

***CITY OF LAS VEGAS
CIVIL SERVICE RULES***

ADOPTED BY LAS VEGAS CITY COUNCIL

OCTOBER 1, 2006

DEPARTMENT OF HUMAN RESOURCES

**CITY OF LAS VEGAS
CIVIL SERVICE RULES**

TABLE OF CONTENTS

	<u>PAGE</u>
<u>CHAPTER I</u> <u>GENERAL PROVISIONS</u>	1
Section 1 - Purpose	1
Section 2 – Positions/Persons Not Covered by Civil Service Rules	1
Section 3 - Effective Date and Amendments	2
Section 4 - Policy of Non-Discrimination	2
<u>CHAPTER II</u> <u>CIVIL SERVICE BOARD</u>	3
Section 1 - Purpose	3
Section 2 - Composition of Board	3
Section 3 - Presiding Officer	3
Section 4 - Selection of Chairperson	3
Section 5 - Scheduling of Meetings	3
Section 6 - Scope of Duties	4
Section 7 - Secretary to the Civil Service Board	4
<u>CHAPTER III</u> <u>CLASSIFICATION SYSTEM</u>	5
Section 1 - Definitions	5
<u>CHAPTER IV</u> <u>PERSONNEL SELECTION POLICIES</u>	6
Section 1 - General Policy	6
Section 2 - Job Announcements	6
Section 3 – Rejection of Application	7
Section 4 - Employment Restrictions	8
Section 5 - Examination Procedures	10
Section 6 - Lists	13
Section 7 - Appointment of Candidates	15
Section 8 - Expiration or Abolishment/Merger of Lists	17
Section 9 - Passing Over Candidates on Lists	19

Section 10 - Removal of Candidates from Open/Promotional Lists	19
Section 11 - Conditions of Employment	20
Section 12 - Special Appointment Procedures	21
<u>CHAPTER V</u> <u>EMPLOYMENT STATUS</u>	23
Section 1 - Employment Status Definitions	23
Section 2 - Probationary Status/Qualifying Period	23
Section 3 – Seniority	25
Section 4 – Temporary Employees' Status	28
<u>CHAPTER VI</u> <u>WORK RULES AND DISCIPLINE</u>	29
Section 1 - Adherence to Work Rules	29
Section 2 - Employee Responsibilities	29
Section 3 - Performance Reviews	30
Section 4 - Discipline	31
<u>CHAPTER VII</u> <u>SEPARATIONS</u>	35
Section 1 - Types of Separations	35
<u>CHAPTER VIII</u> <u>APPEALS AND HEARINGS</u>	38
Section 1 - Applicability	38
Section 2 - Personnel Action for Medical Reasons	38
Section 3 - Appeal Procedure	39
Section 4 - Hearings	40

CHAPTER I

GENERAL PROVISIONS

Section 1 PURPOSE

In accordance with the Charter of the city of Las Vegas, Article X, Civil Service, it is the purpose of the Civil Service Rules, when not in conflict with existing collective bargaining agreements or the Personnel Policies and Procedures Manual, to set forth the rules and regulations that provide for:

- a. Recruitment, examination and placement procedures.
- b. The classification of positions.
- c. Procedures for the promotion of employees.
- d. Procedures for disciplinary actions against, and the discharge of, employees.
- e. Appeals with respect to actions, which are taken pursuant to paragraph c and d.
- f. The acceptance and processing of citizens' complaints against employees will be handled pursuant to Chapter 2.56 of the Las Vegas Municipal Code.
- g. Such other matters, as the Board of Civil Service Trustees deems necessary or appropriate as pertaining to the Civil Service Rules of the city of Las Vegas.

Section 2 POSITIONS/PERSONS NOT COVERED BY CIVIL SERVICE RULES

The Civil Service Rules shall apply to all positions/persons in the city of Las Vegas, except the following:

- a. Elective persons.
- b. Members of boards and commissions, which are appointed by the City Council.

- c. Individuals appointed to conduct a special investigation or study on behalf of the City Council, a committee thereof, or the City Manager.
- d. Positions that are seasonal, temporary, hourly, or contract and designated to be unclassified.
- e. Positions which by their very nature are confidential or managerial and therefore cannot or should not appropriately be included in the classified service and are established in accordance with the city of Las Vegas Charter provisions, Article III, Sections 3.040, 3.070, and 3.080, Appointive Officers.

Nothing herein shall be construed as precluding the appointing authority from filling any position not covered by these Rules in the manner in which positions within the classified service are filled.

Section 3 EFFECTIVE DATE AND AMENDMENTS

These rules shall become effective October 1, 2006 and shall supercede all similar rules in force.

Copies of the Civil Service Rules shall be made available to employees of the city of Las Vegas.

All proposed amendments to these Rules shall be referred to the Civil Service Board of Trustees for review and must be approved by the Civil Service Board prior to submission to the City Council for final approval.

Section 4 POLICY OF NON-DISCRIMINATION

It is the policy of the city of Las Vegas to provide equal employment opportunity to all employees and applicants without regard to race, color, sex, religion, national origin, age, disability or sexual orientation. Employment decisions shall be based on the individual's merit, ability, and qualifications for the job. Employees who have concerns regarding this section should contact the Human Resources Director or designee.

CHAPTER II
CIVIL SERVICE BOARD

Section 1 PURPOSE

The City Council of the city of Las Vegas has established and appointed the city of Las Vegas Board of Civil Service Trustees to administer the city's Civil Service System through the city Department of Human Resources in accordance with the personnel administration policy expressed in Article X of the City Charter.

Section 2 COMPOSITION OF BOARD

The Board of Trustees shall consist of five members who are appointed by the City Council for terms of 4 years. In accordance with Municipal City Code 3.04.020, terms of office shall be limited to two successive terms and members shall not be eligible for appointment to a further term until two years have elapsed following expiration of their respective current or most recent terms.

Section 3 PRESIDING OFFICER

The Chairperson shall preside at all meetings of the Civil Service Board. Three members shall constitute a quorum for the transaction of business. When the Chairperson is not present, the Vice-Chairperson or the designated temporary Chairperson shall be empowered to perform all acts prescribed for the Chairperson.

Section 4 SELECTION OF CHAIRPERSON

The Civil Service Board shall, in July of each year, elect a Chairperson and a Vice-Chairperson. If the Chairperson resigns, the Vice-Chairperson shall be the temporary Chairperson until a new election is held. If the Chairperson and Vice-Chairperson resign from the Civil Service Board or resign from the positions of Chairperson and Vice-Chairperson, the Civil Service Board shall conduct a new election at the next regularly scheduled Board meeting.

Section 5 SCHEDULING OF MEETINGS

Regular meetings of the Civil Service Board shall normally be held at least once a month at a time and place to be determined by the Board. Special meetings of the Civil Service Board shall be held upon call of the Chairperson or upon call of two

members of the Civil Service Board. Such meetings will be scheduled in compliance with the Open Meeting Law.

Section 6 SCOPE OF DUTIES

The Civil Service Board shall have the power:

- a. To certify or disapprove eligible lists.
- b. To approve or disapprove the extension of eligible lists.
- c. To approve, disapprove, or hold in abeyance new and revised classification specifications.
- d. To rule on receivability of Civil Service Rule appeals.
- e. To conduct hearings pursuant to Chapter VIII, Section 4, of the Civil Service Rules.
- f. To enforce all other Civil Service Rules herein contained.

Section 7 SECRETARY TO THE CIVIL SERVICE BOARD

The City Manager shall appoint a Director of Human Resources, or designee, who shall be responsible to the City Manager for the supervision and operation of the Human Resources Department. In addition to the duties and responsibilities set forth in the classification specification for the Director of Human Resources, the Director shall be custodian of all personnel records and maintain a roster of all officers and employees of the city of Las Vegas and establish and maintain any other personnel records as directed by the City Manager. The Director shall be, in addition to the other status, the Secretary of the Civil Service Board. The Director, or a designated representative, shall attend all meetings of the Civil Service Board, prepare the agenda for the meetings of the Board, and provide the necessary stenographic needs of the Board in order for them to keep accurate records and minutes of their business and official actions. The Director shall be the person upon whom all notices, requests for hearings, complaints, and other official documents shall be served or filed.

CHAPTER III
CLASSIFICATION SYSTEM

Section 1 DEFINITIONS

a. Classification

A classification is that group of positions in the classified service which has similar duties, responsibilities and minimum qualifications. All positions in the classified service of the city of Las Vegas shall be assigned to a classification.

b. Classification Title

Each classification shall be denoted by its classification title. Classification titles shall be used to designate positions in all official records.

c. Classification Specification

Each classification shall be described by a classification specification which shall include the following: the classification title; definition; essential functions; minimum qualifications including education, experience, licenses, certifications or special requirements; and knowledge, skills and abilities. Classification specifications shall be deemed as descriptive of the work required of positions in that classification and will not necessarily include all duties to be performed in a particular position.

d. Approval of Classification

The establishment of any new classification, or substantive revision (i.e., changing minimum qualifications, adding/deleting licenses, certificates, essential functions or supervision exercised) to any existing classification falling under the jurisdiction of the Civil Service Board must be approved by the Civil Service Board.

CHAPTER IV

PERSONNEL SELECTION POLICIES

Section 1 GENERAL POLICY

Vacancies in the classified service shall be filled from an eligible list derived as a result of examination, except as otherwise provided by these Rules.

Section 2 JOB ANNOUNCEMENTS

a. Open Examinations

Notice of open examinations must be posted for a minimum of five (5) working days (working days are Monday through Friday, excluding holidays). Notice of examination shall be posted in the Human Resources Department and distributed throughout all city departments for posting in locations accessible to all city employees. A synopsis of the notice shall also be advertised at least once during the five-day posting period in various multi-media venues.

All candidates whose applications have been accepted are eligible to compete for the classification announced. However, a candidate may be prevented from taking a specific examination if the examination is limited pursuant to Section 5 d. of this Chapter.

b. Promotional Examinations

The notice of promotional examinations must be posted for a minimum of ten (10) working days (working days are Monday through Friday, excluding holidays). Notice of examination shall be posted in the Human Resources Department and distributed throughout all city departments for posting in locations accessible to all city employees.

Insofar as is practicable and consistent with the best interests of the city, priority shall be given to filling vacancies in the classified service through promotional examination. All classified regular city employees who have

successfully passed probation, who submit a complete, current application before the filing deadline and who meet the minimum qualifications of the classification being tested may take the promotional examination.

Section 3 REJECTION OF APPLICATION

Applications must be submitted to the Human Resources Department within the time frame specified on the job announcement. The Director of Human Resources, or designee, may reject applications under the following circumstances:

- a. The application is not submitted on a current city of Las Vegas employment application form.
- b. The application is not complete.
- c. The application is not filed within the period specified in the job announcement.
- d. It is determined that the applicant does not meet the minimum qualifications by close of the filing deadline, as stated in the job announcement. No changes to the application will be accepted after the filing deadline.
- e. It has been determined by the Human Resources Department that there is a relationship between any noted conviction and the job applied for and that this relationship warrants rejection of the candidate's application.
- f. The applicant was terminated for cause from the city.
- g. The applicant's employment would violate the city's nepotism policy.
- h. The applicant has failed a prior background check.

All rejected applicants shall be notified prior to the examination.

Section 4 EMPLOYMENT RESTRICTIONS

No person shall be employed in a position that may create a conflict of interest situation.

Relatives employed in the classified service within the third degree of consanguinity (blood, family, or personal relationship) or affinity shall not be concurrently assigned to the same work location wherein contact would be a daily occurrence. Employees shall not supervise any other employee who is a relative within the third degree of consanguinity or affinity. (See Consanguinity outline below, or Chart on following page.)

- a. First Degree Consanguinity – Employee’s children, parents and spouse.

- b. Second Degree Consanguinity – Employee’s grandparents, mother/father-in-law, brother/sister and grandchildren.

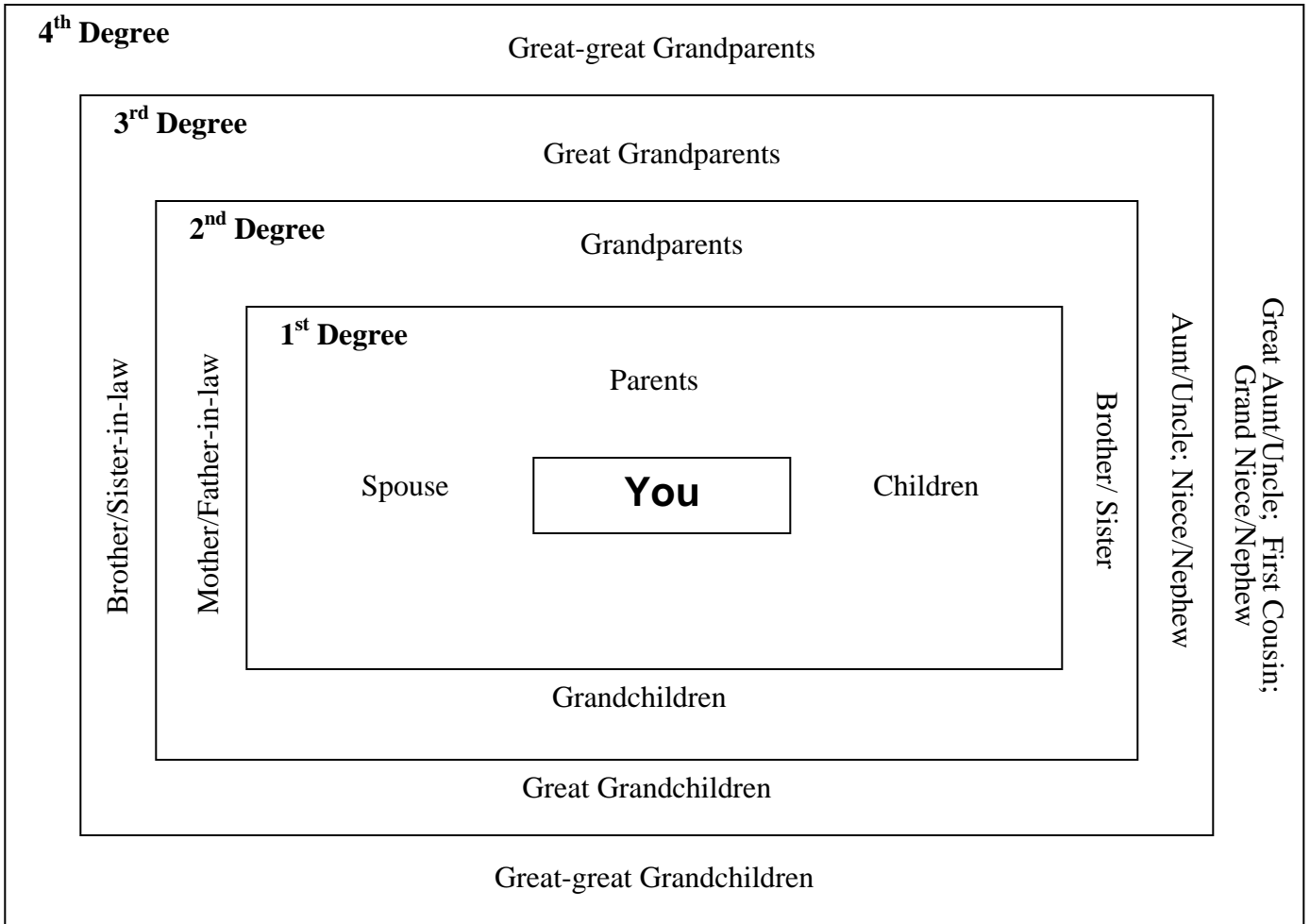
- c. Third Degree Consanguinity – Employee’s great grandparents, aunt/uncle, niece/nephew, brother/sister-in-law and great grandchildren.

- d. Fourth Degree Consanguinity – Employee’s great-great grandparents, great aunt/uncle, first cousin, grand niece/nephew and great-great grandchildren.

NOTE: For the purposes of the Civil Service Rules, step-relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

Department directors, or designees, shall be responsible for the enforcement of these provisions.

Consanguinity Chart



Section 5 EXAMINATION PROCEDURES

The purpose of an examination is to create a list of candidates from which final selection may occur.

a. Testing Methods

Examinations may consist of one or more of the following testing methods:

- (1) Written.
- (2) Oral.
- (3) Audio/Video.
- (4) Performance.
- (5) Physical Ability.
- (6) Evaluation of Training and Experience.
- (7) Assessment Center.
- (8) Weighted Application Form.
- (9) Supplemental Questionnaire.
- (10) Any other measures deemed appropriate by Human Resources.

b. Job Related Testing

Tests shall be constructed in a manner to insure job relatedness as dictated by state and federal law.

c. Disqualification of Candidates

Candidates who have been accepted for an examination may be disqualified if:

- (1) The candidate fails to be on time for the examination.
- (2) The candidate fails to follow instructions.
- (3) The candidate has made a false statement of any material fact, or attempted to or practiced any deception or fraud in the application process.

- (4) The candidate has been terminated for cause from the city and is in a "no rehire" status.
- (5) It is determined that the candidate cheated in completing the examination.
- (6) It is determined that the candidate has tampered with the examination process by removing test materials, tape recording or photographing any portion of the examination, impeding test administrators or oral board examiners, or by performing any other activity adversely affecting current or future examinations.
- (7) It is discovered that the candidate is not eligible to be tested.

d. Limitation of Employment Applications and Candidates Tested

The Director of Human Resources, or designee, may limit to a reasonable number the employment applications accepted for an open recruitment. However, classified city employees will be included regardless of the limited number.

The Director of Human Resources, or designee, may also limit the number of candidates who may take an open examination to a reasonable number of qualified applicants. No limitation shall be placed on the number of qualified candidates who may take a promotional examination.

e. Examination and Test Scoring

The final examination score shall be a weighted composite of all test scores expressed in a percentage and no higher score than 100% shall be given. A pass point of 70% normally will be used as criterion for passing the examination. The pass point on the final examination score or test may be based on the relative scores of all applicants who take an examination.

f. Veteran's Preference

Veteran's preference points shall be given only on open examinations and only after a final passing score of 70% or higher has been attained. Veteran's Preference Points will be given prior to employment only.* Five percent of the final passing score will be added to the veteran's final score, not to exceed

100%. For purposes of veteran's preference, a "veteran" refers to a person who has served on active duty in the armed forces of the United States, and who is able to establish that they have been honorably discharged from such service.

*The intent of Veteran's Preference Points is to assist candidates in attaining initial employment with the city. Temporary and hourly employees are eligible. City employees applying for positions are not eligible for Veteran's Preference Points.

g. Candidate Notification

All persons completing the examination process shall be notified of their relative placement on the eligible list.

h. Written Test Review

Written test review is available for a period of five (5) working days following the date notification of examination results is mailed to the candidate, but prior to eligible list certification. Any error in grading or rating of examination papers, if called to the attention of the Director of Human Resources, or designee, during this review period shall be corrected (working days are Monday through Friday, excluding holidays). ***Copyrighted or standardized tests will not be subject to review.***

i. Re-examination

Whenever the Civil Service Board believes that in the interest of justice, re-examination of any applicant(s) is required, the Board may order the Director of Human Resources, or designee, to conduct such an examination of all the applicants originally tested.

Section 6 LISTS

All classified positions in the city of Las Vegas shall be filled from a list of candidates who have been determined to be qualified as described below.

a. Priority and Types of Lists:

(1) Reduction-in-Force

Employees who were separated, reduced in grade, or transferred as a result of a reduction in force shall automatically be placed on a Reduction-in-Force list for their former classifications. No examination is required to be placed on the Reduction-in-Force list. The duration of the list will be identified in the appropriate bargaining unit contract.

The Reduction-in-Force list takes precedence over all other lists.

(2) Promotional

Any city employee in regular status (who has completed probation) who has obtained a passing score on a promotional examination shall be placed on the Promotional list for that classification.

(3) Open

Any candidate who has obtained a passing score on an open examination shall be placed on the Open list for that classification.

When Promotional and Open lists exist for the same classification, the Promotional list will be given first consideration. No appointments shall be made from lists of lower priority until there are fewer than five candidates available from the higher priority lists (see Section 7 for more details).

(4) Transfer

Any regular city employee who has requested a transfer to another department, and has received approval from Human Resources, shall be placed on the Transfer list for the approved classification. Appointive employees who had previously achieved regular status as a classified employee may request to be placed on the Transfer list for their former classification.

(5) Rehire

The Rehire list is made up of former city employees. To be eligible for placement on this list, the former employee must submit a written request to the Director of Human Resources, or designee, and must (a) have had regular status in any classification formerly held; (b) have left the city's employment in good standing within the past twenty-four months; and (c) receive the Civil Service Board's approval. If a former employee is selected from an Open list, his/her name shall be removed from the Rehire list.

NOTE: Transfer and Rehire lists are used in conjunction with the Promotional and Open lists.

b. Use of Alternate Lists

An alternate list is any list of the same or higher-grade level within the same classification family as the position being filled. In the absence of an existing list, the Director of Human Resources, or designee, may approve the use of an appropriate alternate existing list provided it is within the same bargaining unit contract.

c. Candidate Ranking on Lists

- (1) For lists derived as a result of promotional or open recruitment(s), candidates shall be placed on the appropriate lists in two groups (***for all classified employees except Fire Classified***):

Group 1 -Scores of 85.00 -100.00%

Group 2 -Scores of 70.00 -84.00%

For Fire Classified employees on Open lists:

Group 1 -Scores of 90.00 -100.00%

Group 2 -Scores of 80.00 -89.00%

Group 3 -Scores of 70.00 -79.00%

All final scores are rounded to the nearest whole number. The names of the candidates in each group shall be listed in alphabetical order.

- (2) The ranking of former employees on Reduction-in-Force lists shall be in accordance with the employees' respective classification seniority at the time of separation in accordance with appropriate bargaining contracts.

Section 7 APPOINTMENT OF CANDIDATES

a. Appointment of Candidates from a Reduction-in-Force List

- (1) If a Reduction-in-Force list exists for a classification, no appointments shall be made from any other list for that classification until the Reduction-in-Force list has been exhausted.
- (2) The hiring authority shall make a job offer to the top candidate from the appropriate classification list. Should that candidate refuse employment, the hiring authority shall then make an offer to the candidate whose name appears second on the list. This procedure shall continue until a candidate accepts the offer, or the list has been exhausted. Candidates who refuse the offer of re-employment shall forfeit all rehire rights and privileges and shall be removed from the list (see appropriate bargaining unit contract).

b. Appointment of Candidates from Lists

- (1) If an appointment is to be made from an Open or Promotional list, that appointment shall be made by the hiring authority from among the names of those in the highest category of the respective lists, as provided in Chapter IV, Section 6 (a). When promotional and open

exams are given simultaneously, the referral of names will be as follows
(with the exception of Fire):

Group I Promotional, when less than five names, add
Group I Open and Group II Promotional, when less than five names
on all three lists, add
Group II Open

For Fire Classified employees on Open lists:

Group I Promotional, when less than five names add
Group I Open, when less than five names on both lists add
Group II Promotional, when less than five names on all three lists
add
Group II Open, when less than five names on all four lists add
Group III Promotional, when less than five names on all five lists
add
Group III Open.

This procedure is to be followed until there are fewer than 5 names on
the eligible list or the list expires, whichever occurs first.

- (2) Persons appointed on a temporary basis from the reachable group of an
Open list may have a status change to probationary in the absence of
an existing list and prior to establishment of a new list.
- (3) If a candidate is hired as a temporary employee from a reachable group
and is promoted within the same department into that same
classification without a break in service, up to 90 days credit may be
applied to the probationary period depending on time served as a
temporary employee.

If a regular employee transfers to a temporary position, the employee
retains his/her regular status. The regular employee retains the right to
return to his/her regular position according to the reduction-in-force
clause in the appropriate bargaining unit contract.

- (4) With written agreement between the appropriate bargaining units and
the city of Las Vegas, rule of the list selection may be utilized.

Section 8 EXPIRATION OR ABOLISHMENT/MERGER OF LISTS

- a. Open and Promotional lists will remain active for a period of six months.
- b. Open and Promotional lists can be extended in six-month increments for a maximum of 24 months.
- c. Open and Promotional lists will expire when:
 - (1) There are no candidates on the list available for appointment; or
 - (2) The list is not extended.
- d. Open and Promotional lists with fewer than five candidates may be abolished at the discretion of the Director of Human Resources, or designee, without Civil Service Board approval.
- e. Open and Promotional lists with five or more remaining candidates may be merged with a new list created when:
 - (1) Prior to the expiration date, the appropriate department director(s) submits a request for the creation of a new list to the Director of Human Resources, or designee.
 - (2) The current list has been in existence for 4 months or more.
 - (3) The same examination and testing procedures are used to establish the new list with the following stipulations:
 - (a) Remaining candidates on the current list will be notified of their right to re-examination.
 - (b) Remaining candidates who choose to retest must use their new examination score for placement on the new list.

- (c) Remaining candidates on the current list may transfer their score to the new list.
 - (d) Remaining candidates on the current list who do not respond to notification will be transferred to the new list with their score from the current list.
- f. Former employees will remain on a Reduction-in-Force list for no longer than 12 months, except as provided for in Section 7 of this Chapter.
- g. Former employees will remain on a Rehire list for no longer than 12 months.

Section 9 PASSING OVER CANDIDATES ON LISTS

A candidate may be passed over on a list:

- a. If a candidate fails to respond to a notice to report for an employment interview. The candidate must respond to the notice within 3 working days (excluding legal holidays) from the time notification is attempted at the candidate's last known address. In this event, the candidate's name shall remain on the list except as provided for in Section 10 (f).
- b. If the outcome of a background investigation is not successful, as provided for in Section 11 b. of this Chapter.

Section 10 REMOVAL OF CANDIDATES FROM OPEN/PROMOTIONAL LISTS

A candidate's name may be removed from a list:

- a. If a candidate fails to appear for a scheduled interview without giving prior notice of inability to appear.
- b. If it is determined a candidate is unable to perform the essential functions of the position, as stated in the classification specification.
- c. If an employee is on a Promotional list and is separated from city employment. This does not apply to any employee affected by a reduction-in-force.
- d. If an employee is separated from city employment for cause.
- e. If a candidate fails to respond to a notice to report for an interview on three separate occasions.
- f. If the candidate requests his/her name be removed.

Any candidate whose name is removed from a list for any of the above reasons shall be notified in writing by the Director of Human Resources, or designee.

Section 11 CONDITIONS OF EMPLOYMENT

The appointment of any candidate and the continued employment of any city employee selected to fill a vacancy in the classified service shall be conditional based on the successful outcome of the following, where applicable:

a. Medical Certification

- (1) A city-provided medical physical screening may be required before starting work for the city.
- (2) Pre-placement physical certification that the employee or candidate can perform the essential functions of the position. The city may rescind its offer of employment to an individual whose accommodation would pose an undue hardship upon the city or who is determined to pose a significant risk to the health or safety of the individual or others. Such a determination will be made on a case-by-case basis.
- (3) The hiring authority, with the approval of the Director of Human Resources, or designee, may require an employee be medically re-evaluated at any time for continued employment.

b. Background Investigation

The appointment of any candidate to a position in the classified service is conditional upon the successful outcome of a background investigation. The background investigation may include, but is not limited to, the following:

- (1) Drug testing.
- (2) Criminal record check.
- (3) Verification of former employment.
- (4) Verification of education.
- (5) Suitability assessment.
- (6) Voice Stress Analyzer (VSA).
- (7) Personal reference check.
- (8) Credit report.

Any candidate who is being denied employment or employee being denied continued employment based in whole or in part upon a background investigative report concerning former employment, education, or a criminal record, shall be notified of the reason for denial. He/she will be given an opportunity to provide clarification with appropriate documentation within 10 working days. If the candidate or employee does not provide proper documentation, it will be presumed that the records on file with Human Resources are correct and may result in disqualification of the candidate or separation of the employee.

c. Probationary Period

The initial appointment of any candidate to a classification in the classified service shall be conditional upon the successful completion of a probationary period, unless otherwise defined in the appropriate collective bargaining agreement. Non-confirmation of the employee's appointment shall terminate the employee (refer to Chapter V, Section 2 (a) for more details).

d. Qualifying Period

A regular employee reclassified, transferred, or promoted to a non-temporary classification in the classified service shall be required to serve a qualifying period as defined by the appropriate bargaining unit contract or other agreement (refer to Chapter V, Section 2 (a) for more details).

Section 12 SPECIAL APPOINTMENT PROCEDURES

Appointments to the classified service of the city of Las Vegas shall be made through the examination process described in Chapter IV, Section 5, with the following exceptions:

a. Flex Classifications

Employees serving in positions that have been designated as flex classifications may be promoted without being tested from the lower level to the higher level at the recommendation of management and after meeting the minimum qualifications for the higher level. Employees will serve a qualifying period after a flex promotion.

b. Appointment of Employee with Industrial Injury or Occupational Disease

The city of Las Vegas will comply with the Nevada Revised Statutes, Chapters 616 and 617, and the Nevada Administrative Code for rehabilitation of an employee with an industrial injury or occupational disease that resulted from employment with the city.

An injured employee may be returned to work:

1. In the same classification; or
2. In a lower grade classification for which he/she is qualified, and which accommodates the employee's physical limitations due to the industrial injury or occupational disease; and
3. Without being tested and placed on an eligible list for that classification. The employee may be appointed even if there is an existing list for the classification that does not include the employee's name.

CHAPTER V

EMPLOYMENT STATUS

Section 1 EMPLOYMENT STATUS DEFINITIONS

Employees may work on a full- or part-time basis in any employment category. The definitions of the employment categories are:

a. Probationary

Any person appointed to a classified position in the city of Las Vegas shall serve a minimum probationary period as defined by the appropriate bargaining unit contract. Final confirmation of the employee's appointment to regular status is conditional upon successful completion of the probationary period. Part-time employees on probation must work the equivalent of the minimum probationary period as defined by the appropriate bargaining unit contract.

b. Regular

Employees serving in the classified service who have successfully completed their probationary period and whose appointments have been confirmed shall be designated as regular employees.

c. Temporary

Persons appointed as temporary employees are not considered regular employees and are excluded from the classified service. All temporary appointments are subject to a maximum duration of 12 months full-time or up to 24 months part-time.

Section 2 PROBATIONARY STATUS/QUALIFYING PERIOD

a. Duration of Probation

- (1) All initial appointments in the classified service shall be subject to the successful completion of a probationary period (see appropriate bargaining unit contract).

- (2) The probationary period for Las Vegas City Employees Association members is six (6) months and cannot be extended without Human Resources and bargaining unit approval. Any employee whose probation is extended shall be notified in writing of the reasons for his/her extension within ten (10) working days prior to the end of any probationary period.
- (3) If, at the end of an employee's probationary period, no action has been taken on the part of the employee's department with respect to confirmation of the appointment or extension of the probationary period, the employee will be confirmed. Written notice will be given to the employee of his/her confirmation.

b. Duration of Qualifying Period

- (1) All employees transferred, reclassified, or promoted in the classified service shall be subject to the successful completion of a qualifying period (see appropriate bargaining unit contract).
- (2) The qualifying period for Las Vegas City Employees Association members is six (6) months and cannot be extended. Any IAFF, POA, or PPA Association member whose qualifying period is extended shall be notified in writing of the reasons for his/her extension within ten (10) working days prior to the end of any qualifying period.
- (3) If, at the end of an employee's initial qualifying period, no action has been taken on the part of the employee's department with respect to confirmation of the appointment, the employee will be confirmed. Written notice will be given to the employee of his/her confirmation.

Section 3 SENIORITY

All employees serving in a classified, non-temporary status who have successfully completed their probationary period and whose appointments have been confirmed, shall hold regular status (see appropriate bargaining unit contract).

a. Types of Seniority

- (1) City seniority/service date is based on the total length of active employment in the classified service (see appropriate bargaining unit contract).
- (2) Classification seniority is based on the employee's total length of active service in a classification, which may include title changes or reclassification. Title changes and reclassifications may need to be reviewed on a case-by-case basis.

b. Seniority Determinations

- (1) Regular employees may accrue seniority.
- (2) Temporary employees shall be credited with time worked on a temporary basis up to 90 days only after obtaining probationary status in the same classification. Time will be credited only if there is no break in service between temporary and probationary status.
- (3) Part-time classified employee seniority determinations shall be made on a prorated basis, using the actual number of hours worked, with 2,080 hours being the equivalent of one year of service.
- (4) Any period of leave or suspension without pay in excess of 30 consecutive calendar days shall not be counted in seniority calculations, and the employee's service, classified service and seniority within classification dates shall be adjusted accordingly. The only exceptions to this rule are periods of leave without pay which result from job-related illness, job-related injury, or military leave.

c. Retention of Regular Status in the Classified Service

(1) Return from Leave Without Pay

- (a) Regular employees who are granted leave without pay from their classified positions for six months or less and who return from such leave within the agreed time period shall be entitled to return to their former classification and salary.
- (b) Regular employees who take an approved leave without pay from their classified positions for more than six months and who return from such leave within the agreed time period may return to their former salary and classification, if a vacant position is available.
- (c) Employees shall be notified in writing of their new adjusted service, classified service and seniority within classification dates.
- (d) Regular, full-time city employees who are called to military duty shall be granted leave without pay for the duration of the military duty, and shall be entitled to return to their former classification and salary.

(2) Reduction-in-Force

- (a) Employees who separate from city employment as a result of reduction-in-force shall retain the right to return to their former classification, salary step, longevity, and employment status as a result of appointment from a Reduction-in-Force list. The employee's seniority, service, and merit increase eligibility dates shall be adjusted by deducting the time away from work (see appropriate bargaining unit contract).
- (b) Employees who are on a current Reduction-in-Force list may compete in any examination for which they are qualified.

(3) Return to Previous Classification after Promotion, Reclassification or Voluntary Transfer to Another Classified Position

- (a) Any regular employee who is promoted, reclassified or voluntarily transfers to another position in the classified service and whose

new appointment is not confirmed within the qualifying period shall retain the right to return to his/her former classification, salary and department. The employee is not guaranteed the same shift, work period, supervisor, or other conditions of work.

- (b) For purposes of establishing the employee's seniority in the classification to which the employee is returning, the employee shall be credited with all time spent in the new classification and shall be placed at the same salary step to which the employee would have been entitled had the employee not been promoted or reclassified.
- (c) If no appropriate vacancy exists, as determined by Human Resources, the City Manager may effect reductions-in-grade and/or terminations of other employees in accordance with the city's current Reduction-in-Force policy.

(4) Return to Previous Classification after Appointment to a Non-Classified Position

Any employee with regular status who is appointed to a city position outside the classified service shall retain the right to return to regular status in the classified service, only if the non-classified (appointive) position is eliminated.

- (a) For purposes of establishing employees' seniority in the classification to which they are returning (see appropriate bargaining unit contract), employees shall be credited with all time spent in non-classified positions and shall be placed at the same salary step to which they would have been entitled had they not left the classified service.
- (b) If no appropriate vacancy exists, as determined by Human Resources, the City Manager may effect reductions-in-grade and/or terminations of other employees in accordance with the city's current Reduction-in-Force policy.

Section 4 TEMPORARY EMPLOYEES' STATUS

Temporary employees must successfully compete for regular positions before a probationary appointment may be made.

- (1) If the employee was originally appointed to temporary status from a list on which he/she was in a reachable group, no additional competition is necessary.
- (2) If a temporary employee was **not** originally hired as a temporary employee from an eligible list, he/she would have to successfully compete along with other applicants to be considered for hire as a regular city employee.

In either of the above situations, if a temporary employee is offered and accepts a regular city position that is in the same classification worked as a temporary **and** there is no break in service between temporary status and regular status, up to 90 days of time served in temporary status shall be applied to the probationary period.

CHAPTER VI

WORK RULES AND DISCIPLINE

Section 1 ADHERENCE TO WORK RULES

- a. All employees in the classified service, regardless of employment status, are required to adhere to the rules and procedures set forth in the Civil Service Rules, as well as to applicable regulations or policies set forth in the City Charter, Personnel Policies and Procedures Manual, employee contracts, department rules and any other official city documents.
- b. Department directors may establish such departmental rules and regulations as they deem necessary for the orderly administration and regulation of their department.
 - (1) Department rules established must be consistent with existing city regulations, and must be approved by the City Manager.
 - (2) Initial department rules and all amendments, deletions, or changes to department rules shall be posted and made available to employees in the affected department ten days prior to their effective date.

Section 2 EMPLOYEE RESPONSIBILITIES

- a. Employee responsibilities include, but are not limited to, the following:
 - (1) Learning their official job duties;
 - (2) Establishing effective working relationships with fellow employees and the public;
 - (3) Learning and adhering to city and department rules, regulations, and policies;
 - (4) Maintaining the ability to perform the essential functions of their classification;
 - (5) Maintaining the level of performance required by their position;

- (6) Being at work as scheduled, unless authorized to be absent, and taking responsibility for initiating and obtaining any necessary authorization for such absences; and
- (7) Obtaining approval from their department director and the Deputy City Manager before accepting any outside employment. Any venture, or transaction which is incompatible with the proper discharge of the employee's functions within the city, which could bring the city or its employees into any general disrepute or discredit, or which might tend to impair the employee's or the city's efficiency or independence of judgment in the performance of official duties will not be approved.

b. In addition to the above, employees in supervisory positions are responsible for:

- (1) Providing each of their subordinates with a written statement of their duties and official relationships;
- (2) Providing instruction and guidance to employees in the performance of new job functions;
- (3) Providing new employees with a complete job orientation;
- (4) Monitoring employee's performance and assuring that all required performance evaluations are submitted in a complete and timely manner;
- (5) Discussing with each employee his/her performance and providing the opportunity for discussion of work related matters.

Section 3 PERFORMANCE REVIEWS

In addition to normal work review discussions, supervisors shall conduct formal performance evaluations for each employee under their supervision. All formal performance evaluations shall be completed on a form approved by the Director of Human Resources and the Civil Service Board. Space shall be provided on the form for comments by the employee and the supervisor. No comments shall be added after the form has been signed by the employee.

- a. The purpose of the performance evaluation is to provide information to the employee and to create a record of the employee's work effectiveness. The performance evaluation should be used to assist the employee in making the maximum contribution to the work of the city.
- b. A performance evaluation must be conducted by the end of the third month and again by the end of the ninth month following the hiring of any employee, and on an annual basis thereafter.
- c. The performance evaluation shall be reviewed and signed by the department director, and the original copy forwarded to the Human Resources Department for review and placement in the employee's personnel file. The department shall keep one copy for its files and give a copy to the employee.
- d. Performance evaluations may be done on an as-needed basis by the department to advise the employees of their performance on the job in terms of the employee's strengths, weaknesses, accomplishments, goals, and objectives.

Section 4 DISCIPLINE

a. Grounds for Disciplinary Action

Any of the activities listed below shall be considered valid grounds for disciplinary action. These grounds for disciplinary action are not deemed inclusive, but merely descriptive, and any other acts of substance relating to character, fitness, or the work performance of an employee may be considered grounds for disciplinary action.

- (1) Conviction of an offense which is punishable as a felony in the State of Nevada, conviction of an offense in any place other than the State of Nevada, which offense, if committed in the State of Nevada, would be punishable as a felony, or conviction of any offense which involves moral turpitude.
- (2) Violation of the Civil Services Rules of the city of Las Vegas or the rules and regulations as are prescribed by the City Manager or a department director.

- (3) The employee's failure to meet personal financial obligations resulting in the issuance of process against the city of Las Vegas, either as garnishee or otherwise, in accordance with State and federal guidelines.
- (4) The employee's failure to meet medical standards as prescribed by the city of Las Vegas.
- (5) Acceptance, performance, or maintenance of any form of employment outside and in addition to the employee's position with the city of Las Vegas, where such outside employment has not been reviewed and approved by the employee's department director and the Deputy City Manager.
- (6) Solicitation of the public for personal or city-identified organizational purposes, for money, goods, or services not specifically authorized by the employee's department director and approved by the City Manager, when wearing or using any city identifiable uniform, badge, or regalia.
- (7) Acceptance of any reward, gift, gratuity, or other form of remuneration or compensation in addition to the regular city-paid compensation of the employee from any source whatsoever for the performance of the duties of his/her position, as outlined in Nevada Revised Statutes 281.411 to 281.581, inclusive.
- (8) Improper action by the employee in his/her official capacity and/or any conduct unconnected with the employee's official capacity which tends to bring the city into public discredit or which tends to affect the employee's ability to perform his/her official duties efficiently.
- (9) Improper use or an attempt to use an employee's official position to personal advantage.
- (10) Commission of any act which gives an indication of the existence of any good reason, personal to the employee, which the law or sound public opinion, or both, recognizes as good reason for the disciplinary action. Such acts, referred to as "cause" herein, include, but are not limited to:

- 1) Incompetency;
- 2) Inefficiency;
- 3) Neglect of duties;
- 4) Unexplained and unapproved absence from duty;
- 5) Malfeasance or misfeasance in office;
- 6) Conduct unbecoming an employee;
- 7) Insubordination;
- 8) Acts evidencing moral turpitude;
- 9) Absenteeism or tardiness;
- 10) Misuse or theft of city property;
- 11) Safety violations;
- 12) Alcohol or other drug abuse;
- 13) Inability to maintain effective or satisfactory working relations with fellow employees or the public, or both; and
- 14) Striking, threatening, or any other abuse of supervisory, management, or other employees.

(11) Participation in any strike against the city, which term includes concerted slowdowns, interruptions of operations, or absences from work, upon any pretext or excuse, such as illness, which is not founded in fact.

b. Disciplinary Procedure

An employee whose conduct or performance is considered unsatisfactory shall be subject to discipline as defined in the respective collective bargaining agreements.

c. Types of Discipline

Employees who do not correct unsatisfactory conduct or performance; or who commit offenses of such a serious nature that require immediate expulsion from work, are subject to the following:

(1) Written Reprimand

(2) Suspension

An employee may be suspended with or without pay as a disciplinary measure. Suspension without pay for five (5) days or longer requires a predisciplinary hearing and must have the approval of the City Manager.

An employee may be suspended without pay for an indefinite period of time as a result of a criminal complaint in a court of law, in which case the suspension may continue until the matter is adjudicated by a court of competent jurisdiction. If the charges are not sustained, the city may still administer further discipline if the city can substantiate misconduct.

(3) Demotion

An employee may be demoted as a result of a disciplinary action. Prior to any demotion, an employee shall receive a pre-disciplinary hearing.

(4) Withholding of Merit Increase

An employee who is denied a merit increase as a result of a disciplinary action(s) shall be notified in writing of the proposed withholding if the merit increase prior to the effective date.

(5) Termination

An employee may be terminated as a result of disciplinary action. Prior to termination, the employee shall receive a pre-disciplinary hearing.

d. Notification

An employee shall be notified in writing of any disciplinary action that could lead to suspension, demotion, withholding of merit increase, or termination, and shall be afforded the opportunity to meet with the department director (or deputy director) to discuss the proposed disciplinary action prior to the action being taken. An employee may also respond to the proposed disciplinary action in writing.

CHAPTER VII

SEPARATIONS

Section 1 TYPES OF SEPARATIONS

a. Resignation

Any full-time employee who resigns shall submit a resignation in writing to their department director at least two weeks prior to the effective date of the separation.

b. Abolishment of Positions and Reduction-in-Force

The City Council or the City Manager may require the abolishment of any position and the consequent reduction-in-force in the classified service of the city whenever such abolishment and consequent reduction-in-force are in the best interest of the city.

- (1) Whenever a position of indefinite duration (non-temporary) is abolished, a reduction-in-force shall take place. Competition for retention shall be limited to other employees holding positions in the same or similar classification in the same department.
- (2) The application of the reduction-in-force procedures specified herein may cause the reassignment, transfer, reduction-in-grade or any combination thereof, or the termination of an affected employee.
- (3) An employee's appointment shall not be terminated before the employee has been given a reasonable offer of a reassignment, provided that an appropriate vacancy exists or will become available within ten working days.
- (4) Termination under reduction-in-force shall require the giving of at least two weeks' notice to the employee or payment in lieu of notice of an equivalent amount of salary.

- (5) An employee demoted or terminated under the provisions of this section shall be placed on the Reduction-in-Force List in accordance with the provisions specified in Chapter IV, Section 7.

c. Non-Confirmation of Appointment

During the probationary period of a new employee, the appointment shall not be confirmed and the employee shall be terminated for one or more of the following reasons:

- (1) The employee's performance or conduct is not satisfactory.
- (2) The employee proves unsuitable to the work.
- (3) The employee is unable to perform the essential functions of the position.
- (4) The employee fails to meet any appointment standards set forth in Chapter IV or approved classification specifications.

d. Mental or Physical Disability

Upon the advice of a physician designated by the Director of Human Resources or upon other competent medical evidence, if it is determined that an employee or applicant is incapable of satisfactorily performing the essential functions of the position or classification to which he/she is assigned because of a physical or mental impairment which is likely to continue indefinitely or recur frequently, the appointment shall be terminated.

e. Failure to Report to Duty

An employee who is absent from duty in excess of one normal working day without appropriate authorization shall be considered to have abandoned the position, and the employee's regular appointment status may be terminated. Termination by the employee's department director under this Rule shall require the giving of notice as specified in the disciplinary procedures set forth in Chapter VI. Notice shall be sent by certified, return receipt mail to the employee's last address of record.

f. Termination

An employee may be terminated as a result of a disciplinary action administered in accordance with Chapter VI.

CHAPTER VIII

APPEALS AND HEARINGS

Section 1 APPLICABILITY

The provisions of this section apply only to employees in the classified service who have completed their initial probationary period of employment with the city.

Section 2 PERSONNEL ACTION FOR MEDICAL REASONS

- a. A decision to terminate, suspend, or demote an employee based on medical reasons may be appealed by the employee. The employee's appeal must be based upon a disagreement with the medical conclusions on which the city's decision was based, and the employee's appeal must be supported by medical evidence. The appeal must be made in writing to the Director of Human Resources within ten (10) days after receiving notice of the personnel action.
- b. Upon receipt of such an appeal, the Director of Human Resources or his/her designee, shall refer the appeal to a Medical Board of Review. The Medical Board of Review shall consist of three (3) medical practitioners: one selected by the city, one selected by the employee, and one selected by the two selected medical practitioners.
- c. The employee agrees to authorize the release of the employee's health care records that are in the custody of any provider of health care to the city's physician. The employee, by requesting the appeal, authorizes the release of all the city's health care records and information concerning the employee to the Medical Board of Review.
- d. The Medical Board of Review shall conduct such examinations of the employee as it may deem necessary.
- e. The decision of the Medical Board of Review shall be final, and no other appeal procedures shall apply.
- f. The employee shall bear the cost of his/her own medical practitioner. The city shall bear all other costs in connection with the Medical Board of Review.

Section 3 APPEAL PROCEDURE

- a. Subject to the provisions of Section 3 c. below, an employee in the classified service may appeal any final administrative action or decision, except as otherwise provided in Section 2 (Personnel Action for Medical Reasons) of this Chapter. Appeals affecting an employee's appointment status may be made on the grounds that the action or decision complained of resulted from one or more of the following factors:
 - (1) Failure to observe or correctly apply the provisions of the Civil Service Rules.
 - (2) Incomplete consideration of the facts.
- b. Appeals which are considered to be receivable under these Rules shall be heard by the Civil Service Board in accordance with Section 4 (Hearings) of this Chapter, and the findings of the Civil Service Board shall be final and conclusive.
- c. The following provisions shall govern the conditions of appeal:
 - (1) No employee shall bring an appeal before the Board until the action complained of has become final. An action is considered to be final when it has been taken by the department director or his/her designee, and the employee has received written notification of the action.
 - (2) An employee must file a Notice to Appeal the action within ten (10) calendar days after receipt of the written notification of the action from which the employee is appealing. The Notice to Appeal must contain a statement specifying the action against which the appeal is made, the subsection or sections of the Civil Service Rules under which the appeal is filed, and a detailed statement which justifies the appeal submission.
 - (3) Following the Notice to Appeal, the Secretary to the Civil Service Board shall notify the Chairperson of the Civil Service Board. The Board shall at the next regularly scheduled meeting, set a date to consider the application for appeal. If the appeal is considered to be receivable under these Rules, a hearing shall be set for a date not more than thirty (30) calendar days from the date the appeal was received by the Board, unless

the employee requests a later date. If the subject matter of the appeal, or any matter related to the appeal, is filed in a court of competent jurisdiction, the Civil Service Board shall have discretionary power to postpone any action on said appeal until the matter has been adjudicated in such court of law.

Section 4 HEARINGS

- a. Any hearing, inquiry, investigation, or other activity of the Civil Service Board shall be conducted in accordance with the rules of procedures set forth in this section and, during a hearing, the technical rules of evidence shall not apply, except as otherwise provided herein.
- b. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. This notice shall be in writing and shall be sent to all parties ten (10) calendar days prior to the scheduled hearing. The notice shall include:
 - (1) A statement of the time, place, and nature of the hearing.
 - (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - (3) A reference to the particular sections of the Civil Service Rules involved.
 - (4) A short and concise statement of the matters asserted. If the party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Within five days of the hearing, a more definite and detailed statement shall be furnished to the Board.
- c. The Civil Service Board, the City Attorney, other city representatives, and the Appellant of the Appellant's representative are entitled to examine witnesses under oath and compel their attendance and testimony or the production of evidence before the Civil Service Board by subpoena. In all cases, the Chairperson or Vice-Chairperson of the Civil Service Board shall have power to:
 - (1) Administer oaths and affirmations and to take affidavits;

- (2) Regulate all proceedings in every hearing before the Board and to perform all acts and take all measures necessary for the efficient conduct of the hearing;
 - (3) Admit or exclude evidence;
 - (4) Rule upon the form of any question asked or the scope and extent of testimony statements or cross-examination;
 - (5) Dispose of motions, requests for adjournment, continuances, and similar matters; and
 - (6) Exclude all witnesses during the testimony of other witnesses.
- d. The Chairperson, or designee, shall have the power at any time subsequent to the formal initiation of a hearing and prior to the decision thereof, to initiate, conduct, or participate in negotiations looking toward the settlement or other disposition in whole or in part of any case; and the Chairperson, or designee, shall have power in any case to direct the parties or their attorneys to appear before him/her at any time for a conference to consider:
- (1) The simplification of the issues;
 - (2) The necessity or desirability of amendments;
 - (3) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof;
 - (4) The limitation of the number of expert or other witnesses; and
 - (5) Such other matters as may expedite and aid in the disposition of the case.
- e. Prior to the commencing of any hearing, the appellant may file with the Civil Service Board a timely affidavit of personal bias or disqualification of any member of the Board, setting forth the specific grounds for such disqualification. The Board shall either find the affidavit without merit and direct the case to proceed; or, cause the disqualified member to be removed. A member of the Board may withdraw from any case wherein the member deems him/herself disqualified for any reason. Notwithstanding the provisions of this Section, not

more than two (2) members shall be disqualified from any one hearing by affidavits or prejudice.

- f. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Evidence may be admitted, except where precluded by statute. The Civil Service Board shall give effect to the rules or privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

Documentary evidence may be received in the form of authenticated copies or duplicates if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first called the witness to testify, and rebut the evidence against the witness.

- g. The Civil Service Board may take official notice of any matter of generally recognized fact or any technical or scientific fact of an established character, but the parties shall have an adequate opportunity to show that such facts are erroneously noticed.
- h. At the conclusion of all hearings, the Civil Service Board shall afford the parties opportunity for oral argument. (If either or both parties request, and upon good cause shown, the Board may afford the parties reasonable opportunity for briefs and further argument as may be indicated.)
- i. All members of the Civil Service Board who heard the case (unless unavailable because of death, illness, or otherwise) shall find the relevant facts, including conclusions and inferences of fact, and enter an appropriate order, judgment, or other form of decision, which shall become a part of the record. If all members do not agree, the majority of the members present at the hearing shall determine the decision. If there is no majority vote, the case shall be considered lost, and the administrative decision shall be deemed upheld.

- j. At the conclusion of a hearing, pursuant to the provisions of Section 3 (Appeal Procedure) of this Chapter, the Board may find:
 - (1) That the action appealed was without justification and that the appellant shall be restored to his/her previous status and may or may not receive compensation for the period of any suspension, termination, or reduction in grade; or
 - (2) That the action appealed was justified and should be confirmed; or
 - (3) That such other action as it deems proper should be taken.
- k. All hearings before the Civil Service Board shall be held publicly unless the appellant requests a closed hearing. The testimony and other proceedings at such hearing shall be recorded on a recording instrument. The cost of transcribing such testimony from the recording instrument shall be paid by the appellant if he/she requests a transcript. Any recordings shall be kept for a period of two (2) years and then may be destroyed on the instructions of the Civil Service Board.
- l. The record in a contested case shall include:
 - (1) All pleadings, motions, and intermediate rulings;
 - (2) Evidence received or considered;
 - (3) A statement of matters officially noticed;
 - (4) Questions and offers of proof and objections and rulings thereon;
 - (5) Proposed findings and exceptions;
 - (6) Any decision or opinion of report by the Civil Service Board.
- m. Secretarial service shall be provided to the Civil Service Board by the city.
- n. Inadvertent deviations which may occur in the foregoing procedures shall not invalidate the final decision of the Civil Service Board.

- o. All written notifications required by this Section shall be by certified mail, return receipt requested, to the most current address on file with the Human Resources Department, or by receipt of copy.