

RULES
of the
CIVIL SERVICE COMMISSION

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County of Wayne

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RULE 1

Authority, Application, Amendment and Validity of These Rules

SEC. 1. AUTHORITY AND APPLICATION

The following rules and regulations shall be the rules and regulations authorized by the County Civil Service Act and shall apply to all positions in the classified service in regard to appointments; to promotions, transfers and other changes in status; to suspensions, demotions, and removals; to hours and conditions of service; to annual and sick leave and other leaves of absence; and to all other personnel matters as provided by said County Civil Service Act. In the event that there are provisions in collective bargaining agreements which differ from these Rules and Regulations, such provisions shall be controlling for positions covered by said agreements.

SEC. 2. AMENDMENT

The Commission may, at any time, abolish, alter, change, make additions to or otherwise amend these rules and regulations in a manner not in conflict with the law by posting a copy of any change or changes on the official bulletin board with a notice of its effective date. Written notice of such change or changes shall be given by the Commission to each Appointing Authority.

SEC. 3. VALIDITY

If any section or part of these Rules and Regulations shall be held to be invalid, the remaining provisions shall be given full force and effect as completely as if the part held invalid has not been included therein.

RULE 2

Organization and Administration

SEC. 1. ORGANIZATION

The Commission shall appoint a Personnel Director by competitive examination as provided by law. The Personnel Director, or in case of his disability or absence the person acting for him, shall attend all meetings of the Commission, shall present such matters as require action by the Commission and shall prepare the minutes. He shall have the right to participate in discussions but shall have no vote. Any act of the Personnel Director or any other employee of the Commission shall be subject to abrogation, reversal or modification by action of the Commission.

SEC. 2. MEETINGS OF COMMISSION

The Commission shall meet at least monthly at such times and places as the chairman shall designate or on the request of the other two (2) members. Two (2) members shall constitute a quorum.

SEC. 3. MINUTES OF MEETINGS

The minutes of the proceedings of the Commission shall be prepared and maintained by the Personnel Director on behalf of and subject to the approval of the Commission.

SEC. 4. OFFICIAL BULLETIN BOARD

The Commission shall cause to be maintained an official bulletin board in a place accessible to the public during business hours, upon which shall be posted such notices as the Commission or the Personnel Director may deem of interest to others. The posting of any required notice upon such official bulletin board shall be deemed requisite public notice thereof unless some other form of notice is required in a particular instance by law or by these rules.

RULE 3

Defining the Unclassified and Classified Civil Service

SEC. 1. UNCLASSIFIED SERVICE

The provisions of Sections 10(a) and 14 of the County Civil Service Act, pertaining to the unclassified service are hereby defined to include the following positions:

- (a) Officers elected by popular vote and persons appointed to fill vacancies in such elective offices.
- (b) Officers and employees for whom the Constitution specifically directs the manner of appointment.
- (c) Members of Boards and Commissions required by law to be appointed:
 - (1) Members of the County Tax Allocation Board
 - (2) Commissioners of the Detroit-Wayne County Port Commission
 - (3) Commissioners of the Soldiers' Relief Commission
 - (4) Commissioners of the Board of Jury Commissioners
 - (5) Commissioners of the Huron-Clinton Metropolitan Authority
- (d) A deputy or assistant in each of the elective offices, who in the case of a vacancy in the elective office or inability of such elective officer to perform his duties would be entitled to perform the duties of the office until the vacancy is filled or the inability removed:
 - (1) Deputy County Treasurer
 - (2) Chief Deputy County Clerk
 - (3) Deputy Register of Deeds
 - (4) Under Sheriff and Chief Deputy Sheriff
 - (5) Chief Deputy County Drain Commissioner
- (e) Assistant Prosecuting Attorneys:
 - (1) Chief Assistant Prosecuting Attorney
 - (2) Chief Trial Attorney (Assistant Prosecuting Attorney—Chief of Recorder's Court Section)
 - (3) Chief of Appellate Division

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 - (1) Deputy County Treasurer
 - (2) Chief Deputy County Clerk
 - (3) Deputy Register of Deeds
 - (4) Under Sheriff and Chief Deputy Sheriff
 - (5) Chief Deputy County Drain Commissioner
- (e) Assistant Prosecuting Attorneys:
 - (1) Chief Assistant Prosecuting Attorney
 - (2) Chief Trial Attorney (Assistant Prosecuting Attorney—Chief of Recorder's Court Section)
 - (3) Chief of Appellate Division

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- (4) Chief of Civil Division
- (5) Chief of Criminal Division
- (f) Members of the following Boards and Commissions appointed by the Board of Supervisors, or by the Board of County Auditors, under the general law of the State:
 - (1) Board of County Road Commissioners
 - (2) Administrative Board of the Wayne County Training School
 - (3) Soldiers' and Sailors' Burial Commission
 - (4) Board of County Library Commissioners
 - (5) Board of County Canvassers
 - (6) Board of County Institutions
 - (7) County Social Welfare Board
 - (8) Civil Service Commission
 - (9) County Board of Health
- (g) Court Reporters:
 - (1) Circuit Court
 - (2) Recorder's Court
 - (3) Common Pleas Court
- (h) County Health Director
- (i) Chief Clerk, Common Pleas Court

SEC. 2. EXEMPT POSITIONS

By reason of their nature and method of appointment, the following positions are hereby declared to be exempt from the Civil Service Act and the Rules and Regulations thereunder, except as otherwise indicated:

- (a) Circuit Court:
 - (1) Assignment Clerks
 - (2) Probation Officers
 - (3) The position of Friend of the Court; the position of Chief Assistant Friend of the Court; Assistant Friend of Court—Chief of Court Division; Assistant Friend of Court—Chief of Enforcement Division; Friend of the

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Court Referees; Assistant Friends of the Court (Attorney Trainee, Attorneys I, II, III, and IV); Investigators (Domestic Relations Investigators I and II).

- (4) Director of Circuit Court Marriage Counseling Service and Marriage Counsellors (in accordance with the provisions of Act No. 155, P.A. 1964).
 - (5) Research Law Clerk – Circuit Court
 - (6) Circuit Court Judicial Assistant
 - (7) Circuit Court Administrator
- (b) Recorder's Court (Including Traffic and Ordinance Division):
- (1) Probation Officers
 - (2) Clerk of the Recorder's Court
- (c) Civil Defense Director
- (d) Chaplains
- (e) Corporation Counsel

SEC. 3. CLASSIFIED SERVICE

The classified service shall comprise all positions not specifically included in the unclassified or exempt positions above. (In accordance with the provisions of Act No. 190, P.A. 1962, the County Board of Education, effective March 28, 1963, is no longer a County department. The employees of this department are not, therefore, listed in any of the above categories.)

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The Position-Classification Plan

SEC. 1 THE POSITION-CLASSIFICATION PLAN: DEFINITIONS

- (a) The "Position-Classification Plan" means the classes of positions named and/or described in the schedule adopted by the Commission on August 14, 1943, and approved by the Board of County Road Commissioners, on August 17, 1943, and by the Board of Supervisors on August 19, 1943, with such amendments as may be made thereto and together with the rules herein provided.
- (b) The term "position" means a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one person. A position may be either occupied or vacant. Where necessitated by the organization of work, one individual may hold more than one position allocated to more than one class.
- (c) The term "class" or "class of positions" means all positions which are alike in the following characteristics:
 - (1) Having duties and responsibilities requiring like qualifications of the incumbents, including such qualifications as training, experience, capacity, knowledge, proficiency, and any other qualifications necessary for the proper performance of the work;
 - (2) Properly filled by persons selected by the same tests of fitness;
 - (3) Equitably compensated by the same rate or rates within a schedule of compensation;
 - (4) Having the same provision for specialized in-service training;and which differ from positions in other classes in one of the foregoing characteristics.
- (d) Specialties may be created within classes for the purpose of recruitment as the needs of the service require. The term "specialty" is defined as a position or group of positions within a class sufficiently different in the specialized knowledges, abilities, or skills required from other positions in the class to warrant separate treatment for recruitment purposes. A specialty within a class shall have the same

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effect, force, and significance as any other class. Such specialties shall be listed in the Salary Plan and on pay rolls under the group class title.

SEC. 2. PREPARATION AND ADMINISTRATION OF THE POSITION-CLASSIFICATION PLAN

The Position-Classification Plan shall be kept current by continued investigation and review, including the investigation of organizational units of positions as to their allocation, organization, compensation, and training needs, and including any necessary county-wide surveys of positions within a single class so that the Position-Classification and/or the Salary Plan shall be integrated. Appointing Authorities shall make available to the Commission and its authorized representatives all materials and facts necessary to the determination of questions arising in any of the personnel processes covered by the Act.

SEC. 3. INTERPRETATION OF CLASS SPECIFICATIONS

In determining the class to which any position shall be allocated, the specification of each class shall be considered as a whole and as also including the duties and responsibilities and other pertinent characteristics of positions which have been allocated to the class subsequent to the publication of the class specification.

(a) Class Title

The term "class title" or "title" shall refer to the official title of the class as specified in the class specifications and shall apply to all positions allocated to the class and be used in all personnel and administrative processes, except that other titles may be used for purposes of internal administration and in any other connection not involving the personnel processes covered by the Act or these rules.

(b) Relationship of Classes

Each class of positions is to be considered in relationship to other classes in the County service in determining its grade, its proper grouping within the Position-Classification Plan, and its compensation. The specifications of the classes are to be read and interpreted with this relationship in mind.

(c) Specifications Descriptive and not Restrictive

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which

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should be allocated to the several classes as determined by their duties and responsibilities, and shall not be construed as declaring what the duties or responsibilities of any position shall be, or as limiting the power of any Appointing Authority to assign duties to, and to direct and control the work of, employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality.

SEC. 4. BASIS OF ORIGINAL ALLOCATION

The original allocation of a position to a class shall be based upon the duties and responsibilities of such position as they existed prior to December 1, 1943.

SEC. 5. ALLOCATION OF PROPOSED NEW POSITIONS

An Appointing Authority shall notify the Commission of the duties and responsibilities of any proposed new position, in such manner and form as may be prescribed.

SEC. 6. REQUESTS FOR RECLASSIFICATION

Any employee desiring to request a change in classification or pay rate shall first submit his request directly to his Appointing Authority, who shall review such request as to its justification. If the Appointing Authority shall find that there is merit in the request, he shall immediately transmit his recommendation to the Civil Service Commission. If the Appointing Authority shall find that the request is not justified, he shall so advise the employee in which case the employee may appeal directly to the Commission. The Commission may permit, however, requests to be submitted directly to it, if it deems advisable.

A request for the reclassification of a position will not be considered by the Commission for a period of one year following the date of Commission action on a prior request for reclassification of said position, unless substantial changes in the assigned duties and responsibilities have occurred which have not previously been considered by the Commission.

SEC. 7 APPEALS FROM CLASSIFICATION DETERMINATION

When a request for a change in classification of a position has

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been acted upon by the Commission, the employee, or his Appointing Authority, may appeal said determination by filing a written request for a hearing with the Commission within twenty days after receiving the notice of the action taken on said request for reclassification.

SEC. 8. EFFECT OF CLASSIFICATION ON PAYMENT OF COMPENSATION

Approval of the payment of compensation to any person in a position shall not be made by the Commission, or the Personnel Director acting for it, until such position has been allocated to a class and until the status of the individual in the position has been verified.

No employee shall be appointed, employed, certified, or paid under any other title than that of the class to which the position occupied or to be occupied by him is allocated.

SEC. 9 STATUS OF EMPLOYEES UPON THE RECLASSIFICATION OF POSITIONS

- (a) Upon the reclassification of a position from one class to another class of the same, or lower level, or a higher level, the method of filling the position shall be determined in accordance with the rules regarding transfers, demotions, or promotions, as may be appropriate, except as provided in sub-section (b) below.
- (b) Whenever a position has been reclassified to a class in the next higher level in the same or related series, as defined by the Commission, the incumbent may be granted the same status in the higher class as he or she held in the former class if the Commission shall find that all of the following conditions are met:
 - (1) The reclassification of the position is based upon the accretion of new duties and responsibilities over a period of one year or more and the incumbent was continuously employed in the position during such accretion of duties and responsibilities,
 - (2) The added duties and responsibilities were related to and supplemented the original functions of the position,

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- (3) There is evidence that such additional duties were assigned to the position solely to increase the efficiency of County operations, and
- (4) That the added duties and responsibilities upon which the reclassification is based could not reasonably have been assigned to any other position of the same level which is held by an employee with greater County service.

Before granting status under the above provisions, the Commission shall notify the Appointing Authority and employees of the department in which the position is located of its intention to grant status. Within ten days after the issuance of such notice, but not thereafter, written objections may be filed with the Commission opposing such proposed granting of status, giving reasons and grounds and stating facts in support thereof and indicating how the rights of the objector are affected. Promptly after the conclusion of said period, the Commission shall review the objections and determine whether the incumbent shall be granted status under this Rule or the reclassified position shall be filled through regular examination procedures.

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The Salary Plan

SEC. 1. APPLICATION

The salary plan shall consist of the schedules of rates and ranges of compensation for the several classes and of the regulations for installation and administration of said salary plan as adopted by the Civil Service Commission on October 1, 1943, and approved by the Board of Supervisors on November 1, 1943, and the Board of County Road Commissioners on November 30, 1943, together with any amendments subsequently adopted and approved.

SEC. 2. RATE OF PAY ON CHANGES IN STATUS

Each person who on or after December 1, 1943, shall be inducted into a position in the classified service shall receive compensation at the minimum rate prescribed for the class of position except as provided in the Regulations Governing the Official Salary Schedule and except as follows:

- (a) In accordance with the provisions of Section 9 (f) of the Regulations Governing the Official Salary Schedule, each employee who is promoted on or after February 12, 1962, shall have his salary rate adjusted to a step in the salary range of the class to which promoted so as to provide an increase of not less than a standard step increment for the level of salary of the class to which promoted, as the same shall be determined by the Civil Service Commission. Effective February 9, 1970, a standard salary step is defined as the difference between the minimum rate and the first step increment above the minimum rate of the salary range of any class;
- (b) An employee who is demoted for lack of work, lack of funds, or other causes beyond his control shall have his compensation fixed at the step in the range for the class to which he is demoted which is next lower than the rate which the employee previously received; an employee who is demoted for any other reason shall have his compensation fixed at the step in the range for the class to which he is demoted to which he would be entitled had his immediately previous continuous employment with the County been in such lower class;
- (c) An employee who is transferred from a position of one

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class to a position of another class shall continue to be paid at the same rate if such rate is on a step in the pay range for the new class or at the next higher step if his previous rate is between steps in the range for the new class;

- (d) An employee who is appointed from the re-employment list to a position in the agency in which he previously served shall be paid at the step in the pay range which is equivalent to the step which he was receiving when he was separated;
- (e) An employee who is appointed from the re-employment list to a position in another agency than that in which he was previously employed may be paid at the same step in the pay range at which he was being paid when separated, or at any step within the range which is not above the step at which he was previously paid;
- (f) In accordance with the provisions of Section 9 (d) of the Regulations Governing the Official Salary Schedule, an employee who is reappointed to a position in a class, whose salary rate has been changed from a flat rate salary to a salary range, shall be paid at the step in the pay range which is the same or equivalent to the salary rate which he was receiving when last employed in said class.

Credit for length of prior service in the class to which the employee is being reappointed may be granted in accordance with Section 10 (c) (2) of the Regulations Governing the Official Salary Schedule.

- (g) Effective March 3, 1952, when an employee's position is or has been reclassified to a higher class, the employee may be granted additional salary step increases above the minimum rate in order to give credit for the period of time during which the employee has been performing substantially the same duties and responsibilities of the higher class.

SEC. 3 SHIFT DIFFERENTIAL

Employees who are assigned to a regular afternoon or night shift, four or more hours of which fall between 6:00 P.M. and 6:00 A.M., except those employees excluded in Section 3 (h) below, shall be paid the premium shift differential rate established in the Regulations Governing the Official Salary Schedule for all hours actually worked during said regular shift and for all additional hours actually worked over and above the regular shift hours

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subject to the following regulations:

- (a) The said premium shift differential rate shall not be considered as part of the base salary for purposes of computing overtime rates of pay.
- (b) Employees shall not be paid shift differential pay during periods of sick or annual leave.
- (c) Employees who work on a regularly scheduled afternoon or night shift on a holiday shall be entitled to shift differential pay for actual hours worked. Employees shall not be entitled to shift differential pay for compensatory holidays taken off.
- (d) An employee assigned, regularly or temporarily, to a regular afternoon or night shift who becomes ill or has to leave his work for any other reason after working part of the shift is entitled to shift differential pay for only those hours actually worked. His substitute, if any, is entitled to shift differential pay for those hours actually worked on the shift.

An employee who is regularly assigned to a day shift and who has to work a regularly scheduled afternoon or night shift in an emergency to replace the regularly scheduled employee or until the regularly scheduled employee arrives to work is entitled to shift differential pay for all hours actually worked on the afternoon or night shift. The employee is also entitled to time and one-half for all hours actually worked on the afternoon or night shift in excess of a total of forty hours of work in that work-week. The employee assigned to the regularly scheduled afternoon or night shift is entitled to shift differential pay for all remaining hours actually worked on the shift.

- (e) An employee who is assigned, regularly or temporarily, to a regular afternoon or night shift and is required to work a regular day shift after a lapse of time within the same 24-hour period is entitled to time and one-half pay, but not shift differential pay, for those hours actually worked on the day shift in excess of a total of forty hours of work in that work-week.

An employee who is assigned, regularly or temporarily, to a regular night shift and is required to work the full

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immediate following regular day shift shall be entitled to shift differential pay for both shifts and time and one-half for the second shift for all hours in excess of a total of forty hours of work in that work-week.

An employee who is employed on a regular day shift and is required to work a regular afternoon or night shift after a lapse of time within the same 24-hour period is entitled to shift differential pay and overtime pay for those hours actually worked on the night shift. Payment for the overtime is at the rate of time and one-half for all hours in excess of a total of forty hours of work in that work-week.

- (f) An employee assigned to a regular day shift is not entitled to shift differential pay for any intermittent overtime that he may be required to work if such work is not on a regular afternoon or night shift.
- (g) Whenever an employee is entitled to both shift differential pay and overtime pay, his compensation will be computed as follows:
 - (1) The overtime rate for those hours actually worked in excess of forty hours in any one week shall be determined by multiplying the hourly rate by 1.5.
 - (2) The shift differential pay shall then be applied to the above compensation at the premium shift differential rate for each hour actually worked on a regularly scheduled afternoon or night shift or for hours on a day shift immediately following a night shift of work.
- (h) Persons working in the following classes of positions shall not be entitled to shift differential pay:

- Airport Fire Fighter
- Airport Fire Lieutenant
- Airport Fire Sergeant
- Communications Supervisor
- Court Officer I
- Court Officer II
- Detective
- Detective Inspector
- Detective Lieutenant
- Detective Sergeant
- Fire and Safety Chief

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Fire Chief — Platoon
Fire Fighter I — Platoon
Fire Fighter II — Platoon
Fire Lieutenant — Platoon
Fire Sergeant — Platoon
Patrolman
Policewoman
Police Captain
Police Dispatcher
Police Inspector
Police Lieutenant
Police Matron
Police Sergeant
Prosecutor's Investigator I
Prosecutor's Investigator II
Prosecutor's Chief Investigator
Radio Technician I
Radio Technician II
Radio Technician III
Switchboard Operator — Jail
Teletype Operator

- (i) Persons working on a contractual basis shall not be entitled to shift differential pay.

SEC. 4 CERTIFICATION OF PAY ROLLS

No auditing, disbursing or other officer or employee of the County service, department, board or institution shall hereafter pay, cause or permit to be paid any salary, wage or other compensation to any County employee until a copy of the payroll or voucher setting forth the name of each employee to be paid, the amount to be paid him, the services on account of which payment is to be made and the duration of such services, shall have been submitted to the Commission and the authorized agent of the Commission shall have certified that each employee named in such pay roll or voucher and indicated as being employed in the classified service has been appointed to and employed in the position during the period for which compensation is claimed in pursuance of and in compliance with the Act and the rules of the Commission, and that each employee indicated as not being in the classified service is not subject to the Act and the rules of the Commission, and that the payment of the amounts indicated will not violate the Salary Plan or the rules pertaining thereto.

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SEC. 1. SCHEDULING AND ANNOUNCEMENT OF OPEN COMPETITIVE EXAMINATIONS

- (a) In the absence of an eligible list for any class, no examination need be held unless and until a vacancy exists or is about to occur in any such class. The Personnel Director shall endeavor, with due diligence, to maintain eligible lists for all classes for which more or less continuous need for eligibles is to be expected, adequate to afford reasonable assurance that enough eligibles will be available at all times to meet requests for certification for original appointment.
- (b) Public notice of open competitive examinations shall be given at least two weeks in advance of the last date for filing of applications by means of announcements posted on the official bulletin board of the Commission and by such other means as the Personnel Director may deem proper.
- (c) Each announcement of an open competitive examination shall state:
 - (1) The title of the class.
 - (2) The pay range of the class.
 - (3) The nature of the work to be performed.
 - (4) Any minimum qualifications which may be required for admission to the examination.
 - (5) The time, place, and manner of making applications for admission to the examination.
 - (6) The nature of the tests to be used.
 - (7) The requirements as to qualifications to be met or critical scores to be attained in any of the tests, as prerequisites to eligibility, on failure of any candidate to meet or attain which, other tests of the examination need not be given or rated.

SEC. 2. SCHEDULING AND ANNOUNCEMENT OF PROMOTIONAL EXAMINATIONS

- (a) A promotional examination may be held when a vacancy exists or is anticipated which is to be filled by promotion, and whenever the list of eligibles available for certification and promotion is, in the judgment of the Personnel Director, inadequate or insufficient.

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- (b) Notice of examinations for promotion shall be given by posting the same on the official bulletin board and by such other means as the Personnel Director deems adequate.
- (c) Each announcement of a promotional examination shall state:
 - (1) The title of the class.
 - (2) The nature of the work to be performed.
 - (3) The titles of the organization unit or units for which the examination is given and of the organization unit or units and the lower class or classes of positions within such organization unit or units, of which employees shall be deemed entitled to compete in such examination.
 - (4) The minimum qualifications which may be required for admission to the examination.
 - (5) The nature of the tests to be used.
 - (6) The requirements as to qualifications to be met or critical scores to be attained in any of the tests, as prerequisites to eligibility, on failure of any candidate to meet or attain which, other tests of the examination need not be given or rated.

SEC. 3. FORM OF APPLICATIONS

- (a) Applications shall be made on forms prescribed by the Personnel Director. Such forms shall require information relating to experience, training, residence and such other pertinent information as may be requested in the public announcement of the examination and shall contain a signed certificate whereby the applicant certifies to the truth and accuracy of all statements made therein.
- (b) Such application form shall not be required to be accompanied by a photograph nor shall it contain any question or require any information intended to disclose the race, color, creed or political affiliation of any applicant.

SEC. 4. ELIGIBILITY FOR EXAMINATIONS

The Personnel Director, with the approval of the Commission,

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shall determine the qualifications for admission to any examination. Such qualifications may include age, sex and such other qualifications as the duties of the class may require.

- (a) No person who is not a citizen of the United States and who is not a bona fide resident of the Counties of Wayne, Macomb, Oakland, Washtenaw, or Monroe, Michigan, shall be eligible for any position in the County service or to take any examination for such position. Admission to an examination for any class may be limited to residents of Wayne County when the law specifically requires that persons appointed to positions in such class be residents of Wayne County, or whenever the Commission deems such residence advisable for the best interests of the County service. The residence or United States citizenship requirement for any examination may be waived by specific action of the Commission.
- (b) Eligibility for promotional examinations may be restricted to persons employed in designated lower classes and/or in designated organizational units. Such persons shall be required to have completed their probationary period in the lower class and to have had such other length of experience in the lower class as may be deemed appropriate for the particular examination.
- (c) Persons whose names have been placed on a re-employment list as a result of a lay-off or demotion for lack of work or lack of funds shall be eligible to compete in any promotional examination for which they would have been eligible had such lay-off or demotion not have occurred.
- (d) Even though not specifically mentioned, qualifications which are commonly required of applicants, such as acceptable physical condition, good character, honesty, and industry shall be part of the requirements for eligibility.

SEC. 5. DISQUALIFICATION OF APPLICANTS

- (a) Every application shall be rejected, the examination of every person shall be disqualified, or his eligibility shall be cancelled if it shall be found:
 - (1) That the application fails to establish that the applicant meets the requirements for admission to the examination specified in the public announcement.

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- (2) That the application was not filed on or before the closing date for receipt of applications specified in the public announcement, except that applications of honorably discharged members of the armed forces shall be accepted as provided in Section 11 of Rule 6.
- (3) That the applicant has made a false statement as to any material factor, has practiced or attempted to practice deception or fraud in his application. This provision shall be interpreted to include the use of any other than the applicant's legal name in making application.
- (4) That the applicant is afflicted with any disqualifying disease or defect, mental or physical.
- (5) That the applicant is addicted to the use of narcotic drugs or intoxicating beverages to excess.
- (6) That the applicant has been guilty either of a felony, misdemeanor, or of a crime involving moral turpitude or of disgraceful conduct, such as to render him unfit for a position of the class for which he is applying or for the County service.
- (7) That the applicant has a record of previous unsatisfactory service, in County employment or elsewhere, of such a nature as to demonstrate unsuitability for employment in a position of the class for which he is applying.
- (8) That the applicant is or has been engaged in un-American activities as defined by the United States authorities or by the law of the State of Michigan or belongs to any group or organization advocating such activities or advocating the overthrow of the American form of government, or has failed to subscribe to the "Oath of Allegiance" as required by Sec. 1 (c) of Rule 19.
- (9) That the applicant has used or attempted to use, prior to, during, or subsequent to the examination, fraud or pressure of any kind for the purpose of bettering his grade on the examination or to obtain certification to any position.

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- (10) That the applicant has received a dishonorable discharge from the armed forces resulting from a general court martial.
- (b) Any person who is denied permission to compete in an examination, whose eligibility is cancelled, or who is removed from any position under the provisions of this Rule may make a written appeal to the Commission for a final decision.

SEC. 6 SCOPE AND CHARACTER OF EXAMINATIONS

- (a) Provisions applying to both open competitive and promotional examinations:
 - (1) All examinations, except qualifying and transfer examinations, shall be competitive.
 - (2) All examinations shall be of such character as to determine the qualifications, fitness and ability of applicants to perform the duties of the class of positions for which the list is to be established.
 - (3) Examinations may be assembled or unassembled, and tests may be written, oral, physical, or performance, or a combination of such types. They may take into consideration such factors (including experience, education, aptitude, capacity, knowledge, character, physical fitness and other qualifications) as, in the judgment of the Personnel Director, enter into the determination of the relative fitness of the applicants and may include inquiry into the moral character, or any other pertinent quality or attribute of the applicant.
 - (4) No test or question in any examination shall be so framed as to call for or lead to disclosure of any information concerning any political, religious, fraternal, or racial affiliations, preferences, or opinions. Any disclosure thereof shall be discountenanced, and any such information which may nevertheless be revealed, shall be disregarded.
- (b) Any promotional examination may include any combination of the factors listed in Section 6 (a) of this Rule and shall include credit for service records (if maintained), war service ratings and an evaluation of the

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candidates' experience in the work involved in the vacant position and training and qualification for such work.

SEC. 7. PREPARATION OF EXAMINATIONS

The Personnel Director may, at his discretion, collaborate with appointing or other qualified authorities in regard to the content of tests.

SEC. 8. CONDUCT OF EXAMINATIONS

- (a) The tests shall be conducted by the Personnel Director or by persons designated by him only at the times and places stated in the notice of acceptance of application, except as otherwise ordered by the Personnel Director. Examinations may be conducted at such hours and in such places as in the judgment of the Personnel Director will be most consistent with the interests of the County.
- (b) Each applicant whose application has been accepted for any examination shall be notified by mail of the date, time and place of the examination and such notice shall be his authorization to take the examination.

SEC. 9 RATING OF EXAMINATIONS

- (a) The final earned rating of each candidate shall be determined by the weighted average of earned ratings, according to weights for each part established by the Personnel Director before the examination.
- (b) The Personnel Director may indicate at the time of announcement of an examination the maximum number of competitors who shall have their names placed on the eligible list or shall be permitted to compete in any of the separately weighted parts of the examination. When the maximum number of competitors to be passed in any examination or part thereof is announced, the individuals who shall be considered as having passed, or as being permitted to take the rest of the examination, shall be those individuals scoring the highest on the examination or part thereof.
- (c) The Personnel Director may establish a general policy requiring all applicants to obtain at least the minimum grade or rating in each successive weighted part of the

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examination in order to receive a final passing grade. Where it is stated in the announcement that an applicant, to become eligible, must qualify in medical, physical, or other tests, or attain a specified acceptable rating in any specified test, the remaining tests need not be given to any competitor who is found not to meet any such requirement, and if given, need not be rated.

SEC. 10. VETERANS' PREFERENCE AND DISABLED VETERANS' PREFERENCE

- (a) Preference as a war veteran shall be granted to any candidate presenting evidence showing honorable service in the armed forces of the United States during the periods December 7, 1941 to July 25, 1947; June 27, 1950 to January 31, 1955; or August 5, 1964 to May 7, 1975, inclusive; as follows:
 - (1) On open competitive examinations, veterans, as defined above, shall have 10 points added to their final earned rating.
 - (2) On promotional examinations, veterans, as defined above, shall have added to their final earned rating 1/4 point per month for each completed month of service, or fraction thereof, not to exceed 10 points during the periods of time indicated above.
- (b) Preference as a disabled war veteran shall be granted to any candidate presenting evidence as required in Section 10 (a) of this Rule and in addition establishing the existence of a service-connected disability by an official statement from the Veterans' Administration or from the appropriate branch of the Armed Forces in the case of a veteran receiving disability retirement pay. On open competitive and promotional examinations, disabled veterans, as defined above, will receive 5 points in addition to the points granted in accordance with Sections (a) (1) and (2) above.
- (c) In order to be granted preference as a veteran or a disabled veteran, the candidate must make a passing grade on the examination without the addition of preference and must comply with all other requirements of the Act and these Rules.

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SEC. 11. ELIGIBILITY TO APPLY FOR EXAMINATIONS UPON RELEASE FROM THE ARMED FORCES.

Any person honorably discharged or released from active duty from the armed forces of the United States, including the Army, Navy, Marines, and Air Force, may, within 90 days after date of discharge in those cases where date of discharge included terminal leave days or within 90 days after date of discharge and terminal leave days compensated for in those cases where date of discharge did not include terminal leave days, or for reservists 90 days from date of release from active duty, apply for the examination for any class of position for which an original appointment eligible list is in existence at the time of application, providing said list resulted from an examination announced during the applicant's period of military service. If the applicant would have met the qualifications as required for admission to the examination at the time of announcement, his application shall be accepted and he shall be given the examination for that class. His standing on the eligible list shall be determined in accordance with the standards established at the time the examination was originally held.

Any persons eligible to make application under the provisions of the preceding paragraph who are prevented from doing so within 90 days from the date of discharge or release from active duty by substantially continuous hospitalization, dating from the date of their discharge or release from active duty, for a service connected injury or disease may make such application within 90 days after termination of such hospitalization. Substantially continuous hospitalization shall mean hospitalization with no single break of more than 60 days.

SEC. 12. NOTIFICATION OF RESULTS

Each candidate shall be given written notice of his relative standing on the eligible list or his failure to attain a place on the list. Any candidate may, within 20 days following the mailing to him of his notice of results, request to review his examination; provided, however, that statements of former employers and character investigations and other inquiries shall be and remain confidential and that the identity of raters making specific ratings shall not be disclosed; and provided further that candidates in continuous examinations who choose to review the questions contained in any written test may not re-apply for the examination until 30 days after the date of review.

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SEC. 13. APPEALS FROM RATINGS

- (a) Any candidate may appeal from his ratings during a period of 20 days following his review of his examination. Such appeal shall be made in writing and shall specify the basis upon which the appeal is made. If, upon review, errors which affect the candidate's position on the eligible list are found, such errors shall be corrected. When such review discloses errors affecting the ratings of other candidates, the ratings of the other candidates shall also be corrected and any candidates whose rank on the eligible list is changed shall be so notified.
- (b) No change made in the ratings of any candidate shall be deemed to invalidate or in any way affect any appointment already made as a result of the ratings so changed, except when appointment has been made of a person who is subsequently found to have failed the examination.
- (c) A report of each such review resulting in a change in ratings shall be made to the Commission.

SEC. 14. POSTPONEMENT OF EXAMINATIONS

In the event that an insufficient number of qualified candidates have made application for an examination, the Personnel Director may postpone the last filing date and the date of examination, and shall in such a case give suitable notice thereof.

SEC. 15. DESTRUCTION OF EXAMINATION MATERIAL

Applications, test papers, rating sheets and other examination materials shall be retained while the eligible list resulting from the examination remains in existence. Upon termination of the eligible list, all applications and other examination materials pertaining to individual applicants may be destroyed except that applications of eligibles who have been appointed, and such related materials as the Personnel Director may order, shall be retained in the employee's file.

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Eligible Lists

SEC. 1. TYPES

Eligible lists shall be of three kinds; re-employment, promotion, and original appointment.

SEC. 2. ESTABLISHMENT OF LISTS

- (a) Re-employment Lists. The Personnel Director shall place on the re-employment list for any class the names of regular employees, who, since November 20, 1942, while in good standing, were laid off, demoted, or were otherwise separated from positions of the class without fault or misconduct on their part. He shall also place on the re-employment list the names of persons eligible therefor under the provisions of Section 4 of Rule 15.

An employee who is eligible to have his name placed on a re-employment list may, on request, and with the approval of the Personnel Director, have his name also placed on re-employment lists for lower classes in the same series; for classes at the same or lower level requiring essentially the same or lesser qualifications; or for other classes in which he has previously had regular status. The names shall be placed on the re-employment list in the order of seniority computed in accordance with Rule 10.

- (b) Promotion and Original Appointment Lists. The names of all persons attaining the minimum rating on any promotional or open competitive examination shall be placed on the promotional or original appointment list in the order of their final grade. On eligible lists for original appointment the names of two or more eligibles having the same final grade shall be placed on the list in the order of the ratings earned in the part of the examination given the greatest weight in the examination announcement. If there are two or more sections with equal weight, the scores on these sections shall be added together and eligibles placed on the list in the order of the ratings earned on such combined sections. On promotional eligible lists the names of two or more eligibles having the same final grade shall be placed on the list in the order of their seniority. Any ties on either original appointment eligible lists or promotional eligible lists which are unresolved after application of the foregoing procedures shall be broken by placing the names on the eligible list in the order in which the eligibles'

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applications were received in the offices of the Civil Service Commission.

SEC. 3. DURATION OF LISTS

- (a) The following provisions shall govern the duration of eligible lists:
- (1) All promotional and original appointment eligible lists resulting from examinations having a closing date for receipt of applications shall be established for a period of six months and shall not be terminated or combined with the eligible list resulting from a subsequent examination during said period, unless they shall become inadequate to provide a certification of the number of names provided by the County Civil Service Act.
 - (2) All promotional or original appointment eligible lists resulting from continuous examinations shall be established for an indefinite period which indefinite period shall be concluded on the date when the examination is officially closed or six months after the addition of the last eligible to the eligible list, whichever shall be later.
 - (3) The life of any eligible list may be extended for such additional periods of time as may be felt necessary to meet the needs of the County service; provided, that, except upon specific order of the Commission when warranted by unusual circumstances, no list resulting from an examination having a closing date shall be continued for more than four years from the date on which it was originally established and no eligible list resulting from a continuous examination shall be continued for more than four years from the date on which the last eligible was added to the list.
 - (4) Any eligible list, by order of the Commission, may be terminated, superseded by the eligible list resulting from a more recent examination, or combined with the eligible list resulting from a more recent examination at any time after the period for which the list was originally established, when in the judgment of the Commission such action is in the best interests of the County service.

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- (b) Each name shall remain on a re-employment list for a period not to exceed two years from the date of separation, except as follows:
- (1) Names which are placed on a re-employment list as the result of demotion in accordance with Section 12 (b) of Rule 8, may remain on the re-employment list until removed by the employee's appointment to the class from which he was demoted, to a class of equal or higher level or until the employee is separated from the County service.
 - (2) In the event that an employee with regular status in the classified service resigns to accept a position in the unclassified service, his name may be placed on the re-employment list under the provisions of Section 4 of Rule 15, and may remain on the re-employment list for the duration of his unclassified appointment and for a period not to exceed two years from the date of his separation from the unclassified service.
 - (3) Names which were placed on the re-employment list under the provisions of Section 4 of Rule 15 before January 9, 1958, may remain on the list for a period not to exceed four years from the date of separation.

SEC. 4 REMOVAL OF NAMES FROM LISTS

Names of eligibles shall be removed from eligible lists by operation of any of the following causes:

- (a) Appointment through certification from such list to fill a permanent position.
- (b) Appointment through certification from a list for another class at the same or higher salary, but at the request of the appointee his name may be continued on any or all lists other than the one from which the appointment was made for the duration of such lists.
- (c) Written statement by the eligible that he is not willing to accept appointment. Such statement may be restricted to a limited period of time, or to specific departments, or to positions involving other conditions of employment as specified. An eligible may file a new statement at any time modifying for future consideration any prior statement as to the time, place or other considerations under which appointment will be accepted.

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- (d) Declination of appointment under such conditions as the eligible has indicated previously he would accept. Failure to respond to an inquiry of the Personnel Director or an Appointing Authority regarding availability for such appointment within seven working days if made by letter or two working days if made by telegram or telephone, or to accept appointment within the same period when offered, or to report for duty within a reasonable time prescribed by the Appointing Authority shall constitute declination.
- (e) Replacement of a promotional or original appointment list by a more recent list resulting from a new examination for the class. Eligibles whose names remain on the old list shall be notified in sufficient time to apply for the new examination. Where no fundamental change in qualifications, requirements, and class specifications have occurred, the names on the two lists may be combined according to final grades as provided in these rules.
- (f) Separation of an employee on a promotional list from the County service. During the life of the list the individual may, with the approval of the Commission, have his name reinstated to the promotional list upon return to the service.
- (g) Disability that prevents the eligible from performing satisfactorily the duties of the position.
- (h) Removal from the Counties of Wayne, Macomb, Oakland, Washtenaw, or Monroe when such residence was required for admission to the examination, or removal from the County of Wayne if such residence was required.

SEC. 5. SUSPENSION OF NAMES FROM LISTS

Names of eligibles may be suspended from eligible lists for specified periods of time if it is ascertained that the eligible has willfully given wrong information, withheld information, or evaded questions in his application in an attempt to misrepresent his employment background or character, when such misrepresentation does not materially change the eligible's acceptability for the examination.

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Certifications and Appointments

SEC. 1. TYPES OF APPOINTMENTS

All vacancies in the classified service shall be filled by original appointment, limited term appointment, emergency appointment, provisional appointment, promotion, re-employment, transfer, or demotion. Whenever a position is to be filled by certification from an eligible list, certification shall be made first from the re-employment list for the class to which the position is allocated, then from the promotional list if promotion be practicable, and finally from the eligible list resulting from an open competitive examination. When an Appointing Authority desires to fill a position by transfer or demotion, such action, if approved by the Commission, shall take precedence over re-employment, promotion, or original appointment.

SEC. 2. METHOD OF APPOINTMENT

Whenever a vacancy in any position in the classified service is to be filled, the Appointing Authority shall submit a requisition for an employee on a form prescribed by the Personnel Director. This requisition shall state the number of positions to be filled, the duties and responsibilities thereof, any special qualifications desired of the person appointed, the name of the person occupying the position or positions, any recommendation as to whether the position should be filled by promotion, transfer, demotion or original appointment, and other pertinent information required by the Personnel Director.

SEC. 3 RE-EMPLOYMENT

In certifying from the re-employment list the Personnel Director shall certify as follows:

- (a) He shall certify first the name of the person highest on the re-employment list whose name was placed on the list as a result of separation from the agency in which the vacancy exists.
- (b) In the event that there is no person whose name was placed on the re-employment list as a result of separation from the agency in which the vacancy exists who is willing to accept the position to be filled, the Personnel Director shall certify the names of three persons from the remaining names on the re-employment list.

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- (c) In the event of more than one vacancy in the same class, the Personnel Director shall certify one additional name for each additional vacancy.
- (d) Eligibles shall be certified in strict order of standing on the list except as provided in Section 6 of this Rule and except as provided above.

SEC. 4. PROMOTIONS

"Whenever possible, vacancies shall be filled by promotion . . . Only one name, the highest on the list of ratings, shall be certified." (Act, Sec. 15)

- (a) Insofar as it is practicable, vacancies in the classified service shall be filled by the promotion of regular employees. Such promotion shall be by competitive examination in accordance with Rule 6.
- (b) In certifying from a promotional list for the filling of a vacancy in a permanent position, the Personnel Director shall, in the case of one vacancy, certify only the name of the person highest on the list who is willing to accept the appointment or in the case of more than one vacancy, as many names of available persons as there are vacancies.
- (c) In certifying from a promotional list for the filling of a temporary vacancy, the Personnel Director shall, in the case of one such vacancy, certify only the name of the person highest on the list who is willing to accept the appointment, or, in the case of more than one vacancy, as many names of available persons as there are vacancies. In the event the duration of a temporary position filled on such basis is extended or becomes permanent, the employee so appointed shall have the right to be continued in such position without the issuance of further certifications. An employee serving a probationary period following an appointment from a promotional list to a temporary position, shall not be eligible to transfer to any other position on the basis of such appointment; provided, however, that such employee's name shall not be removed from the list from which certified by reason of the acceptance of the temporary appointment, and should other vacancies arise during the term of the employee's temporary appointment to be filled from the list, the highest name on the eligible list of persons willing to accept

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such vacancies shall be certified to the Appointing Authority.

- (d) In certifying from departmental promotional eligible lists in situations where departmental work requirements necessitate the immediate filling of a position, and the employee eligible for certification is not immediately available to fill the position because such employee is on sick leave, with or without pay, annual leave, military leave, or maternity leave, the name of the employee on such leave shall be certified for promotion, which promotion shall be effective upon the employee's return to duty. Following the appointment of the employee on leave and pending his return to duty, a certification shall be issued to fill the position by the temporary promotion of the next eligible employee.
- (e) Eligibles shall be certified in strict order of standing on the list except as provided in Section 6 of this Rule.
- (f) Certifications may be cancelled by the Personnel Director if not returned within 30 days from date of issue.

SEC. 5. ORIGINAL APPOINTMENT

- (a) If a vacancy is to be filled by original appointment, the Personnel Director shall certify the three highest available names, from the appropriate eligible list. One additional name shall be certified for each additional vacancy.
- (b) In the event that the Appointing Authority has less than three available persons from which to make his selection and no additional names can be then certified, he may choose from the certified names available, may elect to postpone filling the vacancy until the names of three available persons can be certified, or may fill the position in some other manner provided by these rules.
- (c) Eligibles shall be certified in strict order of standing on the eligible list except as provided in Section 6 of this Rule.
- (d) Certifications may be cancelled by the Personnel Director if not returned within 30 days from date of issue.

SEC. 6. ORDER OF CERTIFICATION

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Eligibles shall be certified in strict order of standing on the eligible list except in the following cases:

- (a) Whenever the Appointing Authority shall request certification of a specified sex, and the Personnel Director is satisfied that there is a good reason therefor, certification may be limited to the sex desired.
- (b) Whenever the conditions of work require the employment of married couples, certification of such persons may be made in the order of their combined rating.
- (c) Whenever establishment of special qualifications for the particular position has been requested by the Appointing Authority and approved by the Commission, certification shall be limited to those eligibles on the appropriate list possessing the special qualifications established.
- (d) Whenever an eligible shall have indicated that he would not accept appointment under the conditions applying to the position to be filled, his name may be passed over in certifying to fill the position.
- (e) Whenever certification from a promotional eligible list is to be made to fill a position previously filled by provisional promotion under Section 10 (b) of this Rule, the name of the person standing highest on the eligible list who would have been eligible for the provisional promotion at the time such provisional promotion was made shall be certified before the names of persons who would not have been eligible for such provisional promotions, provided, however, that whenever a provisional promotion has been made as a result of reclassification of a position to a higher level, and the Commission has determined that the higher level assignments upon which the reclassification was based were performed by the incumbent prior to the date of the provisional promotion, the name of the person standing highest on the eligible list who would have been eligible for the provisional promotion on the date the assignments were made shall be certified before the names of persons who would not have been eligible for such assignments.
- (f) Whenever a position is to be filled which requires the incumbent to be a notary public, certification shall be limited to persons who are 21 years of age or older and who can otherwise qualify for appointment as a notary public.

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SEC. 7. USE OF APPROPRIATE LISTS

Certifications shall in all cases be made from eligible lists established for the class in which the vacancy exists if there be on such lists the names of persons willing to accept appointment to the position vacant. If the position is to be filled by original appointment, and there is on the eligible list for the class in which the vacancy exists, an insufficient number of names to make a certification in accordance with these rules, the Personnel Director, may, with the approval of the Appointing Authority, certify additional names from the lists for any class which he may deem appropriate. Such certification shall be made first from the re-employment list for the appropriate class and then from the original appointment list and names shall be certified in the manner provided for certifications from the original appointment list.

SEC. 8. LIMITED TERM APPOINTMENTS

- (a) Whenever there is need of an employee for a limited period, not to exceed six months, the Personnel Director shall certify the three names highest on the appropriate eligible list who will accept such limited term appointment. The acceptance or refusal by an eligible of a limited term appointment shall not affect his standing on the eligible list, nor shall service under a limited term appointment be counted as a part of a probationary period except as provided in Section 1 of Rule 9.
- (b) In the event that it is found necessary to extend the filling of a position by a new limited term appointment for an additional period of not more than six months' duration, the Personnel Director may authorize the continuation in the position of the person appointed thereto on a limited term basis. Such extension shall not grant to the limited term appointee the status, or other rights, of a regular employee.

SEC. 9. EMERGENCY APPOINTMENTS

- (a) When an emergency makes it impossible to fill a position in the classified service under any other provision of these rules, an appointing authority, in order to prevent stoppage of public business or loss or serious inconvenience to the public, may appoint any qualified person to such position. Notice thereof must be given to the Commission within 72

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hours thereafter.

- (b) A vacancy of which the appointing authority has had reasonable notice, or an employment condition of which he had, or might with due diligence have had, previous knowledge, shall not be considered an emergency under which such appointment may be made.

SEC. 10. PROVISIONAL APPOINTMENTS

- (a) In the event that a vacancy cannot be filled by promotion and there are not on the appropriate re-employment and original appointment lists the names of three persons willing to accept appointment to the position, the Personnel Director may, with the approval of the Commission, authorize the Appointing Authority to fill the position by the appointment of any qualified person. Such appointment may continue for not exceeding 60 calendar days or until the position can be filled by certification and appointment as provided in these rules.
- (b) In the event a position is to be filled by promotion and there is not on an appropriate promotional list the name of one person willing to accept the appointment, the Personnel Director may, with the approval of the Commission, authorize the Appointing Authority to fill the position by the appointment of any person who would be eligible for the promotional examination for the position. Such appointment may continue for not exceeding 60 calendar days or until the position can be filled by certification and appointment as provided in these rules.

SEC. 11. TRANSFERS

- (a) Upon notification to the Commission, an Appointing Authority may at any time assign an employee from one position to another position of the same class under his jurisdiction. With the prior approval of the Personnel Director, a regular employee may be transferred from a position of one class to a position in another class at the same level and having essentially the same qualifications. With the prior approval of the Personnel Director, the employee and both Appointing Authorities, a regular employee may be transferred from a position in one agency to a position in another agency either in the same class or in a class of the same level and having essentially the same

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qualifications.

- (b) In the event of a transfer between agencies, the employee's accrued vacation and sick leave credits shall be assumed by the agency to which the transfer is made.
- (c) An employee who is to be transferred from a position of one class to a position of another class may, at the discretion of the Personnel Director, be required to undergo a non-competitive examination to determine his qualifications for a position of the class to which he is to be transferred.
- (d) Any change of an employee from one position to another of a higher class shall be deemed a promotion and must be made in accordance with Section 4 of this Rule. Any change of an employee from one position to another of a lower class shall be deemed a demotion and must be made in accordance with Section 12 of this Rule or Section 4 of Rule 14. A higher class shall be deemed to be one having a higher maximum pay rate; a lower class shall be deemed to be one having a lower maximum pay rate; and a class at the same level shall be deemed to be one having the same maximum pay rate as the class with which the comparison is being made.
- (e) With the prior approval of the Personnel Director, the employee and both Appointing Authorities, a probationary employee may be transferred from a position in one agency to a position in the same class in another agency.

SEC. 12. DEMOTIONS

- (a) An Appointing Authority may demote a regular employee for the following reasons:
 - (1) For disciplinary purposes or the good of the service in accordance with Section 4 of Rule 14.
 - (2) When the employee would otherwise be laid off because his position is being discontinued by reason of re-allocation to a lower class or because of lack of work or lack of funds.
 - (3) When the employee would otherwise be laid off because of the return to duty of a regular employee

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entitled to such position.

- (4) When his services are about to be terminated by reason of removal during probation under an appointment by promotion.
- (5) When the employee voluntarily requests such demotion.
- (b) The name of an employee demoted for reasons other than for discipline or for the good of the County service shall be placed on the re-employment list for the class from which demoted. The name of an employee demoted for disciplinary purposes or for the good of the County service may be placed on the re-employment list with the approval of the Commission.
- (c) An employee who is to be demoted from a position of one class to a position of another class may, at the discretion of the Personnel Director, be required to undergo a non-competitive examination to determine his qualifications for a position of the class to which he is to be demoted.

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The Probationary Period

SEC. 1. DURATION

- (a) Every person, who shall be selected by an Appointing Authority from either an original appointment list or a promotional list to fill a permanent position in the classified civil service, shall serve a probationary period of six consecutive months, before his appointment shall be deemed to be complete. Time served as a probationary employee in a higher class in the same series of classes or during a provisional or limited term appointment in the same class or a higher class in the same series of classes, and agency, immediately preceding appointment from certification, shall be credited toward the time required to be served in the probationary period. If an employee serving a probationary period following promotion shall receive either a regular or provisional promotion to a higher class in the same series before completing said probationary period, time served in the higher class shall be credited toward the uncompleted probationary period, and he shall be deemed to have regular status in the lower class upon completion of six months service following appointment to that class.
- (b) In the event of a transfer of an employee from one department to another department before the completion of the probationary period, the Appointing Authority of the department to which the employee is transferring shall determine, at the time of transfer, whether time served by the employee in the class prior to transfer shall be credited toward the time required to be served in the probationary period or whether the employee shall be required to serve a new probationary period.
- (c) In the event an employee is granted a leave of absence without pay prior to the completion of his probationary period, he shall be required to satisfactorily complete the remainder of the probationary period upon his return from leave before he will be deemed to have regular status in his class of position.

SEC. 2. PURPOSE

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing

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the employee's work in order to secure the most effective adjustment of the employee to his position and for dismissing a new employee whose performance does not meet required work standards or in the case of an employee serving a probationary period following a regular promotion, to return such employee to a position in his former class if his performance in the higher class does not meet required work standards.

SEC. 3. REPORTS

Each Appointing Authority having jurisdiction over an employee serving a probationary period shall submit to the Civil Service Commission at the end of the fourth month of the employee's probationary period a report on the employee's performance. In order that each employee may be afforded an opportunity for correcting his weaknesses, the Appointing Authority shall review the probationary report with the employee before it shall be submitted to the Commission.

SEC. 4. TERMINATION OF THE PROBATIONARY PERIOD

Before the expiration of the probationary period, the Appointing Authority may, by presenting to the employee specific reasons for such action in writing, dismiss an employee serving an original probationary period or, in the case of an employee serving a probationary period following promotion, return such employee to a position in his former class. A copy of such notice shall be filed with the Commission. Any employee who shall have completed the six months' probationary period without having been dismissed or returned to his former class shall be deemed to have regular status in his class of position.

SEC. 5. APPEALS

- (a) An employee who is dismissed or returned to his former class prior to the expiration of his probationary period, may, within 20 days following the date of the filing of a copy of the order with the Commission, appeal to the Commission if he has reason to believe that such action was taken for political, racial, or religious reasons rather than for cause. Hearings on such appeals shall be conducted as prescribed in Rule 14.
- (b) An employee dismissed before the expiration of his original probationary period may, within 20 days following the date

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of the filing of a copy of the notice of dismissal with the Commission, request the Commission to return his name to the eligible list from which certification was made, if said eligible list is still in existence. If, upon investigation, the Commission finds that the reasons for dismissal are not such as to prevent the employee from satisfactorily performing the duties of a position of the same class in some other department, the Commission may order the name of the employee returned to the eligible list.

- (c) A regular employee serving a probationary period following promotion who is returned to a position in his former class in accordance with Section 4 above may request the Commission to return his name to the promotional eligible list from which certification was made if the eligible list is still in existence. If, upon investigation, the Commission finds that the reasons for the termination of the probationary period are not such as to prevent the employee from satisfactorily performing the duties of another position in the higher class the name of the employee may be returned to the eligible list under such terms and conditions as may be prescribed by the Commission.

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Seniority

SEC. 1. DEFINITION

Seniority is hereby defined as the length of continuous employment in the County service.

SEC. 2. HOW MEASURED

- (a) Seniority of employees who held a position in the classified service on November 20, 1942, or on May 24, 1949, and who were granted status as regular employees by the Civil Service Law and these rules, shall be measured from the beginning date of continuous employment.
- (b) Seniority of employees who held positions in the classified service on January 1, 1944, or on May 24, 1949, and who subsequently acquired status as a regular employee by taking a qualifying or open competitive examination as required by the Civil Service Law, shall be measured from the beginning date of their continuous employment. This section shall include persons holding provisional appointments on January 1, 1944 or on May 24, 1949, who by certification and appointment from an open competitive eligible list and without a break in service attained status as regular employees in a class other than that in which they were employed on January 1, 1944, or May 24, 1949.
- (c) Seniority of persons who held or shall hold positions which are placed in the classified service, and who are or have been granted status as regular employees, shall be measured from the beginning date of continuous employment.
- (d) Seniority of persons who held or shall hold positions which are placed in the classified service, and who subsequently acquire status as a regular employee by taking a qualifying or an open competitive examination, shall be measured from the beginning date of continuous employment.
- (e) Seniority of employees appointed from a certification subsequent to January 1, 1944, or Laborers appointed and granted status in accordance with Act No. 96, P.A. 1961, and who are not subject to the provisions of (a), (b), (c), and (d) above shall be measured from the date of entry on duty following such appointments, except that persons

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certified and appointed to limited term positions shall not accumulate seniority during such employment. If such employees shall have served on a provisional or limited term basis in a position of the same class or a higher class in the same series of classes and in the same agency immediately preceding the certification, or the granting of status in accordance with Act No. 96, P.A. 1961, their seniority shall be measured from the beginning date of continuous employment.

SEC. 3. CONTINUOUS EMPLOYMENT

Continuous employment shall mean employment by the County in a position in the classified service without interruption or break, except that the following shall not be considered as breaks in employment:

- (a) Leaves of absence granted pursuant to Rule 13.
- (b) Layoffs for lack of work or lack of funds, not exceeding two years in length, provided that the length of such layoff shall be deducted from the length of continuous employment in computing seniority.
- (c) Suspensions in accordance with Rule 14.
- (d) Removals which shall subsequently be withdrawn or modified.
- (e) Removals in which the employee's name is placed on the re-employment list by action of the Commission and the employee is appointed from said re-employment list; provided, that the length of separation from the service shall be deducted from the length of continuous employment in computing seniority.
- (f) Duty disability retirement followed by reinstatement.
- (g) Resignations subsequently withdrawn.
- (h) Resignations followed by appointment from the re-employment list; provided, that the length of separation from the service shall be deducted from the length of continuous employment in computing seniority.
- (i) War program leaves, provided that the length of such leave

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shall be deducted from the length of continuous employment in computing seniority.

SEC. 4. USES

Seniority shall be considered in determining order of layoff, order of names on the re-employment list, and in promotions, in accordance with the rules governing those procedures.

SEC. 5. TRANSFER

In the event of a transfer to a position in another County agency, an employee shall retain all accumulated seniority.

RULE 11

Political Activities

SEC. 1. ASSESSMENTS AND CONTRIBUTIONS PROHIBITED

No officer or employee of the County in the classified civil service, shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription or contribution for any political party or any political purpose whatsoever.

- (a) The terms "assessment, subscription or contribution" are defined to include money or property, but shall not include annual membership dues in clubs or organizations nor shall it include reasonable consideration paid for tickets to political affairs.
- (b) The term "political" is defined to include non-partisan as well as partisan political activities.

SEC. 2. POLITICAL ACTIVITIES PROHIBITED

- (a) No person in the classified civil service shall:
 - (1) Be in any manner compelled to take part in any political undertaking; nor in any manner threatened or discriminated against for refusing to take part therein;
 - (2) Directly or indirectly use or seek to use the authority or official influence of his position to control or modify the political action of any other person;
 - (3) During his hours of duty engage in any form of political activity;
 - (4) At any other time take such part in political activities as to impair his usefulness in the position in which he is employed;
 - (5) During working hours buy, sell or offer for sale tickets for any purpose or make or solicit contributions for any purpose unless the sale of such tickets or the solicitation of such contributions shall have received prior approval of the Commission. However, employees may jointly purchase gifts for fellow employees or their immediate families, providing that contributions for such purchases are made on a voluntary basis and have the prior approval

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of the Appointing Authority.

- (b) An employee in the classified service who shall desire to become a candidate for public office shall be required to obtain a leave from the time of his announced candidacy for said office unless specifically exempted by the Commission. Such leave of absence may be taken without pay or be charged to annual leave and other paid leave accumulations except sick leave.

SEC. 3. LEAVE OF ABSENCE FOR PUBLIC OFFICE

- (a) Upon election or appointment to a public office (other than notary public) hereafter, an employee in the classified service shall resign; obtain a leave of absence; or be granted permission to continue his County employment when in the judgment of the Commission the holding of such public office is not in conflict with the best interests of the County service.
- (b) Any County employee who at the effective date of this rule holds a public office shall not be required to comply with the provisions of Section 3 (a) above for the unexpired portion of his present term.

SEC. 4. PROVISIONS OF THIS RULE A CONDITION OF EMPLOYMENT

The provisions of this rule are hereby declared to be a condition of employment in the County service.

RULE 12

Hours of Service

SEC. 1. REGULAR WORK-WEEK

The regular work-week for all County employees shall be forty (40) hours of actual work (excluding all meal periods) performed in any five eight-hour days from Monday through Sunday.

- (a) The Commission may authorize the inclusion of the meal period as actual work for shift positions.

SEC. 2. WORK IN EXCESS OF FORTY HOURS PER WEEK

Any department, subdivision, or employee thereof, may be authorized by the Commission to work regularly more than forty hours per week under such terms and conditions as the Commission may determine to be reasonable and practicable.

- (a) Compensation for work performed in excess of eight hours in any one day (excluding all meal periods) and for the sixth day worked in any week period in excess of 40 hours shall be at the rate of time and one-half the regular rate.
- (b) Compensation for the seventh day worked in any authorized work-week shall be at a rate double the regular rate.

SEC. 3 WORK-WEEK LESS THAN FORTY HOURS

Any department or subdivision thereof may be authorized by the Commission to work regularly less than forty hours per week under such terms and conditions as the Commission may determine to be reasonable and practicable.

- (a) Pending the establishment of alternative work-weeks in any department, the work-week schedule in effect on November 30, 1943, shall be continued.
- (b) The hours during which a department or subdivision thereof shall be open to the public shall be determined by the Appointing Authority of said department within the limits of this rule.
- (c) Employees of any department or subdivision thereof authorized under this section to work regularly less than 40 hours per week, may, at the discretion of their Appointing

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Authority, be required to work the full 40 hours.

SEC. 4 LIMITATIONS ON OVERTIME PAY

The provisions of this rule shall be subject to the restrictions and limitations set forth in Section 5(a) of the Regulations Governing the Official Salary Schedule, and Rule 13 relative to Leaves and Holidays; and in the event of any inconsistency, such restrictions and limitations shall control.

SEC. 5 OUTSIDE EMPLOYMENT

With respect to outside employment, the following Rules and Regulations shall apply to all employees of the County service:

- (a) Employees of the County shall not engage in any employment, activity, or enterprise which has or may be determined to be inconsistent, incompatible, or in conflict with their duties as County employees or with the duties, functions, or responsibilities of their Appointing Authorities.
- (b) No employee holding a full-time position in the County service shall hold any other position in any other governmental jurisdiction or in private employment, when such other position may have the effect of reducing the efficiency of such employee in the County service.
- (c) Employees of the County service who desire to accept outside employment including self-employment, employment on a fee or commission basis and the rendering of professional services, in addition to their regular County positions shall inform their Appointing Authority, on such forms as the Civil Service Commission shall prescribe, of the nature and extent of such outside employment. The Appointing Authority shall thereupon determine whether or not the holding of such outside employment conflicts with the duties and responsibilities of said employee to the County, and the Appointing Authority shall thereupon transmit to the Civil Service Commission a copy of said form with his determination endorsed thereupon. The Civil Service Commission may from time to time inquire as to whether or not such outside employment is inconsistent with the due performance of the employee's service to the County or reduces his efficiency as a County employee.

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Leaves

SEC. 1 ANNUAL LEAVE

- (a) All full-time employees shall be entitled to annual leave with pay computed at straight time rates, in accordance with the following regulations:
 - (1) The number of annual leave days to be granted shall be determined by the employee's total length of County service. Length of service shall be calculated on the basis of total service to the County irrespective of separations, subject to the following provisions:
 - (a) The length of separation from the service shall be deducted from the total length of County service in computing annual leave days.
 - (b) County service prior to resignation or discharge for cause shall not be considered in computing the length of total County service unless such separations are followed by appointment from a re-employment list.
 - (c) Periods of seasonal, temporary, or limited term employment shall be deducted from the total length of County service in computing annual leave days unless such employment is followed without break in service by a permanent appointment.
 - (d) Leaves of absence and time off without pay granted pursuant to this rule shall not be considered as breaks in service, provided, however, that the length of such leaves of absence and time off shall be deducted from the total length of service, except that military leaves, leaves during which employees are receiving Workmen's Compensation, leaves granted to disabled veterans due to illness resulting from a service-connected disability, and 90 days of leaves of absence granted because of personal illness in any one year shall not be deducted.
 - (e) In the event an employee is reinstated from Duty Disability Retirement, he shall not be considered as having had a break in service and shall not have the period of said Duty Disability Retirement deducted from his total length of service.

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- (2) The number of annual leave days shall be granted as follows, provided, however, that no annual leave credit shall be granted in any anniversary month in which the employee has had less than eighteen (18) days of paid service:
- (a) Employees who have completed less than 5 years of County service shall be entitled to eight hours (one work-day) for each completed month of service, not to exceed ninety-six hours (12 work-days) in any one completed year.
 - (b) Upon completion of 5 years of County service, employees shall be entitled to 10 hours (one and one-quarter (1-1/4) work-days) for each completed month of service thereafter, not to exceed 15 work-days in any one year.
 - (c) Upon completion of the 10th year of County service, employees shall be entitled to 12 hours (one and one-half (1-1/2) work days) for each completed month of service thereafter, not to exceed 18 work-days in any one year.
 - (d) Upon completion of the 15th year of County service, employees shall be entitled to 14 hours (one and three-fourths (1-3/4) work-days) for each completed month of service thereafter, not to exceed 21 work-days in any one year.
 - (e) Upon completion of the 20th year of County service, employees shall be entitled to 16 hours (two work-days) for each completed month of service thereafter, not to exceed 24 work-days in any one year.
- (b) All part-time employees shall be entitled to annual leave with pay on the same basis as provided in Section 1 (a) above in proportion to time actually worked. All hourly employees shall be entitled to annual leave with pay on the same basis as provided in Section 1 (a) above, provided that 8 hours shall be construed as one work-day. For the purpose of this sub-section, one year of continuous service shall be calculated on the basis of 2080 hours for employees who are paid by the hour.
- (c) Employees shall not be entitled to use annual leave until the completion of one year of continuous full- or part-time

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service, except in cases of injury incurred in the line of duty or under emergency situations as the same shall be determined by the Commission, or in those classes which by reason of the conditions of service the Commission shall exempt. For the purpose of this sub-section, if 2080 regular work-hours are completed prior to the first anniversary year, then such hours shall be construed to be the equivalent of one year.

- (d) Annual leave shall not be anticipated.
- (e) Annual leave shall not be accumulated for a total exceeding the number of days which can be accumulated by the employee in two years, except with the approval of the Commission. The three days of additional annual leave granted to employees, who have not taken more than five days of sick leave during any one year, under Section 2 (g) of this Rule shall not be included in such limitation.
- (f) Final decision as to whether an employee may take all accrued and current leave in one or more periods shall rest with the Appointing Authority, but no employee shall be required to work more than two years without an annual leave.
- (g) All accumulated and unused annual leave shall be credited to any employee returning from a leave of absence unless paid for at the time of separation.
- (h) Employees returning to the County service from a military leave shall be entitled to annual leave credits for the time spent in military service at the rate provided in Section 1 (a) above, provided however, that such credits shall not exceed a two-year period immediately following the beginning date of his military leave. Such annual leave credits may be used only if the employee returns to the County service and his total length of County service since his last date of employment, including time spent on military leave, is at least one year as required in Section 1 (c) above.
- (i) Annual leave accumulated under Section 1 (h) of this Rule, granting annual leave credits for time spent in military service, shall not be included in the limitation of annual leave accumulation provided in Section 1 (e) of this Rule until the expiration of two years following the employee's return to County service from military leave.
- (j) Any employee transferred from one department to another or appointed from certification to a position in another

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department without break in service shall carry accumulated annual leave to such other department.

- (k) Except as provided in Section 4 of this Rule, upon separation of any employee from the County service, he shall be paid at the time of separation for the unused portion of his accumulated annual leave, provided that he has completed one year of continuous service immediately prior to the separation. For the purposes of this sub-section, if 2080 regular work-hours are completed prior to one calendar year, then such hours shall be construed to be the equivalent of one year.
- (l) Upon the granting of a military leave of absence to an employee, he shall be paid for the unused portion of his accumulated annual leave, provided he has completed one year of continuous service immediately prior to the effective date of said leave.
- (m) Upon the granting of a leave of absence without pay to an employee of the classified service to accept a position in the unclassified service, he shall be paid for the unused portion of his accumulated annual leave, provided he has completed one year of continuous service immediately prior to the effective date of said leave.
- (n) An employee who is granted a leave of absence without pay (except as provided in (m) above and in Section 2 (b) of Rule 11) who is entitled to use his annual leave in accordance with the provisions of Sec. 1 (c) of this Rule, shall be required to use all accumulated annual leave prior to the commencement of the leave of absence without pay.
- (o) In the event an employee has been separated from the County service and has been paid for his accumulated annual leave and is subsequently re-employed, he shall be required to complete one year of service after the date of re-employment before using accumulated annual leave and in the event of a subsequent separation may not be paid for unused accumulated annual leave unless he has completed one year of service between the date of re-employment and the date of his next separation.
- (p) In the event an employee has been separated from the County service prior to the completion of one year of continuous service immediately prior to separation and is subsequently appointed from the re-employment list he shall be credited with all accumulated and unused annual

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leave but shall be required to complete one year of service from the date of re-employment before using such annual leave credits.

- (q) Annual leave shall be taken upon a five-day work-week basis. Holidays falling within the period of an annual leave shall not be counted as work-days. Annual leave taken shall be charged at the same rate at which it is earned, i.e., one work-day equals eight (8) hours.
- (r) Annual leave shall not accrue to an employee while on leave of absence without pay or on time off without pay, except as provided in Section 1 (h) above.

SEC. 2. SICK LEAVE

Every full-time employee shall be entitled to sick leave with full pay of one 8-hour work-day (computed at straight time) for each completed month of service. Employees rendering part-time, seasonal or intermittent service shall be entitled to sick leave at the same rate for time actually worked. Hourly employees shall be entitled to sick leave on the basis of 8 hours for each completed month of service calculated on the basis of 2080 work-hours per year.

- (a) Unused sick leave may be accumulated without limit for each completed month of service.
- (b) An employee may utilize his sick leave allowance for absences:
 - (1) Due to personal illness or physical incapacity ;
 - (2) Due to exposure to contagious disease in which the health of others would be endangered by his attendance on duty;
 - (3) Due to the illness of a member of his immediate family who requires his personal care and attention, not exceeding five sick leave days in any one year, as defined in Section 2 (g) (1) and (2) of this Rule. The term "immediate family" as used in this section shall mean parents, grandparents, children, brothers, or sisters of the employee or of the employee's husband or wife. It shall also include any member of the employee's household;
 - (4) Due to the death of a relative of the employee other than a member of his immediate family as defined in Section 10 of this Rule, not exceeding three such sick

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leave days at any one time. The term "relative" as used in this section shall mean uncles, aunts, nephews, nieces and first cousins of the employee or of the employee's husband or wife. It shall also include any member of the employee's household;

- (5) To report to the Veterans' Administration for medical examinations or other purposes relating to eligibility for disability pension or medical treatment;
 - (6) For routine medical or dental appointments, upon prior notice to his Appointing Authority;
 - (7) Because of illness or physical incapacity due to pregnancy or childbirth or following childbirth, provided that the employee submits a satisfactory statement from her physician of her inability to work.
- (c) An employee absent for one of the reasons mentioned above shall inform his immediate superior as soon as possible, and failure to do so within a reasonable time may be the cause for denial of sick leave with pay for the period of absence.
- (d) The employee may be required by his Appointing Authority or the Commission to produce evidence in the form of a medical certificate or otherwise, of the adequacy of the reason for his absence during the time for which sick leave is granted. An Appointing Authority may grant sick leave to an employee without the approval of the Civil Service Commission for periods of illness not exceeding 30 calendar days. All requests for sick leave for more than 30 calendar days' duration shall be submitted to the Civil Service Commission for prior approval and shall be accompanied by a physician's certificate supporting said request. The Commission may require further medical reports from time to time on all sick leave in excess of 30 calendar days.
- (e) All accumulated and unused sick leave shall be credited to any employee recalled from a layoff, transferred or certified to another department without break in service, appointed from a re-employment list, or returning from a leave of absence.
- (f) An employee may not utilize his accumulated sick leave reserve for absences resulting from an injury arising out of and in the course of employment with an employer other

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than the County of Wayne.

- (g) An employee who has been employed continuously during any one year and who has not taken more than five days of sick leave in any one year shall be granted an additional three days of annual leave in accordance with the following provisions:
 - (1) For employees who entered the County service prior to December 1, 1948, the phrase "any one year" shall mean the fiscal year of the County, December 1st to November 30th.
 - (2) For employees who entered or re-entered the County service on or after December 1, 1948, the phrase "any one year" shall mean the anniversary date of the employee's last date of continuous employment.
 - (3) Such additional three days of annual leave may be accumulated for not to exceed six days.
 - (4) For the purposes of this section, an employee who has not had more than a total of ten days of leave without pay or time off without pay during any one year as defined above shall be deemed to have been employed continuously for the entire year.
 - (5) Sick leave taken in connection with a death of a relative under the provisions of Section 2 (b) (4) of this Rule and sick leave used as personal business leave under the provisions of Section 3 of this Rule, shall not be counted for purposes of determining eligibility to receive such additional three days of annual leave.
- (h) Sick leave shall be taken upon a five-day work-week basis. Holidays falling within a period of sick leave shall not be counted as work-days. Sick leave taken shall be charged at the same rate at which it is earned, i.e., one work-day equals eight (8) hours.
- (i) Sick leave shall not accrue during a leave of absence without pay.
- (j) Employees returning to the County service from a military leave shall be granted one day of sick leave for each month spent in military service, not to exceed the number of days the employee would have accumulated had he not been on military leave.

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- (k) An employee who is seriously ill for more than five days while on annual leave may, upon application to his Appointing Authority, have the duration of such illness charged against his sick leave reserve rather than against his annual leave. Notice of such illness must be given immediately to the Appointing Authority. Proof of such illness in the form of a physician's certificate shall be submitted by the employee to the Appointing Authority, who shall determine whether or not such application shall be granted.
- (l) Except in the cases of injury or illness incurred in the line of duty, employees shall not be entitled to use sick leave until the completion of six calendar months of continuous full- or part-time service following the date of appointment or the date of re-employment for employees returning to the service by appointment from a re-employment list. For the purposes of this sub-section, if 1040 regular work-hours are completed prior to six calendar months, then such hours shall be construed to be the equivalent of six calendar months.
- (m) Except as provided in Section 4 of this Rule, and except for employees with less than two years of continuous service, upon separation from the County service, employees shall be paid for all unused accumulated sick leave in accordance with the following provisions:
 - (1) If the separation is the result of the death of the employee, his estate shall receive payment for 100% of his accumulated sick leave.
 - (2) If the separation is the result of retirement of the employee, he shall receive payment for 75% of his accumulated sick leave.
 - (3) If the separation is for reasons other than death or retirement, the employee shall receive payment for 50% of his accumulated sick leave.
 - (4) The rate of payment shall be based upon the regular annual salary of the employee at the time of separation. If an employee is separated upon the termination of a leave of absence, the rate of payment shall be based upon the employee's regular annual salary which he was receiving at the beginning of his leave of absence.

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- (5) Continuous service with the County shall mean employment without interruption or break. Lay-offs, leaves of absence without pay, time off without pay, suspensions, and separations followed by subsequent re-employments shall not be considered as breaks in service, provided, however, that the length of such time off or separation shall be deducted from the total length of service, except that military leaves, periods during which employees are receiving Workmen's Compensation, and Workmen's Compensation supplementation payments, leaves granted to disabled veterans due to illness resulting from a service-connected disability, and 90 days of leaves of absence granted because of personal illness in any one year shall not be deducted.
- (6) In the event an employee has been separated and paid for such accumulated sick leave and subsequently is re-employed by the County, his subsequent sick leave accumulations shall be calculated as though he were a new employee.

SEC. 3 PERSONAL BUSINESS LEAVE

- (a) All full-time employees who have completed one year of service shall be entitled to utilize accumulated sick leave for personal business leave, not to exceed four days in any one anniversary year, as defined in Section 2 (g) (1) and (2) of this Rule.
- (b) Personal business leave days shall be used at the employee's discretion and, except for emergencies, only upon reasonable notice to and with the approval of the Appointing Authority.
- (c) Personal business leave may not be used as an adjunct to annual leave.

SEC. 4 TRANSFER OF ANNUAL LEAVE AND SICK LEAVE TO ANOTHER GOVERNMENTAL JURISDICTION

Any employee transferring to another governmental jurisdiction as a result of a merger of governmental services, may, subject to the approval of the jurisdiction to which he is going, transfer his accumulated annual leave and sick leave in accordance with the following provisions:

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- (a) An employee who has less than one year of continuous service may transfer his accumulated annual leave.
- (b) An employee who has completed one year of continuous service, may, at his option, transfer all or part of his accumulated annual leave and shall be paid for all unused accumulated annual leave not transferred. For the purpose of this sub-section, if 2080 regular work-hours are completed prior to one calendar year, then such hours shall be construed to be the equivalent of one year.
- (c) An employee with less than two years of continuous service may transfer his accumulated sick leave.
- (d) An employee who has had at least two years of continuous service with the County as defined in Section 2 (m) (5) of this Rule may, at his option, transfer all or part of his accumulated sick leave and shall be paid one-half of all unused accumulated sick leave not transferred.

SEC. 5. HOLIDAYS

Employees shall be granted time off with pay for the holidays set forth below in accordance with the following Rules and Regulations:

(a) Holidays:

<u>Date</u>	<u>Holiday</u>
(1) January 1	New Year's Day
(2) 2nd Monday in January	Martin Luther King's Birthday
(3) February 12	Lincoln's Birthday
(4) 3rd Monday in February	Washington's Birthday
(5) Last Monday in May	Memorial Day
(6) July 4	Independence Day
(7) 1st Monday in September	Labor Day
(8) 2nd Monday in October	Columbus Day
(9) November 11	Veterans' Day
(10) 4th Thursday in November	Thanksgiving Day
(11) December 24	Day before Christmas
(12) December 25	Christmas
(13) December 31	Day before New Year's Day
(14) All State and National general election days	
(15) The employee's birthday	

- (b) Temporary and seasonal employees with less than six months of continuous service who are not scheduled to work on a holiday shall receive no compensation for such holiday. Such employees who work a holiday shall be

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compensated only at straight time rates for time actually worked.

- (c) Part-time employees who are not scheduled to work on a holiday shall receive no compensation for the holiday nor be allowed any additional time off in lieu thereof. Part-time employees who are scheduled to work on a holiday shall be granted time off with pay for said holiday.
- (d) For the purpose of these Rules and Regulations, whenever one of the designated holidays falls on a Saturday, the preceding Friday shall be designated as the official holiday, and whenever one of the designated holidays falls on a Sunday, the following Monday shall be designated as the official holiday. Should two consecutive holidays occur on a Friday and Saturday, or on a Sunday and Monday, Thursday and Friday or Friday and Monday, respectively, shall be designated as the official holidays.
- (e) In the event that the birthday holiday occurs on a holiday listed in this Rule, the next regular working day shall be designated as the birthday holiday.
- (f) In the event that an employee was born on February 29, the last day of February each year shall be designated as his birthday holiday.
- (g) Holidays falling within the period of annual leave or sick leave shall not be counted as work-days in computing such leave.
- (h) Whenever one of the designated holidays falls on a day which is a regular day off for a shift employee, an additional day off shall be allowed at such time as the Appointing Authority may designate.
- (i) When it is impractical to give time off to employees regularly scheduled to work on a holiday, because of the necessity of continuing essential services in a County institution, department or project, equivalent time off shall be allowed at such time as the Appointing Authority may designate.
- (j) When in the opinion of the Appointing Authority it is necessary to require employees to work on holidays in order to perform emergency work, such employees shall be compensated upon the following basis:
 - (1) When such work is performed during the usual hours of service of an employee, such employee shall be

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paid at the rate of double time for time actually worked, not to exceed eight hours.

- (2) If an employee shall actually work less than eight hours, then the difference in time between the hours actually worked and eight hours during the usual hours of service of an employee shall be paid for at the rate of straight time.
- (3) If an employee shall actually work before and/or after his usual hours of service, then such work shall be paid for at the rate of time and one-half.
- (4) When payment of services for emergency work on holidays is made in conformance with this Rule, then no compensatory time off shall be allowed.
- (k) Employees who work on a regularly scheduled afternoon or night shift on a holiday shall be entitled to shift differential pay for actual hours worked in accordance with Section 3 of Rule 5. Employees shall not be entitled to shift differential pay for compensator, holidays taken off.
- (l) Unless specifically provided otherwise in the footnote to the salary rate for the class, or by Resolution of the Civil Service Commission, effective May 21, 1960, employees working in classes carrying the footnote in the Official Salary Plan, "Rate represents full salary for all services rendered. No overtime to be paid.", who are entitled under this Rule to be granted holidays and who, because of the necessity of continuing essential services or performing emergency work, are required to work on a holiday, shall receive equivalent time off with pay at such time as the Appointing Authority may designate. Such time off shall not be granted for time worked in excess of the employee's regular work-day.
- (m) Upon separation of any employee from the County service, other than by leave of absence, he shall be paid at the time of separation for all unused accumulated holidays for which he has not been allowed equivalent time off, provided, however, that such unused holidays may not be accumulated for a total exceeding eighty hours (10 days), except with the approval of the Civil Service Commission.

SEC. 6. MILITARY LEAVE

Any regular or probationary employee being inducted or otherwise entering the armed forces of the United States in time

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of war, or pursuant to the provisions of the Selective Service Act of 1948, as amended, or of any other law of the United States, or in time of war, the active armed service of a nation allied with the United States, shall be granted a military leave of absence without pay for the period of the military service required of him and on completion thereof, be reinstated in the County service in accordance with the following regulations:

- (a) Military leaves shall be granted in accordance with the following regulations:
 - (1) For inductees, the minimum period of time required to be served.
 - (2) For enlistees, the period of the first minimum enlistment, or for such additional period of time required to be served.
 - (3) For reservists, the minimum period of time required to be served.
- (b) Application for reinstatement must be made within 90 days from date of discharge, or for reservists 90 days from date of release from active duty. If the returning employee is discharged or released to a Veterans Administration Hospital, application for reinstatement must be made within 90 days from date of discharge from such Veterans Administration Hospital.
- (c) Upon return from military leave, the employee shall be reinstated in the County service as though he had not been on military leave. Such reinstatement shall be made in accordance with the following regulations:
 - (1) A returning employee shall be reinstated in a position in the same class and the same agency in which he was formerly employed as follows:
 - (a) If there be a vacant position, he shall be reinstated.
 - (b) If he cannot be reinstated in accordance with sub-section (a) above, and there be an employee or employees without civil service status, then one such employee shall be separated from the service and the returning employee reinstated.
 - (c) If he cannot be reinstated in accordance with sub-sections (a) and (b) above, and there be an employee or employees having regular status

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who have been provisionally promoted, then one such provisional employee shall be demoted to the class in which he has regular status and the returning employee reinstated.

- (d) If he cannot be reinstated in accordance with sub-sections (a) through (c) above, and there be an employee or employees serving a probationary period who have not acquired regular status, then the probationary employee most recently appointed shall be laid off and the returning employee reinstated.
 - (e) If he cannot be reinstated in accordance with sub-sections (a) through (d) above, and there be an employee or employees having regular status who have been promoted and are serving a probationary period then the probationary employee most recently promoted shall be returned to the class in which he has status, and the returning employee reinstated.
 - (f) If a returning employee has regular status and cannot be reinstated in accordance with sub-sections (a) through (e) above, then the employee having been employed in the class in the department for the shortest period of time shall be separated from the position and the returning employee reinstated.
- (2) If a returning employee cannot be reinstated in accordance with sub-section (c) (1) above, and there be a vacant position or a position occupied by an employee without civil service status serving in the same class in some other agency in the County service, then the vacant position shall be filled, or, if there be no vacant position, one such employee shall be separated from the service and the returning employee reinstated.
 - (3) If a returning employee cannot be reinstated in accordance with sub-sections (c) (1) and (c) (2) above, then the returning employee shall be reinstated in the County service in any vacant position or position occupied by a provisional employee in the agency in which the returning employee was employed which the Civil Service Commission shall determine, after examination, to be

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appropriate with respect to the ability and qualifications of the returning employee in a class having an equivalent salary range.

- (4) If a returning employee cannot be reinstated in accordance with sub-sections (c) (1) through (c) (3) above, or in the event the agency in which such employee formerly was employed is no longer in existence and its functions have not been transferred to any other agency, he shall be reinstated in the County service in any class having an equivalent salary range which the Civil Service Commission shall determine, after examination, to be appropriate with respect to the ability and qualifications of the returning employee. Reinstatement shall be made in the manner prescribed by the Civil Service Commission.
- (5) In the event that the functions of the agency in which a returning employee formerly was employed have been transferred to another agency during his military leave, the returning employee shall be reinstated in the agency to which the functions were transferred in the same manner in which he would have been reinstated in the agency in which he was formerly employed.
- (6) A returning employee shall have the same status as he had prior to the beginning of his military leave. He shall take such examinations as he would have been required to take had he not entered the armed forces and complete any uncompleted period of probation.
- (7) He shall submit to such medical and physical examinations as shall be necessary to determine whether or not such military service has in any way incapacitated him for the work in question, provided, however, that as far as practicable, any employee returning with disabilities shall be placed in such employment as the Commission shall deem suitable under the circumstances. Loss of skill, if correctible, or physical impairment not in fact disabling shall not be deemed to be disqualifying. Where mental or physical disabilities have been incurred through active military service, the Commission, after investigation, shall place the veteran in such classification as shall most nearly approximate that formerly held which is consistent with the circumstances of the case.

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- (8) Any regular or probationary employee receiving a dishonorable discharge from the armed forces shall not be reinstated or appointed to any position in the County service.
- (d) Any employee granted a military leave of absence shall, in so far as possible, have all the rights and privileges he would have had if he had remained on duty, including cumulative seniority, the right to take promotional examinations in order to place on current promotional lists, and increases in compensation. He shall also be entitled on reinstatement to participate in insurance (including pension plans and medical insurance) and other benefits dependent on length of employment to the same extent as if he had remained continuously at work.
- (e) For the purposes of this Rule, "armed forces" shall be defined to include:
 - (1) The Army, Navy, Marine Corps, and Air Force.
 - (2) The auxiliary services directly necessary to and actually associated with the armed forces of the United States, as may be determined by the Commission.
- (f) An employee returning from military service shall be reinstated to active County service at the earliest possible date following application for such reinstatement, consistent with the best interests of the County service. The Appointing Authority, however, shall be given adequate time in which to make adjustments of staff following application of a returning employee to return to the County service. In no event shall this period be more than 30 days, except with the approval of the Personnel Director.

SEC. 7. LEAVE WITHOUT PAY

- (a) A regular employee may be granted a leave of absence without pay upon prior written recommendation by the Appointing Authority approved by the Commission for any of the following reasons:
 - (1) Because of the physical or mental disability of the employee,
 - (2) Because the employee has been elected or appointed to a public office,

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- (3) Because the employee is entering the unclassified or exempt services of the County,
 - (4) Because the employee is entering upon a course of training or study for the purpose of improving the quality of his service to the County or of fitting himself for promotion,
 - (5) Because of extraordinary reasons, sufficient in the opinion of the Commission, to warrant such leave of absence.
- (b) A probationary employee may be granted a leave of absence without pay upon prior written recommendation by the Appointing Authority approved by the Civil Service Commission because of the physical disability of the employee or for extraordinary reasons, sufficient in the opinion of the Commission, to warrant such leave of absence.
- (c) A regular or probationary employee who becomes pregnant may apply for and shall be granted a maternity leave of absence without pay before and after the expected date of delivery upon presentation to the Appointing Authority of a written recommendation from the employee's personal physician.
- An Appointing Authority may require the employee to take a longer period of leave of absence prior to and subsequent to the date of delivery than that requested by her and recommended by her personal physician, if in his judgment the nature and type of work performed by the employee is such that it would be injurious to her or not in the best interests of the County or the public for her to continue working. The Appointing Authority may call upon the Commission's Examining Physician to assist him in arriving at his determination.
- (d) Leaves granted for any of the above reasons, except leaves granted under the provisions of Sec. 7 (a) (3) of this Rule, shall be subject to the following regulations:
- (1) Such leaves shall not be granted for more than six months, but may be renewed upon written application therefor by the employee.
 - (2) Leaves of absence granted to employees because of physical or mental disability may be extended beyond the first six months for an additional period of time not to exceed two years, at the expiration of

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which time the employee shall either produce evidence that he is physically and/or mentally capable of returning to work, subject to the Commission's Examining Physician's approval, or his services shall be terminated. Written notice of such termination shall be given to the employee by his Appointing Authority or mailed to his last known address and a copy filed with the Commission.

Any regular employee whose employment is terminated under the provisions of this section may appeal from such termination by filing a written demand for a hearing with the Commission within 20 days after receiving the notice of termination. The hearing shall be set and conducted in the same manner as provided in Rule 14.

The name of any regular employee whose employment is terminated because of a physical or mental disability and who subsequently recovers from such disability may, within two years from the termination date and subject to the recommendation of the Commission's Examining Physician, be placed on the re-employment list in accordance with and subject to the provisions of Section 4 of Rule 15.

An employee returning from a leave of absence for a mental or a serious physical disability, or re-employed under the provisions of this section, may be required by the Commission to demonstrate within 90 days following his return to work that he is able to perform the duties and responsibilities of his position, and, in such event, his Appointing Authority shall submit a report to the Commission at the end of the 90-day period, evaluating the employee's work performance.

- (3) An employee granted a leave of absence hereunder shall be restored to his position on the expiration of the leave, or if approved by the Appointing Authority and the Commission, before the expiration thereof.
- (4) In the event such employee's position shall have been abolished in the meantime, he shall be returned to the service in the following manner:
 - (a) If there be a provisional employee or employees serving in a position of the same class in the

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agency in which the individual was formerly employed, the most recently appointed provisional employee shall be separated and the returning employee appointed to the position.

- (b) If there be no provisional employee in the agency and class of position in which the returning employee was formerly employed but there be such provisional employee or employees in some other agency of the County service, the most recently appointed provisional employee shall be separated and the returning employee appointed to the position. .
- (c) If there be no provisional employee in that class of position in any agency of the County, the name of the returning employee shall be placed at the head of the re-employment list for the class. Should the names of two or more employees returning from leave be placed on the same re-employment list, the names shall be arranged in order of seniority.
- (e) Leaves granted under the provisions of Sec. 7(a)(3) of this Rule shall be subject to the following regulations:
 - (1) Such leaves shall be granted for the duration of his employment in the unclassified or exempt service.
 - (2) An employee granted a leave of absence hereunder shall be restored to his classified position in the event his leave terminates within six months or less from the date of the commencement of such leave.
 - (3) An employee granted a leave of absence hereunder whose leave terminates after more than six months have elapsed from the date of the commencement of such leave, upon his request, shall be restored to his classified position if such position is vacant at that time or is filled on a provisional basis.
 - (4) In the event such employee cannot be restored to his classified position under the above provisions, his name shall be placed on the re-employment list in accordance with the provisions of Sec. 4 of Rule 15.

SEC. 8. ABSENCE WITHOUT LEAVE

An employee who is absent from duty without specific authorization therefor or who fails to report at the expiration of

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a leave of absence shall be deemed absent without leave unless a leave of absence is subsequently granted under any of these Rules and Regulations; and he may, in accordance with the provisions of Section 1 of Rule 14 of the Rules and Regulations, be subject to disciplinary action.

SEC. 9. TIME OFF

- (a) An employee shall be granted time off from his duties with compensation by the Appointing Authority for any of the following reasons:
 - (1) For appearance in courts or before Boards or Commissions as a witness, except when such appearance is in the employee's own behalf.
 - (2) For participation in promotional examinations held by the Commission or other examinations which he may be required to take by the Act and these Rules.
 - (3) For attendance at meetings of the Board of Trustees of the Wayne County Employees' Retirement System, when an employee is a member of such Board.
 - (4) For registering, or for physical and medical examinations, for military service under the Selective Service Act.
 - (5) For serving on a jury, subject to the following provisions:
 - (a) For those days the employee is required to serve on a jury and is regularly scheduled to work, the pay rate of the employee during such time off shall be the difference between his regular daily pay rate and the daily pay rate for jury duty, exclusive of travel pay.
 - (b) The employee shall be required to work on the days he is regularly scheduled to work and on which he is not required to serve on a jury.
 - (c) An employee shall not be required to work any portion of his shift (including afternoon or night shifts) on those days on which he is required to serve on a jury.
 - (d) The employee shall furnish proof of the jury service.

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- (b) With the prior approval of the Commission, an employee may be granted time off from his duties, with compensation, for attendance at state and national, veteran, credit union or labor conventions, when such attendance, in the opinion of the Commission, may be expected to contribute to the betterment of the service. An employee requesting time off with pay under this Section shall be a duly elected or appointed delegate of his organization, and proof of actual attendance at such convention may be required by the Appointing Authority or the Commission. The number of leave days and the number of delegates to be sent to each convention shall be determined by the Commission. In no case, however, shall any employee be allowed more than seven work-days off with pay for any and all such conventions in any one fiscal year except with the approval of the Commission.
- (c) With the prior approval of the Commission, an employee may be granted time off from his duties with pay to attend in-service training and other courses or professional conferences, meetings, and institutes. The determination of need for such attendance by an employee shall be the responsibility of the Appointing Authority. In no case, however, shall an employee be allowed more than seven work-days off with pay for any and all such attendance in any one fiscal year except with the approval of the Commission.
- (d) An employee may be granted time off without compensation for attendance at meetings other than those specified in sub-sections (b) and (c) above or to attend to urgent personal business, provided, that such employee shall request approval from his Appointing Authority in sufficient time to permit the latter to make arrangements therefor, and further provided, that such time off will not seriously affect the operation of the department.
- (e) With the prior approval of his Appointing Authority an employee may be granted intermittent time off from his duties with or without compensation for a fraction of a day, up to but not to exceed three hours at any one time for attendance of meetings of County boards or commissions or with County officials as a representative of an employee group or for other official union business. Employees who desire such time off shall submit their

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request to their Appointing Authority on such form as the Civil Service Commission shall prescribe. The Appointing Authority shall thereupon determine whether such time off shall be granted, and if granted, whether it shall be with or without compensation. A copy of said form with the Appointing Authority's determination endorsed thereupon shall be transmitted to the Civil Service Commission. Time off for the above-stated purposes in excess of the amount stated above shall require the prior approval of the Civil Service Commission.

- (f) With the prior approval of his Appointing Authority, an employee may be granted time off from his duties for attendance at state funerals, funerals of County officials or employees, or military funerals, when the employee is acting in an official capacity at said military funerals. Such time off may be granted with or without compensation at the discretion of the Appointing Authority.
- (g) With the prior approval of the Civil Service Commission, an employee who is a member of the Michigan National Guard, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, the Officers' Reserve Corps, the Enlisted Reserve Corps of the United States Army, or another Federally recognized reserve component of the Armed Forces, may be granted time off for not to exceed 15 calendar days in any one fiscal year when called for training with said reserve component, provided, however, that such time off shall be granted only to employees who have had six months or more of continuous employment at the time of the commencement of such military training. Employees returning to the County service by re-employment shall not be entitled to be granted such time off until they have completed six months or more of continuous service following the date of re-employment. The pay rate of the employee during such time off shall be the difference between his regular pay rate and the total amount of compensation, less any and all allowances, received by the employee for such military training.
- (h) All employees, except temporary and seasonal employees with less than six months of continuous service, shall, upon the approval of their Appointing Authority, and contingent upon the operating schedule and the needs of public services of each department, including those essential to the peace, safety, and health of the public, be granted one-half day of time off with pay at straight time on Good Friday,

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or shall be granted equivalent time off at such time as their Appointing Authority may designate. Whenever an employee's birthday holiday shall fall on Good Friday, the entire day shall be recognized and considered in all respects as the employee's birthday holiday and the employee shall be granted one-half day of time off with pay at such time as his Appointing Authority may designate.

SEC. 10. BEREAVEMENT LEAVE

Employees shall be granted time off from their duties with compensation to make burial arrangements and attend funeral services of members of their immediate families under the following terms and conditions:

- (a) Bereavement Leave shall be limited to three consecutive work-days at any one time except that it may be extended to a maximum of five work-days in the event that the funeral is to take place at a distance of over 300 miles from the employee's place of residence. Such leave must be taken in conjunction with the funeral and shall not be cumulative.
- (b) The term "immediate family" as used in this section shall mean the employee's husband or wife, and the parents, grandparents, grandchildren, children, brothers and sisters of the employee or his spouse. "Immediate family" shall also include step-parents, great-grandparents, great-grandchildren, stepchildren, stepbrothers, stepsisters, half brothers and half sisters.
- (c) Employees shall notify their Appointing Authorities prior to taking bereavement leave as herein provided and failure to comply may be cause for denial of such leaves.
- (d) An employee requesting bereavement leave may be required by the Appointing Authority or the Commission to produce evidence to establish that the deceased person is a member of his immediate family and the time and place of the funeral.
- (e) In the event that a holiday as defined in Section 5 of Rule 13 occurs during the bereavement leave, the employee shall be allowed equivalent time off with pay for said holiday at such time as the Appointing Authority shall designate. In the event that bereavement leave occurs during the period when the employee is on annual leave or sick leave, such leave shall be credited to the appropriate leave bank.

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- (f) Employees on leaves of absence without pay as defined in this Rule shall not be eligible to receive bereavement leave.

SEC. 11. LEAVE AND TIME OFF NOT REQUIRED TO BE MADE UP

Time taken off with compensation under any of the provisions of this Rule (including annual and sick leave) shall not be required to be made up.

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Suspensions, Demotions and Removals

SEC. 1. CAUSES FOR SUSPENSION, DEMOTION AND REMOVAL

The following are declared to be causes for suspension, demotion or removal of any employee in the classified civil service, though charges may be based upon causes other than those herein enumerated, namely, that the employee:

- (a) Has wilfully violated any of the provisions of the Civil Service Act or of the rules of this Commission made in pursuance thereof;
- (b) Is incompetent or inefficient in the performance of the duties of his position (specific instances to be charged);
- (c) Has been wantonly careless or negligent in the care of the property of the County;
- (d) Has been guilty of abusive or improper treatment toward an inmate or patient of any County institution, or to a person in custody; provided, the acts committed were not necessarily or lawfully committed in self-defense, to protect the lives of others or to prevent the escape of anyone lawfully in custody;
- (e) Has been offensive in his conduct or language toward his fellow employees, County officers or the public;
- (f) Has some permanent or chronic physical or mental ailment or defect which incapacitates him for the proper performance of the duties of his position;
- (g) Has been habitually tardy in reporting for duty or has absented himself frequently from duty;
- (h) Has been convicted of a felony, or of a misdemeanor involving moral turpitude;
- (i) Has been charged with the commission of a felony, or of a misdemeanor involving moral turpitude;
- (j) Has been intoxicated while on duty or has been guilty of a scandalous and disgraceful conduct while on or off duty

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where such conduct tends to bring the County service into public disrepute;

- (k) Has violated any lawful and reasonable official regulation or order or failed to obey any lawful and reasonable direction made and given to him by his superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the department or to result in loss, inconvenience, or injury to the County or to the public;
- (l) Has taken for personal use a fee, gift or other valuable thing in the course of his work or in connection with it when such fee, gift or other valuable thing is given him by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons;
- (m) Has directly or indirectly aided or been in any manner concerned in assessing, soliciting, collecting or receiving money or other thing of value from anyone for any political purpose whatsoever;
- (n) Has failed to pay or make reasonable provision for the future payment of just debts when annoyance is caused his superior officer or scandal is caused because of such failure;
- (o) Has been induced or has attempted to induce any officer or employee in the County service to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation or order or has participated therein;
- (p) Has failed to subscribe to the "Oath of Allegiance" as required by Section 1 (c) of Rule 19;
- (q) Has failed to comply with or violated the provisions of Section 5 of Rule 12 relative to outside employment;
- (r) Has removed his residence from the Counties of Wayne, Macomb, Oakland, Washtenaw or Monroe, or from the County of Wayne if such residence was required for appointment to the position;
- (s) Has refused to perform a reasonable amount of emergency

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work after regular working hours or on days not regularly scheduled to work when directed to do so by his Appointing Authority;

- (t) Has been absent without leave.

SEC. 2. SUSPENSIONS

Any Appointing Authority and, in his absence, the officer acting in his place, may suspend without pay, for good cause and for a definite period of time, any employee in his department. A suspension for an indefinite period of time shall be considered as a removal.

SEC. 3. FORFEITURE OF ANNUAL LEAVE

- (a) Any employee suspended without pay in accordance with the provisions of Sec. 2 of this Rule, immediately after receiving the order of suspension and subject to the provisions of Sec. 1 (c) of Rule 13, may submit a request to his Appointing Authority for permission to forfeit, in lieu of such suspension, an equal number of annual leave days, holidays or compensatory time, from his accumulated reserve, which request whether granted or not shall in no way affect his rights under Sec. 9 of this Rule. This section shall not be construed to authorize any Appointing Authority to impose a forfeiture of annual leave, holidays or compensatory time, as punishment independent of a suspension without pay issued in accordance with the provisions of this section.
- (b) Any Appointing Authority who issues an Order of Suspension without pay to any employee in his department and receives from said employee a request for forfeiture of accumulated annual leave, holidays or compensatory time, in lieu of said suspension, may grant said request and modify said Order of Suspension in accordance with Sec. 8 of this Rule.

SEC. 4. DEMOTIONS

Any Appointing Authority may demote a regular employee in his department from a position in one class to a position of another class with less responsible duties and a lower range of compensation for disciplinary purposes under Section 1 of this

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Rule or when the employee does not render satisfactory service in the position he holds, but may do so in a lower class.

SEC. 5. REMOVALS

Any Appointing Authority may discharge an employee for one or more of the causes listed under Section 1 of this Rule or for other equally good cause.

SEC. 6. NOTICE TO COMMISSION AND EMPLOYEE

In every case of a suspension, demotion or removal, a written order of the action taken together with the reason therefor and period of duration shall be filed with the Commission forthwith and a copy thereof shall be given to the employee or mailed to his last known residence address by the Appointing Authority.

SEC. 7. ANSWER BY EMPLOYEE

A regular employee ordered suspended, demoted or removed may file a written answer to the charges made against him with the Appointing Authority, and a copy thereof with the Commission, within five days after the order shall have been filed with the Commission.

SEC. 8. MODIFICATION OR WITHDRAWAL OF SUSPENSION, DEMOTION, OR REMOVAL

An Appointing Authority may, within 30 days after the filing of the order of suspension, demotion, or removal, modify or withdraw said order by filing a written notice of such action with the Commission.

SEC. 9. APPEALS BY EMPLOYEES

Any regular employee ordered suspended, demoted or removed, being unable to effect a reconciliation with the Appointing Authority, may appeal from said order by filing a written demand for a hearing and a written answer to the charges made against him, with the Commission within 20 days after receiving the order of suspension, demotion or removal. The Commission thereupon shall set a date for a hearing of the charges not later than two weeks after receiving the appeal, on which date the hearing shall be commenced unless adjourned by the Commission. In conducting the hearing, the Commission may proceed in an

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informal manner and shall not be bound by the procedure or rules of evidence observed in courts of record.

- (a) If an employee is suspended, demoted, or removed by reason of being charged with the commission of a felony, or of a misdemeanor involving moral turpitude, and at the time the appeal is before the Commission for hearing the act complained of is involved in a criminal proceeding in the courts, the hearing shall be postponed or continued until the termination of such court proceedings, at the request of the employee, provided that he shall waive in writing all right to compensation during the period of adjournment.
- (b) During the course of the hearing, the Commission may, if it deems such action appropriate, allow the Appointing Authority to withdraw the order of suspension, demotion, or removal.

SEC. 10. FINDINGS AND DECISION

The Commission may either affirm, modify or revoke the order of suspension, demotion or removal to any extent, as in its judgment, is equitable and in the interests of the County service. The decision shall be promptly certified to the Appointing Authority and shall forthwith be enforced and followed by him. If the order of the Appointing Authority is affirmed by the Commission, the effective date of said order shall stand as issued by the Appointing Authority. If the order of the Appointing Authority is modified by the Commission, compensation and other benefits shall be in accordance with and in proportion to the extent of such modification. If the order of the Appointing Authority shall be revoked by the Commission, all compensation and other benefits which would have accrued to the employee from the effective date of said order shall be restored to him.

RULE 15

Resignations and Retirements

SEC. 1. PROCEDURE TO RESIGN

An employee in the classified service may resign from the County service in good standing by presenting to his Appointing Authority, at least two weeks before leaving, a resignation upon a form prescribed by the Commission. A copy thereof shall be forthwith filed by the Appointing Authority with the Commission. Failure to give two weeks notice, unless the requirement of such notice shall be waived by the Personnel Director, shall be entered on the employee's record and may be the cause of denying future employment with the County.

SEC. 2. UNDATED AND POST-DATED RESIGNATIONS UNACCEPTABLE

No form of resignation filed with any Appointing Authority without date or with a future date, and not intended to be a bona fide and voluntary resignation to be acted upon at the time of filing, shall be accepted as a resignation. Each separation under such circumstances shall be deemed a removal and the provisions of the Act and the Rules of the Commission relating to removals shall apply.

Any demand or request of an Appointing Authority for the filing of any such form of resignation for possible future action at the option of the Appointing Authority shall be deemed to constitute prima facie evidence of coercion.

SEC. 3. WITHDRAWAL OF RESIGNATION

An employee in the classified service who has submitted his resignation, may, with the approval of the Appointing Authority and the Personnel Director, withdraw such resignation prior to the effective date thereof, and be continued in his position as though the resignation had not been filed.

SEC. 4. REINSTATEMENT AFTER RESIGNATION

- (a) The name of an employee having regular status, who resigned in good standing, may, upon application by the employee within two years from the effective date of the resignation and with the approval of the Personnel Director, be placed on the re-employment list for the class in which

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the employee had regular status at the time of resignation or on other re-employment lists as provided in Section 2 of Rule 7. In no event may the names of former employees be placed on a re-employment list more than two years after the effective date of the resignation.

- (b) An employee having regular status who resigned in good standing, and who is no longer eligible to have his name placed on a re-employment list by reason of the lapse of more than two years, may be reinstated to a position in the class in which he had regular status (or a lower class in the same or a related series) in any agency in the County service, provided: (1) that the reinstatement is requested by the Appointing Authority, (2) that no other employee with regular status shall be demoted or laid off in order to make such reinstatement possible, (3) that there is no one on the re-employment list for the class who was previously employed in the department requesting the reinstatement, and (4) that the reinstatement has the prior approval of the Civil Service Commission. Employees so reinstated shall be considered as new employees for purposes of determining pay rate, annual leave, sick leave, and seniority. Employees so reinstated on or after March 1, 1959, shall be considered as new employees for purposes of determining longevity pay in addition to the above.
- (c) An employee, prior to being re-employed or reinstated under the provisions of this Rule, may, at the discretion of the Personnel Director, be required to undergo a non-competitive examination to determine his ability to perform the duties of the position sought.

SEC. 5. RETIRED EMPLOYEES

The records of employees whose applications for service retirement or for duty or non-duty disability retirement have been granted by the Wayne County Employees' Retirement System shall indicate that the employees have been separated from the service by service retirement, duty disability retirement, or non-duty disability retirement as the case may be. No such person shall be eligible for examination, employment, or appointment in the classified service of the County of Wayne, so long as he shall receive such retirement allowance.

RULE 16

Lay-Offs

SEC. 1 WHEN LAY-OFFS MAY BE MADE

An employee may be laid off by an Appointing Authority in the manner herein provided when there is lack of work or funds which requires a reduction in personnel. No regular employee, however, shall be laid off while there are limited term, probationary or provisional employees serving in positions of the same class in the same agency, nor shall any probationary employee be laid off while there are limited term or provisional employees serving in positions of the same class in the same agency.

SEC. 2. METHOD

- (a) When the need arises for laying off regular employees in any agency, the individual employees shall be laid off in the inverse order of their seniority as defined in Rule 10.
- (b) When need arises for laying off an employee serving a promotional probationary period such employee shall be returned to a position of the class from which he was promoted and lay-off shall be made from said class in the manner herein provided.
- (c) When need arises for laying off a regular employee from a position in a class in a series in which there are lower classes, and there are in such lower classes within the agency one or more employees having less seniority, the employee about to be laid off shall be demoted to the position in the next lower class in the agency occupied by an employee having less seniority and the employee having less seniority shall be laid off; provided, however, that if an employee about to be laid off has regular status in a lower class in a different series and there is in such lower class in the same agency one or more employees having less seniority, the employee about to be laid off shall be demoted to the position in the agency in the next lower class in which he has regular status and which is occupied by an employee having less seniority and the employee having less seniority shall be laid off.

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SEC. 3 NAMES PLACED ON ELIGIBLE LISTS

Names of regular employees who are laid off shall be placed on the re-employment list for the appropriate class. Names of probationary employees who are laid off shall be returned to the eligible list from which certification was made.

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Employee Training and Welfare Activities

SEC. 1. TRAINING PROGRAMS

The Personnel Director shall cooperate with Appointing Authorities, employees, and others, to foster and promote programs of training for the County service and in-service training of employees for the purpose of improving the quality of personal services rendered to the County and of aiding employees to equip themselves for advancement in the service.

SEC. 2. WELFARE PROGRAMS

The Personnel Director shall cooperate with Appointing Authorities, employees, and others, to promote measures directed toward more sanitary, safe and healthful working conditions, toward affording better facilities for recreation, toward greater security and economic advantage as by means of group insurance and credit union facilities, and toward any other means of bettering the conditions and improving the morale of the County employees.

RULE 18

Reports and Records

SEC. 1. REPORTS TO THE COMMISSION

- (a) Appointing authorities shall notify the Commission of all proposed appointments to, status changes in, and separations from the classified service at such time, in such form, and with such supporting or pertinent information as these rules prescribe or the Commission shall deem necessary. Appointing Authorities shall also notify the Commission of all changes in the duties or responsibilities of a position when the change is of such a nature that the position should properly be re-allocated to another class.
- (b) Appointing Authorities having jurisdiction over positions in the unclassified service shall report to the Commission the names of appointees, their titles and the dates of their appointments.

SEC. 2. SERVICE RECORDS

The Commission may establish a system of service records designed to record the character and quality of work done, the manner in which the work is performed, the faithfulness of employees to their duties and such other characteristics as, in its opinion, will measure the value of the employee to the County service.

SEC. 3. RECORDS AND TABULATIONS

The Personnel Director shall maintain such other personnel records as he may consider desirable, or as the Commission shall direct, and shall make available to the Board of Supervisors, the Board of County Auditors, the Board of County Road Commissioners, executives of other County agencies, and other persons having a proper interest therein, tabulations and analysis of such personnel data as he has available.

SEC. 4. RECORDS OPEN TO INSPECTION

The records of the Commission shall, with the exception of records specified in the Act or in these Rules and such other records as may be specified by the Commission, be public records and be open to public inspection during regular office hours at such times and following such procedures as may be prescribed by the Personnel Director.

RULE 19

General Terms and Conditions of Employment

SEC. 1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

The following are declared to be general terms and conditions of employment in the County service:

- (a) **Residence.** Employees in the classified civil service of the County of Wayne shall be required to maintain a bona fide residence in the County of Wayne or in any of the adjoining Counties of Macomb, Oakland, Washtenaw, or Monroe; provided, however, that in those cases where the law specifically requires that a person appointed to a position be a resident of Wayne County, or when the Commission deems Wayne County residence advisable for the best interests of the County service, such residence shall be required. It shall be the responsibility of each employee to keep his Appointing Authority advised of his current residence address, his telephone number, and of any change in name.
- (b) **Health.** At the request of an Appointing Authority or the Commission, an employee shall be required to submit to medical and/or other examinations to determine his physical and/or mental capacity for the proper performance of the duties of his position.
- (c) **Oath of Allegiance.** Effective July 30, 1953, every employee in the classified civil service, and every person appointed thereafter from an original appointment or re-employment eligible list, and every person thereafter who shall receive a provisional or emergency appointment, shall be required to subscribe to the following "Oath of Allegiance": "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of my position as an employee with the government of Wayne County, according to the best of my ability. I further do solemnly swear (or affirm) that I am not a Communist." Former employees returning to the County service who have already subscribed to said Oath in connection with their previous employment shall not be required to subscribe to a new Oath unless there has been a lapse of more than five years from the termination of their

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last employment with the County.

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Failure of an employee to comply with the provisions of this Rule shall be cause for disciplinary action.

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Definitions

As used in these Rules and Regulations, the following terms shall have meanings as indicated below.

1. "Act" means Act No. 370 of the Public Acts of 1941 of the State of Michigan.
2. "Effective date of the Act" means November 20, 1942.
3. "Commission" means the Civil Service Commission of the County of Wayne, State of Michigan.
4. "Personnel Director" means the Personnel Director employed by said Commission.
5. "County service" or "County civil service" means all offices or positions of trust and employment in the service of the County.
6. "Agency" means a department, board, bureau, court, commission, or institution of the County of Wayne.
7. "Appointing Authority" means the head of an agency, a person or group of persons who has or who have the power by law, ordinance, or lawfully delegated authority to make appointment to positions in the County service.
8. "Position" means a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one person. A position may be filled or vacant. When used in these Rules, position shall include position and office.
9. "Permanent position" means a position which it is expected will exist continuously for longer than six months.
10. "Class" or "class of positions" means all positions which are alike in the following characteristics:
 - (a) Having duties and responsibilities requiring like qualifications of the incumbents, including such qualifications as training, experience, capacity, knowledge, proficiency, and any other qualifications

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necessary for the proper performance of the work;

- (b) Properly filled by persons selected by the same tests of fitness;
 - (c) Equitably compensated by the same rate or rates within a schedule of compensation;
 - (d) Having the same provision for in-service training; and differing from positions in other classes in one of the foregoing characteristics.
- 11. "Allocation" means either (1) the act of determining to which class a position properly belongs, or (2) the class to which a position has been determined to belong, depending on the context.
 - 12. "Re-allocation" means a change in allocation of a position by either raising it to a higher class, reducing it to a lower class, or moving it to another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position. It does not necessarily involve the change of an employee from one position to another.
 - 13. "Assembled examination" means an examination in which applicants are called together in one or more designated centers to compete according to procedures established and controlled by the examining staff.
 - 14. "Unassembled examination" means an examination in which applicants are subject only to general controls as to the manner in which required material is submitted to the examining staff for review and rating and usually not involving the calling of applicants together prior to appointment.
 - 15. "Qualifying examination" means the examination required by Section 14 of the Act whereby each employee having more than one year of service but less than two years of service prior to the effective date of the Act is required to pass an examination with only a passing grade to obtain status in his position.
 - 16. "Open competitive examination" means any examination

open to all persons, whether employed by the County or not, who meet and comply with prescribed requirements for admission thereto.

17. "Promotional examination" means a competitive examination open only to employees of the County in a designated organizational unit or units and having status in a designated class or classes, which examination is given for the purpose of establishing a list from which to certify eligibles for promotion.
18. "Final earned rating" means the weighted average of the earned ratings on each part of the examination.
19. "Final grade" means the final earned rating plus any preference as a war veteran or disabled war veteran to which the candidate may be entitled.
20. "Eligible list" means either an original appointment list, a re-employment list, or a promotional list as described in Rule 7.
21. "Eligible" means any person whose name is on an eligible list.
22. "Appointment" means the act of selecting a person to fill a vacant position as performed by an Appointing Authority in one of the ways prescribed by the County Civil Service Act and these Rules.
23. "Regular employee" means an employee who has been appointed to a position in the classified service and has completed his original probationary period.
24. "Seasonal position" means a position having duties and responsibilities of such nature that their performance is discontinued and the position left vacant during a part of the year. Usually the vacancy occurs during the same period of each year.
25. "Limited term position" means a position established with the intention that it be discontinued in less than six months.
26. "Employee" shall include employee and officer, the

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singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

27. "Standby service" means non-working service of an employee who is required to be on the grounds of the work location and ready to work in the event of an emergency.
28. "On-call service" means non-working service of an employee not at the work location who is required to be ready immediately to respond to a telephone call in the event his service is required in emergency cases.