

## CITY OF WINONA

### MERIT BOARD RULES

Under the provisions of the City of Winona Charter, Section 6.03 (Merit System) and the City Code of Winona, Chapter 24 (Merit Personnel System), the City of Winona Merit Board hereby adopts the following RULES, which shall be effective on October 19, 2005. These rules were adopted on October 17, 2005.

All previous RULES of the Merit Board are hereby revoked.

#### **RULE I DEFINITIONS**

The following are definitions of terms used herein:

- A. "**application process**" refers to the time frame and activities that occur in making an appointment to a position prior to the creation of an eligible list for the position.
- B. "**Board**" means the City of Winona Merit Board.
- C. "**certification list**" refers to a list of persons established by the Board containing the names of the three candidates standing highest on the appropriate eligible list.
- D. "**classified service**" means the positions within the City subject to the merit system.
- E. "**eligible list**" refers to a list of persons who have obtained a passing score in the Board's examination process and remain qualified for the eligible list.
- F. "**employee**" means an officer, employee or other holder of a position in the classified service.
- G. "**injured worker reinstatement list**" refers to a list of persons established by the Manager containing the names of employees separated from City employment (through resignation or termination) as a result of a verified work-related injury.
- H. "**job classification**" means a defined set of tasks, duties, responsibilities, and authority. A job classification may be comprised of a number of positions.
- I. "**layoff reinstatement list**" refers to a list of persons established by the Manager for permanent employees laid off by the City containing the names of the employees laid off and the job classification in which they were employed
- J. "**Manager**" means the City of Winona Manager and his/her staff. The Manager is the appointing authority in the City.
- K. "**merit system**" means the rules and procedures provided by the Charter and Code of the City, Merit Board Rules, and Minnesota statutes related to the appointment, promotion, layoff, and discipline of City employees

- L. "**position**" refers to one or more slots authorized by the appointing authority within a job classification.
- M. "**promotion**" means a change of an employee from a position in one job classification to a vacant position in another job classification with more responsible duties.
- N. "**reinstatement**" means the appointment of a former or a present City employee who had/has permanent status to a job classification to which he/she was previously appointed or to a job classification of comparable level where the salary range maximum is within five (5) percent higher or lower than the maximum of the salary range of the current job classification in the same department or another department.
- O. "**transfer**" means a change by an employee from a position to another substantially equivalent position in the same job classification in a different department, or a change from one position in one job classification to a position in another job classification of comparable level where the salary range maximum is within five (5) percent higher or lower than the maximum of the salary range of the current job classification in the same department or another department.

*Amended: April 5, 2010*

## **RULE II MERIT BOARD**

### **A. Organization**

The Board shall be composed of three members selected by a majority vote of the City Council and subject to the provisions of the Charter of the City of Winona.

The City Council shall appoint each year one member of the Board whose term of office shall be for three years, with no member serving longer than three successive terms. The Board shall elect a Chair each year from their membership. The Board shall also elect a Secretary each year who may either be a member of the Board or an employee of the City.

### **B. Duties and Powers of the Board**

The powers and duties of the Board shall be those prescribed by Minnesota Statutes, Chapter 44; the Charter of the City of Winona, Minnesota; the City Code of Winona; and the rules contained herein.

**C. Meetings of the Board**

All official meetings shall be open to the public. The Board shall hold a regular meeting at least once each month, unless there is no regular business to be transacted, on the fourth Wednesday of each month unless an alternate date is set at the preceding meeting.

A special meeting, which is a meeting held at a time or location different from that of the regularly scheduled meeting, may be called at any time by the Chair or two members of the Board at least three days prior to the meeting. The Board Secretary shall post written notice of the date, time, place and purpose of the meeting on the principal bulletin board of the Board or on the door of its usual meeting room. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the Board. The notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the Board may publish the notice once, at least three days before the meeting, in the official newspaper of the City.

An emergency meeting, which is a meeting held to deal with a matter that requires immediate consideration by the Board, may be called at any time by the Chair. The Board Secretary shall make good faith efforts to post notice of the date, time, location, and subject of the meeting on the principal bulletin board of the Board or on the door of its usual meeting room and provide the notice to each news medium that has filed a written request for notice of Board meetings as soon as reasonably practicable after notice has been given to Board members. The Board Secretary shall provide notice to Board members by any appropriate means.

Two members of the Board shall constitute a quorum for the transaction of business. The concurrence of two members shall be necessary to make any action effective.

**D. Secretary**

It shall be the duty of the Board Secretary to maintain a calendar and agendas of all business to be transacted at each meeting; prepare and post notices of all meetings of the Board; keep the records and files of the Board and the minutes of its proceedings; and to perform any other duties as the Board may direct. The Board secretary may delegate the implementation of such duties to the Manager, at any time.

**E. Minutes**

The minutes of the Board's regularly scheduled meetings and any special meetings shall be prepared and maintained by the Secretary on behalf of and subject to the approval of the Board.

**F. Merit Board Rules**

The Board shall, from time to time adopt or amend rules consistent with the prescriptions described above in order to carry out the purposes thereof.

**1. Procedure to Adopt Rules**

All proposed new rules and amendments shall be submitted in writing to each Board member at a regularly or specially scheduled Board meeting. The Board shall thereafter consider for adoption, and may adopt, the new rules and amendments at a regular or special meeting following the meeting at which the rules and amendments were submitted to the Board. The notice of a Board meeting for consideration of a proposed new rule or amendment must state that the Board will be considering for adoption the proposed new rule(s) or amendment(s).

A concurrence of two Board members shall be necessary to adopt or amend these rules.

Upon the Board's adoption of a new rule or amendment, the Board Secretary shall submit the adopted new rule(s) or amendment(s) to the City Clerk with a recommendation that the City Council consider and approve the new rule(s) and amendment(s). The City Council shall thereafter consider and approve the new rule(s) and amendment(s).

The new rule(s) and amendment(s) shall become effective on the date approved by the City Council.

*Amended: April 5, 2010*

**2. Copies of Rules**

Copies of these rules shall be made available at the office of the City Clerk in printed form for general distribution and shall be posted in a conspicuous place in the City Hall and in such other public places as the Board shall specify.

**G. Administration of Rules**

The Board shall receive and consider any protests properly stated in writing and signed by the protesting party or parties, on any matter concerned with the administration of these rules. On the basis of such protests or on its own initiative, it may make such investigation and hold such hearings as it deems desirable concerning all matters involving the enforcement and effect of the provisions of the Charter of the City of Winona and these rules. On the basis of its investigations and hearings, the Board shall take such remedial action as it deems warranted.

**RULE III CLASSIFICATION PLAN AND EMPLOYMENT ROSTER**

**A. Classification Plan**

1. The Manager shall establish a classification plan for all employees in the classified service of the City. The Manager shall provide a copy of the plan annually to the Board and provide notice to the Board of any changes to the plan during the year.
2. The Manager shall establish class titles for each class of City employees and prepare a job description for each class title outlining the duties, responsibilities, minimum qualifications, authority of employees assigned to the class, and essential functions of the job.
3. The Manager shall determine the number of employees who will be employed in each class and determine the number of employees who will occupy full-time, part-time, seasonal, and temporary positions.
4. The Manager shall determine whether to meet the City's work requirements by the hire of persons employed by the City or by contracting with outside agencies.
5. If new positions are created or additional classes are established or existing classes are divided, combined, altered, or abolished, the Manager shall make allocations or reallocations of positions in the classified service to new or existing classes as necessitated thereby. The Manager shall provide an opportunity for City employees to be heard with regard to complaints about their classification or job description.

**B. Employment Roster**

The Manager shall prepare and maintain an employment roster, which shall contain a list of employees with their respective classes of employment, the names, compensation, period of past employment and such other information with reference to each employee in the classified services as the Manager deems useful. The Manager shall provide a copy of the roster, containing only information classified as public under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), annually to the Board, or at any time pursuant to a request by the Board.

**RULE IV EMPLOYMENT LISTS**

**A. Injured Worker Reinstatement List**

An injured worker reinstatement list shall be established by the Manager containing the names of employees separated from City employment (through resignation or termination) as a result of an injury arising out of and in the course of employment with the City. An injured worker reinstatement list may exist for no longer than one year.

The Board shall ensure that the Manager prepare, maintain, update, and submit the injured worker layoff reinstatement lists to the Board as positions become vacant or as requested by the Board.

**B. Layoff Reinstatement List**

A layoff reinstatement list shall be established by the Manager for permanent employees laid off by the City containing the names of the employees laid off and the job classification in which they were employed. A layoff reinstatement list may exist for no longer than two years.

The Board shall ensure that the Manager prepare, maintain, update, and submit the layoff reinstatement lists to the Board as positions become vacant or as requested by the Board.

*Amended: April 5, 2010*

**C. Eligible Lists**

An eligible list shall be established for each class of positions for which the Board has held a competitive examination containing the names of all candidates who achieved a passing score on the examinations ranked according to final score. An eligible list may exist for no longer than one year.

Individuals may remain on an eligible list unless they are subject to removal from the list pursuant to Rule IV.C.4. A probationary employee who is laid off shall be reinstated on the eligible list from which he/she was selected. Upon reinstatement to the eligible list, Rule IV.C.4.x can not result in the removal from the eligible list of such individual unless and until the individual is subsequently appointed to a position in the same classification in which he or she is on the eligible list.

The Board shall ensure that the Manager prepare, maintain, update, and submit the eligible lists to the Board as positions become vacant or as requested by the Board.

*Amended: April 5, 2010*

### **1. Veteran's Preference**

The total score of veterans on competitive examinations shall be adjusted as provided in Minnesota Statutes, Section 197.455. This statute requires additional points be added to the score of a veteran providing they have successfully completed each part of the examination process. Veteran's preference points can not be used to bring a failing score up to a passing score. Appropriate documentation must be provided to the Manager specifying veteran status. See Rule VI.G.

### **2. Expanded Certification**

If the Manager, in his or her discretion, determines that there is a significant underrepresentation by religion, gender, race, color, national origin, age, disability or health, or creed in the job classification where there is a vacancy, but not a bonafide occupational qualification based on one or more of these categories, or a bonafide occupational qualification exists based on one or more of these categories in the job classification, then the Manager may request that the Board certify up to 2 additional eligible candidates from the group in which underrepresentation exists or who possess the bonafide occupational qualification. If the Board determines that the Manager's request is supported, then the Board shall certify up to 2 additional eligible candidates from the group in which underrepresentation exists or who possess the bonafide occupational qualification. This certification is in addition to the three candidates certified under Rule V of the Merit System Rules.

This expanded certification may not include a member of a group if one of the three candidates certified under Rule V is a member of that group or if one of the three candidates possess the bonafide occupational qualification. Certifications under this paragraph must be made from the list of eligible candidates who have

scored within the top two-thirds (2/3) of those successfully completing the examination, in order of their standing on the examination.

### **3. Tie Scores**

In the event that two or more candidates have the same final score on a competitive examination, the candidates are tied for one of three highest examination scores, and one of the candidates is a veteran, then the veteran shall be placed ahead of the non-veterans on the eligible list. See Rule VI.G.

In the event that two or more candidates have the same final score on a competitive examination, the candidates are tied for one of three highest examination scores, and none of the candidates is a veteran, then the name of the candidate who scored highest on the interview component of the examination shall be placed highest on the eligible list.

### **4. Removal of Names from Eligible Lists**

Names of persons may be removed by the Manager from eligible lists for any of the following reasons:

- i. When any individual on an eligible list has been notified of an available permanent position and has refused to accept that position in one instance;
- ii. Upon request of the eligible candidate concerned;
- iii. After a substantial change in the minimum requirements of a position as determined by the Manager in which case all names shall be removed from the eligible list;
- iv. Failure to comply with the reasonable requirements of the Manager with respect to residence, ability to perform the essential functions of a job, with or without reasonable accommodation, or otherwise;
- v. After a substantial change in the contents and scoring of the competitive examination for the position;
- vi. If the individual has been on an eligible list for a minimum of six months and the Manager requires each individual on the eligible list for the job classification to retake the competitive examination for the job classification;

- vii. If an eligible candidate on an entrance list fails to maintain a record of his/her current address with the Manager's Office. For this purpose, the return of a letter by the postal authorities if properly addressed to the last address of record shall be sufficient grounds for removal;
- viii. The Manager determines that the individual's conviction record directly relates to the position in which the candidate is on the eligible list and the person fails to show the Manager competent evidence of rehabilitation and present fitness to perform the duties of the position;
- ix. The Manager determines that the individual is not suitable for the position;
- x. The individual is appointed to a position in the same classification in which he or she is on the eligible list
- xi. The individual was dismissed from employment with the City or resigned from a position in the same classification in which he or she is on the eligible list, or
- xii. The individual has been on the list for one year.

**D. Certification List**

A certification list shall be established by the Board containing the names of the three candidates standing highest on the appropriate eligible list whenever a vacancy is to be filled by the Manager.

If the Manager determines that any of the reasons established in Rule IV.C.4. for removal of names from an eligible list exist for any name on the certification list, then the Manager shall notify the Board of its determination. Following notification from the Manager, the Board shall remove a name from the certification list. After removing a name from the certification list, the Board shall further amend the certification list by adding the name of the candidate standing next highest on the appropriate eligible list to the certification list.

Following notification of its determination of removal of a name from the certification list and prior to approval by the Board of the removal from and addition of a name to the certification list, the Manager may take any action to continue the appointment process with the candidate standing next highest on the appropriate eligible list.

## **RULE V APPOINTMENTS TO CITY EMPLOYEE STATUS**

### **A. Notice of Vacancy**

Whenever a vacancy in the classified service is to be filled, the Manager shall notify the Board of the vacancy to be filled, the approximate time line for testing, and the potential date of the appointment. This notification shall be submitted to Board members and approved at the next regularly scheduled Board meeting, but will not restrict the Manager from taking any action to begin the appointment process.

### **B. Order of Appointment**

Vacancies which occur in the classified service, with the exception of Department Heads, will be filled in the following order:

- from the appropriate injured worker reinstatement list;
- from the appropriate layoff reinstatement list;
- by an existing eligible list; or
- by an eligible list created following a competitive examination.

#### **1. Injured Worker Reinstatement List**

Whenever a vacancy in the classified service is to be filled from an injured worker reinstatement list, persons on said list shall be eligible for reinstatement to a position in the same job classification from which they were separated from employment, subject to any applicable laws, rules, and regulations.

Employees separated from City employment (through resignation or termination) as a result of an injury arising out of and in the course of employment with the City shall have re-employment rights for a period not to exceed one year after separation from employment from the City, subject to any applicable laws, rules, and regulations.

#### **2. Layoff Reinstatement List**

Whenever a vacancy in the classified service is to be filled from a layoff reinstatement list, persons on said list shall be eligible for reinstatement to a position in the same job classification from which layoff took place based on their job classification seniority. Individuals on this list must meet the minimum requirements for the position, have previously taken a competitive examination before they were hired for the position in which they were laid off, and achieved a passing score on all parts of the previous examination.

Laid off permanent employees shall have re-employment rights for a period not to exceed two years after layoff.

*Amended: April 5, 2010*

### **3. Existing Eligible List**

Whenever a vacancy in the classified service is to be filled from an existing eligible list, the Manager shall notify all individuals on the list of the vacancy and ask the individuals whether they are still interested in the position. The Manager shall then remove names from the list pursuant to Rule IV.C.4. Following removal of names from the eligible list, the Manager shall submit the eligible list to the Board.

If three or more names remain on the eligible list following the removal of the names from the eligible list, then the Board Secretary shall submit to the Manager the three names certified by the Board standing highest on the appropriate eligible list for the job classification, as well as any names included through expanded certification (Rule IV.C.2). If less than three names remain on an eligible list after removing names from the eligible list pursuant to Rule IV.C.4, the Manager may select one of the remaining names from that list, or may request that the Board authorize a competitive examination and have another list be prepared and merged with existing list.

If more than one vacancy is to be filled, the Board shall certify two more names on the eligible list than the number of vacancies. The Manager shall appoint one person from the names so certified to fill each vacancy.

### **4. New Eligible List**

Whenever a vacancy in the classified service is to be filled from a new eligible list, the Manager shall request and the Board shall authorize a competitive examination in order to create an eligible list for the position. Following the examination, the Manager shall submit the eligible list to the Board Secretary containing the names of all applicants passing each part of the examination along with their final examination score in the order of highest to lowest scores. After the Board receives the eligible list, it shall submit to the Manager the three names certified by the Board standing highest on the appropriate list. If less than three names appear on an eligible list, then the Board may certify less than three names on the list or not certify any names. If the Board certifies less than three names on the eligible list, then the Manager may select one of the remaining names from that list or utilize any means he/she believes are appropriate to select an applicant for the position which comply with the City's Charter, Code, and other rules or procedures. If the Board does not certify any names, then the

Manager may utilize any means he/she believes are appropriate to select an applicant for the position which comply with the City's Charter, Code, and other rules or procedures.

If more than one vacancy is to be filled, the Board shall submit two more names on the eligible list than the number of vacancies. The Manager shall appoint one person from the names so certified to fill each vacancy.

### **C. Other Appointments**

#### **1. Temporary Appointment**

Whenever it becomes necessary to fill a vacancy within the classified service and an appropriate eligible list is available with at least three names, the Manager may authorize the appointment of an individual from the eligible list to fill the position without regard to the rank. The temporary appointment shall terminate upon the appointment of an individual from an eligible list following the Board Rules or a duration of ninety (90) days, whichever occurs first.

#### **2. Provisional Appointment**

Whenever it becomes necessary to fill a vacancy within the classified service and no appropriate eligible list is available or an eligible list contains less than three names, the Manager may authorize the appointment of a person possessing the necessary qualifications, as determined by the Manager, for the class to which the position is allocated. No position shall be filled by a provisional appointment longer than ninety (90) days unless a request is submitted by the Manager to the Board for an extension of the ninety (90) day period.

### **D. Promotions**

Certain employees may be eligible for a promotion within the classified service.

In order to be considered for a promotion within the classified service, the employee desiring promotion to a vacant position must apply for the position. If the employee meets the minimum requirements for the position, then the employee must take the competitive examination required for the position. If the employee receives a passing score on the examination, then the employee will be placed on the eligible list developed by the appointing authority and submitted to the Board.

If the Board certifies the employee as one of the three names standing highest on the eligible list for the job classification, then the Manager shall consider the

employee's records of efficiency, character, conduct, and seniority in making the hiring decision pursuant to Section 24.08 of the City of Winona Code.

This provision shall in no way restrict the Manager's discretion in promoting employees in regards to salary, duties, benefits or other terms of employment within the same job classification or to non-vacant positions.

#### **E. Transfers**

An employee desiring to transfer to a vacant position in the same job classification must notify the Manager or the employee's Department Head in writing of their desire to transfer. Following receipt of notification of the desired transfer, the Manager or his or her designated representative may approve of the transfer if the employee possesses the appropriate qualifications and it is in the best interest of the City or the Manager may require that the employee be subject to the Merit System.

If the Manager determines that the employee shall be subject to the Merit System, then the Manager shall determine if the employee is on and is subject to removal from the eligible list for the job classification pursuant to Rule IV.C.4. If the employee is on and is not subject to removal from the eligible list, then the employee may either remain on the eligible list with their previous examination score for submission to the Board or apply and take the examination as required for all other applicants for the vacant position. If the employee is subject to removal from the eligible list, then the employee's name shall be removed from the eligible list and the employee must apply and take the examination as required for all other applicants.

An employee desiring a transfer to a vacant position in a different job classification than the employee's current position must follow the requirements for applying and taking the examination as all other applicants for a vacant position.

If the Board certifies the employee as one of the three names standing highest on the eligible list for the job classification, then the Manager shall consider the employee's records of efficiency, character, conduct, and seniority in making the transfer or hiring decision pursuant to Section 24.08 of the City of Winona Code.

#### **F. Peculiar or Exceptional Qualifications**

If a vacancy exists for a position that requires peculiar or exceptional qualifications of a professional character, and upon satisfactory affidavits from the Manager or a designated representative that hiring through the Merit System is impracticable and that the position can best be filled by the selection of some

designated person of recognized attainments, the Board may suspend hiring through the Merit System. No such suspension, however, shall be general in its application to such office.

## **RULE VI EXAMINATIONS**

### **A. Administration of Examinations**

The Board may delegate responsibility for the preparation and administration of examinations to the Manager. The Board may, from time to time, review and comment on the examinations and examination process to ensure that the preparation and administration of the examinations is impartial, fair, and designed only to test the relative qualification and fitness of applicants to discharge the duties of the particular position for which it is designed. The Board may additionally, if the Board so decides, establish a Board component(s) as part of the entire examination for a position after consultation with the Manager.

### **B. Notice of Examination**

Notice of a vacancy in the classified service requiring a competitive examination shall be published by the Manager once in the official newspaper of the City of Winona, posted at the City Hall, and may be advertised in any other way to attract a reasonable number of qualified applicants at least ten (10) business days before a competitive examination. The notice must contain the title, starting salary of the class, minimum qualifications necessary, essential job functions, location, last date for filing applications, type and passing score required for examination(s), time and place of the initial examination, and other such information necessary to acquaint applicants with the requirements of the position. If all examinations are included in the materials submitted to the City by an applicant, then the date and location of submission shall be considered the time and place of the examination.

A written notice shall be mailed in advance of the examination to each person who has submitted an application establishing that they meet the minimum requirements for the job classification and to all individuals on an existing eligible list for the job classification.

### **C. Types of Examinations**

The examinations prescribed by the Manager must be impartial, fair and designed only to test the relative qualifications and fitness of the applicants to discharge the duties of the particular position for which it is designed. All applicants for positions of trust and responsibility shall be specially examined as to moral character and integrity. All applicants for positions requiring special

experience or skill shall be specially examined in respect to those qualities and qualifications.

The examinations may be written, oral, physical tests, practical or demonstration tests, evaluation of past training and experience and any other quality, characteristic, attribute or reasonable requirement which the Manager deems appropriate, or any combination of these.

**D. Eligibility for Examinations**

The initial part of a competitive examination for a position in the classified service shall be open to all applicants who are citizens of the United States, who are eligible and have applied for citizenship, or who meet all requirements for employment as defined by laws or U.S. Bureau of Immigration regulations; and who meet reasonable qualifications or requirements fixed by the Manager that relate to the abilities and qualifications of candidates to perform the duties of the position effectively and efficiently.

**E. Rejection of Applications**

The Manager may reject applications from persons who are found to lack any of the reasonable qualifications or requirements of the position for which he/she applies. The Manager may additionally reject any applicant, at any time in the application process, who:

1. Has been found guilty of criminal activity, infamous or disgraceful conduct or of any willful misrepresentation, deception, or fraud in connection with their examination or application for employment;
2. Has a conviction record directly related to the position in which the applicant is applying and the person fails to show the Manager competent evidence of rehabilitation and present fitness to perform the duties of the position;
3. Is not suitable for the position in which the applicant is applying, as determined by the Manager;
4. Is appointed to a position in the same classification in which he or she applies;
5. Was dismissed from employment with the City or resigned from a position in the same classification in which he or she is applying; or
6. Fails to meet the requirements established in Rule VI.D. above.

**F. Scoring for Examinations**

Appropriate techniques and procedures shall be used in scoring the results of examinations and determining the relative rankings of the candidates. In all examinations, the minimum passing score shall be set by the Manager. All candidates may be required to obtain at least a minimum score in each part of the examination in order to receive a passing grade or to be scored on the remaining parts of the examination.

The final score of each applicant passing each part of the examination shall be determined by calculating the scores on each part of the examination in accordance with the weights established for each part of the examination.

**G. Veterans Preference**

The names of veterans, who have claimed veterans status in their application, who receive a passing final examination score will be ranked on the eligible list in order of their final score with the addition of the preference points as provided in Minnesota Statutes, Section 197.455. Qualifying disabled veterans will have ten (10) preference points added to their final examination score and non-disabled veterans will have five (5) preference points added to their final examination score.

In the event of tie scores, where one of the candidates is a veteran, the veteran will be placed ahead of the non-veteran on the eligible list.

**H. Eligible List**

Following the calculation of final examination scores for all applicants passing each part of the examination, the Manager shall submit an eligible list to the Secretary of the Board containing the names of all applicants passing each part of the examination along with their final examination score in the order of highest to lowest scores.

**I. Certification List**

Based upon the eligible list submitted to the Board by the Manager, the Board shall approve and submit a certification list to the Manager containing the three names standing highest on the eligible list.

**J. Notification of Results**

All persons competing in any examination shall be given written notice of whether they passed or failed the examination.

Any applicant shall have the right to inspect his/her own examination documents.

**K. Hiring**

Following receipt of the certification list from the Board, the Manager may utilize any means he/she believes are appropriate to select an individual on the certified list for the position, which comply with the City's Charter, Code, and other rules or procedures.

**RULE VII PROBATIONARY PERIOD**

All appointed employees shall serve a probationary period of six (6) months unless otherwise specified in the City's Charter or an applicable collective bargaining agreement. A probationary employee may be dismissed at any time without specifying cause or granting a hearing (Rule IX). Notice of dismissals during the probationary period shall be in writing to the employee and submitted to the Board.

The Manager shall submit a written notice to the employee prior to the expiration of the employee's probationary period certifying whether the probationary employee's work performance and conduct are worthy of appointment to regular employment with the City.

**RULE VIII EMPLOYEE EVALUATION**

The Manager shall establish and maintain an employee performance evaluation system, which measures the quality of job performance of each employee in the classified service at least once each year on the basis of job relevant factors.

**RULE IX DISCIPLINE – SUSPENSIONS, DEMOTIONS, AND DISMISSALS**

No employee in the classified service, following completion of their probationary period, shall be disciplined by suspension without pay, demotion, or dismissal from employment except for just cause. Employees must be notified of such action by the Manager in writing prior to the action and a copy of such notice shall be submitted to the Board. Any employee disciplined by suspension without pay, demoted, or dismissed for just cause by the Manager may appeal such action to the Board pursuant to Chapter 24 of the City of Winona Code.

Employees in the classified service of the City may utilize the Board's appeal procedures regardless of the existence of alternative appeal procedures established by the City or by law.

**RULE X LAYOFFS**

**A. Layoff Procedure**

Employees in the classified service may be laid off due to curtailment of work or funds.

Layoff of permanent employees will be made in inverse order of total City seniority within a job classification in the department involved. Temporary, seasonal and probationary employees in the same classification will be laid off prior to the layoff of permanent employees. When two or more persons in the class and department in which the layoff is to be made have equal seniority, the order of layoff in such cases will be in inverse order of the date of acquisition of classified service status. If permanent classified service status was acquired at the same time, the order of layoff will be determined by the inverse order of selection from the eligible list. If order of selection from the eligible list is the same, the order of layoff will be determined by the inverse order of the date and time of application.

In every case of layoff of a permanent employee, the Manager will, at least thirty days before the effective date thereof, give written notice to the employee and his/her exclusive representative, if any, setting forth the reasons therefore. In every case of layoff of a probationary employee, the Manager will give written notice to the employee and his/her exclusive representative, if any, except that such notice will not be subject to the thirty-day requirement applicable to the employees who have permanent civil service status.

An honorably discharged veteran, as defined by Minnesota Statutes, Section 197.455, shall be laid off only in accordance with the provisions of Minnesota Statutes, Section 197.46.

*Amended: April 5, 2010*

**B. Reinstatement**

Permanent employees so laid off, except for temporary, seasonal or probationary employees, shall be placed on the Reinstatement Layoff List established in Rule IV.B. and may be reinstated to a position in the same job classification pursuant to Rule V.B.2. based upon job classification seniority.

*Amended: April 5, 2010*