

NORTH LITTLE ROCK CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

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EDITOR'S NOTE: Pursuant to provisions of the 1983 Federal Consent Decree, as amended in 1986, the pronouns "he," "him," or "his" will be changed to "he/she," "they," "them," "his/her," "employee," or "applicant."

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CHAPTER I. GENERAL RULES AND REGULATIONS APPLICABLE TO ALL EMPLOYEES

A. DEFINITIONS:

The following words and phrases when used in these rules shall have the following meaning:

1. **"ACT"** means Act 326 of 1949, as amended, and act 221 of 1963, as amended, known as the North Little Rock Civil Service Acts, State Law, Ordinance 1852 and 3319.
2. **"APPOINTMENT"** means the selection of a person, by due authority, to become an employee in a position, and his/her induction into employment in such position.
3. **"CLASS"** or **"CLASS OF POSITIONS"** means a definitely recognized kind of employment in the classified service.
4. **"CLASSIFICATION PLAN"** means all classes of positions established under the provisions of the act for classified service.
5. **"CLASSIFIED SERVICE"** means all offices and positions of trust or employment in the City service, except those placed under unclassified service by the Act.
6. **"COMMISSION"** means the North Little Rock Civil Service Commission.
7. **"COMPETITIVE POSITIONS"** means any position in the classified service that is subject to the requirements of this Act relating to appointment on the basis of competitive tests of fitness and applies to every position in the classified service that is not exempt and the positions that are in the unclassified.
8. **"CONTINUOUS EXAMINATION"** means an examination for which no final date has been set, which will be given on more than one date from which the resulting employment list is an open list.
9. **"DEMOTION"** means a change of regular employee in the classified service from a position of one class to a position of another, lower classified position for which a lower maximum rate of pay is prescribed.
10. **"DIRECTOR"** means Director of Human Resources.
11. **"ELIGIBLE"** means a person whose name is on an eligibility list as eligible for hire, conditioned on meeting all remaining hiring requirements.
12. **"EMPLOYEE"** means a person legally occupying a position.
13. **"EMPLOYMENT LIST"** means an original entrance employment list, a promotion list, or re-employment list.

14. **"ENTRANCE TEST"** means a test for position in a particular class.
15. **"LAY OFF"** means the removal of an employee because of a lack of work, failure of financial appropriations, or other causes.
16. **"LEAVE OF ABSENCE WITHOUT PAY"** is leave or time off from work granted by action of the Commission or at the discretion of the department head, the effect of which does not create a vacancy in the position of the person granted leave.
17. **"LEAVE WITHOUT PAY"** means an employee may be permitted, under certain circumstances, to remain on the payroll in a non-pay status if not entitled to paid leave of any kind under existing City policy.
18. **"LIST"** means an employment list, an original entrance list, a promotion, employment, or re-employment list.
19. **"OPEN LIST"** means a list to which eligibles may be added from time to time through continuous examinations.
20. **"PAY"** means salary, wages, fees, allowances, and all other forms of valuable consideration.
21. **"PAY PLAN"** means all the scales of rates of compensation prescribed by the City Council.
22. **"POSITION"** means any office and any employment in the service of the City.
23. **"PRACTICAL EXAMINATION"** means tests or trials in the performance of the work performed on a particular job. It can include, but is not limited to: in-basket exercises, role-playing exercises, problem solving scenarios, typing tests, driving tests, equipment operation tests, written composition of letters and reports, or any other test designed to enable a candidate to demonstrate knowledge, skill or ability in the duties of a particular position.
24. **"PROMOTION"** means a change of an employee in the classified service from a position of one class to a position of another class for which a higher maximum rate of pay is provided in the pay plan.
25. **"RATE OF COMPENSATION"** means the pay grade and established regular amount of compensation paid for a position by contract or by classification schedule established by the City.
26. **"REDUCTION IN RANK"** means a demotion to a lower-classified position.
27. **"REDUCTION IN RATE OF COMPENSATION"** means a reduction in the pay grade and regular established amount of compensation paid for a position by contract or by classification schedule established by the City. Reduction in rate of compensation does not include suspension without pay.

28. **"REGULATION"** means a definition, policy, or mode of procedure formally prescribed by the Director or Commission to govern the manner of giving effect to a part of the Civil Service Law or Rules.

29. **"RELATIVE"** means all persons related to the employee by blood, the employee's spouse, and the employee's "significant other" or "life partner". A relative nearer than the "third degree" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first, second or third cousin, or corresponding in-law or "step" relation of the employee or employee's spouse or "significant other" or "life partner".

30. **"SAFETY SENSITIVE POSITION"** means any position in which the duties performed or the vehicle driven or the equipment operated has the potential to cause a significant risk to the safety or health of the public, co-workers, or the employee if Arkansas Occupational Safety & Health (AOSH) or United States Occupational Safety & Health (OSHA) or Department of Transportation (D.O.T.) rules and regulations are violated.

31. **"SIGNIFICANT OTHER" OR "LIFE PARTNER"** means a person of the opposite or same sex with whom the employee is engaged in a common-law (or similar) domestic relationship.

32. **"SUSPENSION WITHOUT PAY"** means a temporary suspension from the job without pay for a period not to exceed 30 calendar days. Suspension without pay shall not be considered a reduction in rate of compensation.

33. **"TEMPORARY APPOINTMENT"** means an appointment for a period of up to sixty (60) days for regular civil service positions, or longer for special projects involving non-classified positions.

34. **"UNIFORMED EMPLOYEES"** are uniformed full-time, regular law enforcement personnel in the Police Department and uniformed full-time, regular fire and rescue personnel in the Fire Department.

B. ORGANIZATION, RULES, PROCEDURES, AND DUTIES OF THE COMMISSION:

1. ORGANIZATION OF THE COMMISSION:

(a) **Number of Commissioners:** The North Little Rock Civil Service Commission shall consist of seven (7) members.

(b) **Residence:** The Commissioners shall be citizens of the State of Arkansas and a resident of the City of North Little Rock for more than three (3) years preceding appointment.

(c) **Qualifications:** The Commissioners shall be familiar with these statutes, civil rights laws, and all other state and federal public employment laws.

(d) **Vacancies:** When a vacancy shall occur on the Civil Service Commission by death, resignation, or expiration of a term of office or in any other manner, such vacancy shall be

filled by the City Council; and in the event of a vacancy during the term of office of any Commissioner except by normal expiration of their office, their successor shall fill the unexpired term caused by such vacancy; and at the normal expiration of their term, the City Council shall fill such vacancy by the appointment of a Commissioner for a period of six (6) years.

(e) Chairman: The Commission shall, annually, during the first regular meeting in May, select one (1) of the Commissioners to serve as chairman. The Chairman shall preside over all meetings of the Commission and be its executive officer. The Chairman shall vote on questions before the board.

(f) Political Office: No person on the Commission shall hold or be a candidate for any political office under any national, state, county, or municipal government, or be connected in any way in any official capacity with any political party or organization, and no such person as herein enumerated shall be eligible as a member of said board of Civil Service Commissioners who at the time of their election shall hold any office.

(g) Quorum: Three (3) of said members shall constitute a quorum in any transaction.

(h) Meetings: Regular meetings of the Civil Service Commission shall be held on the second Thursday of each month at 6:00 p.m., at a place designated by the Chairman. Special meetings may be held at such times and places as shall be specified by call of the Chairman or any four (4) members of the Commission. Following the regular order of business at all regular meetings, a time shall be designated for public comment.

(i) Rules of Order: The Commission shall not be bound by any rules or order, evidence, or procedure in its meetings, hearings, or investigations except such as it may itself establish. Note: The Commission adopted Robert's Rules of Order on January 13, 1994.

(j) Removal: The City Council, by a two-thirds vote, may remove any of said Civil Service Commissioners during their term of office for cause.

(k) Secretary: The Commission shall elect one of its members as secretary who shall work with and act as liaison to the Director in keeping the books, records, and minutes of said board and insure that all correspondence of the board is adequately conducted. The secretary shall insure that the evidence at all trials is reported and shall act as clerk when the board shall constitute a trial court and any other duties that may be ordered by the board.

(l) Minutes of Proceedings: The minutes of the proceedings of the Commission shall be prepared and maintained by the Director on behalf of, and subject to the approval of, the Commission. The Director shall certify to the Finance Officer, employees of any department who for any reason have ceased to be employed by the City of North Little Rock and thereafter are no longer covered under the rules of the Civil Service Commission.

(m) Prohibitions: No member of a board or commission shall be interested, directly or indirectly, in the profits of any contract for the furnishing of supplies, equipment, or services to the municipality or the board, commission, committee, or agency on which they serve;

The prohibition shall not apply to (1) contracts approved by the City Council, (2) manufacturer's warranty service/parts, (3) miscellaneous services/parts not exceeding \$1,000 per calendar year; and (4) may be waived by the City Council if the City Council shall have enacted a Resolution or Ordinance specifically permitting the board or Commission member to conduct business with the City and prescribing the extent of the authority.

2. DUTIES OF THE COMMISSION:

(a) **Representation:** To represent the public interest in the improvement of personnel administration in the City service.

(b) **Advisory function:** To advise the City Council and Director on problems concerning personnel administration.

(c) **Investigations:** To make, upon its own motion, any investigation concerning the administration of personnel in the City service, and to review, modify, or set aside any action which the Commission may determine to be desirable or necessary in the public interest.

(d) **Personnel Administration Reports:** To make and publish such annual and special reports as it considers desirable regarding personnel administration in the City service and recommendations for improvements therein.

(e) **Hearings:** To conduct hearings and pass upon complaints by or against any officer or employee in the classified service for the purpose of discharge or reduction in rank or rate of compensation of such officer or employee in accordance with the provisions of this Act.

(f) **Rules:** To make, alter, amend, and promulgate rules, but shall not adopt any rule or rules which would authorize any interference with the day-to-day management or operation of a police or fire department. Notice of hearings on said changes or amendments shall be advertised in a newspaper having a bona fide circulation within the city and/or by the posting of a notice of same in City Hall at least five (5) days before the date set for the hearing.

(g) **Matters of Personnel:** To hear and pass upon such other matters as the Director may from time to time bring for determination before the Commission, and to perform any and all duties relating to personnel and personnel classification falling under the direction and auspices of the Director.

(h) **Proper Subject Matter:** Nothing herein shall prevent the Commission from taking such action on any subject as its members consider proper in the performance of their duties.

C. DUTIES AND POWERS OF DIRECTOR:

1. MEETINGS AND MINUTES. To attend meetings of the Commission and to act under the direction and supervision of the secretary of the Civil Service Commission in keeping the minutes and proceedings of said Commission.

2. ADMINISTRATION OF RULES. To act for the Commission in the administration of the rules of the Civil Service Commission, city ordinances, and state statutes in accordance with the specific directions of the Commission.

3. PREPARE RULES, REVISIONS, AND AMENDMENTS. To act under direction of the Commission to prepare rules, revisions, and amendments thereto for the consideration of the Commissioners.

4. CITY EMPLOYEE ROSTER. To establish and maintain a roster of all employees in the city service setting forth the class title, the salary or pay, and any change in class title, pay or status, and other necessary data.

5. PREPARE FORMS AND INSTRUCT. To prepare and instruct in the use of such forms, reports, and procedures as are necessary and appropriate to carry out the provisions of these rules and applicable state law.

6. PAYROLL CHECKING SYSTEM. To provide for a system of checking payrolls in order to determine whether all persons in the classified service have been appointed in accordance with the law and these rules and are being paid adequate salaries for duties of their respective class.

7. ADMINISTER EXAMINATION PROGRAM. To administer the examination program, pass upon qualifications of applicants, approve the physical examination now required or which may hereafter be required as a prerequisite for employment or promotional consideration.

8. ADMINISTRATIVE AND TECHNICAL ACTIVITIES. To direct and supervise administrative and technical activities of the department.

9. TRAINING PROGRAMS, EMPLOYEE MORALE, AND STANDARDS OF PERFORMANCE. To cooperate with the Mayor, City Council, and department heads in developing and establishing programs of training for employees, for promoting employee morale, and for otherwise raising standards of performance in the city service.

10. DEPARTMENTAL REPORTS. To make and publish annual reports regarding the work of the department and such special reports as considered desirable to the Commission and City Council.

11. ELIGIBILITY LISTS. It shall be the duty of the Director to have available for the Commission at all times when reasonably possible, a list of those eligible for employment or promotion to the various ranks sufficient to take care of all requirements.

12. OTHER ACTS AND FUNCTIONS. To perform any other acts and functions which are necessary or desirable to carry out the purpose of this act, or which they may be directed to perform by the Commission.

D. CLASSIFIED AND UNCLASSIFIED:

1. UNCLASSIFIED SERVICE.

(a) **Elected Officials.** The Mayor and other members of the City Council or other governmental body of the City, and all other officials of the City elected by popular vote, and all persons appointed to vacancies occurring in such elective offices.

(b) **Appointed Employees.** Members of an elected official's personal staff who are appointed by, and serve at the discretion of, the elected official.

(c) **Employees Of Boards And Commissions.** Employees of Boards and Commission of the City, except those persons whose positions have been placed in the classified service by resolution or ordinance of the governing body pursuant to a recommendation by the board of Commissioners to which those positions are assigned.

(d) **Volunteers And Service Without Pay.** Voluntary personnel and persons appointed to service without pay.

(e) **Consultants.** Consultant rendering temporary professional service.

(f) **Attorneys.** Attorneys rendering legal services.

(g) **Positions Determined And Designated By The Commission.** Such employees engaged in seasonal, part-time, custodial, unskilled, or semi-skilled work as may be determined and designated by the Commission after investigation of the duties and responsibilities of the position.

(h) **Ordinance And Resolution.** Such other positions as may be placed in the exempt service by resolution or ordinance of the governing body.

(i) **Heads Of Non-Uniformed Departments.** All non-uniformed department heads except the Director of Human Resources.

(j) **Department Heads.** A “department head” shall be defined as an employee in a supervisory capacity who is directly responsible to the elected governing body for the direction and execution of policies and services on city work projects and duties.

Department heads shall be designated in the salary ordinance, and their status shall be a matter of fact.

Any employee who has established a classification under the provisions of the ordinance and who has been promoted, elevated, transferred, or otherwise placed in the capacity of a department head shall, upon termination of employment as a department head, be permitted to return to his previous classified job, or to any positions to which he may qualify, with full accumulated seniority.

2. CLASSIFIED SERVICE.

(a) Classified Position. The classified service shall comprise all other employees appointed by the Civil Service Commission into positions authorized by the Mayor and City Council.

E. CLASSIFICATION:

1. ADOPTION AND AMENDMENT OF PLAN.

The Director shall, from time to time, review the duties and responsibilities of positions and may add, combine, divide, or abolish classes, or revise the titles of existing classes within the classification system and revise job descriptions to reflect duties actually being performed and skills, knowledge, and abilities required to perform the duties of the positions. If such changes in the job descriptions require job title or pay grade changes, the Director shall recommend same to the Mayor and City Council so that the City's quota ordinance may be revised accordingly.

2. CLASS TITLES.

Class titles and pay grade codes shall be used in all personnel accounting and financial records. No person may be appointed to or employed in a position of classified service under a title not included in the City's quota ordinance and system of pay grades. Description titles used in the course of the departmental routine to indicate authority, status in the organization, or administrative rank may be used as required for these purposes.

3. CLASS SPECIFICATIONS.

(a) Specifications Descriptive Only.

The specifications are descriptive and not restrictive. They are intended to indicate the kind of positions that are allocated to several classes as determined by their duties and responsibilities and shall not be construed as declaring to any extent or in any way what the duties or responsibilities of any position shall be, either limiting or in any way modifying the power of any administrative officer to assign, direct, or control the work of employees under his/her supervision.

All employees of the City of North Little Rock have position titles and position descriptions. The employee rosters maintained by the Human Resources Department carry the titles and classification ranges.

It is normally expected that the majority of the employee's duties will fall within those listed duties in the position descriptions; however, it is not the intent of the position description nor of the job title to limit those duties to those shown in the position description.

Department heads must assign employees to duties that will carry out the services of the department in an efficient and orderly manner. This will often involve moving

employees' duties to related duties but not necessarily those duties outlined in the position description.

Therefore, the following guidelines are being issued for the benefit of department heads, supervisors, and employees:

1. Employees may be assigned to duties that are considered above or below the skill level of their normal duties if they are physically able to perform those duties and those duties do not present a safety hazard to themselves or others.

2. These temporary duty assignments may be on a daily or intermittent basis but should not be on a continuing basis without the approval of the Civil Service Commission. They can be continued to carry out projects initiated by the Mayor or by the City Council, such as city-wide trash pickups or clean-ups or other projects deemed to be in the best interests of the City government, or in instances where there is a shortage of personnel.

3. These temporary assignments will not reduce or increase an employee's pay unless the City Council shall establish a differential pay policy to govern such instances. In such cases, the employee will receive no increase in pay unless he/she meets all requirements of the policy.

4. The above regulations apply only to non-uniformed employees.

5. Seniority may be used as a basis for assignments as long as job qualifications and abilities are met by the senior employee(s).

(b) Position Allocation To A Class.

In determining the class to which any position should be allocated, the specification of each class shall be considered as a whole. Consideration shall be given to duties, specific tasks, responsibilities, qualifications, requirement, and relationship to other classes.

(c) Qualifications.

Qualifications commonly required of all incumbents of different classes, such as honesty, sobriety, industry, minimum age limitations, and the ability to perform all of the essential functions of the position with or without a reasonable accommodation, shall be deemed to be implied as qualification requirements for entrance to each class. With regard to Police and Fire positions only, maximum age limits are in effect.

(d) Beginning Rates.

The minimum rate of pay for a class shall be paid to any person on their original appointment to a position of the class. Exceptions may be made in the non-uniformed classifications, if recommended by the Director and approved by the Mayor as warranting employment at a higher rate. Non-uniformed employees beginning at a rate above the minimum of the pay grade shall receive no increase in pay until completion of one year of employment, unless otherwise recommended by the Director and approved by the Mayor.

(e) Promotion And Salary.

(1) When uniformed employees are promoted, their salary shall be set at the minimum of the grade as established by contract.

(2) When non-uniformed employees are promoted their pay shall be fixed at the minimum rate for the new position or a 10% increase in pay, whichever is greater.

(f) Administrative Reclassification And Salary.

Non-uniformed employees who have assumed a substantial amount of additional duties or responsibilities, may, upon recommendation of the department head, the Director, and the approval of the Mayor, be reclassified via change of job title and/or pay grade. An increase in pay of 5% or the minimum of the new pay grade, whichever is greater, will be granted to the employee for such reclassifications. Any such reclassification cannot raise an employee beyond the next highest grade or step or job classification. Only one administrative reclassification shall be allowed for any position or employee. Administrative reclassifications shall not be used to avoid normal promotion procedures. Competition must be held to fill all vacant positions in the classified service.

(g) Mayor And City Council.

The Mayor and City Council establish the job titles, numbers of employees, and salaries on an annual basis by enacting quota and budget ordinances.

F. EMPLOYEE RESPONSIBILITIES AND RULES OF CONDUCT:

1. VIOLATION OF CITY ORDINANCES AND STATE LAW.

Employees of any department who violate city ordinances or laws of the federal or state governments shall be punished therefore by demotion, reprimand, suspension, or dismissal from the department.

2. VIOLATION OF DEPARTMENT RULES AND REGULATIONS.

Violations of the rules and regulations, policies, general orders, practices, procedures, or traditions of the department by a member shall result in appropriate disciplinary action including discharge. In determining the appropriate disciplinary action to take, including an employee's suitability for continued employment, a department head may take into consideration the instant violation(s), all previous violations, previous counseling and disciplinary actions, performance record, attendance record, and any other pertinent information in the employee's work history.

3. PRIOR DISMISSAL FROM CITY EMPLOYMENT.

Dismissal from any of the departments of the city for cause may make the member(s) ineligible for employment at a later date. If such person(s) applies for employment at a later date, he/she shall be hired by the Commission only upon the recommendation of the Department Head and the Director.

4. EMPLOYEES BEHAVIOR AND CONDUCT.

(a) Behavior on the part of any member of any department unbecoming to a lady or gentleman or of such nature as to bring disgrace or disrepute upon the department or any member thereof shall be punished by suspension or dismissal from service with the right to appeal to the Commission.

(b) The use of racially or sexually derogatory terms by any city employee while on duty shall be grounds for discipline. A written reprimand shall be issued for the first such offense by an employee of the city. A second such offense by the same employee shall result in a one (1) day suspension without pay. A third or subsequent offense shall require at least a three (3) day suspension without pay. However, any city employee who uses racially or sexually derogatory terms while on duty in a manner which is intended to harass, intimidate, or offend any person on the basis of race or sex shall be subject to the discipline set forth.

In the first instance, shall be suspended without pay for at least three (3) days without pay or terminated, as the situation warrants. A second such offense by the same employee shall result in either a one (1) week suspension without pay or termination from employment by the city, as appropriate.

(c) Retaliation of any kind against persons providing evidence in any Civil Service Commission investigation is prohibited, and shall constitute grounds for disciplinary action, including discharge which shall be taken by the department head or at the direction of the Civil Service Commission.

(d) The use of profanity by any employee when dealing with other employees, members of the public or at any time while on duty is prohibited and shall constitute cause for disciplinary action, including discharge.

5. UNAUTHORIZED DISSEMINATION OF INFORMATION.

Rumors of departmental changes started for the purpose of creating suspicion, friction, and distrust; gossiping about the affairs of the department or the employees of it; making unauthorized public statements; or the unauthorized revealing of confidential information of any kind is prohibited and shall be punished therefore.

6. EMPLOYEES USE OF ALCOHOL, NARCOTICS, ETC.

Any classified employee who shall be found to be under the influence of or in possession of alcohol, illegal narcotics, or non-prescribed controlled drugs while on duty on or off city property, or while off-duty in a city vehicle, or in a city uniform, or on city property shall be subject to immediate appropriate disciplinary action, including discharge.

7. POLITICAL CAMPAIGN.

No classified employee in any department while on duty, or off duty while wearing a city uniform or identification badge, or while driving a city vehicle shall engage in the solicitation of any subscription funds or assessments or contribute thereto for any political party or purpose and shall not perform any work for any political campaign or political management except to cast his/her vote and express his/her personal opinion privately.

Violations of this policy shall constitute cause for appropriate disciplinary action, including discharge.

8. DRIVER'S RULES.

(a) Driver's License Required At All Times.

Employees whose position requires a driver's license must have in their possession at all times a valid Arkansas driver's license appropriate for the city vehicle(s) they are authorized to operate and must maintain a satisfactory driving record during their employment.

(b) Driver Notification Policy License Suspension And/Or Traffic Ticket.

Such Employees, whether on or off duty, while driving any type of motor vehicle, in this state or any other, who receive a traffic ticket for violation of a state or local law relating to motor vehicle traffic control (other than a parking violation) shall immediately notify the supervisor or department head. (Appendix A)

Employees who have a driver's license suspended, revoked, or canceled by any state or local jurisdiction or who lose the right to operate a motor vehicle for any period, or who are disqualified from operating a motor vehicle for any period, shall provide written notification to their supervisor or department head. (Appendix A)

(1) License Suspension, Revocation, Cancellation, Disqualification or Other Loss of Driving Privilege.

Immediately upon reporting to work the business day following the date the employee received the notice. If not working on that date, notification must be given by phone before the end of the business day and written notification must be submitted immediately upon reporting back to work.

(2) Traffic Ticket Convictions.

Within 30 days of the conviction. Conviction is defined as unvacated adjudication of guilt, or determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a ticket or a fine or court cost, or violation of a

condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(c) Driving Restrictions While License Suspended.

If an employee's primary job duty is driving a City vehicle (i.e., Truck Driver, Police Officer, Fire Driver, etc.) and the employee's license has been suspended for any reason, he/she may not drive a city vehicle without a permit to drive on the job. If the employee is unable to obtain a permit to drive only at work or if in the opinion of the department head the employee's driving record is such that to allow the employee to continue to drive would pose a risk to himself or others, the employee will be demoted in rank and rate of compensation until the license is reinstated, and/or placed in a non-driving position within the department if possible. If this remedy is not possible, the employee will be suspended without pay until license is reinstated or terminated at the discretion of the department head.

(d) Penalties For Violations.

Violation of the above policies constitute cause for forfeiture of driving privileges and/or reassignment to a non-driving position which may result in a reduction in rank and/or rate of pay (depending on the current salary of the employee and the job to which assigned), and/or appropriate disciplinary action, including discharge.

G. ELIGIBILITY LISTS, TESTING, AND CONDITIONS:

1. EMPLOYMENT AND PROMOTIONAL EXAMINATIONS.

(a) Public Notice Of Competitive Examinations.

All regular appointments to positions in the classified service shall be made according to merit and fitness ascertained by competitive examinations. The position shall first be posted in all City departments for two weeks before any position is filled by transfer or promotion from within the City's workforce.

(1) The Director shall give public notice of each entry-level test at least ten (10) days in advance of such tests by publishing a brief abstract of such notice in the daily newspaper, and sending the notice to the Arkansas Department of Workforce Services. Testing schedules and application deadlines for Police Officer and Fire Fighter, shall also be advertised on two radio stations which serve primarily the black community on five occasions for each station within one week prior to each closing date.

(2) The Director shall post all vacancy announcements in all City departments two weeks before the closing date. Notice of Police & Fire promotional tests shall be posted as soon as practical after dates for the tests have been established by the Commission.

(b) Notice Requirements.

Each official notice of a test shall state the duties, the time, place, and manner of making application for admission to such test, and any other information which the Director

considers pertinent. Each notice and advertisement shall read: "As an equal opportunity employer the City of North Little Rock is seeking qualified black and female applicants."

(c) Commission's Right To Refuse To Examine Or To Disqualify Applicants And Employees.

The Commission may refuse to examine an applicant or, after examination, disqualify such applicant or employee or remove his/her name from the roster or refuse to certify any applicant or employee:

(1) who is unable to perform the essential functions of the position for which applying with or without a reasonable accommodation. Such determination shall be made only after a job-related medical evaluation by the City's medical provider which shall be conducted only following a conditional offer of hire.

(2) who is found to lack any of the requirements established for examination;

(3) who is a current abuser of alcohol or who is a current user of illegal drugs or non-prescribed controlled drugs and/or whose drug or alcohol test is ultimately confirmed as positive;

(4) who has made false statements on application;

(5) who has been previously dismissed or allowed to resign in lieu of discharge, from the City service;

(6) who has used or attempted to use political pressure or bribery to secure an unfair advantage in the examination and selection process;

(7) who has failed to submit his/her application correctly in the prescribed time, or whose application is too incomplete to evaluate properly;

(8) who fails a job background investigation, which may include, but is not limited to, work history, previous employer inquiries, character references, credit report, polygraph examination;

(9) who has felony or serious misdemeanor criminal conviction(s), the nature of which would preclude hiring into certain positions. Except for Police & Fire positions, a conviction record is not an automatic bar to city employment. Factors considered in making a determination include, but are not limited to, type of conviction, number of convictions, number of years since conviction, age when convicted, job applied for, and any other factor which would assist in making an objective determination of a person's fitness for a particular position.

2. ADMISSION TO TESTS.

The Director shall, subject to the rules, determine the qualifications for admission to any test. Admission to the tests shall be open to all persons who appear to possess the required

qualifications and may be lawfully appointed to a position in the class for which a list is to be established.

3. CONTENTS OF TESTS.

The tests for positions of each class shall be practical in their character as they relate to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties of positions of the class they seek. The tests may include:

- (a) a rating of applicants based on written, oral, or practical examinations;
- (b) inquiries into facts relating to education or vocational qualifications, experience, or accomplishments;
- (c) efficiency ratings, length of service, investigations of the previous employment records and success attained;
- (d) personal characteristics;
- (e) or any combination of these related to the purpose of the tests.

Promotional tests shall be based on the same standards of qualifications as original entrance tests for the same classes, and the same degree of excellence in the tests shall be required. No question shall be so framed as to obtain information concerning the political, factional, or religious opinions or affiliation of an applicant.

4. RESTRICTION ON ELIGIBILITY FOR PROMOTION OR EMPLOYMENT.

(a) Nepotism - All Classes.

No person shall be eligible to take the examination for appointment to the eligible list for promotion or employment if said employment or promotion will require the employee to serve immediately under an officer or supervisor who is a relative or relative-in-law nearer than the third degree, or who cohabits with the employee, or is a relative nearer than the third degree of the person with whom the employee cohabits.

(b) Disciplinary Actions - Non-Uniformed Class.

(1) No employee of any non-uniformed department shall be eligible for promotion to a higher job classification if during the twelve (12) months preceding the closing date of the posted vacancy announcement the employee has received discipline as follows:

- (i) Involuntary demotion
- (ii) Suspension with or without pay
- (iii) Two (2) or more written warnings or reprimands

(2) No employee of any non-uniformed department shall be eligible for promotion to a higher job classification if during the twenty-four (24) months preceding the closing date of the posted vacancy announcement the employee has received suspension(s) totaling ten (10) or more days.

(c) Performance Ratings - Non-Uniformed Class.

No employee of any non-uniformed department shall be eligible for promotion if during the twelve month evaluation period preceding the closing date of the posted vacancy announcement the employee has received two (2) or more below average, unsatisfactory, or marginal evaluations in any performance rating factor or category.

5. MEDICAL EXAMINATIONS FOR EMPLOYMENT.

Following a conditional offer of hire, applicants selected for initial appointment into the classified service shall undergo a job-related physical examination by the City's physician, at City expense, to determine the person's ability to perform the essential functions of the position without posing a direct threat to the health or safety of himself/herself or others, with or without a reasonable accommodation.

6. MEDICAL EXAMINATIONS FOR EMPLOYEES.

Following the selection of an employee for promotion into a different class involving increased physical activity, level of stress, equipment operation, or a safety sensitive position and consistent with business necessity, the employee shall undergo a job-related physical examination by the City's physician to determine the employee's ability to perform the essential functions of the position without posing a direct threat to the health or safety of himself/herself or others, with or without a reasonable accommodation.

7. DRUG TESTING.

(a) Applicants Selected For Employment.

Pursuant to Ordinance No. 6379 passed by the City Council on November 27, 1989 (Drug Free Workplace Policy), and Ordinance No. 6379 (incorporating D.O.T. 1994 Final Rules for Controlled Substances and Alcohol Testing) passed by the City Council on December 24, 1994, following the selection of an applicant for employment, he/she shall undergo a urine test to screen for current illegal use of controlled substances. Such drug tests shall be conducted by a certified laboratory and consist of a preliminary test and a confirmatory test conforming to U.S. NIDA or U.S.H.H.S certification standards and regulations, and shall consist of a split-sample test.

Should the applicant contest the findings of the City's laboratory, he/she may request an independent test of the second sample by another HHS certified laboratory. The City's laboratory will send the sample to the laboratory selected. The cost of the second test shall be borne by the applicant, and no action will be taken regarding the applicant until the second test results have been received. If an applicant does not request a second test within 24 hours of being notified, the test results shall be considered final and the applicant will be disqualified from city employment for a period of one year.

(b) Employees Selected For Promotion.

If an employee of a non-uniformed department is selected for promotion from a non-safety-sensitive position into a safety-sensitive position, the employee must have a drug test

conforming to (a) above. If an employee does not request a second test of a confirmed positive result, the test shall stand as positive and the employee will be subject to appropriate disciplinary action, including discharge.

8. IDENTICAL TEST SCORES FOR APPLICANTS.

In case two (2) or more new applicants have the same number of points on a written examination, the position on the eligibility list shall be determined by alphabetical order from "A" to "Z".

9. IDENTICAL TEST SCORE AND SENIORITY FOR PROMOTIONS.

If two (2) or more employees have the same number of points on a promotional exam, the rank on the eligibility list will be determined by seniority.

10. NOTICE TO COMMISSION WHEN TAKING OR REFUSING TESTS.

The Commission recommends that all uniform and non-uniform employees take promotional examinations when eligible to do so. Any employee who wishes to take the examination must notify the Commission of their desire to take the examination no later than the closing date for accepting applications, which will be established by the Director, allowing for sufficient time to prepare for the examination.

11. REVIEW OF TESTS.

After a promotional examination given to create an eligibility list for each rank has been scored, employees who have taken the exam shall have a specified time set by the Director to review their tests. If any mathematical or clerical error affecting the final score is found, it is to be reported in writing within forty-eight (48) hours of the review to the Director or Test Administrator for correction. No other challenges to the examination shall be allowed.

12. CERTIFICATION OF FIVE FOR EMPLOYMENT OR PROMOTION.

(a) Employment Or Promotion From Eligibility Lists - Police And Fire.

(1) When a vacancy is requested to be filled in a position for which an eligibility list is maintained in accord with paragraph 16 (v) of the Consent Decree, the Commission will provide the names of the five best qualified active applicants to the department head for selection therefrom, conditioned on the applicant or employee fulfilling any remaining qualification requirements. The department head will notify the Commission of the employee selected. Notification of hire or promotion is made by the Commission.

(2) An employee of the Human Resources Department or the City's Equal Employment Opportunity Officer shall sit as a voting member on each panel used to rate police officer or firefighter applicants.

(b) Employment Or Promotion - No Eligibility List Maintained.

(1) With respect to positions for which no eligibility list is maintained, the Human Resources Department shall refer all qualified applicants for interview within one week of the closing date for the corresponding position, except where there are more than five (5) such qualified applicants, in which case the Human Resources Department shall refer the five (5) best qualified.

(2) Where the Human Resources Department or Commission selects among applicants for referral for interviews, a written evaluation report shall be prepared for each applicant setting forth the basis upon which the applicant was either rejected or referred. In the event that more than one position is being filled, the number of persons referred shall be four more than the number of positions.

(3) Applicant interviews shall be conducted by at least one representative with interviewing authority from the department in which the vacancy exists and either the Director, an assistant director or some other Human Resources department employee designated by the Director. If a vacancy occurs in a position where the department official has lost his authority to interview pursuant to para. 23 of the 1986 Consent Decree, or where the Director determines that interviews of certified applicants should be completed by a representative of the Human Resources Department only, the Director or his or her designee alone shall interview applicants and recommend applicants for hire. The Director shall recommend to the Commission all persons to be offered positions in the classified service. Notification of hire or promotion shall be made by the Commission.

13. PROMOTION AND APPOINTMENT LISTS DURATION.

All eligibility lists for appointments or promotions shall be certified by the Commission. All lists shall remain in effect for a period of six (6) months from the date of the certification and, at the expiration of said period, all rights and priorities under said list shall cease, with the exception of promotional lists which will be in effect for a period of twelve (12) months. All testing for appointment will be given only when there are vacancies existing in the specific department. All testing for appointment to the position of Police Officer or Firefighter will be given on at least one Saturday per certified list.

14. PROMOTION AND APPOINTMENT FORFEITURE OF RIGHTS AND PROMOTION.

Any person on the eligibility list for appointment or promotion who shall fail to accept the appointment or promotion and to report for duty within six (6) days from being notified of the appointment forfeits all rights and priorities that they may have under said list unless he/she makes application to the Commission and shows cause which, in the judgment of the Commission, constitutes reasonable time and grounds under all circumstances surrounding the case for the granting of additional time, which shall be entirely within the discretion of the Commission.

15. REFUSAL TO ACCEPT TEMPORARY APPOINTMENT.

Refusal of a person on the eligibility list for employment to accept a temporary appointment shall not be construed as a refusal to accept employment or appointment and shall not effect the rights and priorities under said lists.

16. EMERGENCY TEMPORARY APPOINTMENTS.

Positions required to be filled on short notice due to an emergency may be filled for up to sixty (60) working days without formal advertisement or notice. If wishing to apply for a position, emergency temporary employees shall compete on the same basis as other applicants who are not emergency temporary City employees and may not receive credit for any experience or skill gained in the temporary, emergency hire position if it is the same position for which they are applying.

17. SUSPENSION OF COMPETITION AND OTHER REQUIREMENTS.

If a vacancy occurs in a position requiring peculiar or exceptional qualifications of a scientific, professional, or expert character, upon satisfactory evidence that competition is impracticable and the position can best be filled by the selection of some person of recognized attainment, the Commission may, by a majority vote, suspend competition; but suspension shall not be general in its application and each case must be handled on its own merits. In filling such a vacancy, the person so selected will not be required to meet the qualifications set out elsewhere in these rules as to residence, citizenship, age, height, and weight, but they shall undergo a job-related medical exam and drug screen and satisfy the Commission as to their ability to perform the essential functions of the position, with or without a reasonable accommodation, the same as is required of other applicants elsewhere in these rules; and the Commission need only satisfy itself, in any way it deems best, that the person so selected is the best one available under the circumstances to fill the position for which they are selected. Any such appointment shall not be final until twelve (12) months have passed after the effective date of the appointment. This period is a period of probation during which said employee may be discharged.

H. CONDITIONS OF EMPLOYMENT:

1. NUMBER OF EMPLOYEES AND SALARIES.

It being the duty of the Mayor and City Council to fix the number of employees and their salaries to be drawn by each rank in the departments, the Commission will assume no responsibility nor authority in this condition.

2. REMOVAL DURING PROBATIONARY PERIOD.

No appointment or promotion to a position in the classified service is complete until such time as the required probationary trial period has been satisfactorily completed.

(1) A period of probation not to exceed twelve (12) months for non-uniformed and potential Fire department appointees and two (2) years for potential Police Department appointees before any

appointment is complete and six (6) months before any promotion is complete.

(2) At any time during the working probationary trial period of one year for non-uniformed and uniformed Fire Department appointments and two (2) years for uniformed Police Department appointments or six-months for promotions, the department head may discharge, in case of an appointment, or reduce, in case of promotion, the employee if, in the opinion of the department head, the working test indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that the employee's habits and dependability do not merit continuance in the service.

(3) No later than ten (10) days prior to the expiration of an employee's probationary test period, the appointing authority shall notify the employee in writing, with a copy to the Director, whether or not the services of the employee have been satisfactory and whether or not the employee will be retained in the position. Copies of letters of discharge or demotion to probationary employees shall be forwarded to the Commission. (Appendix B)

3. POLITICAL OPINION OR AFFILIATION.

No member of any department shall be appointed, reduced, suspended, or discharged or otherwise discriminated against because of their political opinion or affiliation.

4. MINIMUM AGE LIMITATION.

Applicants for all classified positions with the city shall not be less than 18 years of age. Applicants for Police and Fire uniformed positions shall not be less than 21 years of age.

5. MILITARY LEAVE.

Regardless of whether the employee leaves the City's employment for training or active duty, as long as he/she successfully completes such training or duty and as long as he/she applies for re-employment within the required time, the City must restore him/her to his/her previous position and treat him/her as if he/she had never left the service. This treatment requires that the veteran receive no loss of seniority, status, pay rate, insurance benefits, etc., based upon his/her period of service. In short, the veteran is to receive those benefits which would have been his/hers, simply by virtue of his/her continued employment with the City. This does not include merit promotions based upon quality of work or completion of certain tests, although the returning veteran should be given an opportunity to take these tests and, if passed, then be promoted to the applicable position and treated as if he/she had never left.

I. PERSONNEL ACTIONS:

1. LAY-OFF OF EMPLOYEES.

A department head may lay-off any employee when it is necessary by reason of shortage of funds or work or changes in organization. No full-time employee shall be laid-off while there are temporary, emergency, or probationary employees serving in the same class of employment within the same department. A person with seniority over another employee may not

be laid-off first. The names of employees laid-off shall be placed on a re-employment list for a period of two (2) years. No one else may be appointed in that class in the department concerned while the name of any laid-off employee remains on the re-employment list. Upon reinstatement, the employee will receive credit for length of previous service for all purposes except pension, unless the employee did not withdraw his pension benefits upon lay-off.

2. DEPARTMENT TRANSFERS.

(a) Employees of another police or fire department cannot be transferred from that department to the City's fire or police department without taking the examination for appointment to the eligible list for employment.

(b) Classified non-uniformed employees cannot be transferred to any other department in the City except by applying and being selected for a position in another department or by taking the examination for appointment to the eligible list for employment by that department.

3. WRITTEN REQUESTS, COMPLAINTS, AND COMMUNICATION.

All formal requests, complaints, or communications from any member of any department shall be made in writing and filed with the department head with a copy to the Director and Commission. Any complaints or requests not submitted in this manner will not be heard or ruled upon by the Commission. Employees are not permitted to have another person submit their complaints or requests for them.

4. WARNING OR REPRIMAND BY WRITING.

An employee may be officially warned or reprimanded in writing and such warning or reprimand shall be entered in the employee's personnel file after the employee has been given the opportunity to initial the report. All disciplinary warnings, reprimands, and other actions of a disciplinary nature shall be retained permanently in employees' personnel files.

5. FITNESS FOR DUTY MEDICAL EXAMINATIONS.

If a department head believes an employee is not capable of performing his/her required duties, including maintaining a record of regular and predictable attendance, with or without a reasonable accommodation, the department head may require the employee to appear at the office of the City's medical provider for a job-related physical examination or psychological fitness testing. The City's medical provider shall be provided a copy of the employee's job description and a list of the physical demands of the position. The medical provider shall complete an approved medical evaluation form which complies with statutory requirements to enable the department head to determine whether or not the employee can perform the essential functions of his/her position, including maintaining a record of regular and predictable attendance.

J. DISCIPLINARY ACTION:

1. REMOVALS, SUSPENSIONS, AND OTHER CORRECTIVE ACTIONS.

Any employee, uniformed or non-uniformed,

- (a) who poses a danger to him/herself or others or threatens physical harm to others
- (b) who is unable or unwilling to perform the duties of his/her position in a satisfactory manner or
- (c) who has committed any act or acts to the prejudice of the service or
- (d) who has omitted performing any act or acts that it was his/her duty to perform or
- (e) otherwise has become subject to disciplinary or other corrective action as the circumstances may warrant to maintain the standards of effective service may be:
 - (a) discharged from service;
 - (b) allowed to retire, if qualified for retirement under any provision of the law applicable;
 - (c) reduced in rate of compensation to a lower rate in the pay scale for the class;
 - (d) demoted to any position of a lower class that the employee is deemed by the department head and the Director to be competent to fill;
 - (e) suspended without pay for a period not exceeding thirty (30) calendar days;
 - (f) reprimanded; or
 - (g) other less drastic measure of discipline as, in the judgment of the department head, seems to be necessary and proper.

2. NOTICE OF DISCHARGE, SUSPENSION, REDUCTION IN RANK OR RATE OF COMPENSATION.

(a) Prior to taking action to discharge, suspend, or reduce the rank or rate of compensation of a non-probationary employee, a department head shall provide the employee written notice and afford the employee the opportunity to present his/her side of the matter in an administrative hearing prior to final action being taken. (Appendix C)

(b) Such written notice shall include the reasons the action is considered necessary and the time, place, and date of the administrative hearing.

(c) Within three (3) working days of the receipt of the written charge and notice, the employee may, in writing, waive any administrative hearing by written notification to the department head.

(d) The hearing is an administrative procedure only and the rules of criminal/civil procedure do not apply. The department head will, at all times, be in charge of the proceedings.

(e) The employee will be given an opportunity to present his/her side of the matter either in writing or in person at said hearing, and also has the right to have a witness present of his/her choosing.

(f) The department head and the employee's immediate supervisor (if other than the department head), shall be present at all administrative hearings, for the purpose of affording the employee a fair and impartial hearing.

(g) The final decision as to the appropriate disciplinary action to take lies with the department head and shall be decided as soon as is practical after the administrative hearing. The employee shall be notified in writing of any decision reached. (Appendix D)

(h) All rights of the employee will still apply with regard to all state, local, and federal statutes. The administrative hearing will be recorded either by stenographic means or electronically. If an appeal of a discharge or reduction in rank or rate of compensation is made to the Civil Service Commission, the recorded administrative hearing will be used as relevant information.

(i) An employee who is not physically available for hearing or who cannot be reasonably notified may be also denied administrative hearing privileges.

3. APPEAL RIGHTS: SUSPENSION, DISCHARGE AND/OR REDUCTION IN RANK OR RATE OF COMPENSATION.

(a) Within ten (10) calendar days after a written notice of discharge, reduction in rank or rate of compensation, or suspension without pay of five (5) or more days (non-uniformed employees) or three (3) or more days (uniformed Police Department employees) or the equivalent of three (3) or more eight-hour days in both time and monetary value (uniformed Fire Department employees) is served upon the employee, the employee may request a trial before the Commission on the charges alleged. (Appendix E) The first day of the ten (10) calendar days shall be the day immediately after the day the employee receives written notice of the action. If the last day to appeal falls on a weekend or on a legal holiday, the last day to appeal would then be the next regular working day of the Human Resources Department.

(b) The Commission shall fix a date for said trial not more than fifteen (15) days (uniform) and thirty (30) days (non-uniform) after request is made. However, if the request for trial is not made within ten (10) days from the date of service of notice of discharge, reduction in rank or rate of compensation, or suspension without pay as stated in (a) above, the action shall become final and no trial shall be granted thereafter.

(c) Suspension without pay shall not be considered a reduction in rate of compensation.

4. TRIAL.

(a) Trial Date And Witnesses.

In the event of a trial, the officer, private, or employee requesting such trial shall be notified of the date and place of said trial at least twenty (20) days prior to the date thereof and shall have compulsory process to have witnesses present at such trial.

(b) Power To Subpoena And Cite For Contempt.

In any investigation or trial authorized by Arkansas statutes, the Commission shall have the power to subpoena and require the attendance of any witness and the production of any

papers or records pertinent to the investigation and to administer oaths to such witnesses and to punish for contempt the non-attendance of witnesses or the failure to produce such books or papers or misbehavior of any person or persons during the investigation by a fine not less than two-hundred (200) dollars nor more than five-hundred (500) dollars for each offense.

A witness fee in the amount of \$10.00 shall be submitted to each subpoenaed witness who does not reside in Pulaski County, Arkansas. In addition, witnesses whose presence is required pursuant to subpoena issued by this Commission and whose place of residence is within a county other than Pulaski County, may submit a request for reimbursement for mileage associated with complying with the subpoena to the Recording Secretary of the Commission c/o the Human Resources Department..

(c) Joint Stipulations Of Fact.

All attorneys are encouraged to limit testimony to those facts actually in controversy. The attorneys for the department and the employee shall, prior to the scheduled hearing date, meet and discuss their respective positions and, no less than fifteen (15) working days prior to the scheduled hearing date, shall submit to the Recording Secretary of the Commission c/o the Human Resources Department, Joint Stipulations of Fact. These stipulations shall include:

(1) all facts not in controversy, including a detailed chronology of events leading up the disciplinary action;

(2) all facts that are controverted, including a brief statement as to the position of each party regarding each controverted fact;

(3) a summary of each party's position regarding the disciplinary action at issue; and,

(4) a list of all witnesses each party proposes to call to testify with a short synopsis of the anticipated testimony of each.

This rule shall not apply to parties not represented by counsel. Such persons are, however, free to submit Stipulation of Fact if they elect to do so.

(d) Scheduling Order

To facilitate appeal hearings before the Commission, the Commission has adopted a scheduling order for each case to come before the Commission. At the discretion of the Commission, this scheduling order may be amended from time to time. Attorneys and employees not represented by counsel are expected to strictly follow the scheduling order. (Appendix F).

5. TRIAL PROCEEDINGS.

(a) Commission Chairman Presides.

The Chairman of the North Little Rock Civil Service Commission shall preside at all trials and shall determine and decide all questions relative to pleadings and the admissibility of

evidence unless overruled by a majority of the Commissioners. The Chairman shall vote on questions before the board.

(b) Executive Session.

Pursuant to Arkansas Statutes 25-19-106 (c)(1), (2)(A) and (4), the Commission may go into executive session only for the purposes of considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee. Only the department head, the immediate supervisor of the employee involved, and the employee may be present at the executive session when so requested by the Commission. No decision reached in executive session will be legal unless, following the executive session, the public body reconvenes in public session and presents and votes on the decision.

(c) Decision Of The Commission.

The decision of the Commission shall be by a majority vote of the members of the Commission. All votes of the Commission must be made in an open meeting, and the yea's and no's of the Commission shall be recorded. If after trial the Commission shall decide the reasons for discharge or reduction in rank or rate of compensation were well founded or proper, the said discharge or reduction shall be effective as of the date of the notice.

6. APPEAL OF COMMISSION DECISION.

(a) Appeal To Circuit Court.

The City or the employee may appeal any decision of the Commission to the Circuit Court within whose jurisdiction the Commission is situated.

(b) Time Limit For Appeal.

Such appeal shall be taken by filing a written notice of appeal with the Commission within thirty (30) days from the date of the Commission's decision. The responsibility of filing the appeal with the Circuit Court shall be borne by the party desiring to appeal the Commission's decision.

(c) Responsibility For Payment Of Transcripts.

(1) Uniformed Employees.

(i) The responsibility of paying for the transcript of the proceedings before the Commission shall be borne by the party desiring to appeal the Commission's decision.

(ii) The Commission will, upon receiving notice of an appeal to circuit court, prepare a written order containing its decision and ensure that the transcript and evidence be made available for filing in the circuit court once the appealing party has paid the cost of preparing the transcript.

(iii) If the Circuit Court determines that the party appealing the Commission's decision took the appeal in good faith and with reasonable cause to believe he or she would prevail, the Commission shall reimburse the appealing party for the cost of the transcript.

(2) Non-Uniformed Employees.

Upon receipt of the notice of appeal to Circuit Court, the Commission shall send to the court all pertinent documents and papers, together with a complete transcript of all evidence and testimony adduced before the Commission and all findings and orders of the Commission.

(d) Circuit Court Review.

The Circuit Court shall review the Commission's decision on the record and may in addition hear testimony or allow the introduction of any further evidence upon the request of either the City or the employee, provided such testimony or evidence be competent and otherwise admissible.

(e) Appeal To Arkansas Supreme Court.

The City or the employee may appeal any decision of the Circuit Court to the Supreme Court of the State of Arkansas. Such appeal shall be governed by the rules and procedure now provided by law for appeals from the Circuit Court to the Supreme Court.

CHAPTER II. RULES & REGULATIONS APPLICABLE ONLY TO CLASSIFIED UNIFORMED EMPLOYEES

A. ELIGIBILITY LISTS, TESTING AND CONDITIONS:

1. EXAMINATION FORMAT AND CONTENT.

(a) Test Content.

Examinations may include a rating of applicants based on results of written, oral, or practical examinations, length of service, efficiency ratings, and educational or vocational qualifications. The Director shall, in advance of any examination, and after consultation with, and approval of, the Commission, establish the test format, test criteria, scoring formulas and the source materials to be used to develop the test.

(b) Duration Of Certified Lists.

Certified eligibility lists for new appointments are established for a period of six (6) months from the date of certification.

Promotional eligibility lists are established for a period of twelve (12) months from the date of certification.

(c) Length Of Service Credit.

Length of service may be used as part of the scoring formulas for promotional tests as established by the Director after consultation with, and approval of, the Commission in advance of the examination.

(1) Maximum allowable length of service to be used for Fire Department promotional examinations shall be 25 years of service.

(2) Maximum allowable length of service to be used for Police Department promotional examinations shall be set at 20 years of service or time in rank.

2. TIME OF EXAMINATION.

Competitive examinations to create certified eligibility lists for Police Officer and Firefighter shall be held on at least one Saturday per certified list.

3. EXAMINATION DEADLINE.

All applications for examination shall be filed with the Director no later than the closing date for accepting applications. The closing date shall be established by the Director and shall be posted on all notices.

4. QUALIFICATIONS.

(a) Educational And General Requirements.

To be eligible for hire as a Police Officer or Firefighter for the City of North Little Rock, applicants must satisfy the Commission that they meet the specifications set out in the classification of each position as to ability, knowledge, training, and education. The qualifications as to education for a Police Officer or Firefighter shall be graduation from an accredited high school, or G.E.D., and satisfy the Commission that they are of good moral character. All applications for Police Officer or Firefighter must be accompanied by a copy of: (a DD214 verifying discharge from the military service if applicable); birth certificate; high school diploma or certified copy of a G.E.D. certificate; and driver's license. Applicants may not be hired unless they satisfy the Commission that they actually reside within the State of Arkansas or plan to establish residence in the State of Arkansas no later than their date of hire.

(b) Police Officer Age Limitations. Applicants for appointment as a Police Officer shall not be less than twenty one (21) years of age nor more than forty-five (45) years of age on the date of hire and meet any and all physical requirements which may be imposed.

(c) Police Officer Visual Acuity Standard. Applicants for appointment as a Police Officer shall have visual acuity of at least 20/100 in each eye, correctable to 20/20 each eye.

(d) Police Officer Hearing Acuity Standard. Applicants for appointment as a Police Officer must meet the hearing acuity standards established by the Arkansas Minimum Standards For Law Enforcement Officers.

(e) Firefighter Age Limitations. Applicants for appointment as a Firefighter shall not be less than twenty-one (21) years of age and must not have reached the age of thirty-five (35) by the date of hire and meet any and all physical requirements which may be imposed. Exceptions to the Maximum Age Requirement will be made for applicants who have at least 2 years previous experience as a paid_firefighter with another fire department and whose years of experience as a paid firefighter when subtracted from the applicant's age leaves a remainder of not more than 32 years of age.

(f) Firefighter Visual Acuity Standard. Applicants for appointment as a firefighter shall have uncorrected visual acuity of no less than 20/40 in one eye and 20/100 in the other eye; and with correction, no less than 20/20 in one eye and 20/40 in the other eye.

B. PROMOTIONS:

1. FIRE DEPARTMENT.

(a) Examination Requirements – All Ranks.

(1) Time In Rank.

(i) In order to be eligible to take the examination for advancement to a

higher rank the following minimum number of years in each lower rank must have been completed at the time of the written examination.

Lieutenant: 4 years in rank of Firefighter and completion of the minimum standards program as established by the department
Captain: 7 years with Fire Dept., 3 years in rank of Lieutenant
Fire Marshal: 10 years with Fire Dept., 3 years in rank of Captain
Battalion Chief: 15 years with Fire Dept., 5 years in rank of Captain
Assistant Chief: 20 years with Fire Dept., 8 years in rank of Captain

(b) Minimum Standards For Promotion - All Ranks.

In order to be eligible for promotion from the Commission's certified eligibility list, a Fire Department employee must also meet all the following requirements:

(1) Conduct

In order to be eligible for promotion an employee must not have:

- (i) more than one (1) letter of reprimand or disciplinary action resulting in docked salary of less than 10 days during the 12-month period prior to date of promotion; and
- (ii) disciplinary action resulting in docked salary of 10 or more days during the 24-month period prior to date of promotion.

(2) Training

In order to be eligible for promotion an employee must have:

- (i) participated in and passed all phases of the Department academic and practical training program for the employee's current rank, as established by the North Little Rock Fire Department;
- (ii) satisfactorily passed the "Street and Hydrants" testing requirements, as established by the North Little Rock Fire Department and adopted by the Civil Service Commission on 7/25/90.

(3) Physical Fitness

In order to be eligible for promotion an employee must:

- (i) have participated in and passed all phases of the physical fitness and physical agility program as established by the North Little Rock Fire Department and adopted by the North Little Rock Civil Service Commission.
- (ii) pass a job-related physical examination at City expense prior to promotion.

(4) Performance Evaluation

In order to be eligible for promotion an employee must have average or above on each dimension of the performance evaluation for the most recent evaluation period.

(5) Driving Record

In order to be eligible for promotion an employee must have:

- (i) a valid Arkansas Driver's License;
- (ii) no conviction of DUI during the previous three (3) years, on or off the job, and have no "at fault" accidents on the job which resulted in disabling injury to City personnel or citizens or severe damage to Fire department vehicles within the past three years.

(c) Additional Requirements - Lieutenant Candidates

(1) Driver Certification

In order to be eligible for promotion to Lieutenant, a Firefighter must have attained Journeyman Firefighter status, as documented by the Fire Department and be certified for driver operations in accordance with NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications which include Pumping Apparatus, Aerial Apparatus 1-A, Aerial Apparatus 7-A, Rescue, Trailers, and Boat Operations.

(d) Notification Of Ineligibility For Promotion

Each employee who meets the time-in-rank requirements in (a)(1)(i)and(ii) as stated above, but who is otherwise ineligible for promotion, shall be notified at least one (1) week prior to the date of the promotional test. Ineligibility for promotion, except for time-in-rank requirements, does not bar the employee from taking the promotional examination.

2. POLICE DEPARTMENT.

(a) Examination and Promotion Requirements - All Ranks.

(1) Time In Rank.

(i) In order to be eligible to take the examination for advancement from a lower to higher rank, an employee shall have served a minimum of two (2) years in the lower rank in the Police Department, with the exception of Police Officer, who must have served a minimum of five (5) years as Police Officer, except in cases of emergency, the existence of which shall be decided by the Commission.

(ii) Employees are eligible to take the promotional examination when the required number of years of time-in-rank will be completed by date of certification of the eligibility list, except in case of emergency, the existence of which shall be decided by the Commission.

(2) Training Program.

There shall be a consistent training program within the department to meet the need of each classification. All employees are required to participate in this training program. Each employee must be given credit for such training and upon completion of each class, notice must be sent to the Commission. Monthly training reports from training officers and department heads must be sent to the Commission for filing. Training will be considered in promotion. No Police Officer or Firefighter will be placed on the eligible list after competitive exams unless they participate in the training program within their department. The Commission declares this to be a matter of character and efficiency. Non-participation in a training program shall be grounds for demotion. The Commission reserves the right to grant permission for other training to be listed herefor, if requested in advance.

(3) Training Mandatory.

Every officer of the Police Department is required to participate in the training program provided by the department and must satisfactorily complete all training provided to be eligible for promotion to a higher rank.

(4) Conduct.

(i) No officer of the Police Department shall be eligible for promotion to a higher rank if he/she has:

(1) received disciplinary actions(s) during the preceding twelve (12) months resulting in lost salary or demotion or days off or two or more written reprimands; or

(2) received disciplinary actions in the preceding twenty-four (24) months resulting in a suspension of ten (10) or more days.

(ii) An officer whose period of disqualification under Section (4)(i) is set to expire during the period that the promotional list is to be in effect shall be allowed to participate in the testing. Provided, however, that his/her position on the promotional list shall not be valid until such time as the period of disqualification has passed.

(iii) An officer who becomes ineligible for promotion under Section (a) after being ranked on a promotional list shall lose all rights that may exist from such promotion list.

(5) Job Performance.

To be eligible for promotion to a higher rank within the Police Department, an employee's performance evaluations for the past year must be at least satisfactory. If employee has two (2) or more below average, unsatisfactory, or marginal ratings in any performance area, said officer will be ineligible for promotion.

CHAPTER III. REPEALING AND AMENDING CIVIL SERVICE COMMISSION RULES AND REGULATIONS

A. REPEALING CLAUSE:

These rules and regulations embody all of the rules and regulations of the Civil Service Commission of North Little Rock and all rules and regulations adopted previously hereto are hereby suspended, amended, or repealed.

B. COMMISSION TO CHANGE OR AMEND:

These rules and regulations may be changed or amended, from time to time, by the Commission as in the judgment of the Commission may seem desirable or necessary.

C. NOTICE TO CHANGE OR AMEND:

Notice of hearing on said changes or amendments shall be by an advertisement in a newspaper having a bona fide circulation within the City and/or by posting of a notice of same in the City Hall at least five (5) days before the date set for the hearing.

CITY OF NORTH LITTLE ROCK DRIVER NOTIFICATION REPORT

This notice satisfies City of North Little Rock and NLR Civil Service Commission and/or State and Federal requirements for driver notification.

TO: Department Head or Supervisor (Name & Title)	FROM: Employee (Name & Title & Department)	DRIVER'S LICENSE NUMBER		
		Type: <input type="checkbox"/> CDL <input type="checkbox"/> Non CDL Number:		
TYPE OF CITATION & DATE RECEIVED (ATTACH COPY OF CITATION TO THIS FORM)		LOCATION OF OFFENSE		
<input type="checkbox"/> SUSPENSION DATE RECEIVED: _____ <input type="checkbox"/> TICKET(S) ONLY DATE RECEIVED: _____	CITY: _____ STATE: _____			
EMPLOYEE STATUS WHEN TICKET AND/OR SUSPENSION RECEIVED				
<input type="checkbox"/> ON DUTY		<input type="checkbox"/> OFF DUTY		
<input type="checkbox"/> In City Commercial Vehicle Vehicle Type: Vehicle Number (if any):	<input type="checkbox"/> In Non-Commercial City Vehicle Vehicle Type: Vehicle Number (if any):	<input type="checkbox"/> In Commercial City Vehicle <input type="checkbox"/> In Private Commercial Vehicle <input type="checkbox"/> In Other Vehicle: <input type="checkbox"/> City <input type="checkbox"/> Private		
REASON FOR TICKET AND/OR SUSPENSION				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Speeding <input type="checkbox"/> Running Stop Sign or Light <input type="checkbox"/> Reckless Driving <input type="checkbox"/> Failure to Yield <input type="checkbox"/> Failure to Maintain Proper Lookout <input type="checkbox"/> Dept. of Finance & Adm. or Court Order </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Following too Closely <input type="checkbox"/> DUI or DWI Point Level? _____ <input type="checkbox"/> Failure to Appear or Pay Ticket <input type="checkbox"/> No Seat Belt(s) <input type="checkbox"/> Accident <input type="checkbox"/> At-Fault <input type="checkbox"/> Not At-Fault <input type="checkbox"/> Other (List Below) </td> </tr> </table>			<input type="checkbox"/> Speeding <input type="checkbox"/> Running Stop Sign or Light <input type="checkbox"/> Reckless Driving <input type="checkbox"/> Failure to Yield <input type="checkbox"/> Failure to Maintain Proper Lookout <input type="checkbox"/> Dept. of Finance & Adm. or Court Order	<input type="checkbox"/> Following too Closely <input type="checkbox"/> DUI or DWI Point Level? _____ <input type="checkbox"/> Failure to Appear or Pay Ticket <input type="checkbox"/> No Seat Belt(s) <input type="checkbox"/> Accident <input type="checkbox"/> At-Fault <input type="checkbox"/> Not At-Fault <input type="checkbox"/> Other (List Below)
<input type="checkbox"/> Speeding <input type="checkbox"/> Running Stop Sign or Light <input type="checkbox"/> Reckless Driving <input type="checkbox"/> Failure to Yield <input type="checkbox"/> Failure to Maintain Proper Lookout <input type="checkbox"/> Dept. of Finance & Adm. or Court Order	<input type="checkbox"/> Following too Closely <input type="checkbox"/> DUI or DWI Point Level? _____ <input type="checkbox"/> Failure to Appear or Pay Ticket <input type="checkbox"/> No Seat Belt(s) <input type="checkbox"/> Accident <input type="checkbox"/> At-Fault <input type="checkbox"/> Not At-Fault <input type="checkbox"/> Other (List Below)			
DO YOU INTEND PAY THE TICKET, OR APPEAL? <input type="checkbox"/> Pay Ticket <input type="checkbox"/> Appeal				
IF APPEALING, DATE/TIME YOU ARE TO APPEAR IN COURT: _____ <i>(Must provide copy of court order of dismissal or receipt for fine paid.)</i>				
IF LICENSE SUSPENDED, REVOKED, CANCELLED, DISQUALIFIED: HAVE YOU BEEN ISSUED ANY KIND OF DRIVING PERMIT? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If Yes, Attach a Copy of Order to This Form.</i> Date Required to Appear in Court: _____				
DRIVING RESTRICTIONS				
<input type="checkbox"/> No Driving At All <input type="checkbox"/> To and From Work Only <input type="checkbox"/> Driving on the Job Only <input type="checkbox"/> To and From Work & Driving on the Job Only <input type="checkbox"/> Other (Describe): _____				
Employee's Signature	Received by: (Signature & Title)	Date Received		

Distribution: Original to Personnel Department¹ Copy to Employee Copy to Departmental File

¹ PERSONNEL DEPT. FILE COPY MUST BE ACCOMPANIED BY COPY OF TICKET, COURT ORDER(S), RECEIPT(S) FOR FINES PAID

CITY OF NORTH LITTLE ROCK
DRIVER NOTIFICATION POLICY
LICENSE SUSPENSION AND/OR TRAFFIC TICKET

Employees whose position requires a driver's license must have in their possession at all times a valid Arkansas driver's license appropriate for the city vehicle(s) they are authorized to operate and must maintain a satisfactory driving record during their employment.

Such employees, whether on or off duty, while driving any type of motor vehicle, in this state or any other, who receive a traffic ticket for violation of a state or local law relating to motor vehicle traffic control (other than a parking violation), or who have a driver's license suspended, revoked or canceled by any state or local jurisdiction, or who lose the right to operate a motor vehicle for any period, or who are disqualified from operating a motor vehicle for any period, shall provide written notification to their supervisor or department head as follows:

License Suspension, Revocation, Cancellation, Disqualification or Other Loss of Driving Privilege. Immediately upon reporting to work the business day following the date the employee received the notice. If not working on that date, notification must be given by phone before the end of the business day and written notification must be submitted immediately upon reporting back to work.

Traffic Ticket Convictions. Within 30 days of the conviction. Conviction is defined as an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a ticket or a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

Written Notification must include all the following information and must be accompanied by copies of tickets, court-orders regarding driving privileges, and receipts for any fines paid:

- Driver's full name;
- Driver's license number;
- Location of the offense;
- Whether the offense occurred while operating a commercial motor vehicle;
- Whether the offense occurred on or off duty;
- The specific criminal or other offense(s), serious traffic violations(s), and other violations(s) of State or local law relating to motor vehicle traffic control, for which the person was ticketed and any suspension, revocation, or cancellation of certain driving privileges which resulted;
- Date of suspension, revocation, cancellation, disqualification or other loss of driving privilege;
Note: If employee appeals the offenses leading to loss of driving privileges, written notification must be given to the supervisor or department head of the final judgment rendered and fines paid, if any.
- Date of conviction;
- Driver's signature.

Forms are available in each department or in the Personnel Department to enable employees to comply with this policy.

PENALTY FOR VIOLATIONS: *Employees found to be in violation of the above policy are subject to forfeiture of driving privileges and/or demotion or discharge.*

NOTE: *If an employee's primary job duty is driving a city vehicle and the employee's license has been suspended for any reason, he/she may not drive a city vehicle until such time as the driver's license has been reinstated or a permit is received from the court to drive while on the job. In such instances where the suspension is temporary, the employee may be assigned to temporary, non-driving duties, if available and within the employee's qualifications. Pay for such assignments may not exceed the maximum of the regular pay grade for the non-driving duties. This may or may not result in a reduction in pay for the affected employee. Long-term suspension of driver's license and/or an otherwise unacceptable traffic violation record may result in demotion to a vacant non-driving position within the employee's qualifications, if available within the department. If not available, the employee may be discharged.*

This policy complies with NLR Civil Service Commission and/or State and Federal requirements for driver notification and license status.

CIVIL SERVICE, PROBATIONARY EMPLOYEE

NOTICE OF

DISCHARGE DEMOTION

EMPLOYEE NAME: _____ TITLE: _____ DATE OF HIRE: _____

Reason for Action. (Provide details below if necessary)

<input type="checkbox"/> Failure to achieve desired job performance expectations. <input type="checkbox"/> Failure to maintain regular and predictable attendance and/or punctuality. <input type="checkbox"/> Failure to comply with all rules, regulations, procedures, practices. <input type="checkbox"/> Interpersonal Relations <input type="checkbox"/> Character and Suitability <input type="checkbox"/> Conduct <input type="checkbox"/> Safety Violation (s) <input type="checkbox"/> Other (give specifics below).

Details and/or Comments:

ACKNOWLEDGEMENT

I acknowledge receiving a copy of this report. I acknowledge that my signature below does not necessarily indicate that I agree with the content of this form. I understand that as a probationary employee I have no Civil Service Commission appeal rights with regard to this action.

Employee Signature

Date

Department Head Signature

Date

COPY DISTRIBUTION: Civil Service Comm. (Original White); Dept. Head (Pink); Employee (Yellow); **If Safety Violation, 1 Copy (Gold) to Safety Director**

PROBATIONARY CIVIL SERVICE EMPLOYEES

(Probationary Discharge or Demotion Must Take Place BEFORE Expiration of the Probationary Period)

NOTICE OF DISCHARGE OR DEMOTION

Form NLR Per. 10e

PURPOSE: To simplify, standardize and conform to Civil Service Rules and Regulations when it becomes necessary to discharge Civil Service employees during their one-year probationary period, for non-uniform and uniformed fire, two-years probationary period for uniformed police, or if it becomes necessary to demote Civil Service employees during a six-month promotional probationary period. Department heads should evaluate probationary employees at least every three (3) months. They are encouraged to review and make a decision whether or not to retain an employee in a position at least 30 days prior to the expiration of the probationary period.

TIME LIMIT: Decisions to terminate or demote probationary employees must be made before expiration of the probationary period and this form or a letter effecting **the action must be received by the employee before the expiration of the probationary period.**

PERSON RESPONSIBLE FOR COMPLETING FORM: Department Head. Note: Where department heads work under the direction of a division director, the division director may also institute personnel actions concerning employees in those departments that report to him/her.

INSTRUCTIONS:**BEFORE MEETING WITH THE EMPLOYEE:**

1. Thoroughly investigate the facts regarding the violation(s) or deficiency (ies). Make sure all hearsay statements are verified before considering them.
2. Provide reasons for the discharge or demotion.
3. The department head must sign and approve the form before it is given to the employee.

DURING MEETING WITH THE EMPLOYEE:

1. Meet with the employee and explain reasons for the discharge or demotion as stated on the form. ***This should not be a surprise to the employee because the employee should have been given a proper orientation to the job, including expected performance standards, and corrective counseling regarding deficiencies or violations as they occurred during the probationary period.***
2. Ask the employee to sign the form to indicate that he/she has received a copy. By his/her signature, the employee does not necessarily agree with the form's content, but merely indicates he/she has received a copy of the form and understands its content. If an employee refuses to sign a form, request that the employee write, "I refuse to sign" on the form along with his/her signature. If the employee refuses to comply with either request, the statement, "employee refused to sign" should be placed on the line for the employee's signature and the department head and one other witness should sign the form attesting that they witnessed the employee's refusal to sign.

IMPORTANT: If the employee is unavailable, mail to the employee's last known address via Certified Mail, Return Receipt Requested. Send white receipt for postage to Personnel along with the form. Immediately forward the green card from the post office indicating receipt or delivery to the Personnel Department when it is received.

DISTRIBUTION INSTRUCTIONS:

- Route original to the Personnel Department in a sealed envelope to ensure confidentiality;
- If the reason for the action is a safety related matter, route the gold copy to the Safety Director in a sealed envelope to ensure confidentiality;
- Employees are to be given the yellow copy.
- Retain one copy in the confidential departmental file.

APPENDIX C

NOTICE OF ADMINISTRATIVE HEARING

NON-PROBATIONARY, CIVIL SERVICE EMPLOYEES ONLY.

EMPLOYEE NAME: _____ TITLE: _____ DEPT. _____

Disciplinary action in the form of (Check One) SUSPENSION WITHOUT PAY DEMOTION (reduction in rank or regular rate of pay) DISCHARGE is being considered for the reason(s) listed below. Before making a decision, an administrative hearing will be held to give you an opportunity to present your side of the matter. The hearing has been set for:

(Day/Date) _____ 20____, at time) _____ .m., at (location) _____.

Within three (3) working days of the receipt of this Notice, you may waive the administrative hearing by presenting written notification to your department head. Pursuant to Civil Service Rules and Regulations, your past work history including, but not limited to, previous disciplinary actions will also be taken into consideration when determining the appropriate disciplinary action to be taken.

REASON(S) FOR ACTION: (Check as many as appropriate; provide specifics where indicated below)

<input type="checkbox"/> Safety Violation	<input type="checkbox"/> Rule(s)/Policy/Procedure Violation (Include below the specific rule/policy/procedure violated, along with other details)
<input type="checkbox"/> Conduct	<input type="checkbox"/> Cooperation
<input type="checkbox"/> Job Performance	<input type="checkbox"/> Attendance
<input type="checkbox"/> Insubordination	<input type="checkbox"/> Failure to Follow Instructions
<input type="checkbox"/> Punctuality	<input type="checkbox"/> Interpersonal Relations
<input type="checkbox"/> Inability to Accept Supervision	<input type="checkbox"/> Other (Specify Below)

DETAILS RELATING TO ITEMS CHECKED ABOVE: (If more space needed, attach another sheet of paper.)

CIVIL SERVICE COMMISSION PROCEDURES FOR PRE-DISCIPLINARY ADMINISTRATIVE HEARINGS

(a) Prior to taking action to discharge, suspend, or reduce the rank or rate of compensation of a non-probationary employee, a Department Head shall provide the employee written notice and afford the employee the opportunity to present his/her side of the matter in an administrative hearing prior to final action being taken.

(b) Such written notice shall include the reasons the action is considered necessary and the time, place, and date of the administrative hearing.

(c) Within three (3) working days of the receipt of the written charge and notice, the employee may, in writing, waive any administrative hearing by written notification to the Department Head.

(d) The hearing is an administrative procedure only and the rules of criminal/civil procedure do not apply. The Department Head will, at all times, be in charge of the proceedings.

(e) The employee will be given an opportunity to present his/her side of the matter either in writing or in person at said hearing, and also has the right to have a witness present of his/her choosing.

(f) The Department Head and the employee's immediate supervisor (if other than the Department Head), shall be present at all administrative hearings, for the purpose of affording the employee a fair and impartial hearing.

(g) The final decision as to the appropriate disciplinary action to take lies with the Department Head and shall be decided as soon as is practical after the administrative hearing. The employee shall be notified in writing of any decision reached.

(h) All rights of the employee will still apply with regard to all state, local, and federal statutes. The administrative hearing will be recorded either by stenographic means or electronically. If an appeal of a discharge or reduction in rank or rate of compensation is made to the Civil Service Commission, the recorded administrative hearing will be used as relevant information.

(i) An employee who is not physically available for hearing or who cannot be reasonably notified may be also denied administrative hearing privileges.

CSC Rules & Regulations 9/11/97, Page 22, Chapter I, Section J, §2(a)(b)(c)(d)(e)(f)(g)(h)(i).

ACKNOWLEDGEMENT

I acknowledge receipt of this Notice of Administrative Hearing to be held on the date, time and place shown above. My signature on this form does not indicate that I necessarily agree with the contents of this Notice. I understand that my previous work history will be a consideration in making a decision as to the appropriate form of any disciplinary action that may be taken. I understand I may waive my right to the Administrative hearing by presenting a written request for waiver to my department head within three working days of this notice. I understand that failure to appear at the scheduled hearing will result in the considered disciplinary action being taken, and may subject me to further disciplinary action, if appropriate.

Employee Signature

Date

Department Head Signature

Date

COPY DISTRIBUTION: Personnel Dept. (Original); Dept. Head (Pink); Employee (Yellow); If Safety Violation, 1 Copy (Gold) to Safety Director

NON- PROBATIONARY CIVIL SERVICE EMPLOYEES NOTICE OF ADMINISTRATIVE HEARING

Form NLR PERS 10c

PURPOSE: Complete this form and give to the employee BEFORE action to suspend, demote (defined as reduction in rank or regular rate of pay) or discharge is taken. The purpose of this form is to notify employees that disciplinary action in the form of suspension, demotion is being considered and to set a date, time and place for a due-process administrative hearing to allow the employee to present his side of the matter before a final decision is made.

TIME LIMIT: Must be prepared and provided to the employee at least four (4) working days prior to the date of the hearing in order to give the employee the required three (3) working days to waive his/her right to a hearing.

PERSON RESPONSIBLE FOR COMPLETING FORM:

Department Head. *Note: Where department heads work under the direction of a division director, the division director may also institute personnel actions concerning employees in those departments that report to him/her.*

INSTRUCTIONS:

BEFORE ISSUING NOTICE OF ADMINISTRATIVE HEARING:

1. Determine the facts of the matter- conduct an internal investigation if necessary to determine the facts;
2. Assign a person to tape and transcribe minutes of the planned administrative hearing and set a date for the hearing; (If no one is qualified to perform this duty in the department, contact the Human Resources Director to obtain assistance and to coordinate a mutually acceptable date for the hearing.)
3. Prepare the Notice of *Administrative Hearing Form* stating the current charge(s) against the employee (including references to past work history and previous corrective or disciplinary actions if they are to be considered when determining appropriate type of disciplinary action to be taken) and the reason suspension, demotion or discharge is warranted; (If necessary, attach a separate sheet of paper or letter to thoroughly document the charge(s). Attach copies of any considered earlier corrective personnel actions, performance evaluations, or other documents to be taken into consideration when determining the appropriate disciplinary action to take.)
4. Be sure to check the block at the top of the form indicating the type of action being considered.

AFTER DETERMINING FACTS AND DEVIDING ON DATE FOR HEARING:

1. Deliver Notice of Administrative Hearing to the employee personally, advising employee of (a) the reasons action is being considered; (b) the administrative hearing procedures as stated on the form (c) the opportunity to present his/her side of the matter during the hearing; (d) that the final decision will not be made until after the hearing; (e) the fact that the employee's witness may only be allowed to observe the hearing and cannot participate in the hearing;
2. Request the employee to sign the form to indicate that he/she has received a copy. By his/her signature, the employee does not necessarily agree with the form's content, but merely indicates he/she has received a copy of the form and understands its content. If an employee refuses to sign a form, request that the employee write, "I refuse to sign" on the form along with is/her signature/ If the employee refuses to comply with either request, the statements, "employee refused to sign" should be placed on the line for the employee's signature and the department head and one other witness should sign the form attesting that they witnessed the employee's refusal to sign.

IMPORTANT: If the employee is unavailable, mail to the employee's last known address via Certified Mail, Return Receipt Requested. Send white receipt for postage to Personnel along with the form. Immediately forward the green card from the post office indicating receipt or delivery to the Personnel Department when it is received.

DISTRIBUTION INSTRUCTIONS:

- Route original to Personnel Department in a sealed envelope to ensure confidentiality;
- If the reason for the action is a safety related matter, route the gold copy to the Safety Director in a sealed envelope to ensure confidentiality;
- Employees are to be given the yellow copy.
- Retain one copy in the confidential departmental file.

APPENDIX D

CIVIL SERVICE, NON-PROBATIONARY EMPLOYEE

ADMINISTRATIVE HEARING DECISION

EMPLOYEE NAME: _____ TITLE: _____ DEPT. _____

Employee provided written notice waiving his/her right to a hearing. A decision has been made to take the action checked below.
 Following your administrative hearing of (Day/Date) _____ 20____, and a review of your response(s) to the charges against you, as stated in the Notice of Administrative Hearing dated _____, a decision has been made to take the action indicated below.

Pursuant to Civil Service Rules and Regulations, your past work history including, but not limited to, previous disciplinary actions was also a consideration in determining this action.

- No Action Necessary
- Written Warning
- Written Reprimand
- Suspension Without Pay for a period of ____ days
- Suspension Without Pay for time and monetary equivalent of ____ days (Fire Dept. shift personnel only)
- Demotion (A reduction in rank, or rate of pay for the employee's current job title)
- Discharge (involuntary termination of employment)

Pursuant to Civil Service Rules, employees classified as civil service and who have completed their one-year entry-level or 6-month promotional probationary period may appeal the following actions.

- Suspension of 5 or more days (non-uniformed employees), or 3 or more days (Police uniformed employees) or the equivalent of 3 or more eight-hour days in both time and monetary value (Fire uniformed employees)
- Demotion (reduction in rank, or regular rate of pay for the employee's current job title)
- Discharge (involuntary termination of employment)

If this action is eligible for appeal according to the above criteria, you may request a hearing before the Civil Service Commission by following the procedures set out below. Requests must be in writing and received in the Personnel Department no later than ten calendar days after receipt of this notice or as stated below when a holiday or weekend falls on the tenth day.

CIVIL SERVICE COMMISSION APPEAL RIGHTS AND PROCEDURES

(a) Within ten (10) calendar days after a written notice of discharge, reduction in rank or rate of compensation (demotion), or suspension without pay of 5 or more days (non-uniformed employees) or 3 or more days (uniformed Police employees) or the equivalent of 3 or more eight-hour days in both time and monetary value (uniformed Fire employees), is served upon the employee, the employee may request a trial before the Commission on the charges alleged by submitting a written request for a hearing addressed to the Commission and delivering it to the Personnel Department so that it is received no later than ten calendar days following the employee's receipt of the notice of such suspension or discharge. The first day of the ten (10) calendar days shall be the day immediately after the day the employee receives the written notice of the action. Further, if the last day to appeal falls on a weekend or on a legal holiday, the last day to appeal would then be the next regular working day of the Personnel Department.

(b) The Commission shall fix a date for said trial not more than fifteen (15) days (uniformed employees) and thirty (30) days (non-uniformed employees) after a request is made. However, if the request for trial is not made within ten (10) calendar days from the date of service of notice of discharge, reduction in rank or rate of compensation (demotion), or suspension without pay, as stated in (a) above, the action shall become final and no trial shall be granted thereafter.

(c) Suspension without pay shall not be considered a reduction in rate of compensation.

CSC Rules and Regulations 9/11/97, Chapter I, Section J, §3(a)(b)(c) as Revised 8/14/03.

ACKNOWLEDGEMENT

I acknowledge receipt of this *Notice of Administrative Hearing Decision*. My signature on this form does not indicate that I necessarily agree with the contents of this Notice. I understand that my work history and previous disciplinary actions, if any, were considered in determining the disciplinary action taken. I understand that I may not appeal a suspension other than that described above. If eligible and I wish to appeal, I understand that I will not be eligible for a hearing and this action will be final if my written request is not received in the Personnel Department during working hours within ten (10) calendar days of receipt of this notice (or by the next regular working day of the Personnel Department if the last day to appeal falls on a weekend or on a legal holiday when City offices are closed).

Employee Signature

Date

Department Head Signature

Date

COPY DISTRIBUTION: Personnel Dept. (Original White); Dept. Head (Pink); Employee (Yellow); **If Safety Violation, 1 Copy (Gold) to Safety Director**

NON-PROBATIONARY CIVIL SERVICE EMPLOYEES ADMINISTRATIVE HEARING DECISION FORM

Form NLR PERS 10d

PURPOSE: This form is used AFTER the administrative hearing has been held. Its purpose is to provide consistency in conforming to Civil Service Rules to give written notice to employees of the department head's decision.

TIME LIMIT: The decision should be made as soon as is practical and the *Administrative Hearing Decision Form* should be provided to the employee.

PERSON RESPONSIBLE FOR COMPLETING FORM:

Department Head. *Note: Where department heads work under the direction of a division director, the division director may also institute personnel actions concerning employees in those departments that report to him/her.*

INSTRUCTIONS:

AT THE HEARING: Only the department head, the employee's immediate supervisor, the employee, a witness of the employee's choosing, (excluding members of the news media) and the person responsible for taping and transcribing the hearing may attend the administrative hearing. The witness is there to serve as a witness only, and not as a representative.

1. Advise the persons present that the hearing is being taped for the record.
2. Review with the employee the charges against him/her and the reasons disciplinary action is being considered.
3. Provide the employee with an opportunity to respond to the charges (limit employee to discussing only the facts of the matter at hand but give an opportunity to correct any misinformation or mitigating circumstances that may have been provided that may affect the outcome of the meeting);
4. Review with the employee his/her work history and/or previous disciplinary actions if they will also be a consideration in determining the appropriate type of disciplinary action to be taken.
5. Adjourn the hearing; advise the employee that a decision will be made as soon as possible and, if necessary, advise the employee to remain on administrative leave with pay until a decision is reached.

FOLLOWING THE HEARING:

1. Decide whether or not disciplinary action is appropriate for the current charge(s) and, if so, decide the appropriate type of disciplinary action. *Note: In determining the appropriate disciplinary action to take, if any, the department head should review and consider the employee's work history, record of previous corrective or disciplinary actions, the facts of the current matter, and the employee's statements made in the hearing.*
2. Complete the *Administrative Hearing Decision Form*, checking the appropriate box at the top of the form to indicate the type of disciplinary action that is being taken. If none, check the box entitled, "no action necessary";
3. Meet with the employee to advise of the decision;
4. If disciplinary action less than discharge is being taken, advise employee of the specific steps or actions the employee must take to correct the problem(s) so that the employee fully understand what is required and expected and the consequences that may be expected for failing to correct or eliminate the problem(s);
5. Request the employee to sign the form to indicate that he/she has received a copy. By his/her signature, the employee does not necessarily agree with the form's content, but merely indicates that he/she has received a copy of the form and understands its content. If an employee refuses to sign a form, request that the employee write, "I refuse to sign" on the form along with his/her signature. If the employee refuses to comply with either request, the statement, "employee refused to sign" should be placed on the line for the employee's signature and the department head and one other witness should sign the form attesting that they witnessed the employees refusal to sign.

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- Employees are to be given the yellow copy.
- Retain one copy in the confidential departmental file.

NOTICE OF APPEAL AND REQUEST FOR HEARING

TO: CHAIRMAN, NORTH LITTLE ROCK CIVIL SERVICE COMMISSION

I, (print name) _____ hereby appeal and request a hearing on my:

- Discharge, Suspension Without Pay*, Demotion or Reduction in pay (*Certain limitations. See Administrative Hearing Decision form 10d or CSC R&R Chap I, J, 3.a)

Date notice of disciplinary action received: _____

The employee is responsible for filing a written appeal and request for hearing to be received by the City of North Little Rock Civil Service Commission within ten (10) calendar days of receipt of the disciplinary action. The written appeal must be delivered to:

Civil Service Commission
C/o Human Resources Director
NLR Human Resources Department, 120 Main Street, North Little Rock, AR 72114
Mailing address: P. O. Box 5757, North Little Rock, AR 72119
Fax: 501-975-8852

Employee Name (Print): _____

Signature: _____ Date: _____

Witness Name (Print): _____

Signature: _____ Date: _____

I will not be represented by counsel

(HR Representative: Witness, stamp date received, & give a copy to employee)

If employee retains counsel after submitting original request, a copy of this form with Authorization completed must be delivered to the City of NLR Human Resources Dept.

II. AUTHORIZATION

I have appointed _____

Address: _____

Phone: _____ Fax: _____

to serve as my attorney or representative. He/she is hereby authorized to act on my behalf in all matters pertaining to my appeal of disciplinary action, and request for a hearing, including but not limited to: conferring with the department's attorney, scheduling/rescheduling hearing dates, subpoenaing witnesses, obtaining my personnel records, and withdrawing my request for appeal and hearing. You are hereby authorized to release my personnel record as requested by the above-named representative.

NORTH LITTLE ROCK CIVIL SERVICE COMMISSION

NORTH LITTLE ROCK POLICE DEPARTMENT

PETITIONER

V.

EMPLOYEE

RESPONDENT

Scheduling Order

1) HEARING DATE

- i) This case is scheduled for a hearing before the North Little Rock Civil Service Commission to commence at _____ .m. on _____, 200__, in the North Little Rock City Council Chambers, 300 Main Street, North Little Rock, Arkansas.

2) DISCOVERY

a) Joint Stipulations of Fact – Disclosure of Witnesses and Exhibits

- (1) Witnesses and proposed exhibits not disclosed in the parties' Joint Stipulations of Fact shall be excluded from consideration by the Commission unless good cause is shown for the failure to disclose as required.
- (2) The parties shall work in good faith to provide copies of any and all exhibits to one another no later than ten (10) working days of the date of the hearing. In the event a party does not have copying capability for a particular exhibit or exhibits, the party must notify the Commission Recording Secretary immediately. The Commission will, at that time, try to provide assistance to the parties to ensure exhibits are freely exchanged between the parties. It is, however, ultimately the responsibility of the party offering the exhibit to ensure the exhibit is provided to the opposing party.
- (3) If either party desires a deposition be taken for purposes of presentation at trial in lieu of live testimony, the parties are urged to work cooperatively to schedule such deposition. Although the Arkansas Rules of Civil Procedure do not apply to hearings before the Commission, because employees have compulsory process to have witnesses present at the hearing pursuant to Ark. Code §14-50-311(c)(2) and §14-51-308(c)(2), the Commission will exercise its authority pursuant to Ark. Code Ann. §14-50-209 and §14-51-209 to issue subpoena for the appearance of a witness at an evidentiary deposition.

All requests for evidentiary depositions must be in writing, directed to the Commission's Recording Secretary, c/o the Human Resources Department, and must specify that the deposition is being taken in lieu of the witness appearing at the hearing.

- (4) The Commission shall receive in evidence any written statement given by a witness,

provided the witness is available at the hearing to be cross-examined, or has been made available for deposition in accordance with (3) above. If an evidentiary deposition is taken, a written statement of the witness who was deposed shall be received in evidence provided that the statement was available at the time of the deposition and the opposing party was given the opportunity to cross-examine the witness about the statement.

- (5) In the event the parties cannot stipulate as to exhibits, only the stipulated exhibits shall be provided to Commissioners prior to the hearing. However, all exhibits, whether stipulated by the parties or not, shall be disclosed in the Joint Stipulation as noted herein.

3) PRE-TRIAL MOTIONS

The parties may submit pre-trial motions addressing evidentiary matters for review by the Chairman no later than five (5) working days prior to the date of trial unless good cause is shown for late submittal. Responses to motions must be submitted prior to 4:30 p.m. on the next regular business day. If the due date falls on a Saturday, Sunday, or legal holiday, the next regular business day shall serve as the response deadline.