

CHAPTER IX. - CIVIL SERVICE⁹¹

Footnotes:

--- (9) ---

State Law reference— Authority to provide for a system of civil service, MCL 117.4i(h).

Sec. 1. - General purpose.

The general purpose of this amendment is to establish for the City a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal and discipline of its officers and employees, except hereinafter specified.

All appointments and promotions to positions in the City Classified Service, except as hereinafter provided, shall be made on the basis of merit and fitness to be ascertained by competitive examinations.

Sec. 2. - Department of personnel.

There is hereby established a Department of Personnel for the purpose of administering certain personnel matters as prescribed in this amendment.

The Department of Personnel shall be composed of the following:

- (a) An executive officer of the department who shall be designated as Director of Personnel. Until such time as the services of a full time Director of Personnel is required, the City Manager or City Clerk shall serve in that capacity.
- (b) A Civil Service Board consisting of three electors of the City, to take office thirty days after the effective date of this amendment, and to assume office thereafter as appointed or elected and qualified. One member shall be appointed by the City Council to serve for three years; one member shall be elected by the City employees, to serve for two years; the remaining member shall be appointed by the other two members of the Board, to serve for one year. No elective official of the City shall be eligible for the Civil Service Board during his term of office. Thereafter members of the Civil Service Board shall be appointed or elected to serve for three years, or until their successors have been appointed or elected and have qualified. The vote for the member of the Civil Service Board chosen by the employees shall be by printed ballot forms, which shall be marked and counted in accordance with the provisions of this Charter regarding the marking and counting of ballots used in the election of members of the Council. Members of the Board shall serve without compensation, and shall not hold any other public office or serve on any political committee or take part in the management of any political campaign. The Council may remove any member of the Board for malfeasance or misfeasance in office after written notice and said member shall have the right of public hearing within thirty days after due notice of removal. Any vacancy created by resignation, expiration of term, or any other reason, shall be filled for the unexpired term in the same manner as the person who left the Board to create such vacancy was chosen. Vacancies must be filled within thirty days. The members of the Civil Service Board shall qualify by taking the Oath of Office as required by the Charter of the City of Eastpointe. The Assistant City Manager shall act as Secretary for the Board. He shall be custodian of all personal records and shall be the Official upon or with whom all notices, requests for hearing, complaints or other official documents shall be served or filed. He shall keep the minutes of meetings and records of all proceedings of the Board.

The Civil Service Board shall at its organization meeting elect a Chairman who shall serve for a one-year term. Two members of the Board shall constitute a quorum for the transaction of business; however, for the purpose of determining eligibility to any City Classified Service, disciplinary action or release, three

members of the Board must be in attendance. The Civil Service Board shall determine its order of business for the conduct of its meeting.

Sec. 3. - Classification.

The administration service of the City is hereby divided into the unclassified service and the classified service.

- (a) The unclassified service shall include all officers elected by unclassified and classified service as follows: the people; members of advisory boards, and the members of any board or commission appointed by the Council.
- (b) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service. Appointment to the classified service shall be from eligibility lists established by competitive examination.

Sec. 4. - Functions of the department of personnel.

The functions of the Department of Personnel shall be apportioned as follows:

- (a) The Civil Service Board shall have general supervision over the broad problems of administrative policy involved in the personnel matters prescribed in this amendment, and except for the purpose of inquiry the Civil Service Board and its members shall deal with the specific technical problems of administration solely through the Director of Personnel. The members of the Civil Service Board shall meet quarterly, and on call of the chairman or the Director of Personnel. It shall be the duty of the Civil Service Board:
 - (1) To represent the public interest in the improvement of personnel administration in the City Service.
 - (2) To make annual reports and special reports to the City Council on the quality and status of personnel administration in the City Government and to make recommendations for improvements.
 - (3) To do any lawful act necessary to effect the purpose of this amendment and the rules promulgated in accordance therewith.
 - (4) To sit as a body in investigating and hearing personnel appeals of appointing authorities and employees.
 - (5) To consider such other matters as may be referred to the Board by the Director of Personnel or the City Council.
- (b) The Director of Personnel shall be the executive officer of the Department of Personnel, and shall initiate and direct administrative work. He shall:
 - (1) Attend all regular and special meetings of the Civil Service Board.
 - (2) Make, and may amend, rules for promoting efficiency in the classified service of the City and for the appointment, promotion, transfer, layoff, reinstatement, suspension and removal of City officers and employees in such service; but no such rule or amendment shall become effective unless printed full in a newspaper circulated at least once each week in the City of Eastpointe prior to a public hearing thereon, held by the Civil Service Board after twenty days notice, and unless thereafter approved by said Board. The rules shall provide:
 - A. For the standardization and classifications of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable through promotions.
 - B. For open competitive tests to ascertain the relative fitness of all appointments in the classified service.

- C. For public notice of the time and place of all competitive tests, at least thirty days in advance thereof, by publication in the official paper of the City and by posting a notice in a conspicuous place in the City Hall and other public buildings.
- D. For the creation of eligibility lists upon which shall be entered the names of the successful applicants in the order of their standing in the competitive tests.
- E. For the rejection of applicants or eligibles who do not satisfy requirements as to age, sex, physical condition and moral character or who have attempted deception or fraud in connection with any test or their application thereof.
- F. For the certification from the appropriate eligibility list, for filling a vacancy in the classified service, the name of the applicant of the highest standing on such list.
- G. For the rejection by the appointing authority of the person certified for appointment; such rejection shall be by appeal and hearing before the Civil Service Board.
- H. For temporary employment without test, in the absence of an eligible list; but no such temporary employment shall continue after the establishment of a suitable eligibility list, not for more than ninety days.
- I. For temporary employment for transitory work without tests, but such employment shall require the consent of the Civil Service Board in each case, and shall not continue for more than sixty days nor be renewed.
- J. For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.
- K. For transfer from a position to a similar position in the same class and grade.
- L. For immediate reinstatement at the head of the eligibility list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- M. For suspension for purpose of discipline, for not longer than thirty days, and for leave of absence.
- N. For discharge or reduction in grade and pay of any employee after he has been informed in writing, by the person in authority, of the reasons for such action. Copies of the written reasons shall be submitted to the City Manager and the Civil Service Board for permanent filing and the employee has the right of a public hearing before the Civil Service Board.
- O. For maintaining a record of the efficiency of each employee by establishing a service rating system.

Sec. 5. - Application register.

Upon announcement of examination or test, there shall be established an application register. Application shall be upon forms prescribed by the Department of Civil Service and must be received ten days prior to the date of examination.

Sec. 6. - Civil service tests.

Tests required by the Department of Civil Service shall be practical, shall relate to matters which fairly measure the relative fitness and merit of applicants to discharge the duties of the position which they seek, and shall take account of character, training and experience. No question in any test shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by such opinions, affiliations or service. At least ten days in advance, each applicant upon the appropriate lists of the application register shall be notified by registered mail of the date of examination.

Sec. 7. - Eligible lists; limitations.

The list of applicants eligible to appointment by reason of Civil Service tests, with their grades, shall be known as the register of eligibles. Names of such eligibles shall be arranged in their respective lists in the order of their standings on test. The name of no person shall remain on the register of eligibles for more than two years without a new application and, if the Civil Service rules so require, a new test.

Sec. 8. - Appointments.

When any position in the classified service is to be filled the appointing authority shall notify the Civil Service Board which shall promptly certify to such authority the name and address of the highest eligible on the list for the class or grade to which such position belongs.

Sec. 9. - Limitations on appointments and transfers.

No person shall be appointed or employed in the classified service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to, or be assigned to perform any duties of, a position subject to competitive test except with the approval of the Director of Civil Service and unless as a result of an open competitive test equivalent to that required for the position to be filled, or unless he shall have served with fidelity for at least two years immediately preceding in a similar position under the City Government.

Sec. 10. - Promotions.

Whenever practicable vacancies in the classified service shall be filled by promotion, and the Civil Service rules shall indicate the lines of promotion from each lower to higher grade wherever experience derived in the lower grade tends to qualify for the higher. Lists from which promotions are to be made shall be created as provided by the Civil Service rules, and the appointment of eligibles therefrom shall be made in the same manner as original appointments.

Sec. 11. - Present employees status.

Persons holding positions in the service of the City prior to adoption of this Civil Service Charter Amendment shall automatically retain their position and will be subject to the rules and regulations as set forth for Civil Service employees. Employees of utilities taken over by the City would receive the same rights as persons appointed under Civil Service.

Sec. 12. - Public office and city employment.

No person elected to the Council shall, during the time for which elected, be appointed to any office or position in the service of the City. Any appointive officer or employee of the City who receives a salary or wages from the City and who shall become a candidate for nomination or election to any elective office of the City shall immediately forfeit the office or employment held under the City. No employee of the City shall be appointed to any Board or Commission of the City.

Sec. 13. - Present volunteer firemen.

- (a) The names of all Volunteer Firemen recommended by the Chief and approved by the City Council prior to April 1, 1949, shall constitute a closed list and will be entitled to all benefits set forth in this section.
- (b) All appointments to the Regular Department will be from the closed list until it is depleted or it is necessary to go beyond the list to make regular appointments.
- (c) Appointment to Regular will be by seniority alone as submitted by the Volunteer Firemen on April 1, 1949. Refusal to accept regular appointment will in no way affect the order of seniority.
- (d) Appointees from the closed list must not have reached their forty-fifth birthday and must pass a physical examination.

- (e) Those who do not become Regulars because of age, physical requirements, or refusal may remain Volunteer Firemen with full rights and privileges.

Sec. 14. - Future volunteer firemen.

- (a) Volunteer Firemen appointed after April 1, 1949, will not be eligible for the closed list and must conform to the following regulations:
 - (1) Be between the ages of twenty-one and twenty-five years.
 - (2) Pass a prescribed Civil Service Test.
 - (3) Serve one year of probation with appointment to the regular Volunteer Firemen on recommendation of the Fire Chief.
- (b) After the closed list has been eliminated, an eligibility list will be created from the Volunteer Firemen who have completed the probational period in the manner prescribed in this act.

(Adopted 4-4-1949)