

## **Civil Service Rule VII: Certification and Appointment**

### **Section 1. Types of Appointments:**

Vacancies in the classified service shall be filled either by original appointment, temporary appointment, limited term appointment, term appointment, re-employment, promotion, reassignment, detail, reemployment from layoff, transfer, or demotion. Appointing authorities may indicate which of these methods they would prefer to have employed in each instance, but final decision shall rest with the Director.

### **Section 2. Request for Certification:**

Whenever an appointing authority desires to fill a vacancy in a position in the classified service, notification shall be submitted to the Director on a form prescribed by him. The form shall provide for a statement of the title and duties of the vacant position, the desirable qualifications, the reason that an appointment is desired, and such other pertinent information as the Director may prescribe. Insofar as practicable, each vacancy shall be anticipated sufficiently in advance to permit the Director to determine who may be available for appointment, and if necessary, to establish a class, and to establish a list of eligibles.

### **Section 3. Certification of Eligibles:**

(a) The Director shall, subject to these rules and Article XVIII, upon notification of a vacancy, certify to the appointing authority the names of the highest six available eligibles on the list deemed most nearly appropriate by him, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. With the approval of the Director of Personnel, the appointing authority may specify certain special qualifications of the person to be certified as he deems desirable for the satisfactory performance of the duties of the position. In such cases, only those eligibles possessing the special qualifications in addition to the minimum qualifications required for the class shall be certified.

(b) Order of Certification: Former employees who had permanent status at time of layoff and who are on the reemployment from layoff list shall be appointed to the position from which they were laid off, if it is reestablished within two (2) years, or to the first vacancy that occurs in the class of position from which they were laid off under their former appointing authority. The normal order of certification shall be the highest ranking eligibles willing to accept employment, ranked in the following order: first, all the eligibles on the reemployment from layoff list, if any; secondly, all eligibles on the appropriate employment list and lastly, all eligibles from the appropriate reemployment list. The Director of Personnel can determine a different order of certification if he deems it to be in the best interest of the City. All the names on any one of such lists shall be exhausted before any names are certified from another list, but the names certified may be taken from two or more lists, if necessary to make a certification of six (6) eligibles.

(c) Fewer Than Six (6) Eligibles: If the appropriate lists do not contain the names of a sufficient number of eligibles to comprise a full certification, the Department of Personnel will certify those candidates who are available in the manner described in (b) above. If the appointing authority is unable to fill the vacancy from the list provided, the appointing authority shall notify the Department of Personnel of the need for additional eligibles and/or may request the Director of Personnel for permission to make a temporary appointment to fill the vacancy.

(d) Certification to Two or More Appointing Authorities: Successive groups of names of eligibles shall be certified to vacancies in order of receipt of requisitions for employees with due regard to the rights of eligibles standing highest on the list; provided, however, that this section shall not require simultaneous certification of the same name in different certifications made at the same time.

#### **Section 4. Appointment:**

The appointing authority or his designee shall interview each available eligible who is certified. Within twenty-one (21) days after such names are certified, the appointing authority shall appoint one of those whose names are certified to each vacancy he or she is to fill. In the event that an appointment is not made to the position within twenty-one (21) days after such names are certified, or the appointing authority is unable to make a selection, the Director of Personnel may grant an extension of a maximum of an additional thirty (30) days. If no selection is made within the prescribed or authorized period, the certification shall be null and void. Appointing authorities shall make each selection from the top six eligibles available and willing to accept appointment, except,

1. any eligibles who have had six considerations for appointment from the same certification may be considered removed from further consideration if the appointing authority so desires as if their names were removed from the certification, or
2. their names are removed from the eligible list during the effective period of the certification in accordance with Civil Service Rule VI, Section 18. Certification for appointment from the same certification shall mean that an eligible is within the top six candidates available for appointment for six different vacancies to be filled from the certification. In each case of acceptance of an appointment, such appointment shall become effective as of the date on which the appointee enters upon duty, and the appointment shall be immediately reported to the Director of Personnel in the form prescribed by him. The appointing authority shall notify each eligible of the results of the certification process. However, any person appointed from an eligible list may, at the discretion of the Director and with the approval of the appointing authority, report for duty beyond the date normally established when circumstances warrant this action.

### **Section 5. Career Seasonal Appointment:**

When it is determined that a vacancy exists in a career seasonal position which is permanent in nature, but for which services are only required on a seasonal or cyclical basis, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as described in Section 3, part (a) of this rule. Such names shall represent the highest six eligibles who are willing to accept employment in a career seasonal position.

(a) Status: Any employee appointed to a career seasonal position in the classified service shall serve in a working test period as defined in Rule VIII. However, any employee who has served in the same position in a temporary or limited term appointment prior to such certification may, upon recommendation of the appointing authority and the approval of the Director, have this prior service considered as part of the working test period.

Employees who do not complete the working test period prior to being placed on seasonal leave shall be given credit for the initial period of service toward completion of the working test period. Career seasonal employees who successfully complete a working test period are eligible to compete in promotional examinations as prescribed by Rule VI.

(b) Conversion to Career Seasonal Status: Any employee who, at the time of adoption of this rule, is serving in or on leave from a limited term or per performance position which is career seasonal in nature as defined by these rules, may be converted to career seasonal status by the Director under such regulations he may prescribe.

(c) Transfer Eligibility: Career seasonal employees are eligible for transfer to permanent positions in the same occupational class when approved vacancies exist under such regulations the Director may prescribe. Transfer to permanent positions under a different appointing authority shall be in accordance with the provisions of Rule VII.

(d) Appointments: Appointments to a career seasonal position shall be made from such eligible lists as the Director deems appropriate or as in paragraph (b) above.

### **Section 6. Term and Limited Term Appointment:**

Term appointments shall be made from eligible lists established for this purpose or from eligible lists for regular competitive appointment consisting of names of persons willing to accept term appointment in the same manner as described in Rule VII, Section 3, part (a) of these Rules. Persons under term appointment shall be eligible to compete in promotional examinations and for transfer to continuing positions with status as permanent employees in accordance with Rule VII, Section 8, provided they have

passed a working test period and possess a current service rating deemed satisfactory under the Director's Service Rating System. Term appointments shall be used only for bona fide situations in which the services of employees are required for only a definite duration and not as an alternative to career appointments. The Director shall not permit an appointing authority to make any more than five percent in his/her total appointments as term appointments without approval of the Commission. In no case in which an appointing authority holds a term of office shall he/she make a term appointment of any individual coincident with his/her term, unless it is to fill his/her former position when on leave of absence from the competitive service to accept appointment in the excepted service.

Whenever it is determined that a vacancy exists in a position which will exist for a limited period of time only, not to exceed one year, the Director shall certify to the appointing authority as eligible for appointment the names of such eligibles as may be on an appropriate eligible list in the same manner as described in Rule VII, Section 3, part (a) of these rules. Such names shall represent the highest six eligibles who are willing to work for a limited term. A person appointed for a limited term may gain permanent status only when the individual so appointed is eligible for certification, in regular order, to a permanent vacancy.

#### **Section 7. Temporary Appointments:**

Temporary appointments without competitive tests, to competitive positions, may be made as further provided in these rules, for a period of time not to exceed six (6) months. Such temporary appointment may, with approval of the Director of Personnel, be extended for a period not to exceed three (3) months. Such temporary appointments shall include provisional appointments in the absence of available registers containing six (6) viable candidates, pending establishment of eligible registers and certification and appointment therefrom, transient appointments for short jobs of work, and emergency appointments pending filling of vacancies by other means than such emergency appointments.

(a) Provisional Appointments: When a vacancy is to be filled in a position of a class for which there are no eligibles available for certification, the appointing authority, with the prior approval of the Director, may make provisional appointment of any person he deems qualified. The provisional appointment may be an original appointment or a provisional promotion of a person with permanent status in the same or a lower level position.

(b) Termination of Provisional Appointment: Any provisional appointment shall terminate upon the regular filling of the vacancy in any manner authorized by Article XVIII and these rules, and in any event within twenty-one (21) days after certification of eligibles has been made to the appointing authority for the vacancy.

(c) Transient Appointments: Whenever the services of an employee are required in any position in the classified service for a period of less than sixty (60) days beyond which such services will not be required, the appointing authority, with the prior approval of the Director, may make a transient appointment of any person he deems qualified, to serve for the required period.

(d) Emergency Appointment: In the event of an emergency which may result in loss of public property or serious inconvenience to the public, an appointing authority may select and appoint a person without regard to the rule governing appointments but in no case shall such emergency appointment continue longer than twenty (20) working days. Excessive emergency appointments shall not be made, and no person shall serve under emergency appointments longer than twenty (20) working days in any twelve (12) month period. The Director, however, may, under the terms of these rules permitting provisional appointments, allow the appointing authority to make a provisional appointment of the same person to the position. The total duration of such appointments, both emergency and provisional, shall not exceed sixty (60) days nor be extended nor renewed beyond that time. The authority for such appointments is conditioned on a prompt report thereof to the Director at the time such appointment is made.

(e) War Service Appointments: As an emergency measure, at the discretion of the Director, appointments to positions in the classified service may be made for a period of time not to exceed the duration of the war and not to exceed six (6) months thereafter. Such appointments shall be made only to those classes of position for which a sufficient number of fully qualified applicants is not available to allow the application of regular recruitment and selection procedures. Before authorizing such appointments in any class of position, the Director shall notify the Commission of his reasons for such authorizations.

1. Evidence of Fitness: In making war service appointments, the Director may require applicants to present such evidence of their ability, proficiency, or physical condition as he may deem necessary to comply with the requirements of Article XVIII concerning competition in appointments.
2. Termination of War Service Appointments: Any war service appointment shall terminate upon the regular filling of the vacancy from an appropriate eligible list as authorized by Article XVIII and these rules, and in any event at the expiration of six (6) months after the duration of the war.

#### **Section 8. Transfers:**

An appointing authority may, at any time, transfer any classified employee under his jurisdiction from one position to another position in the same class by giving written notice to the Director before the effective date thereof. Transfer of a classified employee from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority may be made with the approval of the

Director and the appointing authorities' consent, provided the positions are in the same class or a similar class requiring no additional or different tests of fitness and having the same pay grade. Any transfer of an employee from a position in a lower class to a position in a class carrying a higher pay grade shall be deemed a promotional appointment and may be accomplished only in the manner provided in these rules for making promotional appointments. Any transfer from a position in a higher class to a position in a lower class shall be deemed a demotion, and may be effected only in the manner provided in these rules for making demotions. No person shall be transferred from a position in the unclassified service to a position in the classified service; nor shall any person be transferred from an excepted position in the classified service to one for which competitive tests of fitness are required for entrance to the class.

#### **Section 9. Procedures for Certification and Appointment:**

The Director shall institute procedures for processing certifications and appointments, notifying eligibles, determining the availability of eligibles and for carrying on all of the activities involved in such personnel transactions.

#### **Section 10. Non-Competitive Conversion to the Classified Service:**

(a) Noncompetitive Conversion: When the City of St. Louis lawfully acquires or assumes responsibility for the management and operation of any governmental or quasi-public agency, public utility or nonprofit service organization, or any component or subgroup thereof, all persons who are employed by the acquired organization may be granted a noncompetitive conversion to the classified service, as provided by this Rule VII.

(b) Status of Incumbents: All persons who are converted to the classified service through noncompetitive conversion as provided in this rule are entitled to continue to serve therein with the status and rights provided in Article XVIII of the Charter of the City of St. Louis and these rules, provided that the employee legally occupied the initial position by regular appointment.

1. Persons serving in temporary or limited term positions or their equivalent will be entitled to continue to serve for the period of time specified upon original appointment;
2. Persons serving in a probationary period will be given credit for service completed prior to noncompetitive conversion toward fulfilling the requirements established in Rule VIII.
3. Any employee who is granted a noncompetitive conversion to the classified service will be credited for prior cumulative service in accordance with the provisions of these Rules and the City's Compensation Ordinance. Such prior service will be recognized for purposes of salary and leave administration, order of layoff and other personnel transactions.

(c) Employee Relations:

1. Effective on the date of conversion to the classified service, any previously negotiated contracts or memoranda of understanding between employees and (previous) employers will be deemed null and void. The right of employees to meet and confer is prescribed by the Missouri State Board of Mediation Law and Rule XVIII.
2. Upon noncompetitive conversion to the classified service all previously existing conditions of employment, whether stated or implied, will be deemed null and void.

(d) Classification and Salary Administration: The pay grades and bi-weekly salary tables established by the City's Compensation Ordinance for the classified service will apply to all positions and employees converted to the classified service. Prior to the conversion of any position to the classified service, it will be allocated to the appropriate class by the Director of Personnel in accordance with the provisions of Article XVIII of the City Charter and Rule IV.

1. Employees who are being compensated at a rate which is below the minimum of the range for the class and grade to which their positions have been allocated will be adjusted to the minimum of the correct salary range.
2. Employees who are presently paid within the appropriate salary range for the class and grade to which their positions have been allocated will receive no salary adjustment by virtue of conversion to the classified service.
3. Employees who are being paid above the maximum of the salary range for the class and grade to which their positions have been allocated will have their salaries frozen until the appropriate salary range surpasses the current salary rate, provided such salary has been in effect for at least six months. Any subsequent salary adjustments must be in keeping with the City's Compensation Ordinance.
4. No employee will have his or her salary reduced by virtue of conversion to the classified service of the City of St. Louis.

(e) Paid Leave Benefits: Upon conversion to the classified service employees will begin eligibility for the accrual and use of paid leave benefits as prescribed by the City's Compensation Ordinance. Accrual rates for vacation leave will recognize length of continuous service with the acquired agency or jurisdiction.

1. Existing vacation leave and sick leave balances which have been documented and verified by the appointing authority and are consistent with the Compensation Ordinance will be transferred to the official records of the City of St. Louis when the employee converts to the classified service within the limits of the Compensation Ordinance. Records of paid leave benefits may be audited by the Director of Personnel and adjusted as needed when adequate documentation of accrued benefits does not exist or benefits are inconsistent with the Compensation Ordinance.

2. Any compensatory time balance which has been accrued by an employee must be used or paid to the employee prior to conversion to the classified service.

(f) Compensation: All other forms of compensation and benefits authorized by the City's Compensation Ordinance but not specifically cited in parts (d) and (e) above shall be provided to employees who are converted to the classified service in accordance with the terms of the Ordinance.

(g) Performance Appraisal: All employees who are converted to the classified service shall be subject to the provisions and schedules for performance appraisal which are established in Rule X and the City's service rating manual(s). Employees may receive Interim service ratings sixty days following the date of conversion to the classified service, except as otherwise provided by the service rating system.

(h) Staffing:

1. Appropriate staffing levels will be determined for any governmental or quasi-public agency, public utility or nonprofit service organization which is converted to the classified service by the appointing authority (subject to appropriation of funds by the Board of Estimate and Apportionment and the Board of Aldermen). Staffing levels may be reviewed by the Director of Personnel in accordance with the provisions of Article XVIII of the City Charter and Rule VII.
2. Employees who are converted to the classified service will not be laid off or terminated except under the conditions prescribed by Article XVIII of the City Charter and these Rules.

(i) Conversion:

Conversion to temporary or limited-term appointment shall be granted by the Director of Personnel upon application by the appointing authority and certification that the employee was occupying a temporary or limited-term position upon date of conversion.

1. Conversion to competitive appointment shall be granted by the Director of Personnel upon certification by the appointing authority that the employee(s) occupied his (their) position(s) upon date of conversion and had continually occupied (his) their position(s) for six months or other period of time as stipulated by the City's service rating system for successful completion of a working test period.
2. Conversion to competitive probationary appointment shall be made by the Director of Personnel upon certification by the appointing authority that the employee(s) occupied his (their) position(s) upon date of conversion and the exact number of days they had served in their probationary period. The appointing authority may then determine that such employee(s) have passed in their probationary period after serving the number of days required by these rules and being certified by their appointing authority for conversion to career status in the same form as for other competitive appointees.



3. The conversion provisions of this Rule VII shall not apply to any person employed on a contractual or consulting basis who is not a bona fide employee of a governmental or quasi-public agency, public utility or nonprofit service organization which is acquired by the City of St. Louis.
4. Conversion shall be made in the form the Director will prescribe and the Director or his designee shall certify the conversion of each employee. The Director shall report the names of any employee(s) converted to competitive appointment as a permanent employee to the Commission at its next regular meeting.

#### **Section 11. Non-Essential Positions:**

The Director shall prepare and, from time to time, revise a list of those positions deemed to be nonessential for the effective administration of the City's affairs. Such list shall show the department in which the position exists, the class title of the position, and the name of the incumbent. Whenever an appointing authority shall submit a request for certification to fill a vacancy in the same class of position as one of those deemed non-essential, the Director shall arrange to transfer the incumbent thereof to fill the vacancy. Whenever an incumbent in a position deemed non-essential is separated from the service, the Director shall not certify any eligible to fill the vacancy.

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#### **Section 12.**

(a) Article VII, Section 6 of the Missouri Constitution provides that "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree of consanguinity or affinity, shall thereby forfeit his office or employment."

(b) No person in the classified service shall be transferred, appointed, promoted or by any other means placed in a position whereby they would be directly supervised by any relative within the second degree of consanguinity or affinity. This will not apply to temporary appointments, assignments or details of less than thirty days. The Director shall not knowingly certify any applicant, or approve any personnel action, which may result in a violation of the foregoing provisions. Appointing authorities shall not knowingly take such actions.

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