

# City of Waterbury

## CIVIL SERVICE RULES AND REGULATIONS



### *PART A. OBJECTIVES AND SCOPE*

#### **Sec. 3701 Purposes of the Personnel and Human Resource Regulations<sup>1</sup>.**

The Personnel Regulations are adopted to provide for the recruitment and development of the best available Employee for each position in the Classified Service of the City at all times. They provide for establishing orderly procedures for administering the Civil Service System in such a way to insure:

(a) That employment in the Classified Service of the City of Waterbury shall be made attractive as a career.

(b) That all appointments and Promotions to positions in the Classified Service shall be on the sole basis of merit and fitness, which, as far as practicable, shall be ascertained by means of competitive Examinations.

(c) That a performance rating system shall be provided whereby economy and effectiveness in personnel services may be promoted to the mutual benefit of the Employees, City officials, taxpayers and all the people of the City of Waterbury.

(d) That each Classified Service Employee shall be encouraged to render his best service to the City.

#### **Sec. 3702 The Civil Service Commission (Reserved).**

**(A) The Powers and Duties of the Commission and Director of Personnel<sup>2</sup>.** The Charter and Code of Ordinances ("Code") defines, in detail, the general powers and duties of the Civil Service Commission and the Director of Personnel, therefore they are not repeated in the regulations.

#### **Sec. 3703 Rule-Making and Regulatory Powers of the Commission.**

**(A) Interpretation<sup>3</sup>.** These Regulations are intended to cover most personnel administration for which the Civil Service Commission is responsible. The Director of Personnel and the Civil Service Commission shall handle those not specifically covered in keeping with the intent of the Charter of the City and the Code of Ordinances and the objectives of said Regulations.

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<sup>1</sup> Former Chapter I, §2 of the Regulations.

<sup>2</sup> Former Chapter I, §7 of the Regulations.

<sup>3</sup> Former Chapter I, §5 of the Regulations.

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**Sec. 3704 Department of Personnel (Reserved).**

**(A) Appeals of the Director of Personnel<sup>4</sup>.** Appeals of decisions by the Director of Personnel shall be limited solely to those matters specifically authorized herein.

**(1) Written Appeal.** When such appeal is authorized, an employee, or applicant, may appeal, in writing, those actions of the Director of Personnel to the Civil Service Commission, whose decision shall be final unless otherwise specified in the Charter of the City, the Code of Ordinance or these Regulations. The appeal shall state the reasons for the Appeal. Such appeal to the Commission shall be filed within seven (7) days of the action giving rise to the appeal. Appeals not filed within the time limits shall not be subject to review.

**(2) Decision of the Commission.** The Commission's decision shall be limited to the contents of the written appeal.

**Sec. 3705 Labor Relations (Reserved).**

**Sec. 3706 Certification of Payroll.**

**(A) Recovery of Salaries Improperly Paid.** Employees, officials and others may be held liable for return of salaries illegally paid employees in accordance with the provisions of the City Charter and pertinent City Ordinances governing such matters.

*PART B. CREATION OF THE CLASSIFIED AND UNCLASSIFIED SERVICE*

**Sec. 3710 The Classified and Unclassified Service.**

**(A) Positions Covered<sup>5</sup>.** These Regulations shall apply to all positions in the Classified Service unless specified otherwise.

**Sec. 3711 The Unclassified Service (Reserved).**

**Sec. 3712 The Unclassified Service: Promotion from Teaching Position to Administrative Position (Reserved).**

**Sec. 3713 The Classified Service.**

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<sup>4</sup> Former Chapter I, §6 of the Regulations.

<sup>5</sup> Former Chapter I, §3 of the Regulations.

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**(A) Rules and Regulations Pertaining to the Hiring and Promotion of Public Employees.** Pursuant to §37.03(A) of the Code the Commission is responsible for the development of rules and regulations to assess the competency of applicants for all positions.

**(B) Definition of Jurisdictional Classification.** Jurisdictional Classification consists of broad groupings of positions and Classes of positions according to the manner by which Employees and officials are selected and appointed.

**(C) Unclassified Service.** The Unclassified Service is set forth in §37.11 of the Code of Ordinances.

### **Sec. 3714 Roster of City Employees.**

### **Sec. 3715 The Position Classification Plan<sup>6</sup>.**

**(A) Rules and Regulations Pertaining to the Hiring and Promotion of Public Employees.** Pursuant to §37.03(B) of the Code the Commission is responsible for the approval or disapproval of (A) job descriptions; (B) job Qualifications; (C) revisions to the position Classification Plan for all Employees not covered by a collective bargaining agreement.

**(B) Description.** After the establishment of a new position, the Department Head shall complete a position description covering the duties and responsibilities of each proposed position.

**(C) Interpretation of Class Specifications.** The Class Specifications are descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude other factors of a similar kind or quality. They are intended to indicate the kinds of positions, which shall be allocated to the established Classes. In a series of Classes, such as the police Classes, the specifications for all Classes should be reviewed as a unit.

**(D) Official Copy of the Position Classification Plan.** The Director of Personnel shall be responsible for maintaining an official copy of the position Classification Plan. The official copy shall include a schematic list of Class titles and Class Specifications plus all amendments thereto. A copy of the official plan shall be available for inspection by the public during business hours.

**(E) Allocations<sup>7</sup>.** A competitive position that has been reclassified upward as the result of an audit of the position shall be filled by Certification from

<sup>6</sup> Former Chapter III, §§, 3, 6 and 7 of the Regulations.

<sup>7</sup> Former Chapter VII, §13 of the Regulations.

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an Eligible List, except that the Incumbent shall be allocated by the Personnel Director without Examination to the reclassified position provided that:

- (1) the reclassification results from a study (audit) of the position and, if possible, all-positions in the same Classification;
- (2) the Employee has not attained status in his existing Class by allocation within the past 10 years under the provisions of this section;
- (3) the salary adjustment shall not exceed four grades or twenty-five (25%) percent of the applicable salary range—the appropriate grade will be determined by Section 3720 B (2) of these regulations;
- (4) the Employee has been Incumbent in said position for not less than the three preceding years, during which time there has been no substantial change in the duties and the responsibilities as shown in the audit for the higher Classification.

*PART C. THE COMPENSATION PLAN*

**Sec. 3720 Compensation Plan<sup>8</sup>.**

**(A) New Appointees.** The following provisions shall apply to new appointees:

(1) *Where New Appointee Exceeds Minimum Qualifications or Market Conditions.* If a new Employee exceeds the minimum Qualifications, or if market conditions require advance placement, he may be appointed at the second step or in unusual cases at a still higher step or at a higher level within a given salary range, provided such placement is approved by the Director of Personnel. Cases should be thoroughly analyzed and measured against objective standards.

(2) *Recruiting at the Minimum Rate.* Every effort should first be made to recruit a qualified Employee who will accept appointment at the minimum rate of the Class. Consideration should be given to a review of the salaries of Employees in the Class whose present salaries are below the recruiting rate. An appointment made above the minimum rate must first be approved by the Director of Personnel.

**(B) Promotions.** The following provisions shall apply to Promotions:

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<sup>8</sup> Former Chapter IV, §§1-6 of the Regulations.

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(1) *Promotion to Higher Class.* When an Employee is promoted to a position in a higher Class, his salary shall be increased to the minimum rate for the higher Class.

(2) *Promotion in the Event of Over-Lapping Ranges.* In the case of over-lapping ranges, and the Employee to be promoted is at or above the minimum step of the Class to which he is being promoted, the promoted Employee shall be increased to the dollar step immediately above his present salary unless such increase will be less than \$500 per year. In this instance, the promoted Employee shall be increased to the step in the Pay Grade for the Classification to which he is promoted above the step that would give him \$500 or less per year increase.

(3) *Promotions to Position without Steps.* In the event of a promotion to a position without steps, the employee shall receive a minimum of a ten percent (10%) pay adjustment or the entry rate of the new range for the higher position, whichever is greater.

**(C) Demotions.** When an Employee is demoted to a lower Class position, he shall be paid at a rate that is within the approved range for the lower Class position. The Director of Personnel shall set the rate of pay.

**(D) Reallocations Downward.** When an Employee's position is reallocated to a lower Class position and his present salary is above the maximum for the lower Class, the Employee shall be permitted to continue at his present rate of pay during period of incumbency (except in event of general service-wide reductions) but shall not be entitled to a salary increase.

**(E) Reinstated Employees.** A reinstated Employee shall be paid at a salary rate within the approved salary range for the position in which he is reinstated. The rate of pay shall be set by the Director of Personnel.

**(F) Part-Time Employment.** When employment is on a part-time basis, only the proportionate part of the rate for the time actually employed shall be paid.

**Sec. 3721 Administrative Salary Adjustment (Reserved).**

**Sec. 3722 Compensation Plan in Effect.**

**Sec. 3723 Grant Funded Positions. Compensation Approval.**

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*PART D. THE APPOINTMENT AND CONDUCT OF DEPARTMENT HEADS AND DESIGNATED MANAGEMENT EMPLOYEES*

**Sec. 3730 Coverage.**

**Sec. 3731 Appointment by the Mayor (Reserved).**

**Sec. 3732 Appointment of Department Heads and Designated Management Employees: The Rule of Five (Reserved).**

**Sec. 3733 Expiration of the Contract Term (Reserved).**

**Sec. 3734 Extension of the Contract Term (Reserved).**

*PART E. THE HIRING AND PROMOTION OF PUBLIC EMPLOYEES*

**Sec. 3740 Applications and Examinations (Reserved).**

**Sec. 3741 The Role of the Personnel Director.**

**(A) Public Announcement Pertaining to Applications and Examinations<sup>9</sup>.** All Examinations for positions in the competitive division of the Classified Service shall be publicized by posting announcements in the Personnel Department, on official bulletin boards, and in such other places, and by such other means as the Director of Personnel deems advisable. The announcements shall specify the title and salary range of the Class for which the Examination is announced; the date, time, place, manner of making application; qualification requirements for admission to the tests; and other pertinent information. Examinations shall be posted at least ten (10) days in advance of the closing date for the receipt of applications.

(1) *Application Forms.* Applications shall be made on forms provided by the Director of Personnel. Such forms shall require information covering training, experience, age and other pertinent information. The person applying must sign all applications.

(2) *Employment Requirements.* All Permanent Positions shall be open to applicants who meet the requirements as listed on the public announcement of the Examination or as listed in the Classifications for Non-Competitive positions.

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<sup>9</sup> Former Chapter V, §§1-3 of the Regulations.

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**(B) Rejection of Applications<sup>10</sup>.** Applicants may be rejected at any time for any of the following:

(1) applicant is physically unable to perform the essential functions, with or without a reasonable accommodation, of the position for which he seeks employment;

(2) fails the City's pre-employment medical Examination or drug test;

(3) is addicted to the habitual excessive use of drugs or intoxicating liquor;

(4) has ever been convicted of a felony, or crime involving moral turpitude, or is guilty of any disgraceful conduct;

(5) has ever been dismissed from employment for delinquency or misconduct; has ever been a member of any organization which advocates the overthrow of the Government of the United States by force or violence;

(6) has made false or misleading statements of any material fact, or practiced or attempted to practice any deception or fraud at anytime during the application process; or,

(7) if his past employment record is "unsatisfactory" as determined by the Director of Personnel;

(8) Failure to follow the application/hiring processes or procedures.

(9) Failure to meet the minimum qualifications as listed on the public announcement.

Whenever an application for a position in the competitive division is rejected, the Director of Personnel, stating the reasons thereof, shall mail notice of such rejections to the applicant. Such determination by the Director shall be final, except for rejections under (B)(9) above. Such appeals under that section shall be reviewed based on whether the decision was reasonable based on the preponderance of the evidence. Such appeals shall be subject the provisions of §3704 of these Regulations.

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<sup>10</sup> Former Chapter V, §5 of the Regulations.

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### **Sec. 3742 Qualifications and Competitive Examinations for Entry Level and Promotional Appointments: The General Rule (Reserved).**

### **Sec. 3743 Examinations<sup>11</sup>.**

The Director of Personnel, in his sole discretion shall determine whether the Examination will be announced as either Open or Promotion.

**(A) Promotional Examinations<sup>12</sup>.** Promotional Examinations shall be open to all regular Employees who meet the minimum Qualifications as established and who are serving in an appropriate Class as determined by the Director of Personnel.

(1) *The Rule of Three.* In the event the Examination, for a "Rule of Three" position, is posted promotional and three or more internal candidates pass the test then a Promotional list shall be generated from those candidates. If and when there are less than three Promotional candidates on the Promotional list, excluding Police and Fire Promotional exams, and an open list exists then an Open-Combined List shall be created, which shall include Promotional candidates with those Eligible from the Open list.

(2) *The Rule of Five.* In the event the Examination, for a "Rule of Five" position, is posted promotional and five or more internal candidates pass the test then a Promotional list shall be generated from those candidates. If and when there is less than five promotional candidates and an open list exists then an Open-Combined List shall be created which shall include Promotional candidates with those Eligible from the Open list.

**(B) Open Competitive Examinations<sup>13</sup>.** Positions in the competitive division when they are to be filled by recruitment from outside of the service shall be filled through Examinations open to the public. Examinations may be assembled or unassembled and may include but shall not be limited to written, oral, physical or performance tests or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, skill, character, physical fitness, or any other qualifications, which in the judgment of the Director enter into the determination of the relative fitness of applicants. The Director of Personnel may require applicants to submit proof of their age, citizenship and military service at the time of the Examination and will keep a record of this information.

<sup>11</sup> Former Chapter VIII, §1 of the Regulations.

<sup>12</sup> Former Chapter VIII, §7 of the Regulations.

<sup>13</sup> Former Chapter VIII §6 of the Regulations.

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### Sec. 3744 Method of Rating<sup>14</sup>.

(A) In all Examinations the minimum rating by which eligibility may be achieved may be established by the Director of Personnel. Candidates may be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or to be rated on the remaining parts of the test.

(B) **Veteran's Points.** This Section of the Civil Service Rules and Regulations concerning methods and procedures for the application of Veteran's Preference Points, shall conform in all respects to Connecticut General Statutes, including §7-415 and §27-103, and as they may hereafter be amended, repealed, or superseded.

#### (C) **Residency Points.**

(1) An individual domiciled in the City who receives a passing mark on an entry level open competitive Examination shall be granted five (5) additional points in determining his or her order or rank on the eligibility list. Said points shall be in addition to any applicable veterans preference points. To obtain such credit, an applicant shall have filed proof of domicile on or before the date of the Examination. To be Eligible to obtain said credit such proof must show that the individual was domiciled in the City at the date of the announcement of the Examination and continuously domiciled until the date of Certification for hire.

(2) **Domiciled** is defined to be "that place where an individual has his true, fixed and permanent home and to which whenever the individual is absent he has the intention of returning."

(3) Entry level positions shall include police officer, firefighter, laborers, entry positions in the clerical and accounting series, and any other position determined by the Director of Personnel to be entry level.

(D) If the number of applicants with the minimum Qualifications, as specified in the public announcement, exceeds the number required for Certification, each applicant shall be given a final numerical grade if he qualifies on the Examinations for the position. If the number of applicants with the minimum Qualifications does not exceed the number needed for Certification purposes, the candidates may be rated as Eligible or ineligible.

(E) **Tie Scores.** When two or more applicants achieve the same final rating, they shall be rated equally for purposes of Certification, except for police and fire entry level Examinations. For police and fire entry-level list, if a tie exists,

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<sup>14</sup> Former Chapter V, §8 of the Regulations.

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the tie shall be broken by using the applicants' social security numbers in the following procedure:

The last three (3) digits of the applicants' social security numbers shall be compared. The digits reading from left to right shall form a number for each candidate. The candidate with the highest number shall be ranked ahead. If by using three (3) digits, the tie remains unbroken among any individuals, the above method shall be used by comparing the last four (4) digits or more until the tie is broken among these individuals.

(F) In Promotional Examinations, each Employee who receives a passing mark shall be given a service rating of one-quarter point for each completed year of City Service as of the closing date of the Examination beyond the minimum qualifying experience specified for the position up to a maximum of two and a half (2 ½) points. This seniority mark will be added to the final earned score in determining the Employee's order or rank on the eligibility list. However, in the event it is determined that the change for service points in promotional examinations is not permitted by the collective bargaining agreement or requires bargaining under the Municipal Employees Relations Act such change from five point to two and a half points shall not be implemented until such time as the bargaining has occurred or the change is allowed for in the Collective bargaining agreement. Until such time as the change can be implemented, service points shall be utilized as follows: In Promotional Examinations, each Employee who receives a passing mark shall be given a service rating of one-half point for each completed year of City Service as of the closing date of the Examination beyond the minimum qualifying experience specified for the position up to a maximum of five points. This seniority mark will be added to the final earned score in determining the Employee's order or rank on the eligibility list.

### **Sec. 3745 Notification of Examination Results and Inspection of Papers.**

(A) **Inspection of Papers**<sup>15</sup>. The Director of Personnel shall make available to candidates for Examinations, any papers or other documents on file in the Office of the Personnel Department except any materials that may impair test security shall not be subject to disclosure or review. The candidate may inspect such available material for a period of 60 days after the notification of test results. This material shall not be open to the general public. Such inspection shall be permitted only during regular business hours on one visit to the Office of the Personnel Department and shall not be available between the time of the announcement and holding of a test for a similar position. (See also Ordinance Section 37.46, Correction of Rating)

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<sup>15</sup> Former Chapter V, §10 of the Regulations.

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### **Sec. 3746 Correction of Rating: Appeal (Reserved).**

### **Sec. 3747 Eligible Lists.**

**(A) Availability of Eligibles<sup>16</sup>.** It shall be the responsibility of Eligibles to notify the Director of Personnel in writing of any change of address or other change affecting availability of employment.

**(B) Removal of Name from Lists<sup>17</sup>.** Names may be removed from Eligible Lists for any of the reasons listed below:

(1) Refusal of an offer of appointment unless within three (3) days of the offer, he furnishes satisfactory evidence acceptable to the Personnel Director justifying such refusal. In no case shall any Eligible be reinstated more than once for a given list.

(2) Appointment through Certification from such lists to fill a Permanent Position.

(3) Appointment through Certification of the Eligible to another Class at the same or higher Compensation. In such case, his name may be continued on any or all lists for the remainder of the period of eligibility on such lists.

(4) Filing of a statement by the Eligible that he is not willing to accept appointment.

(5) Failure to respond, within the time specified in the notice, to any inquiry of the Director of Personnel or Department Head if satisfactory evidence is not furnished justifying such failure to respond.

(6) Failure to report for work after accepting appointment.

(7) Notice by postal authorities of their inability to locate the Eligible at last known address.

(8) If upon review of eligibility, it is discovered that the applicant would be subject to rejection under other provisions of these regulations.

(9) The name of an Eligible shall be removed from a Promotional list if he separates from the City Service.

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<sup>16</sup> Former Chapter VI, §5 of the Regulations.

<sup>17</sup> Former Chapter VI, §7 of the Regulations.

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(10) Failure to attend the interview unless within three days of such date, he furnishes satisfactory evidence acceptable to the Personnel Director justifying such action.

**Sec. 3748 Certification of Eligible Lists (Reserved).**

**Sec. 3749 Anticipation of Need (Reserved).**

**Sec. 3750 Appropriate Eligible Lists (Reserved).**

**Sec. 3751 Part-time Positions (Reserved).**

**Sec. 3752 Interpretation (Reserved).**

**Sec. 3753 Rejection of Candidates (Reserved)(Reference Sec 3747.)**

**Sec. 3754 Preferences (Reserved).**

**Sec. 3755 Probation Period.**

**(A) Objectives<sup>18</sup>.** The Probationary Position shall be regarded as an integral part of the Examination process and shall be utilized for closely observing the Employees work, for securing the most effective adjustment of a new or promoted Employee to his position and for rejecting any Employee whose performance is not satisfactory.

**(B) Duration<sup>19</sup>.** These Rules provide for a period of probation not to exceed six months or as provided in the applicable collective bargaining agreement, before an appointment may be made permanent, and during which period a probationer may, with the consent of the Director of Personnel, be discharged, reduced in Class or rank, or be replaced on the Eligible List. In the case of a Promotion, the Probationary period shall not exceed three months or as provided in the applicable collective bargaining agreement, in which period of time, the probationer may be reduced in rank, with the consent of the Director of Personnel, to the position he held prior to the Promotion.

**(C) Promotional Appointments<sup>20</sup>.** The Probationary period shall be used in connection with Promotional appointments in the same manner as it is used for original entrance appointments. If a person is removed during his Probationary period following a Promotion, he shall be entitled to reemployment rights in his former Class.

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<sup>18</sup> Former Chapter IX, §1 of the Regulations.

<sup>19</sup> Former Chapter IX, §2 of the Regulations.

<sup>20</sup> Former Chapter IX, §3 of the Regulations.

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**(D) Interruption of Probationary Period<sup>21</sup>.** If an Employee is laid off during a Probationary period and his services have been satisfactory and he is subsequently reappointed in the same Department from the same Eligible List, he shall be given credit for the portion of the Probationary period completed before he was laid off. A probationary Employee who is injured, or on an approved Leave of Absence during his Probationary period shall not have that time credited toward his Probationary Position.

**(E) Dismissal During Probationary Period<sup>22</sup>.**

(1) At any time during the Probationary period, a Department Head, with the approval of the Director of Personnel, may remove an Employee if in his opinion the working test period indicates that such Employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and lack of dependability do not merit his continuance with the service. Upon such removal, a report in writing shall be sent to the Director of Personnel and to the Employee listing the reasons for the removal.

(2) If an Employee has committed an offense that is considered cause for disciplinary action under section 3780, he may be dismissed by his Department Head without prior notice. The written report listed in Section 3755(E)(1), above, is mandatory.

(3) An Employee who is found to have been appointed through fraud or error shall be removed within ten (10) calendar days of notification to this effect by the Director of Personnel to the Department Head.

(4) A Department Head, subject to the approval of the Appointing Authority and Director of Personnel, may demote an Employee to a lower Class position during the Probationary period.

**(F) Probationary Period Reports<sup>23</sup>.** At least ten (10) calendar days prior to the expiration of an Employee's Probationary period, the Department Head shall notify the Director of Personnel in writing whether or not the Employee has satisfactorily completed his Probationary period.

**(G) Restoration of Dismissed Employee to Appropriate List<sup>24</sup>.** If an Employee is removed from his position during, or at the end of, his Probationary period and the Director of Personnel determines that he is suitable for

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<sup>21</sup> Former Chapter IX, §4 of the Regulations.

<sup>22</sup> Former Chapter IX, §5 of the Regulations.

<sup>23</sup> Former Chapter IX, §6 of the Regulations.

<sup>24</sup> Former Chapter IX, §7 of the Regulations

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appointment to another position, his name may be restored to the list from which it was certified **or be reassigned to a vacant position.**

**Sec. 3756 Provisional, Emergency, Temporary and Limited Term Appointments Without Examination (Reserved).**

**Sec. 3757 Discrimination and Ethical Conduct (Reserved).**

**Sec. 3758 Political Activity (Reserved).**

*PART F. THE HIRING AND PROMOTION OF PUBLIC EMPLOYEES*

**Sec. 3760 Promotional Policy (Reserved).**

**Sec. 3761 Political or Partisan Endorsement Prohibited (Reserved).**

**Sec. 3762 Promotional Examinations (Reserved).**

**Sec. 3763 Inter-Departmental Transfers (Reserved).**

**Sec. 3764 Pay Grade After Transfer (Reserved).**

**Sec. 3765 Voluntary Demotions (Reserved).**

**Sec. 3766 Special Assignments (Reserved).**

*PART G. PERFORMANCE EVALUATIONS*

**Sec. 3770 Employee Performance Evaluation.**

**(A) Responsibility of the Director of Personnel.** The Director of Personnel shall be responsible for administering the system established pursuant to §37.70 of the Code of Ordinances.

**(B) Period of Evaluation<sup>25</sup>.** On original appointment or on Promotions, all Employees except temporary workers shall be evaluated at least ten (10) days prior to the end of the Probationary period and at least once a year thereafter. Annual ratings shall cover the period from the last date of evaluation to the date of rating and may cover a period of less than twelve months. Employees shall be evaluated at the time of Separation to determine whether they are Eligible for rehire.

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<sup>25</sup> Former Chapter X, §2 of the Regulations.

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**(C) Evaluation<sup>26</sup>.** The immediate supervisor of each Employee shall make evaluations and the appropriate division and Department Heads shall review them. An Employee in a supervisory position who is leaving the position shall be required to submit performance evaluation forms on all the Employees under his supervision who have not been evaluated within the previous six months period.

**(D) Review with Employee<sup>27</sup>.** The evaluator shall discuss each performance evaluation with the Employee being evaluated, except at the time of Separation of an Employee from the service. If an Employee disagrees with the statements in an evaluation, he may submit within ten days following the conference with his supervisor a written statement, which shall be attached to the evaluation and forwarded to the Director of Personnel.

**(E) Performance Evaluations<sup>28</sup>.** Performance evaluations shall be confidential and shall be made available only to (a) the Employee evaluated or his authorized representative; (b) his supervisor, division head or Department Head; (c) the Civil Service Commission, the Director of Personnel or his representative; or (d) the Mayor or his representative.

**(F) Changes in Evaluation<sup>29</sup>.** If for any reason a Department Head shall request an alteration of the performance evaluation form after it has been officially submitted to the Personnel Department, such request shall be in writing and shall set forth fully the reasons for the request. The request when approved by the Director of Personnel shall become the official performance evaluation.

### *PART H. SEPARATION*

#### **Sec. 3775 Separation from Employment**

**(A)** Department heads and/or their managers shall submit separation forms to the Human Resources Department. Failure to provide such notice in a timely fashion may result in a charge to the departmental budget for the costs caused by the delay.

**(B)** The Human Resource department must approve all final payments to employees upon separation.

**(C)** Separations of employment indicating a negative rehire shall be approved by the Director of Personnel.

<sup>26</sup> Former Chapter X, §3 of the Regulations.

<sup>27</sup> Former Chapter X, §4 of the Regulations.

<sup>28</sup> Former Chapter X, §5 of the Regulations.

<sup>29</sup> Former Chapter X, §6 of the Regulations.

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### *PART I. DISCIPLINARY ACTIONS*

#### **Sec. 3780 Types of Disiplinary Action.**

**(A) Reasons for Disciplinary Action and Procedures to be Followed<sup>30</sup>.** A verbal warning (reduced to writing) and a written warning must be given to the Employee before any of the disciplinary actions listed in Section 37.80 of the Code of Ordinances can be taken for the type of causes listed below, however, this list is not all inclusive:

- (1) Too much lost time;
- (2) Being absent without Leave for less than the number of days provided for Compulsory Resignation (See Ordinance Section 37.75);
- (3) Excessive tardiness;
- (4) Inefficiency;
- (5) Abuse of City property;
- (6) Violation of City ordinances;
- (7) Willful and repeated failure to honor court judgments, resulting in Garnishment of wages as prescribed by the general statutes; or,
- (8) Any disgraceful conduct that reflects unfavorably on the City as an Employer.

**(B) No Written Warning.** Disciplinary actions as listed in Section 37.80 of the Code of Ordinances may be taken without the issuance of a written warning for the types of causes listed below but not restricted to this list but for an action detrimental to the interests of the City:

- (1) Insubordination;
- (2) Violation of Administrative Regulations or Departmental Rules;
- (3) Being convicted of a felony or a crime involving moral turpitude;

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<sup>30</sup> Sub-sections (A) and (B) from former Chapter XII, §2 of the Regulations.

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- (4) Willfully giving false statements to supervisors, officials, the public, Boards or committees thereof;
- (5) Drinking of alcoholic beverages while working or the taking of drugs or narcotics not prescribed by a physician;
- (6) Membership in any organization which advocates the overthrow of the Government of the United States by force or violence;
- (7) Discovery of a false statement in an application, which had not been detected previously;
- (8) Acceptance of gratuities to the extent prohibited by the Code of Ordinances or Charter; or,
- (9) Refusal to be examined by a City authorized, medical physician when so directed by the Appointing Authority.

**(C) Appeals<sup>31</sup>.** A non-union Employee or an employee authorized by the union contract who is disciplined as provided above may, within five days of notice of such action, address a request in writing to the Civil Service Commission for a hearing. In the event of such request the Commission shall set a time and place for a hearing to be held not less than five nor more than twenty working days after the receipt of the request and shall notify the Employee thereof.

(1) Hearings shall be conducted informally in accordance with procedures established by the Civil Service Commission.

(2) The Commission may determine that the disciplinary action was not well founded. In the event of such determination, the affected Employee shall be paid in full for such portion of time as he was unjustly suspended, reduced in grade or removed. In the event, that the disciplinary action taken was removal or reduction in grade, the Employee affected shall be restored to his former position and pay status, or to a position in the same Class and pay status. In the event that the Civil Service Commission determines that the disciplinary action taken was too severe for the offense, the Commission may modify the disciplinary action taken either in kind or degree.

(3) The affected Employee shall be promptly notified in writing by the Director of Personnel of the final determination with respect to the disciplinary action.

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<sup>31</sup> Former Chapter XII, §3 of the Regulations.

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(4) If an employee covered by a collective bargaining agreement files an appeal, the Commission will not hear such appeal unless a waiver of the union grievance procedure is executed.

(5) The standard of review for appeal under this section shall be whether the City had just cause to issue the disciplinary action.

*PART J. EMPLOYEE AND HUMAN RESOURCES DEVELOPMENT*

**Sec. 3785 Employee Development (Reserved).**

*PART K. ATTENDANCE AND LEAVE*

**Sec. 3790 Attendance and Hours of Work (Reserved).**

**Sec. 3791 Amendments to the Annual Compensation Plan (Reserved).**

**Sec. 3792 Employee Leave Policies (Reserved).**

**(A) Annual Leave Policy (Reserved).**

**(B) Sick Leave Policy.**

(1) *When Sick Leave is Permissible.* Sick Leave shall be allowed to an Eligible Classified Employee only in cases of actual sickness or disability of the Employee. Sick Leave shall be allowed for medical, dental or eye Examination or treatment for which arrangements cannot be made outside of working hours.

(2) *Special Leave.* Special Leave will be granted to Employees designated by the Mayor to attend the funeral of an Employee or retired Employees of the City.

(3) *Certification by Physician.* An acceptable medical certificate signed by a licensed physician will be required of an Employee by his Department Head to substantiate a request for Sick Leave for the following reasons:

(a) Any period of absence consisting of more than five consecutive working days.

(b) To support a request for Sick Leave during annual Leave.

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(c) Leave of any duration if absence from duty recurs frequently or habitually provided the Employee has been notified or warned that a certificate will be required.

(4) *Request for Sick Leave.* To receive Compensation while absent on Sick Leave, the Employee shall notify the proper authority—immediate superior, division head or Department Head—as designated by the Department Head and within the time limit established by the appropriate Department Head. Each Department Head will notify the Director of Personnel in writing of the rules as outline above established for his Department. If such rules are changed or modified, the Director of Personnel shall be notified in writing.

**(C) Military Leave<sup>32</sup>.** Any permanent Employee who leaves the service of the City to join the military forces of the United States shall be placed on military Leave without pay, such Leave shall be granted in accordance with the provisions of USSERA.

(1) In the event a position vacated by a person entering the armed services no longer exists at the time he is qualified to return to work, such person shall be entitled to be reemployed in another position of the same Class in the City service.

(2) Any permanent Employee who is a member of the National Guard or an organized Military Reserve of the United States will be allowed Leave of Absence not exceeding fifteen (15) calendar days during any calendar year to attend training camps upon presentation of orders pursuant to such training. Such Leave shall not be charged to annual Leave and for such Leave, the Employee shall be paid the difference between his regular base City pay and that of military pay and allowances.

(3) In order to insure uniformity, requests for deferment of Employees in the Classified Service from service in the Armed Forces shall be made only by the Mayor.

**(D) Civil Laws<sup>33</sup>.** An Employee shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court, public body or Commission in connection with City business.

**(E) Education Leave<sup>34</sup>.** A full time permanent Employee may be given educational Leave with full or partial pay for the purpose of taking courses directly related to his work as determined by the appropriate Department Head,

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<sup>32</sup> Former Chapter XVI, §7 of the Regulations.

<sup>33</sup> Former Chapter XVI, §8 of the Regulations.

<sup>34</sup> Former Chapter XVI, §9 of the Regulations.

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Appointing Authority and the Director of Personnel. The Mayor must approve requests for such Leave in advance and they may not exceed a total of twenty (20) days or one hundred (160) hours in any one calendar year.

(1) Educational Leave for a longer period may be granted in special cases of unusual merit and of great benefit to the City government. In such cases, the Employee must agree in writing to return to work after expiration of the educational Leave for a minimum period of one year. In no case shall an Employee be granted more than one year's educational Leave without pay.

**(F) Absence Without Leave<sup>35</sup>.** An absence of an Employee from duty, including any absence for a single day or part of a day, which is not authorized by a specific grant of Leave of Absence under the provisions of these Regulations, shall be deemed to be an absence without Leave. Any such absence shall be without pay and may be subject to disciplinary action pursuant to Section 3780 (A) and (B) of these Rules. In the absence of disciplinary action, any Employee who absents himself for three consecutive days without Leave shall be deemed to have resigned.

**(G) Leave of Absence Without Pay<sup>36</sup>.** A personal Leave of Absence without pay not to exceed five days at one time may be granted by an Appointing Authority to any Employee in the Classified Service with not less than six months service.

A personal Leave of Absence for a period not to exceed thirty (30) working days may be granted by the Appointing Authority, subject to prior approval by the Director of Personnel, for a cause considered reasonable and proper. Unpaid leaves of absence pursuant to the Family and Medical Leave Act shall not be covered under this section and shall be governed by the Act.

**(H) Workmen's Compensation<sup>37</sup>.** An Employee, other than Police and Firemen, who while in the employment of the City of Waterbury incurs an injury or illness, which arose out of and was in the course of said employment, is covered under the Workmen's Compensation Act of the State of Connecticut. If such an injury or illness renders him temporarily or totally disabled, he may at that time elect to use his accrued Sick Leave. If the absence is of three days duration or less, so that the Employee would receive no payment under Workmen's Compensation, the full charge for the absence will be taken from his Sick Leave bank, if he so elects. If the absence is of such duration that he would be entitled to payment under Workmen's Compensation, the proportion of his pay that would not be covered by Workmen's Compensation will be charged to Sick

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<sup>35</sup> Former Chapter XVI, §10 of the Regulations.

<sup>36</sup> Former Chapter XVI, §12 of the Regulations.

<sup>37</sup> Former Chapter XVI, §11 of the Regulations.

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Leave if the Employee has a sufficient amount of Sick Leave accrued to cover such absences and elects, of his own volition, to use Sick Leave for this purpose.

Sick and annual Leave will accrue on the same basis as if the Employee were in work status.

### *PART L. APPEALS AND GRIEVANCES*

#### **Sec. 3795. Appeals and Grievance Procedures for Employees Not Covered by a Collective Bargaining Agreement or where authorized by the collective bargaining agreement<sup>38</sup>.**

Grievances shall be divided into two categories as follows:

**(A) FIRST CATEGORY.** Any permanent Employee in the Classified Service who has been demoted, suspended, fined or dismissed shall have the right of appeal to the Civil Service Commission. The Employee or his Authorized Representative must file such an appeal in writing, with the office of the Director of Personnel within five calendar days of the effective date of such action and must file a copy of such appeal at the same time with his Appointing Authority. The decision of the majority of the members of the Civil Service Commission shall be final.

**(B) SECOND CATEGORY.** Any permanent Employee in the Classified Service who is aggrieved as a result of the interpretation and application of the rules and regulations, disciplinary action other than disciplinary action resulting in Demotion, Suspension, fine or Dismissal which is covered in First Category above, alleged discrimination or unfair treatment, or unsafe or unhealthy working conditions, shall have the right of appeal to the Civil Service Commission provided the following provisions of this regulation are fulfilled:

(1) An Employee shall first present his grievance to his immediate supervisor who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor shall attempt to resolve the problem promptly and fairly and shall give his answer to the Employee within seven calendar days from the date the grievance is submitted to him.

(2) An Employee who is dissatisfied with the decision of his supervisor may submit his grievance in writing to the Department Head. The Department Head shall make a separate investigation and inform the Employee in writing of his decision and the reasons therefore within seven calendar days after receipt of the Employee's grievance.

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<sup>38</sup> Former Chapter XVIII, §2 of the Regulations.

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(3) If the Employee is dissatisfied with the Department Head's decision, he may obtain a review by the Appointing Authority by submitting a request in writing for review within seven calendar days following the receipt of the decision of the Department Head. The Appointing Authority shall make such investigation and conduct such hearings as he deems necessary and shall, within seven calendar days after the receipt of the Employee's request for review inform the Employee in writing of his findings and decision.

(4) When the Employee is still aggrieved, he or his Authorized Representative shall request in writing, a review of the grievance by the Director of Personnel. Such request must be accompanied by all the facts of the nature of the grievance and all written answers given thereto, and must be presented within seven calendar days of the date of receipt of the Appointing Authority's answer. The Employee or his Authorized Representative shall send copies of the written request for review at the same time to the Employee's Appointing Authority.

The Director of Personnel shall convene a meeting within twenty calendar days of the date of receipt of the request for review. The Director of Personnel or his designated representative, the Employee or his designated representative and witnesses, the Appointing Authority or his designated representative and witnesses, shall attend the meeting for the purpose of reviewing the grievance. Within fifteen calendar days of the date of the meeting, the Director of Personnel shall render his recommendation, in writing, to the Employee and his Authorized Representative and shall send a copy of his recommendation at the same time to the Employee's Appointing Authority.

(5) If an Employee is still aggrieved, he or his Authorized Representative may present his grievance to the Civil Service Commission in writing within ten calendar days of the Director of Personnel's decision and the Employee shall send copies of the appeal to his Appointing Authority. The Civil Service Commission shall, within twenty days after receiving such an appeal, hold a hearing and consider the complaint. At the hearing, technical rules of evidence shall not apply. All testimony shall be under oath. A majority vote of the members of the Civil Service Commission shall be final.

(6) The process for appeals contained in this section shall apply only to Employees not covered by a collective bargaining agreement unless the collective bargaining agreement authorizes such an appeal. If the collective bargaining agreement authorizes an appeal, the Commission shall only hear the appeal if a waiver of the grievance and arbitration process under the contract is executed.

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### *PART M. ADOPTION OF RULES AND REGULATIONS*

#### **Section 1. Effective Date.**

These Civil Service Rules and Regulations shall become effective on the date adopted by the Civil Service Commission unless disapproved by the Board of Aldermen with at least ten (10) aldermen voting for such disapproval within sixty (60) days from the date received by the Board of Aldermen. Civil Service Rules and Regulations and amendments thereto, shall remain in effect until any additions, modifications or changes in said Rules and Regulations are approved by the Civil Service Commission and shall be in effect unless disapproved by the Board of Aldermen with at least ten Aldermen voting for such disapproval within sixty days from the date received by the Board of Aldermen.

#### **Section 2. Saving Clause.**

If any chapter, section or other portion of these regulations is found to be invalid by duly constituted authority, it shall not effect the validity of the balance of these regulations.

