cadet may be certified by the Civil Service Merit Board as a Police Officer if the following conditions have been met:

(1) Must have served a minimum of one (1) year as a Cadet/Apprentice with the Knoxville Police Department, unless waived in accordance with Section 1805.1 of these Rules and Regulations;
(2) Must meet the minimum training requirements of the Knoxville Police Department, as well as the Tennessee Peace Officer Standards and Training requirements as contained in T.C.A. Chapter 8, Section 38.
(3) Must have been determined to have met and maintained all minimum requirements as described in this Cadet/Apprentice Program by the Police Chief and the Civil Service Merit Board Executive Secretary/Director with the City of Knoxville; and
(4) Must have been certified by the Civil Service Merit Board as being eligible to be a Police Officer with the City of Knoxville.

Upon entry into the classification of Police Officer, the Cadet will then begin the one-year probationary period for Police Officer as required by the Charter of the City of Knoxville.

SECTION 1901. ANNUAL EVALUATION

Each Department Head shall provide the Board with a performance evaluation on each employee annually to maintain a performance record consistent with the uniform guidelines. This evaluation is to be conducted by the immediate supervisor, to be reviewed with the employee and signed by the employee and then to be transmitted to the Department Head for his/her review and approval. Except in accordance with Section 1903, if any reviewing supervisor disagrees with the evaluation, he/she should discuss his/her concerns with the immediate supervisor who will determine whether to make changes to the evaluation. If the immediate supervisor does not make changes, the reviewing supervisor may list concerns in the appropriate comments section. A copy of the final evaluation with all required signatures must be given to the employee. The original evaluation is then to be submitted to the Board Office.

SECTION 1902. CRITERIA FOR EVALUATION

The purpose of performance evaluations shall be to evaluate one's quantity and quality of work, attitude, job compatibility, and other job-related criteria to be considered in completing probationary periods, making promotions, demotions, transfers, reinstatements, dismissals, reductions in force when there is a tie in more than one employee's seniority date, test validation studies, determining eligibility for performance pay, and assessment of training needs.

SECTION 1903. RIGHT OF APPEAL

The evaluator (immediate supervisor) shall discuss each performance evaluation with the employee being evaluated. If the employee is not satisfied with his/her performance evaluation, he/she has seven (7) calendar days after receipt of the evaluation to attach any statement or documents that relate to the subject matter. The forms and all attachments shall then be reviewed by the next higher (intermediate) supervisor. The intermediate supervisor must sustain or amend the evaluation in writing within seven (7) calendar days after receiving the appeal.

If the next higher supervisor upholds the immediate supervisor's evaluation and the employee still disagrees, he/she may within seven (7) calendar days of the answer from the intermediate supervisor request a review of the evaluation and discussion with the Department Head who shall sustain or amend the evaluation in writing within seven (7) calendar days after receiving the appeal. The employee's written statement and/or documents shall be forwarded with the evaluation and the Department Head's decision to the Civil Service Merit Board to be placed in the employee's permanent personnel file.

SECTION 2001. TRANSFER LIST

A transfer list for each civil service classification shall be kept separate from the eligibility register.

SECTION 2002. ESTABLISHMENT OF TRANSFER LIST

Requests for transfer can be submitted for classifications that an employee has previously obtained Civil Service status in. All requests that meet this requirement will be accepted unless the employee has been demoted from the position previously in accordance with Article 27. Employees will remain on the transfer list for a period of one year from the date that they were placed on the list. At the conclusion of one year of placement on the transfer list, the employee must re-submit a request in order to stay on the transfer list.

SECTION 2003. MAINTENANCE OF TRANSFER LIST

An employee must have completed his/her probationary period to be eligible for transfer from one department to another. This rule may be waived in exceptional cases by the Board when it is shown to be for the good of the City. Employees who are eligible for transfer from one department to another shall be placed on this list in alphabetical order. The employees on the transfer list shall be forwarded for interview when a vacancy occurs in another department before those on the promotion list, re-employment list, or eligibility register are forwarded; however, it is not mandatory for the Department Head of said department to accept them for transfer if for some reason the Department Head feels that they are unacceptable for transfer to the vacant position.

SECTION 2101. PROMOTIONS AND OPPORTUNITIES

It is the policy of the City, in accordance with the Affirmative Action Program, to provide promotional opportunities, whenever possible, to qualified employees. Employees are encouraged to take advantage of these opportunities by qualifying themselves for advancement through further education and study, by passing the appropriate examination and attaining a place on the appropriate promotional eligibility register, and by a high level of job performance, service, interest and loyalty.

SECTION 2102. PROMOTION POLICY

In accordance with Section 1005 of the Charter, promotion shall be based on "merit" to be ascertained so far as practical by competitive evaluation, as set forth in the Board Rules and Regulations. A City employee cannot achieve promotion without being formally promoted in accordance with these Rules and Regulations. Furthermore, service alone in a position is not sufficient to achieve promotion to that position. A promotion does not mean assignment to a position, without express promotion, even though the position to which the employee is assigned is normally held by a person of higher rank or pay band. Also, the mere performance of duties by an employee in another classification does not entitle the employee to compensation other than that provided by his/her official current classification. Nothing in this rule is intended to change or otherwise affect the reporting remedies available under Section 2504.1 of these Rules and Regulations.

Section 2102.1. Consideration of Promotional Applicants

Vacancies, in positions above the lowest rank in any classification in the civil service, shall be filled, as far as possible, by the promotion of employees with civil service status. With a view toward the selection of the best available applicant for each position, recruitment may also be made from outside of City employees. When the eligibility register is prepared for referral to the department, said register shall be expanded if and as necessary to include the five highest scorers on the civil service examination. If expanded to include entry-level applicants, the hiring authority must still interview and give consideration to those with promotional preference before interviewing and considering the entry-level applicants.

Section 2102.1.1. Length of Placement on Promotional Register

Any City employee with civil service status as prescribed herein who takes any civil service examination and passes all requirements, shall be placed on the eligibility register for a period of two years.

Section 2102.2. Increase in Duties

Promotions and reclassifications which involve a salary increase, in every case, must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

Section 2102.3. Selection Procedure

The Civil Service Director in consultation with the Department Head shall determine the method of selection, and shall use one or more of the selection procedures and the certification process when filling a vacancy by promotion as described in these rules. Final method of selection shall be subject to the approval of the Civil Service Director.

Section 2102.4. Determination of Open-Competitive vs. Promotional
The Board, or their representative in consultation with the Department Head, shall, in each case, determine whether an open-competitive examination or a promotional examination will best serve the interests of the City in attracting well-qualified candidates.

SECTION 2103. PROMOTIONAL EXAMINATION

The term "promotional examinations" signifies a fitness test to determine the relative standing of promotional candidates for positions in the specific class. A promotional competitive examination may include eligible employees in specific classes in all departments, a few departments, or only in the department for which the promotion register is being established.

Section 2103.1. The Executive Secretary/Director to the Board, in consultation with the Department Head, subject to review by the Board, shall determine whether the promotional opportunity will be restricted to a specific class or classes of qualified applicants in the departmental unit or units eligible to compete, or will be available to all employees who have civil service status.

SECTION 2104. TYPES OF PROMOTIONAL EXAMINATIONS

Promotional examinations shall consist of job related tests of the same types as are prescribed in Sections 802 and 2113.8.

SECTION 2105. TRANSFERS BETWEEN PROMOTIONAL AND OPEN COMPETITIVE LISTS

An employee who completes his/her initial civil service probationary period and achieves civil service status shall be transferred from any open-competitive registers on which he or she is currently eligible onto the promotional list for that job classification(s). The employee shall remain eligible on the promotional list for any time remaining from one year from the date of being placed on the open-competitive eligible register.

An employee who is on a general government promotional list and who separates from the City (with the exception of discharge for cause) shall be transferred to the open-competitive list for that job classification for any time remaining from one year from his or her being placed on the promotional eligible register.

SECTION 2106. PERFORMANCE AND EDUCATION ACHIEVEMENT CREDIT

Credit may also be authorized by the Board for City employee performance evaluations and education achievement and these, also, shall not exceed five points. Documentation will be required. The applicant must receive a passing grade on the examination before any of the above stated credit may be added.

SECTION 2107. ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS

Promotional examinations shall be open only to permanent City employees who have civil service status and who have served in a specified class/classes for such period as shall be prescribed by the Board. No employee shall be eligible to compete in a promotional examination without having satisfactorily completed the probationary period and met the acceptable work

standards for the present position during the period as provided in these Rules. The completion of the probationary period as an eligibility requirement for a promotional examination may be waived in exceptional cases by the Board when it is shown to be for the good of the City.

SECTION 2108. SERVICE RATING

An employee shall be deemed eligible for a promotional examination only if his/her last service rating was satisfactory.

SECTION 2109. PROMOTIONAL PLAN FOR THE KNOXVILLE FIRE DEPARTMENT

Section 2109.1. Classification Advancement

Following the initial entry into the classification of Firefighter Recruit with the Knoxville Fire Department, all Firefighter Recruits who successfully complete the Knoxville Fire Training Academy will move into the Firefighter classification.

All Firefighters who meet all minimum requirements for Senior Firefighter will be qualified to compete promotionally for Senior Firefighter when posted by the Civil Service Department. All Firefighters successfully meeting all requirements and all testing procedures for Senior Firefighter will be promoted to Senior Firefighter.

All Senior Firefighters who meet all minimum requirements for Master Firefighter will be qualified to compete promotionally for Master Firefighter when posted.

All Master Firefighters who meet all minimum requirements for Fire Officer will be qualified to compete promotionally for Fire Officer when posted.

All Fire Officers who meet the respective minimum requirements will be qualified to compete promotionally for Fire Assistant Chief, Fire Assistant Chief, Senior, and non-exempt positions of Fire Deputy Chief when posted.

All Fire Assistant Chiefs who meet the respective minimum requirements will be qualified to compete promotionally for Fire Assistant Chief, Senior and non-exempt positions of Fire Deputy Chief when posted.

All Fire Assistant Chiefs, Senior who meet the respective minimum requirements will be qualified to compete promotionally for non-exempt positions of Fire Deputy Chief when posted.

Section 2109.2. Minimum Requirements

The term "minimum requirements" which is used throughout this promotional plan is intended to include any requirements listed in these Rules and Regulations plus any requirements listed in the respective classification specifications or posting announcements.

In the event that a uniformed employee in the Knoxville Fire Department does not meet a minimum qualification for a promotional examination due to a documented temporary disability, the employee may submit a written request to Civil Service for a temporary waiver of the requirement. The Executive Secretary/Director and the Chairman of the Civil Service Merit Board shall confer regarding the appropriateness of the proposed temporary waiver,

and by consensus they shall have the authority to waive the minimum qualification temporarily. If waived, the employee may sit for the promotional exam but will not go onto the eligible register until he or she completes the waived requirement. Once the waived requirement has been successfully completed, the employee will remain on the eligible register for two years from the time he/she originally tested.

Section 2109.3. Selection Procedure Components

Successful completion of each component of the selection procedure shall be required as specified in the vacancy announcement. The selection procedure shall consist of one or more of the following parts as more fully described in Article 8 of the Civil Service Merit Board Rules and Regulations:

(a) Written test
(b) Oral interview
(c) Performance test
(d) Physical test
(e) Mental test
(f) Training & experience evaluation
(g) Assessment center
(h) Performance appraisal
(i) In-service training
(j) Elective training
(k) Educational achievement

Section 2109.4.	**Minimum Years of Service**
Senior Firefighter	Two years service as a Firefighter
Master Firefighter	Two years service as a Senior Firefighter
Fire Officer	Two years service as a Master Firefighter
Fire Assistant Chief	Three years service as a Fire Officer
Fire Assistant Chief, Senior	Three years service as a Fire Officer or one year service as a Fire Assistant Chief
Fire Deputy Chief (does not apply to CS exempt positions)	Three years service as a Fire Officer or one year service as a Fire Assistant Chief

Section 2109.5 Conditions for Waiving Minimum Years of Service Requirements

If no one applies for a promotional position, if no one passes all the requirements for a promotional position, or if no one eligible accepts the promotional position, the minimum years of service requirements may be waived to allow the next preceding rank to apply for said position.

Section 2109.6. Annual Testing

Annual promotional testing will be conducted by the Civil Service Merit Board for Senior Firefighter for the purpose of establishing eligibility registers. All requisitions which are received during the year between tests will be filled from the eligibility register. In the event that there is no Firefighter who meets the minimum service requirement for Senior Firefighter, the annual testing is not required. All other promotional classifications will be posted and tested only as requisitions are received.

SECTION 2110. NOTIFICATION

Whenever the Board orders a promotional examination to be held, notice of such examination shall be published and posted in the department or departments in which eligibles are employed. It shall be the duty of the Department Head in each department where eligibles are employed to see that each eligible is notified of the examination or has access to such notice.

SECTION 2111. APPLICATION

The Board shall require that each eligible who cares to compete for promotion must fill out application blanks as prescribed and present his application to the Executive Secretary/Director to the Board on or before any specified date.

SECTION 2112. INVALID APPOINTMENTS

No person may be appointed to a civil service position without satisfying all requirements of the Charter, and of the Rules and Regulations promulgated pursuant thereto, relating to such appointments. The appointment or employment of any individual in violation of the Charter or the Rules and Regulations promulgated pursuant to the Charter shall be invalid from its inception, and said individual shall have no right to hold, or continue to hold, or to receive compensation while holding, any position to which he was not appointed in accordance with the Charter or Rules and Regulations adopted pursuant thereto.

SECTION 2113. CAREER DEVELOPMENT PLAN FOR THE KNOXVILLE POLICE DEPARTMENT

Section 2113.1. Career Development Philosophy

The future of police service will be determined by the quality of personnel who can be attracted to its ranks. Failure of the police organization to meet the expectations of qualified individuals will result in low employee morale and generally poor performance. The improved effectiveness of the police organization will be based significantly on the output of the individual employee properly placed in the organization and motivated through increased responsibilities and incentives.

Career development is a planned organized process which begins at the time of an individual's initial employment and continues until the end of his/her working career. Career development necessitates the establishment of career paths and options. These career path options offer opportunities for individual members to pursue career choices throughout their employment, and at the same time, increase organizational productivity and proficiency.

Career development seeks to serve the individual member and the police organization. This will result in a policy agency better equipped and motivated to serve the community in law enforcement.

Section 2113.2. Career Path Alternatives

Implementation of the Career Development Plan will create career paths for uniformed bodies, both horizontally and vertically, and create a cohesive organizational structure. The Career Development Plan provides two (2) career paths for the uniformed bodies.

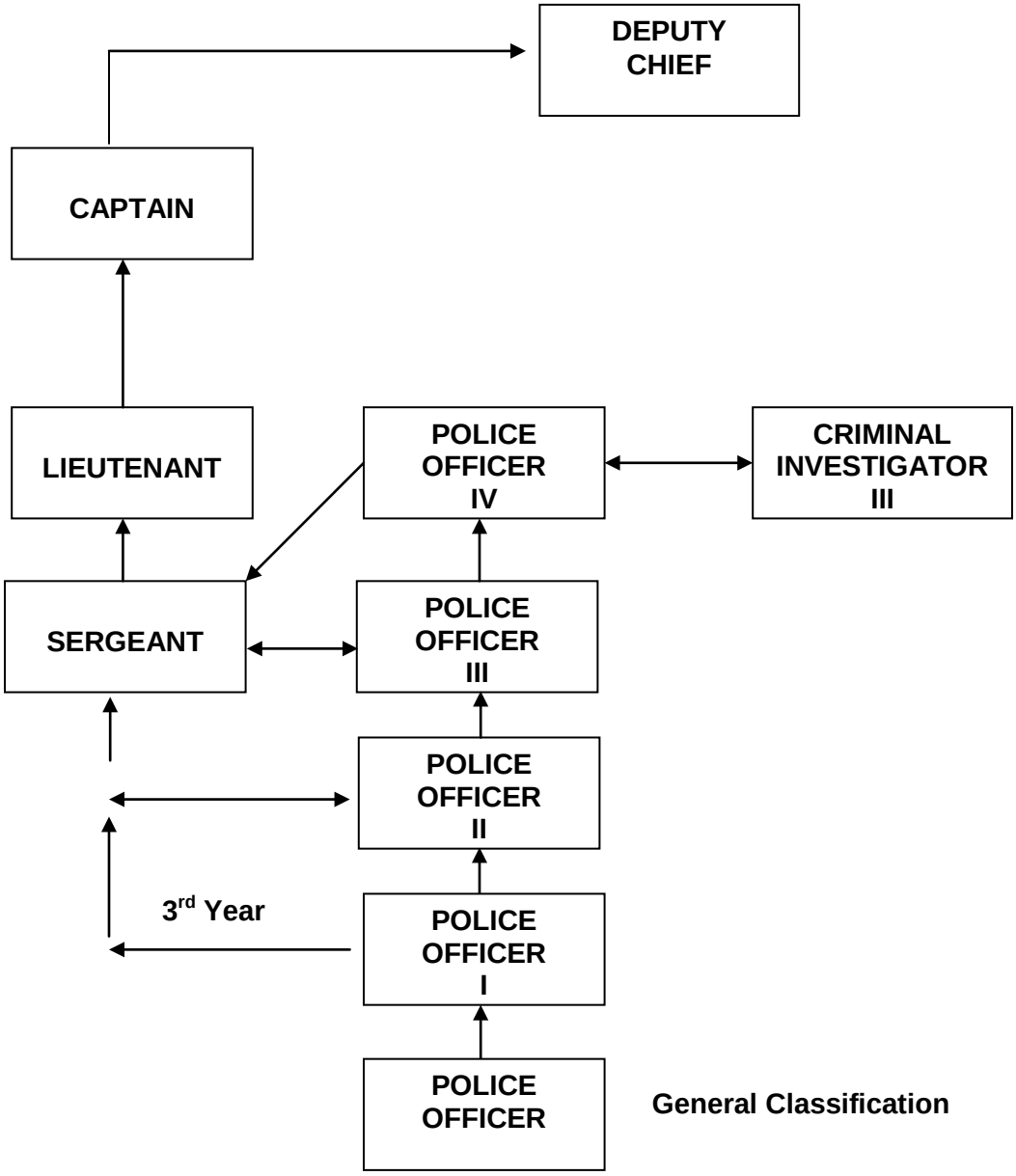
Both career paths provide a defined plan for career advancement and personal development spanning over a specific period of time. Each individual will be offered counseling on career path opportunities. The degree of difficulty for advancement is directly related to the knowledge, skills, and abilities required to execute the job successfully. Structured career paths serve to strengthen the structure of the Knoxville Police Department to insure the attainment of the overall goals and objectives.

Listed below are the specific career paths which are designated for the uniformed bodies in the Knoxville Police Department:

* Police Officer
* Supervisory/Management

Please refer to the Organizational Chart on the next page.

CAREER DEVELOPMENT PLAN



Section 2113.3. Provisions Common to All Career Paths

Annual testing for Career Development Classifications in the Police Department will be done by the Civil Service Merit Board in the Police Officer Career Path unless otherwise requested by the Police Chief and approved by the Board. Annual testing does not imply or indicate that an actual vacancy exists. It only means that an eligibility list is being created or updated. Should the Department Head for the Police Department declare that a vacancy is to be filled in any of the classifications in which annual testing has occurred, the vacancy will be filled from the established eligibility register. However, because promotional matters are discretionary in nature, successful test results and the meeting of all eligibility requirements do not in any way guarantee a promotion. "Eligibility for promotion" and "actual promotion" are separate and distinct matters.

When a vacancy occurs, all employees shall be eligible to demote to a position in which they have been previously certified or may compete for another lesser position if they so desire.

Nothing in this Career Development Plan is intended to limit the number of positions which can be allocated to any classification, although limitations may be provided through administrative or budgetary processes.

The term "minimum requirements" which is used throughout this Career Development Plan is intended to include any requirements listed in these Rules and Regulations plus requirements listed in the respective classification specifications or posting announcement.

Section 2113.4. Police Officer Career Development Option

The Police Officer Option is structured into four (4) classifications known as Police Officer I, Police Officer II, Police Officer III, and Police Officer IV. Minimum standards and qualifications for entry into the four (4) classifications will insure that quality training, achievement and advancement occur within the police department.

All Police Officer I's who have met the minimum requirements for the vacant position will be eligible to compete for Police Officer II and Sergeant.

All Police Officer II's who have met the minimum requirements for the vacant position will be eligible to compete for Police Officer III and Sergeant.

All Police Officer III's who have met the minimum requirements for the vacant position will be eligible to compete for Police Officer IV and Sergeant.

All Police Officer IV's who have met the minimum requirements for the vacant position may compete for Sergeant.

Section 2113.5. Criminal Investigator Career Development Option

All Criminal Investigator Ill's who have met the minimum requirements for the vacant position will be eligible to compete for Police Officer IV and Sergeant.

Section 2113.6. Supervisory/Management Career Development Option

The Supervisory/Management Option is structured into four (4) classifications known as Sergeant, Lieutenant, Captain, and Deputy Chief (except exempt positions).

All Sergeants who have met the minimum requirements for the vacant position will be eligible to compete for Lieutenant and Police Officer III.

AII Lieutenants who have met the minimum requirements for the vacant position will be eligible to compete for Captain and for Police Officer IV.

All Captains who have met the minimum requirements for the vacant position will be eligible to compete for Deputy Chief.

Section 2113.7. Selection Procedure Components

Successful completion of each component of the selection procedure shall be required as specified in the vacancy announcement. The selection procedure shall consist of one or more of the following parts as more fully described in Article 8 of the Civil Service Merit Board Rules and Regulations:

(a) Written test
(b) Oral interview
(c) Performance test
(d) Physical test
(e) Mental test
(f) Training & experience evaluation
(g) Assessment center
(h) Performance appraisal
(i) In-service training
(j) Elective training
(k) Educational achievement

Section 2113.8. Minimum Years of Service

Police Officer I: Three years of service in approved P.O.S.T. certified law enforcement including at least two years as a Police Officer with the Knoxville Police Department.

Police Officer II: Six years of service in approved P.O.S.T. certified law enforcement including at least one year as a Police Officer I.

Police Officer III: Nine years of service in approved P.O.S.T. certified law enforcement including at least one year as a Police Officer II or six months service in Sergeant classification or three years service as a Police Officer II.

Police Officer IV: Twelve years of service in approved P.O.S.T. certified law enforcement including at least one year as a Police Officer III or six months service in Lieutenant classification or three years service as a Police Officer III.

Sergeant: One year service in Police Officer I classification including at least 5 years of uniformed service with the Knoxville Police Department.

Lieutenant: Three years service in Sergeant classification.

Captain: Three years service in Lieutenant classification.

Deputy Chief: Two years of service in Captain classification

All P.O.S.T. certified law enforcement experience outside of the Knoxville Police Department must be approved through the Accelerated Advancement Program (described in Section 2113.9) before it can be used to meet the minimum years of service requirement.

Section 2113.8.1. Conditions for Waiving Minimum Requirement

For promotional positions, if no one applies for such a position, if no one passes all the requirements for such a position, or if no one accepts the promotional position, minimum requirements may be waived to allow the next preceding rank to apply for said position.

Officers who, due to an on-duty injury, do not have the required minimum years of service in a classification to be eligible for promotion may have the minimum years of service in a classification waived if the following conditions are met:

(a) The officer's total years of service in the Knoxville Police Department uniformed body is equal or greater than the total years of service required for the promotional classification;
(b) The officer has civil service status in the classification immediately preceding the promotional classification;
(c) The officer does not have a history of abuse of restricted duty;
(d) The officer has successfully completed all other minimum requirements; and
(e) Approval is granted by the Board.

Section 2113.9. Accelerated Advancement

All uniformed officers must enter the Knoxville Police Department in the classification of Police Officer Recruit. While enrolled in the Knoxville Police Academy, officers have the opportunity to describe any law enforcement experience they possess outside the Knoxville Police Department. Information regarding outside experience is submitted on a form provided to each Recruit. The information provided in this form will be used to determine whether an Officer may be accelerated through the Police Officer career path.

After successful graduation from the Police Training Academy, employees move into the classification of Police Officer. All employees must remain in the Police Officer classification for a period of two (2) years before applying for the next level of the Police Officer series.

Upon receipt of a fully completed accelerated advancement application but no sooner than during an Officer's first year in the Police Officer classification, a panel will review the Officer's law enforcement experience obtained outside the Knoxville Police Department. The review panel will be comprised of a member of the Civil Service Department and at least three (3) members of the Knoxville Police Department to be appointed by the Police Chief. Panel members may include the following: KPD Field Training Officer Coordinator, KPD Training/Personnel representative, and two (2) KPD employees occupying the classifications of Sergeant or above.

The Civil Service Department will coordinate and administer the review panel process procedures. In addition to reviewing information presented by each Officer upon initial application for Police Officer, panel members may also conduct a more extensive background investigation to determine the legitimacy of the information provided. The review panel not only evaluates number of years of experience but must also take into account an Officer's quality of service (with KPD and other agencies) and equivalency to KPD experience. Time served in a law enforcement academy will not count toward credit for accelerated advancement.

The determination of years of law enforcement experience obtained by each Officer does not guarantee promotion through the Police Officer career path. The decision only determines whether an Officer possesses enough experience to sit for the examination for a given classification.

In the event that an Officer disputes the decision of the panel regarding qualifying experience, the Officer may file an appeal and appear before a committee comprised of the Police Chief and Executive Secretary/Director to present his or her case. If a unanimous decision cannot be reached, the appeal will be brought before the Board for resolution.

The amount of experience determined by the qualifying panel may be used to accelerate Police Officers through the Career Development Plan. All Officers must serve at least one year in each level of the Police Officer series. Once this required period has been served, any Officer who possesses enough law enforcement experience and meets all applicable minimum requirements to move to the next level of the series may sit for the appropriate examination when it is posted. The following chart details the degree of experience necessary to apply for each level of Police Officer.

Level	Law Enforcement Experience
Police Officer I	3 years
Police Officer II	6 years
Police Officer III	9 years
Police Officer IV	12 years

Current officers are subject to the same review process described in this rule. Prior to annual testing for Police Officer I-IV, current Officers may apply for review of their law enforcement experience obtained outside the Knoxville Police Department. No review is required for KPD experience. Credit will be given for experience that meets qualifying standards.

SECTION 2201.
Whenever it is found that the number of persons qualified to compete in a promotional examination is equal to or more than one (1) but not more than five (5), the Executive Secretary/Director may in his/her discretion authorize promotion without competition. The names of these persons qualified to compete may be referred for promotion to the Department Head without further examination. Such eligibility is conditional for the current vacancy only; and when the current vacancy is filled, all remaining applicants who achieved eligibility pursuant to this rule shall be removed from the eligibility register.

SECTION 2301. LENGTH OF PROMOTION APPOINTMENT PROBATIONARY PERIOD; EXTENSION OF SAID PERIOD

All personnel receiving promotion or transfer to a classified position shall be required to complete satisfactorily a six-month probationary period prior to receiving a permanent appointment in the promotional position. The length of any absence from full duty of more than 20 consecutive working days shall be added to the promotion appointment probationary period. For example: an individual who is absent from duty or in a restricted duty status for 30 consecutive working days would have ten working days added to the individual's promotion appointment probationary period.

SECTION 2302. EVALUATION OF PERFORMANCE OF PROMOTIONAL EMPLOYEE

The probationary period is an adjustment and trial period for the probationary employee during which time the employee's attitude, work performance, job compatibility, and other job-related criteria will be observed and examined by his/her immediate supervisor(s). A job-related performance evaluation form shall be completed by the immediate supervisor on every promoted or transferred probationary employee no less than three weeks prior to the end of the probationary period. The supervisor is to review this evaluation with the employee and then transmit it to the Department Head for his/her review and approval. The immediate supervisor shall submit to the Department Head a recommendation to retain or reject the employee. The Department Head shall then submit the evaluation form and his/her statement of acceptance or rejection of the employee to the Board Office.

(In those cases where the Department Head is also the immediate supervisor, the evaluation form shall be filled out by the Department Head and submitted with the statement of acceptance or rejection directly to the Board).

SECTION 2303. REJECTION DURING PROBATIONARY PERIOD

An employee rejected during the probationary period from a position to which he/she has been promoted or transferred shall be reinstated to a position in the classification from which he/she has been promoted or transferred unless he/she is discharged as provided in Article 27 of these Rules.

SECTION 2304. ANNIVERSARY DATE

The anniversary date for seniority purposes for any employee promoted to a full-time permanent position, after completing the six months probationary period, shall be the effective date that said employee began in his/her promotional position as a probationary appointee in that position.

SECTION 2401. RETENTION OF CIVIL SERVICE STATUS

If a civil service employee promotes or transfers from a classified position to a non-classified position, said employee shall retain his/her civil service status so long as there has been no break in service with the City. Such an employee would, therefore, retain all rights and benefits as other classified employees to be reinstated to a position in the classification in which civil service status was obtained unless he/she is discharged as provided in Article 27 of these Rules.

Section 2401.1. Seniority of Classified Employee Who Is in Non-Classified Position

Any time served by a civil service employee in a non-classified position shall be included when calculating the employee's total seniority with the City. Such an employee is affected by the lay-off rules of the Board in exactly the same manner as an employee who has only been in classified positions for the entire period of his/her service with the City.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 25 – Classification/Compensation Plan

SECTION 2501. CLASSIFICATION/COMPENSATION PROGRAM AUTHORITY

In accordance with Chapter 2, Article III of the Code of the City of Knoxville, the Civil Service Merit Board is responsible for developing, maintaining, and monitoring the classification and compensation plans; and the Board will, from time to time on its own initiative or upon request of the Mayor or his staff, conduct studies and present them to the Mayor for his approval and submission to City Council for final consideration.

SECTION 2502. PURPOSE

Section 2502.1. Classification Plans

There are three (3) distinct classification plans in the City of Knoxville – general government, police, and fire - each providing a complete inventory of all positions in the City's service with accurate descriptions and specifications for each class of employment. The plans standardize titles, each of which are indicative of a range of duties and responsibilities and have the same meaning throughout the City's service.

Section 2502.2. Compensation Plans

There are three (3) distinct compensation plans – general government, police, and fire - each designed to provide a fair and equitable method of payment for employees of the City of Knoxville. They also establish a set of rules and a uniform system of pay administration for the various classes with salary ranges consistent with the duties and responsibilities in the Classification Plan. The compensation plans are designed to provide the opportunity for progression through a pay range based on the individual employee's level of skill, length of service, general job performance and conduct, and other legitimate factors.

SECTION 2503. DEVELOPMENT AND MAINTENANCE OF THE CLASSIFICATION /COMPENSATION PLANS

Section 2503.1. Review of Classification Plans

The Civil Service Merit Board, through its Executive Secretary/Director, is responsible for the proper and continuous maintenance of the classification plans so that they will reflect, on a current basis, the duties being performed by each employee covered by the plan and the class to which each position is allocated.

The Executive Secretary/Director shall periodically review the classification of positions and, upon the basis of his/her investigation, shall recommend to the Mayor, for submission to City Council, appropriate and necessary amendments to the classification plan. Amendments may be in the form of new classes, the revision of existing classes, or the abolition of classes no longer required in the plan.

The maintenance of the Classification Plan shall also include, but not be limited to, periodic review and maintenance of up-to-date classification specifications and job classification lists.

Section 2503.2. Review of Requisitions

All personnel requisitions submitted by City departments shall be reviewed by the Executive Secretary/Director to verify that the duties and responsibilities ascribed to the positions to be filled are properly assigned to the requested job classification. Approval of such requisition by the Executive Secretary/Director shall constitute an assignment of the position(s) to the indicated job classification.

If the requested job classification on the requisition is not appropriate for the duties and responsibilities of the position, the Executive Secretary/Director shall make appropriate recommendations for classification assignment.

Section 2503.3. Creation of New Positions

When a Department Head desires to create a new position, he/she shall submit to the Civil Service Merit Board appropriate justification, which should include a detailed description of the duties and responsibilities of the position to be filled and a statement of suggested minimum entrance qualifications. The Executive Secretary/Director shall insure that the minimum requirements for new positions are properly and fairly stated. The Executive Secretary/Director shall:

(A) Classify the position and determine whether the position should be allocated to an existing job classification or to create a new job classification within the classification plan;

(B) Assign a new job classification to the appropriate pay grade;

(C) Make appropriate recommendations to the Director of Finance and Accountability and Mayor;

(D) Submit recommendations to City Council for final authority if amendments are required to the Classification/Compensation plan.

Section 2503.4. Abolishment of a Position

Whenever it is the intention of a Department Head to abolish a position or positions, the Department Head shall notify the Civil Service Merit Board of such intent in accordance with Article 29 of these rules and regulations. In no case will a position be abolished for the sole purpose of terminating an employee, rather than appropriately filing disciplinary charges.

Section 2503.5. Salary Survey

Maintenance of the compensation plans shall include the annual survey of selected benchmark classifications and benefits in the City's normal recruitment area to determine appropriate salary ranges with competitive minimum and maximum salary rates and benefits. To remain continuously competitive, the compensation structure shall recognize changes in the economic conditions and other variables through adjustments in the salary pay ranges (up or down). The Executive Secretary/Director shall conduct an annual compensation and benefits survey of selected benchmark classifications and benefits to determine appropriate pay scales and benefits. The annual compensation and benefits survey shall be conducted using input data from both public and private employers within the City's normal recruitment area. The Executive Secretary/Director, with the assistance of the Finance Department, shall submit the recommended adjustments to the salary plan of the City resulting from the survey to the

Mayor not later than March first of each year along with the projected gross costs of such adjustments. Any proposed changes resulting from the annual salary survey shall be submitted to City Council for approval with the Mayor's proposed budget.

SECTION 2504. ADMINISTRATION OF THE GENERAL GOVERNMENT CLASSIFICATION PLAN

The Executive Secretary/Director shall have the primary responsibility for the administration of the general government classification plan. The Executive Secretary/Director may delegate authority to staff members of the Civil Service Merit Board in carrying out the responsibility. The Executive Secretary/Director shall review the classification of all positions whenever:

- A new position is created by budget or ordinance;
- The organization of a department is changed;
- There is a substantial change in the duties and responsibilities of a position; and/or
- A review is requested by the incumbent of the position, the supervisor, or any party having sufficient knowledge of the position and the classification/compensation plan to suspect an incorrect classification or pay band.

Section 2504.1. Changes in Duties of Positions

Any substantial changes in the duties and responsibilities of existing positions shall be promptly reported in writing to the Executive Secretary/Director to determine if such changes affect the job classification assignment of the position.

If such changes to the job classification are approved by the Executive Secretary/Director, a pay increase may be granted in accordance with Section 2505.6 of these rules and regulations.

Every Department Head is responsible for maintaining the integrity of the classification plan by limiting employees to the performance of duties within their classification or notifying the Civil Service Merit Board upon any change in the assignment of duties.

No portion of these rules shall be construed as permitting an employee to refuse to perform duties legally assigned by competent authority.

Section 2504.2. Reclassification of a Position

(A) Requests for Study

Requests for a classification study of existing positions shall be presented to the Executive Secretary/Director in writing prior to January 1st for inclusion in the next fiscal year's budget, together with a statement of the reasons for requesting the study. Requests for study may be initiated by the Department Head or by an employee. In exceptional cases, reclassifications may take effect within a fiscal year.

(B) Determination of Reclassification

It is the intent of this rule to provide guidelines for monitoring the reclassification of an employee to insure that merit system principles are not circumvented. The

basis for reclassification must be a gradual accretion of duties and not a sudden change occasioned by reorganization or the assignment of completely new duties and responsibilities. The process of placing an employee in an acting capacity in any position does not constitute a gradual accretion of duties.

(C) Status of Incumbent Employee

When a position is reclassified due to a change in duties and responsibilities of the position and is assigned to a different classification, such change shall be considered noncompetitive if the position is occupied and the reclassified employee shall not be subject to the conditions of the probationary period.

(D) Posting of Reclassification Announcements

In order to insure that all reclassifications are made in accordance with merit system principles, all proposed reclassifications will be posted by the Civil Service Merit Board for at least ten (10) days prior to reclassification to provide an opportunity for appropriate comment.

(E) Time Restraint on Reclassifications

An employee who has been reclassified with his position shall not be eligible for subsequent reclassification with his position for a period of at least two (2) years from the initial action.

(F) Funding

The Director of Finance and Accountability must review and approve all proposed position establishments, allocations, reallocations, and abolishments in order to determine whether a "certification of funds" can be made.

(G) Salary Increases

Pay increases resulting from a reclassification may not exceed a five percent (5%) increase in pay.

SECTION 2505. ADMINISTRATION OF THE GENERAL GOVERNMENT COMPENSATION PLAN

Section 2505.1. Composition

The General Government Compensation Plan shall include the pay grades for all employees as approved by City Council. The schedule of salary ranges for each pay grade shall consist of a minimum base pay rate, midpoint, and a maximum base pay rate. The pay ranges shall be such as to provide equal compensation for work of equivalent responsibility; to facilitate adjustments to changing economic and employment conditions requiring changes in pay grades; and to establish pay rates which are comparable with those of regional public and local private employers in the City's normal recruitment area.

Section 2505.2. Adoption and Amendment

The Executive Secretary/Director shall recommend an overall Compensation Plan to the Mayor for adoption by City Council. An annual review of the plan shall be made to reflect changes in cost of living, market conditions, employee recruiting, turnover,

experience, and/or other related factors. The Executive Secretary/Director shall recommend appropriate annual revisions in the plan to the Mayor based upon the compensation and benefit survey results in the City's normal recruitment area. Salary recommendations based upon survey results, as well as recommendations of the Mayor, if any, shall be submitted to City Council for consideration with the Mayor's proposed budget each year.

Section 2505.3. Administration

The implementation and ongoing administration of pay within the pay grades shall be conducted in a manner that promotes equitable pay relationships and the efficient and effective practice of personnel administration. Department Heads shall have a responsibility to exercise the discretion included in these rules in a manner that avoids inconsistent, arbitrary, or discriminatory pay actions.

Section 2505.4. Starting Rate of Pay

Entry salaries are to be established at levels that properly relate qualifications to job requirements. The minimum rate of each pay range is the normal starting rate of pay or entry rate for employees who meet at least the minimum job requirements. All entry rates must be between the minimum rate and the midpoint rate of the pay range to which the job classification is assigned.

A Department Head may request that the starting rate of pay be set at any rate between the minimum and the midpoint of the pay grade to which the job classification is assigned if either of the following conditions exist:

1) The qualifications of the applicant(s) significantly exceed the minimum requirements for the job classification;
2) Demonstrated difficulty in recruitment efforts for that job classification.

In this event, the Department Head shall provide to the Executive Secretary/Director a written recommendation along with detailed written justification of the starting rate of pay that should be offered to the applicant. Should the Executive Secretary/Director determine that the advanced salary appointment recommendation is justified, the Executive Secretary/Director shall forward the recommendation to the Finance Director for authorization. Should the Executive Secretary/Director determine that the advanced salary is not justified, the Executive Secretary/Director shall provide a written response detailing the reason the recommendation was denied and forward all documentation to the Director of Finance and Accountability for approval or denial.

In the event a current employee promotes into a classification where his current rate of pay (excluding longevity) is equal to or higher than the new classification's midpoint, or where a standard increase is limited by proximity to the midpoint (e.g., an employee should receive 5% for a one pay grade promotion but the employee's current pay is 2% from the midpoint) the Department Head shall provide to the Executive Secretary/Director a written recommendation and justification of the salary rate that should be offered to the employee. Should the Executive Secretary/Director determine that the advanced salary appointment recommendation is justified, the Executive Secretary/Director shall forward the recommendation to the Director of Finance and Accountability for authorization. Should the Executive Secretary/Director determine that

the advanced salary appointment recommendation is not justified, the Executive Secretary/Director will provide a written response detailing the reason the recommendation was denied and forward all documentation to the Director of Finance and Accountability for approval or denial.

Section 2505.5. General Structure Adjustments

The Civil Service Department will recommend general structure adjustments for each fiscal year based upon salary survey findings. These adjustments will be applied to the minimums, midpoints, and maximums of each general government pay range based upon salary survey data.

Section 2505.6. Advancement Through the Pay Range

Employees may receive salary increases in the following ways:

a) Standard across-the-board adjustments. Across-the-board adjustments will be made by adjusting the annual salary of all eligible employees at an equivalent rate or percentage.

b) Performance increases or bonuses may be granted in accordance with Administrative Rule 3.01 to those employees who have performed the duties and responsibilities of their positions in an outstanding manner and whose work is well above expectations.

c) Pay increases may be granted to employees who are promoted to a new job class or transferred to another position in the same or different job class.

d) Pay increases of up to ten percent (10%) of an employee's annual base salary may be granted to employees whose job classifications undergo a substantial change in duties that are not currently covered by his/her job description pursuant to CSMB 2504.1, for internal equity purposes, or for recognition of ongoing outstanding performance. Bonuses of up to five percent (5%) of an employee's annual base salary may be granted to employees as recognition of a significant job relevant achievement (e.g., obtaining a professional certification or degree), for completion of an extraordinary project, or for taking on new tasks or projects that are part of the employee's job description, but that the employee has not performed previously. Requests must first be submitted in writing by the Department Head to the Civil Service Director with detailed justification supporting the request. Upon review and determination that the request meets the criteria in this rule by the Civil Service Director, the Civil Service Director shall make a recommendation with regard to approval/denial and appropriate amount and the request will be forwarded to the Director of Finance and Accountability for a final decision. Each department may make requests in an amount up to an annual amount determined by the Finance Department. In no case will the amount exceed 0.5% of the department's base salary budget for the fiscal year. This threshold shall apply to the amount that may be requested each fiscal year and does not guarantee that all requests will be approved. Approval will be determined on a case-by-case basis based upon the request's compliance with this rule and the justification provided.

All salaries established effective July 1, 2008 or later (after all increases) are to be within range, i.e., no increase is to result in the final salary exceeding the range maximum and no salary is to fall below the minimum. An employee's base salary may not exceed the maximum rate of pay established for the job class except to include longevity pay. Employees may receive the annual two and one-half percent (2.5%) increase as a bonus payment once their salary reaches the established maximum base rate of pay.

Section 2505.7. Annual Pay Increase

An annual increase of approximately two and one-half percent (2.5%) shall be granted to all employees whose pay is established in accordance with the classification and compensation plans of the City of Knoxville, with the following exceptions: (1) temporary and seasonal employees, and (2) employees who have not completed their initial probationary period. General Government employees who have not completed their initial probationary period shall receive a prorated portion of the 2.5% increase relative to time served. This two and one-half percent (2.5%) increase shall be accomplished by advancing employees within their respective pay range provided that this increase shall not cause an employee's pay to exceed the maximum rate of pay established for the classification of the position which the employee occupies. Employees who are assigned to the maximum base salary of their assigned salary range shall receive an annual lump-sum bonus in the amount of approximately two and one-half percent (2.5%) of the annual salary. Employees in exempt positions subject to appointment by the Mayor do not automatically receive this increase.

Section 2505.8. Demotion Rate of Pay

When a classified employee is demoted pursuant to the lay-off procedures for economic reasons, the employee's salary will be set at the salary rate in the new job classification which provides the smallest decrease in pay, if any. If the demotion is for cause and sustained in accordance with Civil Service Merit Board Rules and Regulations or as a result of a voluntary request by an employee, then the salary may be set at any appropriate pay rate in the lower class that is equal to or less than the employee's existing pay.

Section 2505.9. Retreat/Reinstatement Rate of Pay

A classified employee who retreated during a lay-off situation and is reinstated within two years to his/her original job classification shall be paid at the same salary as was received at the time of retreat or his/her current salary whichever is greater. A classified employee who is laid-off and re-employed within two years to his or her original class, shall be paid at the same salary as was received at the time of lay-off.

SECTION 2506. ADMINISTRATION OF THE UNIFORMED POLICE & FIRE COMPENSATION PLANS

Section 2506.1. Composition

The Uniformed Police and Fire Compensation Plans shall include the pay ranges for all uniformed employees as approved by City Council. The pay ranges shall be such as to provide equal compensation for work of equivalent responsibility; to facilitate adjustments to changing economic and employment conditions requiring changes in pay

grades; and to establish pay rates which are comparable with those of regional employers in the City's normal recruitment area.

Section 2506.2. Adoption and Amendment

The Executive Secretary/Director shall recommend an overall Compensation Plan to the Mayor for adoption by City Council. An annual review of the plan shall be made to reflect changes in cost of living, market conditions, employee recruiting, turnover, experience, and/or other related factors. The Executive Secretary/Director shall recommend appropriate annual revisions in the plan to the Mayor based upon the compensation and benefit survey results in the City's normal recruitment area. Salary recommendations based upon survey results, as well as recommendations of the Mayor, if any, shall be submitted to City Council for consideration with the Mayor's proposed budget each year.

Section 2506.3. Administration

The implementation and ongoing administration of pay within the pay grades shall be conducted in a manner that promotes equitable pay relationships and the efficient and effective practice of personnel administration. Department Heads shall have a responsibility to exercise the discretion included in these rules in a manner that avoids inconsistent, arbitrary, or discriminatory pay actions.

Section 2506.4. Starting Rate of Pay

A uniformed employee hired as a Police Officer Recruit or a Firefighter Recruit shall normally be placed at the step associated with the Recruit classification.

In the event a current City employee is hired as a Recruit, and where his current rate of pay (excluding longevity) is higher than the Recruit step, the Department Head shall provide to the Executive Secretary/Director a written recommendation and justification of the salary rate that should be offered to the employee. Should the Executive Secretary/Director determine that the advanced salary appointment recommendation is justified, the Executive Secretary/Director shall forward the recommendation to the Director of Finance and Accountability for authorization. Should the Executive Secretary/Director determine that the advanced salary appointment recommendation is not justified, the Executive Secretary/Director will provide a written response detailing the reason the recommendation was denied and forward all documentation to the Director of Finance and Accountability for approval or denial.

Upon promotion to a non-supervisory rank, to be defined as Firefighter, Senior Firefighter, or Master Firefighter for uniformed fire and as Police Officer, Police Officer I, Police Officer II, Police Officer III, or Police Officer IV for uniformed police, a promotional increase of 3.5% shall be given. Upon promotion to a supervisory rank, to be defined as Fire Officer, Fire Assistant Chief, or Fire Assistant Chief Senior for uniformed fire and as Police Sergeant, Police Lieutenant, or Police Captain for uniformed police, a promotional increase of 5% shall be given.

Section 2506.5. General Structure Adjustments

The Civil Service Department will recommend general structure adjustments for each fiscal year based upon salary survey findings. These adjustments will be applied to each uniformed pay range based upon salary survey data.

Section 2506.6. Advancement Through the Pay Range

Uniformed employees may receive salary increases in the following ways:

a) Standard across-the-board adjustments. Across-the-board adjustments will be made by adjusting the annual salary of all eligible employees at an equivalent rate or percentage.

b) Performance increases or bonuses may be granted in accordance with Administrative Rule 3.01 to those employees who have performed the duties and responsibilities of their positions in an outstanding manner and whose work is well above expectations.

All salaries established effective July 1, 2008 or later (after all increases) are to be within range, i.e., no increase is to result in the final salary exceeding the range maximum and no salary is to fall below the minimum. An employee's base salary may not exceed the maximum rate of pay established for the job class except to include longevity pay and the educational incentive. Employees may receive the annual two and one-half percent (2.5%) increase as a bonus payment once their salary reaches the established maximum base rate of pay.

Section 2506.7. Annual Pay Increase

An annual increase of approximately two and one-half percent (2.5%) shall be granted to all uniformed employees whose pay is established in accordance with the classification and compensation plans of the City of Knoxville, with the following exceptions: (1) temporary and seasonal employees, and (2) employees who have not completed their initial probationary period. This two and one-half percent (2.5%) increase shall be accomplished by advancing employees within their respective pay range provided that this increase shall not cause an employee's pay to exceed the maximum rate of pay established for the classification of the position which the employee occupies. Employees who are assigned to the maximum base salary of their assigned salary range shall receive an annual lump-sum bonus in the amount of approximately two and one-half percent (2.5%) of the annual salary. Employees in exempt positions subject to appointment by the Mayor do not automatically receive this increase.

Section 2506.8. Demotion Rate of Pay

When a classified employee is demoted pursuant to the lay-off procedures for economic reasons, the employee's salary will be set at the salary rate in the new job classification which provides the smallest decrease in pay, if any. If the demotion is for cause and sustained in accordance with Civil Service Merit Board Rules and Regulations or as a result of a voluntary request by an employee, then the salary may be set at any appropriate pay rate in the lower class that is equal to or less than the employee's existing pay.

Section 2506.9. Retreat/Reinstatement Rate of Pay

A classified employee who retreated during a lay-off situation and is reinstated within two years to his/her original job classification shall be paid at the same salary as was

received at the time of retreat or his/her current salary whichever is greater. A classified employee who is laid-off and re-employed within two years to his or her original class, shall be paid at the same salary as was received at the time of lay-off.

SECTION 2601.

Whenever an employee, under civil service, has in any way severed his connection with the City by resigning or being removed or discharged for cause from employment in the City, he loses his civil service status and all rights and privileges thereunder. To regain employment with the City, under civil service, he shall be required to stand a civil service examination just the same as any other applicant and is subject to the same qualifications as required for new applicants.

Section 2601.1. Withdrawal of Resignation

When a classified employee desires to withdraw a tendered resignation, said employee shall have the right to withdraw said resignation up until the end of his/her last day actually worked, with the approval of the Department Head.

SECTION 2700. PRE-DISCIPLINARY PROCEDURES

Section 2700.1. Whenever the suspension, demotion, or termination of an employee who can be discharged only for cause pursuant to the provisions of Sections 1006 and 1007 of the Charter of the City of Knoxville is contemplated, before said action is taken and prior to any other procedures set out in this article, the employee shall be given a pre-disciplinary hearing at which he shall be given written notice of the charges against him, an explanation of the employer's evidence, and an opportunity to present his side of the story, either orally or in writing. The pre-disciplinary hearing must be preceded by written notice of the reasons for the disciplinary action.

SECTION 2701. STATEMENT OF DISCIPLINARY ACTION

Section 2701.1. A Statement of Disciplinary Action shall be served on the employee either before or at the time of the disciplinary action contemplated pursuant to Section 1007 of the Charter. This document shall state the nature of the disciplinary action being taken against the employee.

Section 2701.2. The Statement of Disciplinary Action may be in any form, but attached to the statement, on a separate sheet, shall be a form providing for the signature of the employee, designating his receipt of the Statement of Disciplinary Action, and also a form for the signature of the individual who serves the statement, stating the time, date, and place of said service. These forms are available in the Civil Service Office.

Section 2701.3. The Statement of Disciplinary Action shall include a brief statement of the reasons justifying the disciplinary action taken.

Section 2701.4. The Statement of Disciplinary Action shall include a notice of the employee's right to seek a review by a Hearing Officer designated by the Board of the disciplinary action taken. This notice shall also include information as to the procedure to follow to obtain such a review.

Section 2701.5. The Statement of Disciplinary Action shall also notify the employee of his/her rights to be represented by counsel or another representative.

Section 2701.6. The Statement of Disciplinary Action shall be signed by the Department Head initiating the action and the original shall be forwarded to the Executive Secretary/Director to be placed in the employee's official file.

Section 2701.7. An oral or written reprimand given to an employee or placed in the employee's file shall not be construed to be a disciplinary action which is subject to the review process as set out in Article 27 or in the Grievance Procedure as set out in Article 28 of these Rules and Regulations; as long as said oral or written reprimand does not suspend, demote, discharge, or reduce the salary of the employee. The employee has the right to offer a written response to be attached to the reprimand in his/her file.

SECTION 2702. REQUEST FOR REVIEW OF DISCIPLINARY ACTION

Section 2702.1. If the employee desires a review of the disciplinary action, within ten (10) days after the Statement of Disciplinary Action is received by the employee, he/she shall file his/her request for a review of that disciplinary action with the Executive Secretary/Director of the Board. Said request shall be in writing and signed by the employee. Upon request by the affected employee, the Board staff shall assist him/her with the writing of the request for review.

Section 2702.2. Upon receipt of the request, the Executive Secretary/Director of the Board shall send a copy of the same to the Department Head and to the City Attorney. Also upon receipt, the Executive Secretary/Director shall open a file with the Statement of Disciplinary Action and the Request for Review in regard to the matter in question.

Section 2702.3. The Request for Review of Disciplinary Action shall set forth with reasonable particularity (1) the grounds for attacking, objecting to, or challenging the validity of the disciplinary action; (2) whether the employee is contesting the entire scope of the disciplinary action or only a designated part thereof; (3) the particular relief demanded or requested.

Section 2702.4. The Request for Review will not be considered to have been filed until actually received in the Office of the Board.

Section 2702.5. The Department Head may, if he so desires, file a reply to the Request for Review, but such reply must be filed no less than three (3) days before that date set for the hearing.

Section 2702.6. If such a reply is filed, it shall be the duty of the Executive Secretary/Director to forward a copy of the same to the employee's attorney or representative, or if the employee has no such attorney or representative, to the employee himself.

SECTION 2703. SELECTION OF HEARING OFFICER AND DATE OF HEARING

Section 2703.1. Upon the timely receipt of a Request for Review of Disciplinary Action, the Executive Secretary/Director shall contact an individual on the list of Hearing Officers established by the Board.

Section 2703.2. The Executive Secretary/Director and the Hearing Officer, in cooperation with the City Attorney's Office and the employee's attorney or representative, if known, shall set the time for the hearing (or pre-hearing conference) of the Review of the Disciplinary Action, said time to be within ten (10) days of the receipt of the Request for Review.

Section 2703.3. The Executive Secretary/Director shall forward to the Hearing Officer a copy of all documents which have to date been filed with the Executive Secretary/Director. The originals of the documents and record shall be retained in the office of the Executive Secretary/Director when not requested by the Hearing Officer or Court.

SECTION 2704. NOTICE OF HEARING

Section 2704.1. Upon the selection of a date for the review hearing, it shall be the responsibility of the Executive Secretary/Director to forward a Written Notice of Hearing to all parties. This notice shall contain the time, date, and place of said hearing. The notice shall also contain notification to the employee of his right to be represented by counsel or another representative. The notice shall also inform the employee of his/her right to a continuance if it is desired. The procedure for obtaining a continuance shall also be noted.

SECTION 2705. CONTINUANCE

Section 2705.1. To be granted, any continuance must be at the employee's request or must have his/her consent. Any continuance granted shall in no way postpone or have any other effect upon the effective date of the disciplinary action instituted by the Department Head.

Section 2705.2. The employee shall be entitled to one continuance as of right, said continuance being for a maximum for forty-five (45) days from the original date of the hearing. Any other continuance requested by the employee, as well as the length of the same, must be for good cause shown and shall be granted or denied at the discretion of the Hearing Officer. The employee must request his continuance as of right no later than three (3) working days before the date set for the hearing. If the employee fails to make a timely request, the Hearing Officer shall have the sole discretion as to whether the request is granted.

Section 2705.3. If it receives the consent of the employee, the City is entitled to one continuance for a maximum of forty-five (45) days from the original date of the hearing. Said continuance, if consented to by the employee, shall be granted by the Hearing Officer as a matter of right. Any further continuance sought by the City must be for good cause shown and must receive the consent of the employee and the approval, at his discretion, of the Hearing Officer.

Section 2705.4. A request for a continuance as of right must be submitted to the Hearing Officer no later than three (3) working days prior to the date set for the hearing. The Hearing Officer will have the sole discretion as to whether a request not filed in a timely manner is granted. The order granting or denying any continuance must be in writing and signed by the attorneys representing the appellant and appellee. The Hearing Officer's signature is required, and it is the responsibility of the attorney seeking the continuance to have the order in the office of the Civil Service Merit Board within two working days from the date the order was signed by the Hearing Officer.

SECTION 2706. PRE-HEARING CONFERENCE

Section 2706.1. The Hearing Officer on his own motion, or upon motion of one of the parties, may direct the parties and/or the attorneys of the parties to appear before him for a conference not less than three (3) days before the date of the hearing.

Section 2706.2. The purpose of said Pre-Hearing Conference will be to consider the simplification of the issues, the necessity or desirability of amendments to the pleadings, the possibility of obtaining admissions of facts and of documents which will avoid unnecessary proof, and such other matters as may aid in the disposition of the action.

Section 2706.3. The Hearing Officer shall make an order which recites the action taken at the conference and which limits the issues for him to those not disposed of at the Pre-Hearing Conference.

SECTION 2707. NON-HEARING DISPOSITION

Section 2707.1. Disposition of requests for review may be obtained without a hearing by means of stipulation of the parties, agreed settlements, consent orders, and default. Any extra-hearing settlement or a request for review shall be reduced to writing and presented to the Hearing Officer for his signature. Said action is conclusive upon the Hearing Officer, who shall sign the document as a matter of course.

SECTION 2708. SUBPOENAS

Section 2708.1. At least three (3) working days prior to the date of the hearing, all parties shall provide the Executive Secretary/Director with a list of the individuals they wish to have subpoenaed to appear at the hearing. If this list is provided to the Executive Secretary/Director less than three (3) days prior to the date of the hearing, the Executive Secretary/Director has the discretion as to whether or not the subpoenas will be issued. Subpoenas requested after the deadline, if issued, must be honored by the individuals named, but the party requesting said subpoenas cannot rely upon the failure of a witness untimely subpoenaed to appear as grounds for a continuance.

Section 2708.2. The list specified in subsection 2708.1 must be typed and must include the name, address, and phone number (both business and home, if possible) of the individuals to be subpoenaed. If a subpoena duces tecum is requested, the nature of the documents or information sought by the party requesting the subpoena duces tecum must also be set out on the subpoena request list.

Section 2708.3. The subpoenas may be served by a Police Officer of the City or by any officer authorized to serve subpoenas from a State Court.

SECTION 2709. HEARINGS FOR THE REVIEW OF DISCIPLINARY ACTIONS

Section 2709.1. No disciplinary action shall ever be reversed or in any other way modified due to the form of the Statement of Disciplinary Action or of any other of the pleadings.

Section 2709.2. No charge contained in the Statement of Disciplinary Action or any amendment thereto shall ever be dismissed for insufficiency, vagueness, or other shortcoming as to form, but if after the hearing provided for, the employee who has been disciplined submits himself to examination, and after such employee has testified, he shall make affidavit: (1) that he was misled to his detriment by the insufficiency, vagueness, or other alleged shortcoming of the charge or charges, and (2) that he believes that he can obtain sufficient testimony to cause a dismissal of the charge or reversal or modification of the disciplinary action which has been taken, the evidence so taken shall become the charge and such employee shall be granted a reasonable time in which to obtain such testimony in his behalf.

Section 2709.3. The strict rules of evidence shall not apply. The Hearing Officer shall determine the evidence to be received.

Section 2709.4. The Hearing Officer may take notice of any judicially cognizable fact or facts.

Section 2709.5. Polygraph examinations, the questions pursuant thereto, the results thereof, and the impressions or conclusions derived therefrom, are inadmissible.

Section 2709.6. With the exception set out in subsection 2709.5, any evidence may be admitted if, in the opinion of the Hearing Officer, it is of probative force and tends to prove or disprove a material fact.

Section 2709.7. The disciplinary authority shall bear the burden of establishing just cause for the disciplinary action taken by a preponderance of the evidence submitted to the Hearing Officer.

Section 2709.8. The final decision of the Hearing Officer shall be reduced to writing and entered into the record within ten (10) days from the date of the conclusion of the hearing. The Hearing Officer shall forward his written decision, along with the record (if in his possession), to the Executive Secretary/Director.

Section 2709.9. The written decision of the Hearing Officer shall include a recitation of the charges and/or specifications against the employee, the Hearing Officer's findings of fact, the Hearing Officer's conclusions of law, and the reasons for the decision which the Hearing Officer has reached.

Section 2709.10. It shall be the responsibility of the Executive Secretary/Director, upon receipt of the Hearing Officer's written decision, to file the original of that decision with the record of the hearing and to forward a photostat copy of the decision to all parties and other interested representatives of the City administration. By means of a cover letter or other notice attached to the employee's copy of the decision, the Executive Secretary/Director shall notify the employee of his right to appeal the decision of the Hearing Officer by the employee filing a petition for review in Chancery Court within sixty (60) days after the Order is entered.

Section 2709.11. Pursuant to T.C.A. Section 27-9-114, contested case hearings by Civil Service Boards of a municipality which affect the employment status of a Civil Service employee are to be conducted in conformity with contested case procedures under T.C.A. Section 4-5-301 et seq. from and after January 1, 1989. Therefore, for any disciplinary action pending or instituted on or after January 1, 1989, such procedures shall apply to all hearings and/or pre-hearing conferences before a Hearing Officer held under this Article and to the extent any of the rules or procedures set forth herein conflict

with the provisions of T.C.A. Section 4-5-301 et seq., the provisions of T.C.A. Section 4-5-301 et seq. shall control.

SECTION 2710. TRANSCRIPT OF PROCEEDINGS

Section 2710.1. All tape recordings of the hearing made either by representatives of the Board or by a Court Reporter retained for that purpose shall be labeled, sealed, and placed in the custody of the Executive Secretary/Director of the Board or retained by the Court Reporter, unless and until said recordings are actually transcribed. The tape recordings shall be retained by the Executive Secretary/Director or the Court Reporter until all rights to an appeal of the Hearing Officer's decision are exhausted. A copy of any transcript prepared shall be retained permanently by the Executive Secretary/Director.

Section 2710.2. The Executive Secretary/Director shall not be required to obtain a transcript of any proceeding until he has received a copy of a Petition for Review filed in the Chancery Court for Knox County, Tennessee, or other appropriate court or until he receives a written request for a transcript to be prepared in a non-appeal situation.

Section 2710.3. Upon receipt of a copy of a Petition for Review or of a written request (in a non-appeal situation) as specified in subsection 2710.2, it shall be the responsibility of the Executive Secretary/Director to have prepared a transcript of the proceedings. If the transcript is being prepared pursuant to an appeal, the Executive Secretary/Director shall send the original or a certified copy of the entire record of the proceeding under review to the reviewing court within forty-five (45) days of the receipt of the Petition for Review; unless a longer period of time is granted by that court. If the transcript is being prepared in a non-appeal situation, the Executive Secretary/Director shall forward the transcript to the requesting party as soon as is reasonably possible.

Section 2710.4. It shall be the responsibility of the party appealing the Hearing Officer's decision to pay for the preparation of the transcript. If the other party wishes a copy of the transcript, the only expense to that party shall be the reasonable expense of photocopying the transcript.

Section 2710.5. If the preparation of the transcript has been requested in a non-appeal situation by an individual who is not a representative of the City, that individual shall bear the total expense of the preparation of the transcript. The Board or any representative of the City of Knoxville shall have the right, at its own expense, to make a photocopy of any transcript so prepared.

SECTION 2711. NOTICE OF APPEAL OF THE HEARING OFFICER'S DECISION

Section 2711.1. A person who is aggrieved by a final decision of the Hearing Officer is entitled to judicial review pursuant to T.C.A. Section 27-9-114 and T.C.A. Section 4-5-301 et seq. In the event an aggrieved person to a disciplinary action appeals the decision of the Hearing Officer, that person must file a Petition for Review in the Chancery Court for Knox County, Tennessee, within sixty (60) days after the entry of said decision or in such other court as may be provided or required under the applicable statutory provisions. Said appeal shall be governed in all respects by the provisions of T.C.A. Section 27-9-114 and T.C.A. Section 4-5-301 et seq. To the extent these rules conflict in any part with said statutory provisions, the statutory provisions shall control.

Section 2711.2. An aggrieved person who appeals the decision of the Hearing Officer shall have the responsibility of insuring that a copy of his Petition for Review of the appeal, in writing, is served upon the Executive Secretary/Director of the Board either before or simultaneously with the filing of the appeal with the appropriate court. Upon receipt of said Petition, the Executive Secretary/Director shall prepare the transcript of the hearing as provided for in this Article.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 28– Grievance Procedure

This rule applies only to those classified employees of the City of Knoxville who have completed their initial probationary period, which includes all departments, boards, agencies and commissions. Classified KUB employees covered by any agreement between KUB and any union will follow the grievance procedure established in that agreement. All other classified KUB employees shall follow the established KUB grievance procedure, the final step of which will be the same as Step 3 in this procedure.

This rule shall not apply in cases where it has been specifically exempted as in Sections 2701.7 and 2912. In addition, and in order to preserve the security of the Board's testing procedures, the usual procedures of this article shall not apply to complaints or grievances regarding civil service examinations, examination materials or documents which contain answers to test items. Complaints of this nature shall first be submitted directly to the Executive Secretary/Director for resolution within five (5) days of the grievance or of the employee's knowledge of its occurrence. If the matter cannot be resolved between the complaining party and the Executive Secretary/Director, the complaining party may then file a grievance pursuant to this Article. Said grievance must be filed within five (5) days from the date of the Executive Secretary/Director's final response to the complaint. Provided further, that in the event such a grievance is filed and in order to preserve the security of the Board's testing procedures, only the specific examination questions and/or documents at issue shall be the subject of the grievance. Furthermore, such test questions and documents and any other examination materials which may be relevant to the grievance shall be made part of the public records only upon the affirmative ruling of the Hearing Officer selected to hear that grievance. If no such Hearing Officer has been selected prior to such issue being raised, one shall be selected by the Executive Secretary/Director for the purpose of making such a ruling and to otherwise handle the Step III hearing, should such a hearing be necessary.

Matters relative to the administration and enforcement of the City's drug and alcohol policy are not grievable under Article 28 of these Rules and Regulations. However, disciplinary actions which result from the enforcement of the drug and alcohol policy shall be appealed under Article 27 of the Civil Service Merit Board Rules and Regulations.

All grievances will be administered in the following manner and processed within the stated time limits. All time limits are stated in terms of working days. Upon failure of the City to comply with the time limits set forth in the procedure and provide a required meeting or response, the employee shall assume this indicates a negative response and shall have the responsibility of proceeding to the next step of this procedure within the time allotted. Failure of the employee to comply with the time limits set forth in the procedure shall constitute an abandonment of the grievance.

Any City employee involved in this procedure will not be charged with leave during the period his/her presence or participation is required. The Board staff shall assist any employee with the preparation of his/her grievance and shall counsel the employee as to the procedures which must be followed. Further, the Executive Secretary/Director is given the authority to design any forms which, in his/her discretion, are found to be necessary and appropriate.

Use of the channels provided for resolution of problems or addressing concerns is encouraged. No classified employee shall be penalized for his/her submission of a good faith grievance. Any

classified employee will have the right to follow all the steps of the Grievance Procedure with complete freedom from retaliation. Acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another City employee are prohibited. However, the filing of a grievance will not affect the City's ability to pursue appropriate disciplinary actions. Any employee who believes that he/she has been a victim of retaliation for participating in the grievance process should immediately report such activity to the Civil Service Director.

Step I:

A. The employee shall present his grievance in writing to his/her immediate supervisor within five (5) days of the grievance or of the employee's knowledge of its occurrence. Said document shall include the employee's name, classification, and address. The grievance shall be dated as of the day the document is given to the immediate supervisor. The grievance shall contain the date of the grievance or the employee's knowledge thereof, the nature of the grievable action, the nature of the employee's disagreement with the action, and the relief being sought. The nature of the grievance shall be stated in sufficient detail to enable the supervisor to respond relative to the grievance. It shall also include a space for the immediate supervisor's signature, indicating his receipt of a copy of the grievance. If the immediate supervisor is unavailable to sign receipt, receipt may be signed by the supervisor's designee in order to preserve timelines.

B. Upon receipt of the grievance, the employee's immediate supervisor shall sign the appropriate space, indicating receipt of the grievance. A copy shall be kept by the immediate supervisor, with the employee retaining the original. The employee shall forward a copy to the Civil Service Merit Board Office after the immediate supervisor has signed the receipt certification.

C. The immediate supervisor shall discuss the grievance with the employee and shall attempt to adjust the dispute within three days. This meeting shall be coordinated by Civil Service staff and shall be held at a location designated by Civil Service. The only persons who may be present at this meeting are the supervisor and the grievant. It is the intent of this provision to encourage informal discussion between employees and supervisory staff on matters of mutual concern. Within three days of the meeting, the immediate supervisor shall answer the grievance of the employee. Said answer shall be in writing and shall state with particularity the immediate supervisor's response and the reasons therefor. Any action taken or the lack of action on the immediate supervisor's part shall be explained in this document. The answer shall include an explanation of the reasons for the original action which is the subject of the grievance. The answer shall state the date it is prepared and the date it is presented to the employee. The employee shall sign the answer as having been received and shall retain a copy thereof. The immediate supervisor shall retain the original to be placed in the employee's file.

D. If the action which results in the grievance is taken by the supervisor above the employee's immediate supervisor, but below the level of Department Head, Step I

shall be read as referring to the intermediate supervisor who took the action and not the immediate supervisor.

Step II:

A. If the grievance is not resolved at Step I and the employee wishes to continue with the grievance, the employee shall file a copy of his/her grievance with the Department Head within three (3) days of his/her receipt of the immediate supervisor's answer. If the Department Head is unavailable to sign receipt, receipt may be signed by the Department Head's designee in order to preserve timelines. After the Department Head has signed receipt, the employee shall forward a copy to the Civil Service Merit Board Office that includes the supervisor's written response.

B. Within five (5) days of the receipt of the grievance, the Department Head shall hold a meeting with the employee, the immediate supervisor, the section supervisor, and any witnesses to discuss the grievance. This meeting shall be coordinated by Civil Service staff and shall be held at a location designated by Civil Service. The only persons who may be present at this meeting are the Department Head, the immediate supervisor, the section supervisor, applicable witnesses, and the grievant. It is the intent of this provision to encourage informal discussion between employees and supervisory staff on matters of mutual concern. Within three (3) days of this meeting, the Department Head shall respond in writing to the grievance.

C. Said answer shall state with particularity the Department Head's response and the reasons therefor. Any action taken or the lack of action on the Department Head's part shall be explained in this document.

D. The answer shall state the date it is prepared and the date it is presented to the employee. The employee shall sign the answer as having been received and shall retain a copy thereof. The Department Head shall retain the original to be placed in the employee's file.

E. If the action grieved from has been taken by the Department Head, the grievance procedure will begin with Step 2.

Step III:

A. If the grievance is not resolved after Step II, the employee, if he/she wishes to continue the grievance, shall file a copy of his grievance and a copy of all responses and/or answers obtained from his supervisors, Department Head, etc. with the Civil Service Merit Board Office within three (3) days of his receipt of the response from the Department Head.

B. The Executive Secretary/Director shall select an appropriate Hearing Officer from a list approved by the Board. The Hearing Officer and the Executive Secretary/Director shall select a date for the hearing (or pre-hearing conference) of the grievance which date will be within ten (10) days of the receipt of the grievance in the Board office, provided that the Executive Secretary/Director shall have the authority to extend this period if he/she

finds that he/she is unable to obtain a Hearing Officer within that period. The Executive Secretary/Director shall have the authority to extend this period if he/she has sufficient reason to believe the grievance can be settled by meeting with both parties and working out a settlement without incurring the expense of a Hearing Officer. After said meeting, if no resolution of the grievance is reached and the employee requests that a hearing be convened pursuant to Step III, the Executive Secretary/Director will arrange for the hearing. If the Hearing Officer finds in favor of the City, the City shall have the right to move that the Hearing Officer find that the grievance was frivolous. Upon such a ruling by the Hearing Officer, all costs incurred during Step III will be charged to the employee. In no event shall the hearing (or pre-hearing conference) be set by the Hearing Officer more than thirty (30) days after the receipt of the grievance in the Board office.

C. Both parties shall have an absolute right to one continuance from the original date of the hearing (or pre-hearing conference), provided that said continuance will not be for more than twenty (20) days and provided that the request for the continuance is submitted to the Hearing Officer no later than three (3) working days prior to the date set for the hearing. The Hearing Officer will have the sole discretion as to whether a request for continuance not filed in a timely manner is granted.

D. At the hearing both parties may be represented by counsel and shall have the right to call witnesses to testify. The strict rules of evidence shall not apply, and the Hearing Officer may take notice of any judicially cognizable fact or facts. The Hearing Officer shall reduce to writing his/her findings, conclusions, and decision within ten (10) days of the hearing. The original of this decision will be forwarded to the Board, with a copy provided for each party. The decision of the Hearing Officer shall be final; provided however, that such decision may be appealed in accordance with the provisions of Article 27 governing the appeal of a Hearing Officer in a disciplinary action.

E. Pursuant to T.C.A. Section 27-9-114, contested case hearings by Civil Service Boards of a municipality which affect the employment status of a Civil Service employee are to be conducted in conformity with contested case procedures under T.C.A. Section 4-5-301 et seq. from and after January 1, 1989. Therefore, for any grievances pending or filed on or after January 1, 1989, such procedures shall apply to all hearings and/or pre-hearing conferences before a Hearing Officer held under this Article and to the extent any of the rules or procedures set forth herein conflict with the provisions of T.C.A. Section 4-5-301 et seq., the provisions of T.C.A. Section 4-5-301 et seq. shall control.

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 29– Layoffs and Reductions In Force

SECTION 2901. NOTIFICATION OF LAYOFF

The Department Head, upon determining that there is a need to reduce the number of employees within a section of a department, or within the department as a whole, shall determine the positions in which layoffs or reductions in force are necessary. When these positions have been identified, this shall be indicated to the Board. The staff of the Board shall then develop retention registers for the affected position. Notification of layoff shall be sent to the individuals involved based upon the list developed from the retention registers as certified by the Board.

SECTION 2902. SECTION

A "Section" is defined as a recognized division or subdivision of a department and not the department as a whole. Determination of what constitutes the "sections" of a department may be based upon reference to prior or present budgets, organizational charts, or any other manner by which a recognized section in the organizational structure can be determined.

SECTION 2903. EMPLOYEE IN SAME CLASS PERFORMING DIFFERENT WORK

Employees having the same classification shall be construed as holding different positions if the nature of the work actually done by such employees is substantially different. If the Department Head determines that a situation exists in which two individuals have the same title but are involved in substantially different work, the Department Head shall submit a letter to the Executive Secretary/Director containing, with specificity, the nature of the work of the employees in the position from which layoffs are to occur and the justification for his determination that the work done by one or more of the said employees is substantially different from the work done by the remainder of these employees. If the Executive Secretary/Director finds that the justification is well founded, the employees shall be determined to hold different classifications and the Executive Secretary/Director shall recommend reclassification accordingly. The Executive Secretary/Director is authorized, at his discretion, to institute investigations into the nature of a position which is scheduled for layoffs if the Executive Secretary/Director has reason to believe that there are individuals within that position which are engaged in substantially different work although they hold the same classification.

SECTION 2904. REVERSE SENIORITY

The layoffs or reductions in force of a classification shall be executed on the basis of reverse seniority, with those persons having the least seniority in the classification being laid off first. This procedure shall continue until the reduction reaches a satisfactory level.

SECTION 2905. TRANSFER

Employees who are laid off shall be entitled to a transfer to a like position in any section or department for which they are qualified which is occupied by an employee with the least seniority in the classification. For positions which were covered by the civil service system prior to January 3, 1981, an employee shall be considered qualified if that employee has been certified to that position by the Board and has previously completed the probationary period. For positions which did not come under the civil service system until January 3, 1981, an employee will be considered qualified if he has held a like position for the required probationary period.

SECTION 2906. RETREAT

Employees who are laid off and are unable to transfer or elect not to transfer to a like position in any section or department for which they are qualified shall be entitled to retreat to any existing lesser position which they previously occupied. Employees who have been laid off shall be entitled to return to any lesser position in any section or department for which they are qualified and for which they have the greatest seniority. As to positions which were covered by the Civil Service system prior to January 3, 1981, an employee is qualified for a position if that employee was certified through the Board and completed the appropriate probationary period. For positions coming under the Civil Service system as of January 3, 1981, an employee is qualified for that position if he has previously served in that position for the appropriate probationary period. If an employee elects to retreat to a position in a lesser skill level, the employee shall be entitled to receive the salary which is within the skill level of the lower position which provides for the least reduction in salary. Once an employee has been demoted for cause (a result of poor work performance, disciplinary action, etc.) from a classification, he or she shall not have retreat rights to the classification from which he or she has been demoted.

SECTION 2907. ABSENT RETREAT OR TRANSFER RIGHTS

If the employee who is to be laid off and who is not eligible to transfer to a like position or to retreat to a former classification as defined in Sections 2905 and 2906, then said employee can only be laid off.

SECTION 2908. RIGHTS OF AN EMPLOYEE WHO HAS BEEN BUMPED

An employee, who is laid off as a result of another employee transferring to or returning to the first employee's position, is eligible to transfer or return to another position pursuant to these rules and regulations.

SECTION 2909. RE-EMPLOYMENT ELIGIBILITY FOR TWO YEARS

For a period of two years from the date of his layoff, any employee laid off in connection with a reduction in force is entitled to return to any position in any section or department of the City formerly held by him in the event a vacancy occurs in that position. This right to return is dependent upon the employee being on the re-employment list in accordance with the Rules and Regulations of the Board.

Section 2909.1 Re-Employment Seniority Status

Any classified employee laid off in connection with a reduction in force who is re-employed within two (2) years of his/her layoff shall retain all seniority rights and privileges obtained prior to the layoff. Any classified employee who is laid off and is not re-employed within two years of the layoff shall be considered as having a break in service; therefore, any re-employment thereafter will be as a new employee.

SECTION 2910. ELIGIBILITY LIST FOR TWO YEARS

Any employee laid off in connection with a reduction in force, for a period of two years thereafter, will, without taking any examination, be placed at the head of the civil service eligibility list in accordance with the Rules and Regulations of the Board.

Section 2910.1. Promotional Preference for Two Years

Any classified employee laid off in connection with a reduction in force, for a period of two years thereafter, shall receive promotional preference in their standing on the eligibility register for classifications for which they apply and meet all the necessary qualifications or requirements as provided in Section 2107.

SECTION 2911. RIGHTS LIMITED TO OCCUPIED POSITIONS

An employee's rights, due to layoff, to transfer to a like position or return to a lesser position are limited to occupied positions, and the City is not obligated to fill a vacant position to comply with these rules.

SECTION 2912. WORK HISTORY RIGHTS

The staff of the Board shall develop a work history status for each employee who is laid off so that the employee's rights of transfer and return are known. The employee shall then be advised of those rights. If the employee does not agree with this determination, he may appeal the same to the Executive Secretary/Director. The Executive Secretary/Director shall make a decision regarding the employee's appeal of the determination of his/her work history rights within three (3) working days. This decision shall be final and shall not be grievable under Article 28 of these Rules and Regulations.

SECTION 2913. BOARD WILL REVIEW UNUSUAL SITUATIONS

Should a situation arise in which the above set out rules and regulations do not adequately provide guidance, the Board shall consider the individual case and make a determination pursuant, to the greatest extent possible, to these rules.

SECTION 2914. QUALIFIED TO FILL A VACANT POSITION

If a person on the reinstatement or re-employment list is referred to a Department where a vacant position exists and the Department Head determines that the individual is not qualified for the specific duties of the position which is vacant, the Department Head shall return the application of the individual along with a position description and justification for this determination. The Executive Secretary/Director shall then obtain from the individual, his former supervisor, or any other reliable source of description of the duties performed by this individual prior to being laid off. The Executive Secretary/Director shall then compare this information to determine if the individual is qualified for the vacant position based upon his previous duties. If the Executive Secretary/Director determines that the individual is qualified, his application shall be returned for consideration. If the decision is that the individual is not qualified, the next individual on the reinstatement or re-employment list (whichever is applicable) shall be referred to the Department Head. Absent individuals being available on these two lists, other lists shall be referred in accordance with the Rules and Regulations. (See Rule 15, Sections 1505, 1512, and 1515.)

SECTION 2915. VOLUNTARY TRANSFER TO A CLASSIFICATION IN THE SAME SKILL LEVEL

In a layoff situation caused by economic reasons, an employee requesting a transfer to a vacancy in a different classification in the same skill level may be considered for transfer to said classification providing he/she is fully qualified to fill the position. The Department Head of an agency where the employee is to serve must certify in writing to the Executive

Secretary/Director that the employee is fully qualified to fill the position. No action will be taken until the Board approves and certifies the employee in the new classification.

SECTION 3001. REDUCTION OR LATERAL TRANSFER RESULTING FROM DISABILITY

Whenever classified employees sustain a disability making it impossible for them to continue to perform in the classification in which they are currently assigned, they may request placement in a classification of lower or lateral rank and pay, provided they are qualified to perform the essential functions of that classification, with or without reasonable accommodation. Properly submitted requests for reasonable accommodations, which involve the reassignment of a classified employee or some other personnel action which is within the purview of the Civil Service Merit Board, shall be submitted to the Executive Secretary/Director of the Civil Service Merit Board prior to any action being taken. The confidentiality of the accommodation request shall be maintained to the extent allowable in accordance with federal law. The Executive Secretary/Director and the Chairman of the Civil Service Merit Board shall confer regarding the appropriateness of the proposed accommodation, and by consensus they shall have the authority to waive rules contained herein and to certify an employee to a classification where a vacancy exists in which the employee with a disability is qualified to perform the essential duties with or without an accommodation. The authority for such certification is limited to classifications in the same, lateral or lower pay grade for which the employee has status. The authority to certify a person into a classified position shall be used exclusively to enable the accommodation of a qualified person with a disability and shall not be utilized if the proposed action is in conflict with the merit system. In the event that a vacancy does not currently exist, the qualified employee with a disability shall be placed on eligible lists for which he/she qualifies, ranked immediately preceding those on the open-competitive lists in accordance with the usual eligibility durations.

SECTION 3002. VOLUNTARY REDUCTION IN CLASSIFICATION

Employees requesting a reduction in classification or transfer to a lower class may be reduced in classification or transferred to a lower classification providing he/she is fully qualified to fill the position. The Department Head of an agency where the employee is to serve must certify in writing to the Board that the employee is fully qualified to fill the position. No action will be taken until the Board certifies the employee in the lower classification.

SECTION 3101. CESSATION OF PAYMENT OF SALARY

The Director of Finance and Accountability, Treasurer or other fiscal or disbursing officer shall not pay or approve for payment any salary or compensation for service to any person holding a position in the classified service who has not met all the requirements for appointment to that position as established by the Board.

SECTION 3102. NOTIFICATION

If the Executive Secretary/Director, after proper inspection, determines that an individual is occupying a civil service position but has not been certified in accordance with the Board Rules and Regulations, he shall immediately notify the members of the Board. Upon review of the facts, the Board shall determine whether or not said individual's employment violates these rules. If the Board determines that it does, the Chairman shall send written notification to the City Treasurer and Director of Finance and Accountability that no additional compensation shall be given to said individual as a result of his/her employment in that position. This notification shall serve as an order for payment of salary to cease by the authority of Section 1003 (f) (7) of the City Charter.

SECTION 3201. PROCESS FOR REVIEWING CONTRACTS FOR PROFESSIONAL SERVICES AND CRITERIA FOR DETERMINING INDEPENDENT CONTRACTOR/EMPLOYEE STATUS

I. Professional services contracts shall not be entered into for the purpose of circumventing the merit plan. When the City decides to utilize services and prepares a contract or reaches an understanding for such services, the contract or proposal should be submitted to the Board or the Board's representative for review and consideration in accordance with the procedures set out below and for the purpose of determining the true legal character of the relationship.

A. Upon review of the Agreement between the City and the individual or entity providing the services, the Board or its representative shall determine whether the arrangement is one of an "employee" or one of an "independent contractor". In determining whether the agreement creates an employment relationship or an independent contractor relationship, the Board or its representative shall consider, among other things, the following criteria:

1. Whether the person receiving the benefit of the service has the right to control the manner and method of performance;
2. Whether the person rendering the service has a substantial investment in his own equipment being utilized;
3. Whether the person rendering the service is undertaking substantial costs to perform the services;
4. Whether the person performing the service has an opportunity for profit dependent on his managerial skill;
5. Whether the service rendered requires special training and skill;
6. The duration of the relationship between the parties;
7. Whether the service performed is an integral part of the recipient's business rather than an ancillary portion;
8. Whether the person rendering the service has a risk of loss;
9. The relationship which the parties believe they are creating;
10. Whether or not the person who performs the services offers such services publicly and practices an independent trade;
11. Whether the custom in the trade or industry is for the service to be performed on an independent contractor or employee basis;
12. Whether the person who is receiving the benefit of the service has the right to discharge the person performing the services without cause;
13. Whether the person who performs the services has the right to delegate his duty to others.

B. If the Board or its representative determines that the relationship is one of an independent contractor and the contract terms themselves are consistent with that notion, the Board would take no further action nor would it have any further involvement.

C. If the position is such that it could be an independent contractor but the terms of the contract themselves are inconsistent therewith (i.e., the contract establishes or creates an employee relationship in the opinion of the Board or its representative) the Board would notify the City and the City would have the choice of either changing the contract to render the relationship to be one of an independent contractor and thus not subject to the Civil Service Merit System, or to proceed with that person as an employee.

SECTION 3202. CRITERIA FOR DETERMINING EXEMPTIONS OF EMPLOYEES FROM THE CIVIL SERVICE SYSTEM

If the position or relationship is determined to be one of an employee, then the Board must decide whether the position will be exempt or non-exempt (i.e., unclassified or classified) from the Civil Service Merit System. In determining whether a position will be exempt, the Board must determine that such action does not conflict with the merit system and that it is for the good of the City, which determination is within the Board's discretion. In making this determination, the Board shall consider, among other things, whether one or more of the following criteria is present:

1. The length of service to be performed. In this regard, if the service is to be performed for a period less than ninety (90) days, the position will generally be considered exempt. If, however, the service is to be performed over a period greater than ninety (90) days, the position will generally be considered non-exempt.
2. The service is seasonal (i.e., performed only for a portion of the year).
3. The employee, while working only seasonally, will nevertheless be repeating the employment on consistent basis.
4. The service being performed is as a result of an emergency.
5. The services are professional in nature (i.e., legal, medical, accounting, etc.) and where such services cannot be performed by current professional staff because of conflict, workload or otherwise.
6. The duties and responsibilities being performed are normally performed by exempt employees, such as positions which include substantial policy-making or the handling of confidential matters.
7. The position is in the nature of an apprenticeship or training.
8. The position is to be filled by a full-time student attending an accredited college or university.
9. The position has been performed in the past by other employees of the City who were considered exempt from the Civil Service Merit System.