

## **Civil Service Rule II: General Provisions**

### **Section 1. Purpose:**

It is the purpose of these rules to give effect to the purpose and requirement of Article XVIII by establishing procedures for handling personnel transactions and activities in such a manner as to insure:

(a) That all appointments and promotions to positions in the service of the City and all measures for the control and regulation of employment in such positions, and separation therefrom, shall be on the sole basis of merit and fitness, which so far as practicable shall be ascertained by means of competitive tests, or service ratings, or both.

(b) That an ordinance providing fair and equitable rates of pay, with due consideration of both employee and taxpayer, and with due consideration of the principle of like pay for like work, and suitable differences in pay for differences in work shall be prepared and upon passage shall be effectively and fairly administered.

(c) That consideration shall be given to the desires and interests of the employees insofar as consistent with the best interests of the City as an employer, and of the public served.

(d) That the City Service, so far as practicable, shall be made attractive as a career and each employee shall be encouraged to render his best service in willing compliance with the provisions of Article XVIII.

(e) That a modern and comprehensive system of personnel administration for the City shall be provided, whereby economy and effectiveness in the personal services rendered to the City, and fairness and equity to the employees and taxpayers, alike, may be promoted.

### **Section 2. Positions Covered By Rules:**

These rules, administrative and joint regulations promulgated by the Director of Personnel, and ordinances shall apply to all positions in the classified service including Police Division employees (commissioned and civilian), except as otherwise provided in Article XVIII relative to excepted positions.

### **Section 3. Adoption of Rules:**

These rules shall be approved by the Commission only after a public hearing open to any citizen, officer or employee of the City of St. Louis. The hearing shall be held after five (5) or more days public notice has been given, setting forth the place and time of the hearing and the purpose for which it is called.

### **Section 4. Amendment of Rules:**

Amendments to the rules may be made by the Commission from time to time, as circumstances and conditions may require and may be made in accordance with the

procedure outlined in Rule II, Section 3.

**Section 5. Administrative Regulations:**

The Director shall promulgate and, as occasion requires, rescind or amend administrative regulations which shall prescribe the detailed procedures to be followed in carrying out the provisions of Article XVIII and of these rules.

**Section 6. Powers and Duties of the Commission:**

The Commission shall have the power and it shall be its duty:

(a) to prescribe, and to amend from time to time as such action is deemed to be desirable, rules for the administration and enforcement of the provisions of Article XVIII and of any ordinance adopted in pursuance thereof, and not inconsistent therewith;

(b) to recommend to the Mayor and Aldermen, in accordance with Article XVIII, ordinances to provide for:

1. a compensation plan providing properly related scales of pay for all grades of positions, and amendments to such compensation plan from time to time as may be required; and rules for its interpretation and application;
2. a plan for a system for retirement of superannuated and otherwise incapacitated employees, if and when permissible under the constitution and laws of the State of Missouri;
3. regulation of hours of duty, holidays, attendance and absence;
4. such other matters within the scope of this article as require action by the Mayor and Aldermen;
5. such changes in any such matters from time to time as may be deemed to be warranted.

(c) to make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this article and of ordinances and rules adopted in accordance therewith, and to make such recommendations to the Director and to the Mayor and Aldermen as in its judgment may be warranted in the premises;

(d) to consider and determine any matter involved in the administration and enforcement of Article XVIII and the rules and ordinances adopted in accordance therewith that may be referred to it for decision by the Director, or on appeal by any appointing authority, employee, or taxpayer of the City, from any act of the Director or of any appointing authority. The decision of the Commission in all such matters shall be final, subject, however, to any right of action under any law of the State or of the United States;

(e) to hold an examination for the position of Director, whenever eligibles therefor are needed, and to certify eligibles resulting therefrom to the Mayor; also to designate an employee of the Department of Personnel to perform the duties of the Director when the position of Director is vacant and until an appointment is made from the eligibles certified;

(f) to transmit to the Mayor and Aldermen, with such additions and comments as it may desire to make, such annual and special reports as the Director of Personnel may submit for its action;

(g) to order the reinstatement without loss of pay of any employee who has been discharged, demoted, or reduced in rank or compensation for religious, racial, or political reasons;

(h) to represent the public interest in the improvement of personnel administration in the City Service;

(i) to advise the Mayor and the Director of problems concerning personnel administration;

(j) to advise and assist the Director in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the City Service.

#### **Section 7. Duties and Powers of the Director:**

The Director shall have the power and it shall be his duty:

(a) as executive head of the Department, to direct and supervise all its administrative and technical activities;

(b) to serve as secretary of the Commission, to see to the keeping of the minutes and records thereof, and in all other proper ways to facilitate the actions and proceedings of the Commission;

(c) to appoint all employees of the Department of Personnel except the Director and the members of the Commission, and to direct and control their work;

(d) to direct and control, under the customary financial procedures of the City, the expenditures from appropriations for the Department;

(e) to establish and maintain a roster of all City employees showing as to each employee the class title of the position held, the salary or pay, any change in class title, pay or status, and any other necessary data;

(f) to prepare and recommend for action by the Commission rules, including a classification plan and a service rating plan, drafts of ordinances for recommendation to the Mayor and Aldermen in matters requiring such ordinances, and changes as deemed

desirable from time to time in such rules and ordinances, including a compensation plan;

(g) to allocate each position in the classified service to its appropriate class in the classification plan adopted under the provisions of Article XVIII, and reallocate positions as conditions warrant, from class to class;

(h) to prepare and maintain appropriate definitions of classes and grades in the classification plan and amend them from time to time as he may deem such action warranted;

(i) to hold examinations, pass upon the qualifications of applicants, and establish eligible lists as needed, and to certify names of eligibles to appointing authorities for filling vacancies in competitive positions;

(j) to cooperate with appointing officers and others in providing programs of training for employees, for employee welfare, for promoting of employee morale, and for otherwise raising of standards of performance in the service in every practicable way;

(k) to pass upon, for compliance with the provisions of the Charter and ordinances and these rules, and approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, leaves of absence, changes in rates of pay, suspensions, separations, and other employment transactions affecting the status of employees;

(l) to make such investigations as he may deem desirable with respect to the enforcement and effect of the personnel provisions of the Charter and ordinances and of these rules, and such special investigations as the Commission or the Mayor may request and make special reports relative thereto;

(m) to devise and recommend to the Commission a compensation plan consisting of scales of pay for the several grades or classes in due relation to each other and to rates prevailing for like employment in private industry, rules for the interpretation and application of the plan, and changes in such plan and rules from time to time as deemed desirable, including a draft of an ordinance for recommendation to the Mayor and Board of Aldermen;

(n) to make such administrative regulations as he may deem necessary, not inconsistent with the Charter, ordinances applicable, and these rules, relative to matters involved in the administration of the personnel provisions of such Charter, ordinances, and rules;

(o) to make annual reports to the Commission for its approval and transmission to the Mayor and Aldermen on the work of the Department and the administration and effect of Article XVIII, with such recommendations for action as he may deem desirable, and such special reports as may be requested by the Commission or the Mayor;

(p) to aid the Mayor and Aldermen, and the several appointing officers, in determining

the number and kinds of positions needed to carry on the City's business and in discovering and labeling unnecessary positions in order that they may be designated as supernumerary, so that they may be eliminated as opportunity affords for transfer of the employees to other positions, under the provisions of Article XVIII, and so that, as they become vacant, steps may be taken to keep them from being filled;

(q) to transfer without loss of status the employees in unnecessary and supernumerary positions to other vacant positions in the classified service under the same or different appointing authority in order to serve the best interests of the City Service;

(r) to aid the Mayor and Aldermen, and appointing authorities in all practicable ways in handling other personnel matters relating to positions under their jurisdictions;

(s) to do all other and further things necessary or proper for making effective the provisions of Article XVIII and all rules and ordinances adopted in pursuance thereof, and not inconsistent therewith, whether of the same kinds as those specified in this section, or of different kinds;

(t) to take such action, not inconsistent with Article XVIII or ordinances pursuant thereto, as may be reasonably necessary and proper to effectuate the purpose of such article and ordinances, in the absence of specific provisions in Article XVIII, ordinances, or rules of the Commission;

(u) to designate an employee of the Department to act as his deputy, upon whom the powers and duties of the Director shall devolve in the absence of the Director or his inability from any cause to discharge the powers and duties of his office;

(v) to retain, for purposes of assisting in the examination of candidates for positions of high responsibility and positions requiring unusual qualities or qualifications, the services of persons, without regard to their residence, who because of their experience or for other reasons have special acquaintance with the qualities or qualifications requisite for the positions under examination;

(w) to administer and enforce the provisions of Article XVIII, of all ordinances adopted pursuant thereto, and of these rules, subject to these rules and to appeal and review by the Commission.

#### **Section 8. Compliance with Law, Rules, and Orders:**

It shall be the duty of all employees to conform to and comply with, and to aid in all proper ways in carrying into effect, the provisions of Article XVIII and the rules and ordinances prescribed thereunder. Whenever the Director of Personnel shall make any order under the provisions of Article XVIII or in accordance with any rules or ordinances thereunder, the employee to whom such order is directed shall forthwith comply with the terms and provisions thereof, and any failure or neglect on the part of such employee properly to satisfy or meet the requirements of such order without sufficient justification therefor, shall be construed as grounds for his removal, subject to all rights of appeal and review provided by this Article or by ordinance or law.

## **Section 9. Violation and Penalties:**

Any person who shall willfully or through culpable negligence violate or conspire to violate any provision of Article XVIII or of any ordinance made pursuant thereto for which no other punishment is provided therein, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not to exceed six months, or both, in the discretion of the court. The conviction of any employee of any such offense shall operate automatically to terminate his service and to vacate his position; any employee so removed from the service shall not be reinstated, reemployed, or reappointed, or in any other manner reenter the service of the City of St. Louis for a period of five years from the date of such conviction, and the Comptroller and any other fiscal officers responsible for payment of any compensation to such person are hereby charged with notice thereof. Nothing in this section shall be construed to supplant or in any way affect any prosecution that may be elected to be initiated under any other provision of law relating to the nonfeasance, malfeasance, or misfeasance, of public officers.

REV. 9/25/19