

**CODE OF RULES
AND
REGULATIONS**

**CIVIL SERVICE COMMISSION
OF THE
CITY OF MERIDIAN
MISSISSIPPI**

Effective June 9, 2016

CITY OF MERIDIAN, MISSISSIPPI

CIVIL SERVICE COMMISSION



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16095

ORDER ACCEPTING RE-WRITTEN CIVIL SERVICE
CODE OF RULES AND REGULATIONS

BE IT REMEMBERED that there came before the City Council of the City of Meridian, Mississippi, the matter of the re-written Civil Service Code of Rules and Regulations; and

WHEREAS, said Civil Service Code of Rules and Regulations was last re-written and adopted on January 22, 1991; and

WHEREAS, the City Council finds that the re-written Civil Service Codes were intensely studied by the members of the Civil Service Commission and formally adopted by said Commission on May 10, 2016, and that said Civil Service Code of Rules and Regulations should be adopted.

IT IS, THEREFORE, ORDERED that the Civil Service Code of Rules and Regulations as re-written and adopted by the Civil Service Commission is hereby adopted, and copy of said Code of Rules and Regulations on file in the Civil Service Office.

ORDERED this the 7th day of June 2016.

Motion by Councilman Markham second by Councilwoman Houston.

Yea: Thomas, Markham, Henson, Houston, Hammon.

Nay: None.

Randy Hammon 6/9/2016
RANDY HAMMON, PRESIDENT DATE
CITY COUNCIL, MERIDIAN, MS

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF COUNCIL, ON THE 9th DAY OF JUNE 2016.

Pamela McInnis
CLERK OF COUNCIL

APPROVE DATE 6/10/16

VETO DATE _____

ATTEST:

Danielle Henson
CITY CLERK



BY: Percy Bland
PERCY BLAND, MAYOR
CITY OF MERIDIAN

CIVIL SERVICE CODE

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CIVIL SERVICE CODE OF RULES AND REGULATIONS

- A. This Code contains the regulations for the conduct and direction of all persons employed by the City covered by the M.C.A. §21-31-1 through §21-31-27 and §21-31-51 through §21-31-75 as amended, this Code being applicable to all persons and facts and applied pursuant to M.C.A. §21-31-1 through §21-31-27.
- B. Members of the several Departments shall be employed, retained in employment, and advanced to any higher grade on merit and fitness, with longevity and experience being included in the term “fitness.” The merit and fitness of any applicant for said Departments, or for retention or advancement therein, shall be determined as herein provided.
- C. The Appointing Attorney shall be responsible for operating within the provisions of and in compliance with this Code. The Civil Service Commission shall be the final City Authority in all matters of interpretation of and compliance with this Code, the Act, and members’ legal and constitutional rights thereunder. The Appointing Authority may promulgate Department Rules and Regulations and other Directives, provided that they are not in conflict with the intent of any provisions or goals of this Code. Such departmental Rules and Regulations and other Directives shall be binding on all members of the relevant Department(s), to the degree not in conflict with this Code.
- D. The Civil Service Commission of the City of Meridian is charged with the responsibility of insuring compliance with the Civil Service Code and as such must insure the integrity of the examination and testing procedures used in the employee competitive selection process. Additionally, the Civil Service Commission has entered into a binding confidentiality agreement with the provider of certain testing materials used by the Civil Service Commission. In order to meet this obligation, the Commission hereby establishes the following rules for the management of test materials used in the employee competitive selection process:
 - 1. All examination materials shall be maintained in a locked file cabinet, or other suitable secure, locked container in the office of the Civil Service Commission, under custody of the Secretary to the Commission or in the custody of any entity the Civil Service Commission and City may contract with to perform testing.
 - 2. Examination materials are to be removed from the secure file cabinet only as necessary to prepare for testing, to conduct testing or for other administrative actions deemed necessary by the Commission Secretary or the Civil Service Commission. Materials, while removed from storage, shall not be left unattended and shall be under the custody of the Secretary or the Civil Service Commission or the Civil Service President, or a person or entity designated by the Civil Service Commission by a full vote of the Civil Service Commission at all times.

3. Test materials may be reviewed by the examining board as necessary in the performance of their duties. Prior to the administration of a test, any department head may petition the Civil Service Commission for authority to allow him or her, or a specific designee, to review a test for an open position in order to determine whether the tested subjects correlate to the job description and actual duties of the job, or for other good cause shown. Upon the grant of permission by the Appointing Authority and the Civil Service Commission, the department head or his/her designee may review the tests on the conditions otherwise set forth in this rule. Test materials may not be removed from the Commission Office for any reason and any review conducted by the members of the examining board or department heads must take place in the presence of the Commission Secretary (or the Civil Service Commission President if the Commission Secretary is unavailable or incapacitated) at all times.
 4. Should it be determined by the department head's review of an existing test that it is outdated, inadequate, or does not accurately test for the requisite skills necessary for the position, said department head may petition the Examining Board to render a decision as to the proposed changes to be made, if any, to the test. The Examining Board shall make a decision in keeping with Rule 5.05. Any party aggrieved by the Examining Board's decision may appeal the decision to the Civil Service Commission to determine if the test complies with the mandate of Rule 5.05 within ten (10) days.
 5. Test materials may be reviewed by the Civil Service Commission, in executive session, only under the most compelling circumstances. No individual Commissioner shall be allowed to examine, review or otherwise be allowed access to the testing materials under any circumstances without prior approval of the Commission. When approval is granted under this rule, at least two (2) commissioners (the requesting commissioner and one other) must be present for the review. All approved reviews must be scheduled at the convenience of the Secretary.
 6. All reviews must be conducted in the Civil Service Commission Office under the supervision of the Commission Secretary. Copying of materials, by any means, will not be allowed while under review except as authorized by the Secretary to the Commission. Use of copying, photography, or recording devices while materials are being reviewed will not be allowed. Materials, in whole or in part, will not be removed from the Commission office for any reason, except by the Commission Secretary when necessary to conduct business of the Civil Service Commission.
- E. This Code or any part hereof may be amended by the Commission, in compliance with Article 18.

- F. Where members of the Civil Service are covered by a collective bargaining agreement, the provisions of this Code shall take precedence.
- G. Except as provided in Article 19 hereof, this Code shall supersede all prior rules and regulations of the Civil Service Commission heretofore adopted.

CIVIL SERVICE CODE

ARTICLE 1: DEFINITIONS

The following terms when used “in these Rules” shall have the following meaning:

- 1.01 “ACT” means the Civil Service Act, Title 21, Chapter 31, Sections 1 through 27 Laws of Mississippi, 1972, as amended.
- 1.02 “Actions of the Commission,” “by the Commission,” or “Commission or Commissioners” may be used interchangeably and for this code means the five-member judicial body for the City of Meridian in its employer/employee relationships, fields and venues, with those legislating and administrative authorities as provided and inferred in the Act, the Commission’s By-Laws and all Meridian legislation.
- 1.03 “APPOINTING AUTHORITY” means the Mayor or his or her designee who has been duly authorized in writing by the law, who has the power of appointment to and removal from positions.
- 1.04 “APPOINTMENT” means the designation of any and all employees to perform assigned duties and responsibilities in a specific position.
- 1.05 “CERTIFICATION” means the process of providing the names of eligibles for a class of work to be considered in filling a vacancy.
- 1.06 “CIVIL SERVICE SECRETARY” or “SECRETARY / ADMINISTRATOR” is the person provided by the City to perform the day-to-day clerical services to the Civil Service Commission and to be in charge of all records and to serve as a member of the regular examining board when so directed.
- 1.07 “CLASS” or “CLASSIFICATION” or “CLASS OF WORK” means a position or group of positions sufficiently similar in duties and responsibilities that the same title, minimum qualifications for employment, tests of fitness, and schedule of compensation shall reasonably apply.
- 1.08 “CLASSIFIED SERVICE” means all City employment positions now existing or created and not included in the unclassified service.

- 1.09 “CODE” or “CIVIL SERVICE CODE” or “RULES AND REGULATIONS” OF THE CIVIL SERVICE COMMISSION OF THE CITY OF MERIDIAN” or “RULES” may be used interchangeably and shall refer to this Code of Rules and Regulations together with any duly adopted changes, modifications, additions, deletions, and/or any appendices affixed to this document and incorporated herein by express reference.
- 1.10 “COMMISSION” or “COMMISSIONERS” may be used interchangeably and is defined as the official independent judicial body of the Civil Service System, and it shall have such legislative, executive and judicial authority as authorized and inferred under the Act, the City’s Legislation, this Code, and its By-Laws.
- 1.11 “CONFIDENTIALITY” means the protection of and prohibition against publicly disseminating information outside of the Commission and its agents of names, data, tests or other applicant information.
- 1.12 “CONTINUOUS SERVICE” and “CONTINUOUS UNINTERRUPTED SERVICE” may be used interchangeably and are defined as full-time employment from the last date of hire or re-hire of the Civil Service Member.
- 1.13 “DEMOTION” means the reduction of an employee from a position in a higher class to a position in a lower class involving a decrease in duties, responsibilities and/or salary.
- 1.14 “DISCIPLINE” means the sanction for an alleged violation of a provision of this code, the law, a departmental or other rule of the appointing authority, including but not limited to demotions, discharge and suspension.
- 1.15 “DISMISSAL” or “TERMINATION” or “REMOVAL” means the discharge of a member by the Appointing Authority for disciplinary reasons or of a probationary employee at will.
- 1.16 “ELIGIBLES LIST” or “ELIGIBILITY LIST” means the record of the names of persons found qualified, through suitable examinations and other criteria hereunder, for employment in a specific class of work or promotion to another position.
- 1.17 “MEMBER” shall be defined to include any employee regularly employed in any position, who has completed the required probationary period in City employment and not included in the unclassified service.

- 1.18 “PART TIME POSITION” means the appointment of a person who is not a member and not eligible for regular status who fills a part-time position as determined by the Appointing Authority.
- 1.19 “POSITION” means any group of current duties and responsibilities, as created, assigned and described, by the Appointing Authority and as approved by the Commission in writing, that, if filled, would allow the employment of one person.
- 1.20 “PREFERENTIAL REEMPLOYMENT LIST” means a record of the names of laid-off and previously employed individuals who have preference for reemployment under this Code.
- 1.21 “PROBATIONARY PERIOD” means six months’ time in a position, or twelve months for a sworn police or fire officer, with possible time extension pursuant to provisions specified herein.
- 1.22 “PROMOTION” means a change from a position in a lower class to a position in a higher class involving an increase in duties, responsibilities and/or salary.
- 1.23 “RECORDS OF THE COMMISSION” means all documents, papers, and records, in all forms including electronic, computerized, digital and photographic, of the Commission and, with the exception of the minutes of the Commission, they shall be and remain totally and strictly confidential and private to the Commission and its agents, being published only upon specific order of the Commission or a Court of competent jurisdiction or within the parameters described in other provisions of the rules.
- 1.24 “REEMPLOYMENT” or “RE-HIRE” means to employ again after a break in service.
- 1.25 “REGULAR EXAMINING BOARD” or “REGULAR EXAMINERS” or “EXAMINING BOARD” or “BOARD” means the persons appointed for each testing procedure by the Civil Service Commission, pursuant to applicable law or contract, to prepare and recommend, acquire, give, grade or have professionally graded, and report the results of all tests as directed by and under the authority and supervision of the Commission.
- 1.26 “REGULAR STATUS” means the employment status of an employee in the classified service who has satisfactorily completed the required probationary period and is entitled to all benefits of this Code and the law.
- 1.27 “REINSTATEMENT” means the restoration of an employee to employment with the City without a break in service.

- 1.28 “RESIGNATION” see “Voluntary Resignation”.
- 1.29 “SENIORITY” means and is determined by the length of continuous uninterrupted service in position, rate or grade, and where the length of continuous, uninterrupted service in position, rate or grade is the same for two or more members, the member who obtained the highest score on the examination for appointment to the rank then held shall have the greater seniority.
- 1.30 “SUSPENSION” means the removal of an employee from the classified service, with or without pay, for a specified period of time, said removal being ordered by the Appointing Authority as a disciplinary measure.
- 1.31 “TEMPORARY APPOINTMENT” or “SEASONAL APPOINTMENT” means the appointment of a person, who is not a member and not eligible for regular status, to a position which will be in existence for a short period of time only, usually ninety (90) calendar days or less, in which there is no expectation of continued employment.
- 1.32 “TEMPORARY ASSIGNMENT” means the assignment of a member to duties and responsibilities associated with a different level position, for a limited period of time, not to exceed ninety (90) calendar days unless a longer period is approved by the Commission.
- 1.33 “TRANSFER” means the change of a member from one position to another position, within the same class, grade, character of work and rate of pay.
- 1.34 “UNCLASSIFIED SERVICE” means a position excluded from the classified service as defined in the City’s Ordinance, this Code and the law under which the City operates. The positions are subject to change by reorganization and reassignment. Positions included in the definition are:
- a. All officials elected by the voters of the City;
 - b. Department heads and the Chief Administrative Officer and Chief Financial Officer;
 - c. All members of executive and administrative boards;
 - d. Temporary and Part Time appointment positions; and
 - e. Clerk of the City Council.
- 1.35 “VOLUNTARY RESIGNATION” or “RESIGNATION IN GOOD STANDING” means termination of employment as provided in Section 14.01.

ARTICLE 2: GENERAL PROVISIONS

Section 2.01 PURPOSE OF RULES

- (a) Pursuant to the Act (§21-31-9), this Code of Rules and Regulations shall establish general policy and procedures for managing personnel activities and transactions as provided for in the Act and City ordinances. The objective is to insure that the primary and controlling factor in making appointments and disciplinary actions, and in determining promotions, will be the merit and fitness of the individual concerned to fill the position. Included also are other actions, except fixing compensation, which may affect employees or prospective employees coming within the purview of the Act.

- (b) Copies of the Rules and amendments shall be furnished to any employee upon request and to any citizen pursuant to the Open Records Law and City rules relating thereto.

SECTION 2.02 POSITIONS INCLUDED IN THE RULES

These Rules shall apply only to positions and members in the classified service, as defined herein.

SECTION 2.03 NON-DISCRIMINATION

No question in any examination, in any application form or in any other proceedings of any Department of the Appointing Authority, shall be so framed as to attempt to elicit information concerning opinions, affiliations or other information prohibited by law. No appointment to or removal from a position in the classified service, or other change in status, shall be influenced in any manner by age, race, color, religion, sex, national origin, handicap or political affiliation except as age, sex, physical or other capabilities are determined by the Commission to be bona fide occupational qualifications.

SECTION 2.04 INTERPRETATION AND APPLICATION

These Rules shall be, in all events, interpreted and applied in compliance with the Act, the Mississippi Constitution and the Constitution of the United States.

ARTICLE 3: ADMINISTRATION OF RULES

SECTION 3.01 ASSIGNMENT OF RESPONSIBILITIES

The Civil Service Commission is designated as the entity having final authority within the City for all matters and issues of interpretation of and compliance with this Code and the Act. The Appointing Authority shall, as to matters covered by the Act or this Code, direct all personnel activities of the City of Meridian.

SECTION 3.02 INDEPENDENCE

There shall be no ex parte communications by the Appointing Authority or any person, party, or witness before the Commission or agent of any such entity, with any member of the Commission about any issue or matter pending or to come before the Commission. All actions of the Commission shall be the actions directed by the Commission in recorded meetings, and, without direction in the recorded meeting so to do, no individual Commissioner has any investigative or other authority.

ARTICLE 4: THE POSITION CLASSIFICATION PLAN

SECTION 4.01 THE PLAN

The Position Classification Plan, made part of these Rules with such modifications as may be made from time to time, shall constitute the official plan for all positions in the classified service. Such plan shall include a list of the titles of the classes to which all positions have been allocated and a written description for each class setting forth the title of the class; the nature of work performed; examples of duties; desirable knowledge, abilities and skills; training and experience requirements; and licenses or certificates desired or required.

SECTION 4.02 USE OF THE CLASSIFICATION PLAN

(a) The titles assigned to the appropriate classes, established in the classification plan, shall be used in all personnel, accounting, budget requests and financial records. Working titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for those purposes.

(b) The class descriptions, embodied in the classification plan, are descriptive and explanatory, but not necessarily inclusive or exclusive. Although they may not be specifically mentioned, certain qualifications such as honesty, industry and other personal qualities, which are proper requirements of all positions, are deemed a part of the description.

SECTION 4.03 AMENDMENTS TO CLASSIFICATION PLAN; ALLOCATION OF NEW POSITIONS; REALLOCATION

- (a) It shall be solely within the authority and discretion of the Appointing Authority to determine what positions shall be created, filled or abolished, and to determine when so to do. In carrying out its decision to create, fill or abolish a position, however, the Appointing Authority must do so in compliance with these Rules.
- (b) When a new position is created, the Appointing Authority shall, within five (5) working days, submit to the Commission, in writing, a recommendation of the classification, with a comprehensive statement describing, in detail, the duties and responsibilities of such position. The Commission shall investigate the actual or suggested duties and responsibilities and classify the position by assigning it to the appropriate class, or shall create a new class for the position.

- (c) If the Appointing Authority substantially changes the duties and/or responsibilities of an existing position in the classified service, the Appointing Authority shall, within five (5) working days, submit the proposed changes to the Commission, in writing. The commission shall investigate the actual duties and responsibilities of the position and the proposed changes, and shall make a determination that the position shall remain as previously classified, or shall assign it to the appropriate class, or shall create a new class for the position.

ARTICLE 5: RECRUITING AND EXAMINING

SECTION 5.01 RECRUITING

- (a) The Appointing Authority shall establish, operate and maintain a recruiting program to provide qualified eligibles to perform the various occupations required for City departments to operate.
- (b) The Appointing Authority shall formulate, maintain and supply information and documentation for application to available positions in the several departments. Applications for initial appointment shall be completed and submitted pursuant to applicable directions, instructions and procedures of the Commission and this Code.

SECTION 5.02 PUBLIC NOTICE OF EXAMINATION

The Commission shall give reasonable public notice of examinations for positions in the classified service, using such means and methods as are required by law and these Rules, and as are deemed appropriate. Such notice shall specify the general scope of each examination; the title and salary range of the position; the final date on which applications will be received; and any other pertinent information, consistent with Article 5 and other provisions of these Rules.

SECTION 5.03 QUALIFICATIONS OF APPLICANTS

- (a) Applicants must prove United States Citizenship.
- (b) Applicants shall furnish proof of age, experience, educational qualifications and such licenses or certificates as the law, ordinances and/or the public notice may require for the practice of the profession, art or trade involved.
- (c) Establishment of minimum and maximum ages for purposes of determining eligibility for employment will be consistent with State and Federal anti-discrimination legislation. Exceptions will be based only on bona fide occupational qualifications and stated in the public notice as directed by the Commission.

- (d) Applicants shall, upon demand, furnish proof of good character, sound health and physical and mental ability to perform the duties and responsibilities of the position to which appointment is sought.
- (e) Applicants shall, upon demand, furnish proof of extent of formal education, and applicants for employment as sworn Police Officers or Firefighters must, at a minimum, be high school graduates or possess an equivalent GED Certificate.
- (f) Applicants may be physically and/or mentally examined by a Physician designated by the Appointing Authority and must qualify under the applicable State and Municipal requirements. In addition to applicable State minimum qualifications for employment, applicants must meet such minimum qualifications and standards as may be promulgated and published by the Civil Service Commission.

SECTION 5.04 DISQUALIFICATION OF APPLICANTS

The Commission may reject, or cause to be rejected, the application of any person for admission to a test, or may, after examination, decline to certify, or may remove from an eligible list, an applicant who:

- (a) is found to lack any of the established minimum requirements for the position for which application was made; or
- (b) is physically or mentally unfit to perform the required functions of the position, and fails to pass any required health examinations for the position to which appointment is sought; or
- (c) is addicted to the use of alcohol or other substance(s) to the extent that job performance may be compromised; or
- (d) has been convicted of a crime or a misdemeanor, involving moral turpitude that affects suitability for a particular job as evidenced by:
 - (1) any felony conviction within the past three (3) years; or
 - (2) any misdemeanor conviction within the past year that will reflect on the applicant's fitness to perform the required functions of the position or will be detrimental to the public service; or
- (e) has been dismissed from any public service or from other employment for relevant good cause (however, see 7.02); or
- (f) has made, to the Commission or the City, a false statement of any material fact; or
- (g) has practiced or attempted to practice any deception or fraud in the application or examination, or in securing eligibility or appointment; or

- (h) submitted the application after the closing date established for receiving applications; or
- (i) submitted the application on other than the prescribed form; or
- (j) has used, threatened to use or attempted to use political influence in securing the current employment, reemployment or promotion; or
- (k) has, upon personal and lawfully authorized investigation, received an unsatisfactory report of character or personal habits, which may jeopardize his/her ability to perform in a relevant particular class of work.

SECTION 5.05 EXAMINATION

- (a) The Commission, in order to provide lists of qualified persons for initial appointment and promotion in the several departments and positions, is responsible for and shall assure open, competitive examinations, which fairly test the relative capacity, merit, efficiency, character, industry and fitness of the persons examined for the positions to be filled.
- (b) The Civil Service Commission is responsible for the supervision of the Regular Examining Board in all notices, examinations and the other functions assigned to it.
- (c) Any member who is dismissed for disciplinary reasons, or who resigns after receiving a Notice of Discipline shall be governed by Section 7.02 (B) or (C).
- (d) Examinations may consist of written and/or oral tests, proficiency (i.e. manual dexterity) tests, performance appraisals, evaluation of the applicant's job-related personal history (including training and experience), situational or work sample exercises or any other professionally accepted screening procedure consistent with Federal and State Laws governing regulations and/or standards and Rules as promulgated by the Civil Service Commission.

SECTION 5.06 APPOINTMENT AND PROMOTIONAL EXAMINATIONS

- (a) The competitive examinations, held to establish a list of eligibles for any position, class or grade, shall be tests as described in Section 5.06(d), which are designed to measure the knowledge, skills and abilities that are relevant to the position, class or grade for which each examination is prescribed.
- (b) The actual conduct of every examination shall be under the responsible direction of the Commission through its designated Regular Examining Board, and shall be free from contribution, interference, participation or influence of the Appointing Authority or any other entity.

- (c) It shall be the duty of the Appointing Authority to furnish the Commission with a current position description, as determined in Section 4.03, of each class or grade for which an examination is to be conducted.
- (d) Notice of and Candidates for Examination:
 - (1) An examination for each such class or grade shall be conducted pursuant to written notice containing, at a minimum, notice posted on official bulletin boards of the city and/or published in a newspaper of general circulation in Lauderdale County at least fourteen (14) days prior to the first examination date for entrance into classified service and seven (7) days prior to the first examination for internal promotional examination. Such notice shall indicate the date(s), time(s) and location(s) of the examination, all minimum bona fide occupational qualifications, and the procedure by which candidates may register for the test. In the case of written tests, the notice may list the resource material from which the test is to be drawn, if available, and the passing score required. The notice shall contain, in clear language, all requirements for the testing procedures and qualifications for and standards of the position.
 - (2) Any probationary employee or permanent member may compete in any promotional examination for which he/she is qualified or will be qualified pursuant to the Commission's notice; however, a probationary member who, by passing the examination, indicates that he/she is qualified for promotion shall not be placed on the eligibility list until he/she has achieved permanent status in grade.
- (e) No effort shall be made to break tie scores, and after the final results of each examination have been determined, the names of those individuals who have achieved a qualifying grade or score shall be submitted to the Commission, which may approve their addition to the eligibility lists, when eligible in accordance herewith.
- (f) Any party aggrieved by the actual administration of an examination may, within five (5) calendar days following the day on which the examination results were announced, petition the Civil Service Commission for a determination of such complaint, pursuant to the Rule governing General Appearance before the Commission. Legal holidays, Saturdays and Sundays are exempt in the computation of such calendar days.
- (g) When the Appointing Authority fills a vacancy, such vacancy shall be filled by selecting from the names of any persons on the relevant eligibility lists. Any candidate appointed shall thereupon serve a probationary period, as outlined in these rules.

SECTION 5.07 PERFORMANCE FOR PROMOTION

- (a) A member's overall performance appraisal rating, during the annual rating period immediately prior to a promotional examination, shall be considered.
- (b) The Appointing Authority may require additional examinations, as approved by the Commission on Petition of the Appointing Authority, to assure that members continue to meet the physical and other requirements of the position or because of special or changed conditions or nature of the services required.

SECTION 5.08 CONDUCT OF EXAMINATIONS

- (a) Examinations shall be held at such time and place and in such manner as may be designated by the Commission. Examinations shall be held for all positions, as designated by the Commission and based upon need, as reflected by the relevant lists of eligibles. Examination materials shall be retained by the Civil Service Commission at least as long as the individual's eligibility exists, and longer only as required by law.
- (b) The Commission will issue directions to the Regular Examiners governing the identification of those taking examinations in order to protect the confidentiality of test takers and test materials, and give such other directions as the Commission deems appropriate for the conduct of examinations.

SECTION 5.09 RATING OF EXAMINATIONS

- (a) Final scores shall be determined, through standard scoring methods, by actual score or by a weighting system based on the proportionate value of each score component in the examination procedure for that class of work or position as directed by the Commission, provided that all applicants are informed of such procedure prior to examination in the published notice.
- (b) Failure in one phase of an examination may be grounds for the applicant to be declared as failing the entire examination or as disqualified for subsequent parts of the examination, provided applicants are informed of same prior to the examination, orally and in the published notice.
- (c)
 - 1) Each part of the examination shall be separately rated, and the final score shall be the composite of the total scores of all parts. For entrance-level positions, any written or oral test shall be not more than 100% of final eligibility score, and the interview, if any, shall be not more than 30% of the final eligibility score. For promotional examinations, any written or oral test shall be not more than 65% of the final eligibility score; the interview, if any, shall be not more than 25% of the final eligibility score; and longevity shall not be more than 10% of the final eligibility score. Upon application of the Appointing Authority, and approval by the

Commission, tests for some positions not requiring reading ability may be administered orally, and the foregoing percentages shall apply in determining final eligibility scores. Each published notice of examination shall state the percentages that shall be applicable in determining final test scores.

- 2) The internal promotional examination for Fire Captain shall be rated as 40% for the written test, 25% for the skills tests, 25% for the oral test, and 10% for longevity, totaling 100%. The total composite score shall not be less than 70.

SECTION 5.10 NOTICE OF RESULTS OF EXAMINATION.

Each applicant shall be notified, by standard methods, of his/her results of examination. Any applicant may, upon request and compliance with all requirements and conditions contained within any and all contractual agreements with test providers, inspect his/her test scores in the presence of the Civil Service Commission Secretary and may not have any writing, recording, or photography utensil or device of any kind on their person. Prohibition of candidate review contained in any contractual agreement with any test provider shall be controlling and any conflict between said contract and this section shall be resolved according to the contract. An applicant may request the Commission to review his/her rating, provided such request is submitted in writing to the commission within ten (10) calendar days after the date on which the applicant was given notice of the rating. The written request for review must specify the matters objected to, and no change in rating shall be made unless there shall appear to have been manifest error in the procedure or rating. No certification, appointment, or other action previously made shall be invalidated as a result of any change in rating.

SECTION 5.11 MEDICAL REQUIREMENTS

- (a) The Appointing Authority may designate one or more qualified health examiners who shall, at City expense, administer a physical or mental examination to determine the fitness of eligibles selected for possible appointment to positions in the classified service. If, in the opinion of the health examiner, an applicant is not medically qualified to satisfactorily perform the duties and responsibilities of the position, the said examiner shall so report to the Appointing Authority and to the Commission.
- (b) An individual entering the classified service may be required to receive a satisfactory health examination report before his/her appointment can be made. The Appointing Authority may require any member to meet the same requirements when there are reasonable grounds to question said employee regarding his/her mental or physical suitability for "continued employment." An employee returning from leave-of-absence status or seeking re-employment may also be required to meet the same requirements of a satisfactory report of health status. All such examination reports are subject to review by the Commission.

ARTICLE 6: ELIGIBILITY

SECTION 6.01 ELIGIBILITY RECORDS.

- (a) After each administration of an examination, the scores of all applicants shall be recorded. Those passing the examination will be deemed eligible and treated in the manner provided for all who have passed the examination, consistent with the requirements of these Rules, without regard to the date of the test.
- (b) Eligibility shall be for a period of up to one (1) year from the date of certification unless an extension, for a period of not longer than six (6) months, is specifically authorized at a Commission meeting for all eligible for a class or position. When examination standards, material or procedures are changed, all individuals on the current eligible list will, after notice, be required to establish eligibility under the new test.

SECTION 6.02 LIST OF ELIGIBLES.

The Civil Service Commission or, under its direction, the Examining Board, shall acquire and administer examinations, and the Commission shall maintain a list of eligible candidates for the positions and grades within the departments and the City generally for selections, promotion, and/or appointments as follows:

- (1) All persons must make a passing score on the relevant examination before they may be further considered in the selection process.
- (2) An employment eligibility list and a promotional eligibility list shall each be established and maintained, as determined by majority vote of the Commission and as outlined under procedures of this Code.

SECTION 6.03 PERFORMANCE STANDARDS.

In order to remain an eligible member, an employee must adhere to equally applied performance standards of the department in which he/she works. A member who is removed from promotional eligibility in a department for failure to adhere to such performance standards may be returned to such eligibility when the performance standards of the department are met by him/her.

SECTION 6.04 REMOVAL OF NAMES FROM ELIGIBLE LISTS.

- (a) When any person on the eligible list for any position or grade is appointed to said position or grade, and fails, within ten (10) days after notice of appointment is mailed to the member, to accept such appointment and enter upon the duties of his/her appointment, the person's name shall be stricken from the list of eligibles, unless he/she shall then be serving under a special appointment, or unless, upon good cause shown to the Commission at its next regular meeting, permission is

granted by the Commission to be retained on the eligible list until the next offer of appointment or the expiration of the list, whichever is earlier, except as provided in 6.04(b).

- (b) If an eligible has been certified to the Appointing Authority for a specific position, and not selected, and the Appointing Authority provides satisfactory written documentation that said eligible does not meet its requirements for that position and will not be selected, then the Commission may order that the eligible's name be removed from the eligibility list.
- (c) The name of any person appearing on an eligibles list may be removed therefrom if the eligible requests in writing that his/her name be removed; if he/she fails to report for an interview as requested; or if he/she cannot be located at the address previously provided by said person.
- (d) The name of an eligible may, during the term of a list, upon written request be transferred to a list for a lower class or position requiring qualifications of the same general character. He/She shall be ranked thereon according to the final earned average attained in the test in which he/she competed.
- (e) An eligible may be removed from an eligibles list on the basis of the disqualification defined in Section 5.06(d)(2).
- (f) An eligibility list may be abolished at such time as the Commission changes the testing dimensions for that position or the Commission abolishes the list after the Appointing Authority provides a detailed explanation of its efforts to hire each of the eligibles and explains the reason(s) certain eligibles were not hired. In such case, a new examination shall be scheduled and the current eligibility list for that position shall expire in its entirety upon certification, by the Commission, of the new examination results.
- (g) The Commission shall notify eligibles removed from the list or denied certification to a particular position and shall state the reason(s) for removal from the eligibles list or denial of certification.

ARTICLE 7: METHODS OF APPOINTMENT

SECTION 7.01 FILLING POSITION VACANCIES.

- (a) Vacancies in positions shall be filled from any following source: (1) by transfer; (2) by promotion or demotion; (3) by temporary assignment; (4) by re-employment from layoff; (5) by choice from the appropriate eligibles list; (6) or by temporary, seasonal or part-time appointment, if necessary in the circumstances.
- (b) Whenever a member shall be appointed to fill a vacancy, he/she shall not, by

accepting such appointment, forfeit any rights, privileges, or ranks attained under Civil Service during the probationary period thereof, but, upon the possible termination of his/her appointment in such position during the probationary period, shall immediately revert to the position, status or rank which he/she held prior to accepting appointment and shall be immediately entitled to all longevity and other rights and privileges under the Civil Service Laws and these Rules to which he/she would have been entitled had he/she not accepted such appointment.

- (c) In the event there shall be no eligibility list for or member available for transfer to a position in which a vacancy occurs, the Appointing Authority, with prior approval of the Commission, may make a temporary assignment or temporary appointment. The Appointing Authority must submit a request to the Commission in a timely manner and no temporary assignment or appointment shall be made until approved by the Commission. The Appointing Authority must provide the Commission with a written statement of the compelling conditions that require appointment under this Section of the Code. Concurrently with the request for temporary assignment or appointment, the Appointing Authority shall submit a request to begin recruitment procedures for the position in accordance with Article 5 of this Code.
- (d) The Appointing Authority shall have the discretion to interview eligibles prior to temporary, full time, part-time and seasonal appointments.

SECTION 7.02 RE-EMPLOYMENT AFTER SEPARATION FROM SERVICE.

- (a) Employee Resigned in Good Standing:

Except as provided in 7.02(B), only a person who has (a) held a permanent position by appointment under these Rules, and (b) has resigned in good standing, and (c) satisfactorily completed the probationary period, may make application to the Commission, within one (1) year of the effective date of his/her resignation for re-employment in the class and grade of position held by him/her at the effective date of the resignation, or to any lower class or grade of position previously held by the employee. The Commission may allow an employee who has resigned in good standing before completion of a probationary period to be placed on a register of eligibles for re-employment for completion of a probationary period in the same position, class and grade from which the employee resigned and subject to such other conditions as the Commission may impose, if the Commission finds that:

- (1) The employee underwent training or had experience during his or her period of employment that would impart special skills, knowledge or abilities to the employee, and reinstatement would be in the best interest of the City;
- (2) The City would incur expense or delay in training a replacement or other new employee;

- (3) The request of the applicant is not objected to by the Appointing Authority. An employee re-employed as a probationary employee under this provision shall be subject to all terms and conditions of Article 9 of this Code. Date of entry into service shall commence with date of re-employment.

(b) Employee Resigned Not in Good Standing:

If an employee did not resign in good standing the employee may make application to the Commission after three (3) years of the effective date of his/her resignation for re-employment in the class and grade of position held by him/her at the effective date of the resignation, or to any lower class or grade of position previously held by the employee and subject to such other conditions as the Commission may impose if the Commission finds that:

- (1) Employee paid all testing expenses incurred by the City and passed the test for the class and grade or lower class and grade of the position held by him/her at the effective date of resignation; and
- (2) Employee pays for in advance and, to the satisfaction of the department head and the Commission, passes a background check to be administered by the Meridian Police Department or a third party designated by the Commission; and
- (3) The employee underwent training or had experience during his or her period of employment that would impart special skills, knowledge or abilities to the employee, and reinstatement would be in the best interest of the City; and
- (4) The City would incur expense or delay in training a replacement or other new employee; and
- (5) The request of the applicant is not objected to by the Appointing Authority. An employee re-employed as a probationary employee under this provision shall be subject to all terms and conditions of Article 9 of this Code. Date of entry into service shall commence with date of re-employment.

(c) Re-Employment After Termination:

Re-employment after termination shall be upon the approval of the Civil Service Commission upon the showing of extraordinary circumstances, including but not limited to 1) the applicant's demonstration that he or she has rehabilitated his/her character, 2) that a period of five (5) years has elapsed since the termination of the applicant, 3) that the misconduct upon which termination was premised was not a violation of any criminal statute of the State of Mississippi or Federal government, AND 4) all requirements of subsection (B) herein (i.e., Employee Resigned Not in Good Standing) are met.

SECTION 7.03 TEMPORARY, PART-TIME AND/OR SEASONAL APPOINTMENTS.

- (a) Temporary, part-time and/or seasonal appointments may be made by the Appointing Authority. When such a position is replaced by a regular classified position, the employee occupying the temporary position shall not be given preference over other entrance eligibles. However, in case of a vacancy constituting a promotional opportunity, the temporary employee must compete with promotional eligibles in accordance with the provisions of these Rules.
- (b) Acceptance of temporary employment shall not affect standing on any eligibility list.
- (c) Any person occupying a temporary appointment shall be terminated when the person replaced returns to the regular position, or upon filling of the position by non-temporary appointment procedures provided in this Code, or upon completion of the temporary term of employment, or upon completion of the specified project.

SECTION 7.04 TRANSFER

- (a) The Appointing Authority may, upon member request or on its own motion, authorize transfers within or among departments. Any transfer, resulting in the movement of a member from a position of lower classification to a higher classification, shall be deemed a promotion and shall be accomplished only in the manner provided in these Rules for making promotional appointments.
- (b) The Appointing Authority shall notify the Commission, by serving notice to its Secretary, five (5) working days in advance of the transfer.

SECTION 7.05 TEMPORARY ASSIGNMENT.

The Appointing Authority may, upon extenuating or emergency circumstances, make a temporary assignment to essential positions. Any temporary assignment, resulting in the movement of a member to a higher classified position, shall, after the first thirty (30) working days, require a comparable increase in salary. Such an assignment to a lower position shall not be a demotion and shall not result in a lower salary.

SECTION 7.06 REPORT OF APPOINTMENT.

- (a) Report of any appointment, including Commission-approved temporary appointments, part-time appointments and assignments/placements shall be made by the Appointing Authority to the Commission without delay, and prior to the next regular meeting of the Commission. The report shall include the anticipated date of termination. In the case of a temporary appointment, the report shall include the anticipated date of termination of temporary employment. This report shall be recorded in the permanent minutes of the Commission.

- (b) No initial appointment, appointment for promotion, or re-employment shall be deemed complete until the minimum probationary period has elapsed and said appointment or re-employment has been recorded by the Commission in its minutes.

ARTICLE 8: CERTIFICATION OF ELIGIBLES

SECTION 8.01 CERTIFICATION PROCEDURES.

- (a) After determining the type of appointment to be made, the Commission shall direct the certification of eligibles in accordance with these Rules.
- (b) Whenever a vacancy is to be filled by original appointment or promotion, the Commission shall certify to the Appointing Authority the entire eligibility list for the position, showing all eligibles ranked by final eligibility score, from highest to lowest, but not showing any actual test score. Eligibles who have tied final eligibility scores shall be designated by placing "TIED" besides their names. When the Appointing Authority can show reason that none of the remaining names on the eligible list are suitable for employment, procedures shall be initiated, by the Commission, to certify new names for that eligibility list.
- (c) Certification may be made on the basis of special qualifications only if such requirements have been previously determined by the Commission to be job-related.
- (d) Each eligible certified shall be notified, if possible, and shall be given consideration for employment.

SECTION 8.02 SPECIAL CERTIFICATION PROCEDURES.

Some Civil Service positions, from time to time, may have to be determined, by the Commission, to be positions requiring peculiar and exceptional qualifications of confidential, executive, scientific, managerial, professional, or educational character. Competition for vacancies in these positions may be, therefore, waived or suspended. Upon approval by the Commission in public meeting, such special positions may be filled by persons designated by the Appointing Authority and confirmed by the Commission as having high qualities or possessing requisite qualifications or experience. For all grades within any department where satisfactory evidence has been presented in writing, delivered to the Commission prior to the regular meeting and through testimony at the regular meeting that, for a specified reason, competition to fill specified positions or vacancies is impractical, such evidence and reasons for suspension of competitive examinations shall be heard, accepted, or rejected, and recorded by the Commission, and such record shall be open for inspection by the public. The special appointment shall not entitle the special appointee to any preferential status upon abolition of the grade or position, or upon reduction in number of members for the grade or position. In the event such special appointment positions shall be forced back as a result of abolition or reduction in numbers, the

member may return to the status which he/she held by competitive examination provided for in this Code.

ARTICLE 9: PROBATIONARY PERIOD

SECTION 9.01 OBJECTIVE OF PROBATIONARY PERIOD

The probationary period is an intrinsic part of the examination process and shall be utilized for carefully evaluating the member's performance and suitability for continued employment.

SECTION 9.02 PERIOD.

- (a) In all cases, whether for initial appointment, transfer, promotion, or re-employment, the appointed member shall serve a probationary period of six (6) months, unless said period is properly extended as authorized in Section 9.02(c). Sworn members of the Police Department and the Fire Department shall serve a probationary period of twelve (12) months.
- (b) Prior to the lapse of any probationary period or Commission-approved extension thereof, the Appointing Authority shall inform the appointee or re-employed member:
 - (1) That he/she will be recommended for confirmation of permanent appointment or permanent re-employment; or,
 - (2) That his/her probationary period is extended, including reason(s) therefor; or
 - (3) That the individual is dismissed; and
 - (4) In the case of an appointment for promotion, that the individual is returned to the position from which he/she was promoted; and
 - (5) In the case of a re-employed member, that the re-employed member is reduced to a lower position or grade and that a new probationary period will commence at the time of the reduction to the lower grade.
- (c) The Appointing Authority may extend an initial appointee's or re-employed member's probationary period for periods not to exceed six (6) months total, provided that the appointee or re-employed member has been timely notified prior to the end of his/her original probationary period and the extension is for the good of the City and for the good of the appointee or re-employed member. In no case shall said probationary period be extended for disciplinary reasons.

- (d) Prior to the conclusion of a probationary period, the Appointing Authority shall file with the Commission its written decision regarding the job performance of the appointee and decision about extension of the probationary status or conversion to regular status. Standards prescribed by State Law must be met in order to be recommended for confirmation.
- (e) When the probationary period is concluded successfully and employment of an employee is to be changed to regular status, the employee's original date of appointment shall be the date the probationary period commenced.

SECTION 9.03 DISMISSAL DURING THE PROBATIONARY PERIOD.

- (a) A probationary employee may be dismissed during the probationary period and with no right of appeal to the Civil Service Commission.
- (b) Before termination during the probationary period, the employee shall be entitled to the following:
 - (1) Written notice of the intention to terminate employment, not later than three (3) working days prior to the effective date, stating generally the reason for the termination;
 - (2) An opportunity to respond in writing and orally to the Appointing Authority; and
 - (3) A written decision on the employee's response, if one was made, within seven (7) working days or as agreed between the parties.
- (c) The probationary employee may request the Commission, within ten (10) days of the effective date of termination, to review the procedures, used in the termination, for compliance with Rule 9.03(b). The Commission's review shall be limited to examination of the notice and other written documents to assure compliance with the procedural requirements of this Section.
- (d) Examination of witnesses, trial, or hearing shall not be allowed or provided for in such cases.
- (e) Any employee in the classified service who fails to satisfactorily complete a promotional probationary period, for other than disciplinary reasons, shall be reinstated, within seven (7) calendar days, to the position occupied before the promotion, or shall be assigned to an equivalent position with the same salary as before.

SECTION 9.04 REGULAR STATUS APPOINTMENT
FOLLOWING THE PROBATIONARY PERIOD.

Upon satisfactory completion of the required probationary period and verification by the Appointing Authority to the Commission, the employee shall be changed to regular status.

ARTICLE 10: DISCIPLINARY ACTIONS

SECTION 10.01 DISCIPLINE.

- (a) The Appointing Authority shall, pursuant to Section 2.04, administer and maintain good order and discipline for the members and shall impose appropriate discipline for instances of misconduct. Discipline may include, but is not limited to, reprimand, suspension, demotion, or discharge. Misconduct authorizing such discipline shall be that enumerated in the Act and these Rules. Examples of misconduct that may warrant appropriate discipline include, but are not limited to, the following:
1. Malfeasance, misfeasance, or nonfeasance in the performance of work or in work-related activities.
 2. Conduct detrimental to the department or City.
 3. Conduct detrimental to, or in prejudice of, good order and discipline.
 4. Violation of any rule or regulation of this Code.
 5. Violation of work rules and/or rules of conduct promulgated published, and training thereon given by the Appointing Authority.
 6. Repeated incidents of carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance which are or amount to a pattern of a serious nature. Each case of carelessness or neglect will be evaluated and considered on its merits and also considered in conjunction with other such incidents and will result in appropriate disciplinary action, up to and including discharge of the member.
- (b) Disciplinary action may be taken for any violation of law or these Rules. Member misconduct shall be addressed using a progression of disciplinary actions. Exceptions to this progressive system may be made in cases of major misconduct. Disciplinary action may include written reprimand, demotion, suspension, dismissal, reduction in rank, or loss of vacation privileges, or any combination thereof.

SECTION 10.02 DEMOTION

- (a) Demotion is more properly employed as a method of realistically managing members who are unable or unwilling to meet the normal performance expectations associated with the position they hold. A member should not be demoted if there is reason to conclude that he/she would continue to be unsatisfactory in the lower level position.
- (b) Written notice of the charges by the Appointing Authority and informal due process disciplinary actions shall be provided to a member to be demoted.

SECTION 10.03 SUSPENSION

- (a) The Appointing Authority may, for disciplinary purposes, suspend an employee for a reasonable period, not exceeding thirty (30) consecutive working days. Suspension is a recognized part of the progressive discipline process that results from repeated violations, or may be used where the infraction is of such severity that a lesser action is insufficient.
- (b) Written notice of the charges and other informal due process disciplinary action shall be provided to an employee to be suspended.

SECTION 10.04 DISMISSAL

- (a) Dismissal is the most severe form of disciplinary action and should be instituted (1) after progressive discipline has failed to correct unacceptable behavior, or (2) in response to an infraction of such severity that a lesser action is clearly insufficient. Dismissal may be the result of, but not necessarily limited to:
 - 1. Incompetence such as: (a) inability to perform up to accepted work standards, or (b) habitual tardiness, absenteeism, or abuse of leave privileges.
 - 2. Insubordination such as: (a) violating a published City or departmental rule; (b) failing to obey any lawful and reasonable direction given by his/her immediate supervisor; (c) refusing to have fingerprints or photograph taken as required for a legitimate City purpose; and/or (d) refusing to take a medical, physical, or mental examination as required for legitimate governmental purposes.
 - 3. Neglect of Duty such as: (a) causing damage or loss of public or private property or equipment through negligence or willful misconduct; (b) wasting or using inappropriate public supplies and materials; (c) absence without leave for three or more consecutive working days; (d) failing to return to work after an approved leave of absence; (e) intentionally falsifying time or leave records; (f) having an excessive number of accidents on the job resulting in personal injury or injury to others or

property damage; (g) having a suspended, revoked, or expired driver's license when the duties of his/her position require the operation of a motor vehicle; and/or (h) operating a City vehicle in wanton disregard for safety.

4. Moral turpitude such as: (a) falsifying or misrepresenting such things as City insurance claims, worker's compensation claims, travel expenses, etc.; (b) violating the City Code in regards to impartiality, use of public property, conflict of personal or financial interest, or disclosure of confidential information; (c) being convicted of any misdemeanor or felony while employed by the City which could cause serious embarrassment to the City in the employee's performance of his/her job duties; (d) attempting to coerce or influence fellow employees, subordinates, or supervisors with gifts, services, loans, and other considerations; (e) violating any of the Mississippi statutes dealing with public employees; (f) violating City Ordinances while on duty; (g) violating nepotism statutes or ordinances; and/or (h) during non-work hours, engaging in an employment, activity, or enterprise which is illegal, incompatible, or in technical conflict with his/her duties, functions and responsibilities as a City employee.

5. Discourteous treatment of the public or a fellow employee such as: (a) being offensive or antagonistic towards supervisors, subordinates, fellow employees and/or the public, or (b) threatening, conspiring, attempting, and/or actually committing any form of assault or battery on a supervisor, subordinate, fellow employee and/or the public on City property, City time, or as a result of City employment.

- (b) Prior written notice of the charges and informal due process disciplinary action shall be provided, by his/her superior, to a member subject to dismissal.
- (c) No employee shall be subject to disciplinary action solely because the employee is arrested for, charged with, or indicted for a crime or misdemeanor. However, pendency of criminal charges shall not prevent the Appointing Authority from taking disciplinary action based on the underlying conduct itself and not on the criminal charge, subject to Section 11.01(e).

SECTION 10.05 NOTICE.

Disciplinary action taken against any member shall not become effective until the Appointing Authority shall have first served upon such member a written notice of the disciplinary action, which shall contain one or more reasons or grounds therefor, together with a clear statement of facts upon which the action is based, which is sufficient for the member to know what to defend. Said Notice shall be served on the member at least seven (7) calendar days prior to the disciplinary action's becoming effective. Such member may, in his/her discretion, make an oral or written explanation or defense within three (3) calendar days of notice of any such disciplinary action. The making and filing of any such explanation shall not be deemed to be an appeal and shall not prejudice the right of any such employee to file an appeal, as provided

by these Rules. The Commission approved form is located in Appendix O.

SECTION 10.06 RELIEVED FROM DUTY PENDING INVESTIGATION

The Appointing Authority may suspend a member from duty, with or without pay, for up to thirty (30) days pending investigation of formal disciplinary charges, provided that the member is furnished with written notice of such suspension before its effective date. Upon written request submitted to the Commission and the member on or before the date of expiration of a suspension in effect pursuant to this Section, the Commission may approve additional suspensions in thirty (30) day increments, not to exceed a total of ninety (90) days, upon a showing that the investigation has not been completed and upon a showing that it would be in the best interest of the City for the suspension to be continued. If the member is suspended from duty awaiting the final outcome of pending criminal charges, the Appointing Authority may request a suspension until such time as the pending criminal charges are resolved. Suspension under these Rules may be appropriate in any case involving charges of violation of the law, conduct detrimental to discipline, material errors and neglect and major neglect in job performance, inattentiveness to job performance of a serious nature, acts of moral turpitude, violation of Civil Service Rules, or any other material misconduct that would justify disciplinary action. The member may be reinstated with restoration of pay if the Commission, after hearing on the merits, so directs.

SECTION 10.07 INVESTIGATION.

A member or probationary employee shall cooperate fully with the Appointing Authority, the Civil Service Commission and/or its authorized representative in the conduct of any investigation which involves the conduct or activities of the member. Any refusal to answer any questions, which may be put to any such member in the course of any such investigation, may be a violation of these Rules. A member may have his/her counsel present if an allegation of a crime is involved.

ARTICLE 11: APPEALS

SECTION 11.01 APPEAL RIGHTS.

- (a) Subject to Section 2.04, a member may appeal to the Commission any Appointing Authority action that results in demotion, dismissal, suspension, or loss of employee rights, including those arising from promotion guidelines, these Rules or the Act. Such appeals must be filed within ten (10) calendar days of the adverse action. The Commission form for the Notice of Appeal is located in Appendix Q-1.
- (b) The Commission's inquiring and hearing shall be confined to the determination of whether the complained-of action was or was not made in compliance with the constitutions, relevant laws, the Act and this Code. If the Commission finds sufficient evidence so to do, it shall render its decision, by majority vote of those

commissioners hearing all the evidence, which shall in all events be a quorum, as specified in Section 11.02(f) and the Act.

- (c) Non-disciplinary matters within the Civil Service Commission's jurisdiction may be brought before the Commission by members of the several departments, only upon petition, notice to all necessary parties, and approval by the Commission. Matters brought before the Commission on a General Appearance may be reviewed by the Commission in its discretion, provided such matters are within the Commission's jurisdiction. Unless otherwise agreed, an appearance shall be made before the Commission within thirty (30) days of receipt of the notice. If the Commission renders a decision on the matter, its decision will be final and binding upon the individuals and entities coming within the jurisdiction of the Commission.
- (d) Except in cases of disciplinary actions, an appeal may be summarily disposed of by the Commission upon the record made by such appeal, including affidavits, if any, which the parties in their discretion may furnish to the Commission within ten (10) days following the filing of such appeal.
- (e) Except as in Section 10.04, in any appeal of disciplinary action where there is a prosecution pending in any Court against the appellant arising out of the same subject matter as the appeal, then, upon motion of the appellant, a final decision upon the appeal may be stayed under the terms and conditions to be fixed by the Commission, in its discretion, until a final determination of such prosecution.

SECTION 11.02 PROCEDURAL REQUIREMENTS

- (a) In non-disciplinary matters, a General Appearance Notice specifically setting forth the matter on which action is requested must be filed in the office of the Civil Service Commission within ten (10) calendar days of the time the matter arose or within ten (10) calendar days of the time the member became aware of the matter. The Commission form for the notice is located in Appendix Q.
- (b) All appearances before the Commission shall be governed by the Rules of Procedure set forth in Appendix Q.
- (c) A member may file an appeal from the final imposition of any disciplinary action to the Civil Service Commission within ten (10) calendar days from the date of the disciplinary action. An appeal will be considered filed when a written notice is received by the Secretary of the Civil Service Commission. A written notice of appeal may be informal and will be accepted if it states, with clarity, the grounds of the appeal, in what regard error was committed and by whom, and communicates an intention to appeal from a final disciplinary action, describes the action appealed from, and provides the date the notice of final disciplinary action was given. The Commission form for this notice is located in Appendix Q.

- (d) The Secretary of the Civil Service Commission shall set the hearing date for all appeals, which shall be at the earliest practicable date. Written notice of the time and place of the hearing shall be given by the Commission Secretary to all parties to the appeal.
- (e) The Commission shall hear evidence upon the charges and specifications as filed with it. No material amendment of or addition to said charges or specifications or issues raised by Appellant will be considered by the Commission. The proceedings shall be informal as may be compatible with the ends of justice. The admission of evidence may be, but shall not be required to be, governed by the rules applied by Mississippi Courts in civil cases. The Appointing Authority may be represented by counsel. The Appellant shall be given opportunity to be present in person, and may represent himself/herself or be represented by counsel.
- (f) The order of proof in disciplinary appeals shall be as follows: The appellant shall present his/her evidence, specifically addressing the ground stated in his/her written notice of appeal. The Appointing Authority shall then present its evidence in support of the action taken by the City. The parties may then offer rebuttal evidence. The Commission may hear concluding arguments. The Commission shall, after due consideration, render its decision within fifteen (15) days of the hearing's completion by approving, revising, or modifying the action of the Appointing Authority. The member involved may, as determined by the Commission, receive the pay and benefits he/she lost because of such disciplinary action. In calculating lost wages and benefits, if awarded, the Commission shall offset any such award by what the member earned or the Commission determines he or she should have earned during the member's separation from service. The Commission shall also subtract any time period wherein the member or his/her attorney sought or consented to an extension of time for a hearing date of the appeal.
- (g) Any willful false swearing on the part of any witness or person giving evidence before the Civil Service Commission as to any material fact in said proceedings shall be deemed perjury and may be prosecuted in the manner prescribed by law for such offense.
- (h) If either the Appointing Authority or the member whose case or matter is to be heard as set out under these Rules shall fail to appear without good excuse, cause, or permission at the time set for the hearing, the Commission may either dismiss the appeal with prejudice or review the appeal records, hear the evidence presented, and render its decision thereon.
- (i) Any notice, personally served upon or properly mailed to a member at his/her address as recorded in personnel records, shall be considered as received by the member. It is the duty of each member to keep the Personnel Office informed of his/her current address where mail addressed to him/her will be promptly delivered. When any change of address is conveyed by a member to the Personnel Office, the record shall be corrected accordingly.

- (j) The Commission can require the attendance of witnesses and the production of documents at any hearing through its subpoena power. The Secretary of the Commission may sign and issue subpoenas upon request of the parties. Such subpoenas shall be returnable to a date certain and require the attendance of witnesses and/or the production of documents. The subpoenas shall be in the form provided by Appendix P.
- (k) The Commission may grant a continuance on such terms and conditions as the Commission may deem fair.
- (l) In all disciplinary actions, a record of the hearing shall be made by a certified court reporter, unless all parties agree, in writing, to waive a formal record. No party or other person in attendance shall be allowed to record the proceedings in any way, whether by electronic, mechanical, audio, visual, or other means.
- (m) No record shall be made of non-disciplinary hearings unless specifically requested in advance, in writing, by any party. In the event a party makes a timely request for a record in a non-disciplinary proceeding, the secretary of the Commission shall arrange for the attendance of a certified court reporter, who shall take the record. The party requesting that a record be made shall be responsible for payment of the court reporter's attendance fees and expenses, if any, including any advance deposits, which must be paid prior to the hearing date.
- (n) All hearings shall be open to the public unless the Commission finds, by order entered in its minutes, that it would not be in the best interest of the City or the employee(s) involved.

SECTION 11.03 APPEALS FROM FINAL DECISIONS OF THE CIVIL SERVICE COMMISSION.

- (a) Any party may appeal from a final decision of the Civil Service Commission.
- (b) A party desiring to appeal from a final decision in a disciplinary action shall file the notice of appeal with the Circuit Clerk of Lauderdale County and with the Civil Service Commission Secretary on or before the thirtieth (30th) calendar day of the date when the final decision was mailed to the appealing party. In addition, by the same deadline, the appealing party must provide written notice to the secretary of the Civil Service Commission requesting that the record of the hearing be transcribed, and further requesting an estimate of the cost of transcription by the court reporter. Upon receipt of the notice of appeal and the request for the preparation of the transcript, the secretary of the Civil Service Commission shall determine from the court reporter the cost of transcription, and shall notify all parties, in writing, of the cost. The party desiring to perfect a valid appeal shall pre-pay the cost of transcribing the record on or before the thirtieth (30th) calendar day following the date the secretary of the Civil Service Commission mailed the notice indicating the cost of preparing the record. Upon delivery of the cost of the preparation of the record to the secretary of the Civil

Service Commission, the secretary shall direct the court reporter to prepare the record.

ARTICLE 12: INVESTIGATIONS BY THE COMMISSION

SECTION 12.01 AUTHORITY AND PROCEDURE

- (a) The Civil Service Commission has the authority to initiate an investigation or inquire into matters as described in the Act or other applicable law. The Commission, by majority vote, may call before it any member of any department, division, or part of the City for investigation. The Commission may call such other witnesses as may be necessary for such investigation if it finds sufficient grounds so to do, and may direct that any information so acquired be provided to the appropriate authority.
- (b) The procedures for use under this Rule shall conform, as nearly as possible, to the procedures in the case of an appeal. In all cases, the Commission shall have full control and direction over the procedures to be followed.
- (c) At any time prior to any final hearing on the merits of any appeal or proceeding under this Rule, the issues or charges may be withdrawn.

ARTICLE 13: LAY-OFF

SECTION 13.01 APPLICATION AND PURPOSE

- (a) This procedure applies to employees in the classified service.
- (b) The recognized purpose of lay-off is to effect a reduction in the number of employees where functions have been eliminated, when organizational units have been eliminated, or when funds are no longer available to sustain the number of employees. The initial step in the lay-off process is the documentation, by the Appointing Authority, of the need for a lay-off that clearly establishes the reasons or conditions necessitating the reduction in force and the specific class(es) involved.

SECTION 13.02 PROCEDURE

Upon a determination that lay-off is necessary, the Appointing Authority shall develop a list of employees ranked in the order in which they are to be laid off. The first name of the list will be the first laid off. The procedure to be used by the Appointing Authority in developing the lay-off is as follows:

- (1) Rank ordering by seniority of all employees in each classification within the department where lay-off is to occur, least senior first.

- (2) Give consideration to individual contributions and skill levels in relation to departmental performance standards in order to determine the relative merit of all employees in the class to be reduced. The Appointing Authority may request that the Commission grant exemption from lay-off for specific employees who are determined to be functioning at a consistently outstanding level or possessing critical skills. Such requests must be thoroughly documented and clearly establish that the particular operational functions are essential and could not be satisfactorily assumed by any other personnel. The submission of such a request is not an assurance that exemption will be granted, or of the extent to which such consideration will be given by the Commission.

SECTION 13.03 EMPLOYEES LAID OFF.

- (a) A member is laid off when involuntarily relieved of duty for non-disciplinary reasons.
- (b) A member identified for lay-off pursuant to the Act may be entitled to bump a member in a lower classification in the same department if the member in the higher classification:
 - (1) has more seniority than the employee to be bumped;
 - (2) had previously held this position; and
 - (3) is capable of performing the work of the lower classification.
- (c) Members who are laid off, whether directly or as the result of bumping, shall have preferential re-employment rights to those equivalent or lower level positions for which they are eligible, and shall be reinstated on the basis of seniority. These preferential re-employment rights are limited to one year and will also terminate with the member's reinstatement, request, failure to accept reinstatement, or if the member takes other steps to terminate his/her relationship with the City.
- (d) Before determining the lay-off above, temporary and part-time employees in the same class of work shall be laid off, then probationary employees in the same class shall be laid off.

ARTICLE 14: REGULATIONS

SECTION 14.01 VOLUNTARY RESIGNATIONS.

Any employee may terminate his/her employment at any time, with or without notice to the Appointing Authority. Termination of employment by the employee is resignation. Resignation may be in good standing or not in good standing.

- (a) Resignation is voluntary and in good standing when:
 - 1. The employee has given the Appointing Authority not less than two (2) weeks' advance notice, in writing, of the effective date; and
 - 2. There is no disciplinary action pending against the employee, and the employee has not been given written notice from the department head of contemplated disciplinary action; and
 - i. The Appointing Authority has accepted the resignation as voluntary and in good standing by notifying the Commission of such within ten (10) days of the effective date.
- (b) Resignation is not in good standing when the employee fails to give the Appointing Authority two (2) weeks' advance notice of the effective date, or when the Appointing Authority gives notice to the Commission within ten (10) days of the effective date that the resignation is not accepted by the Appointing Authority as voluntary and in good standing.
- (c) Any employee's unauthorized absence for a period of three (3) consecutive work days or more shall be considered a resignation not in good standing. The Appointing Authority shall notify the Commission within ten (10) days of its determination that an employee has resigned by unauthorized absence, and the employee's termination date shall be the date when such notice is given to the Commission by the Appointing Authority.
- (d) In any case when the Appointing Authority gives notice to the Commission under Sections 14.01 (b) and/or (c), the Appointing Authority shall simultaneously give notice to the employee.
- (e) Any employee, whether a permanent member, a probationary employee, a part-time employee, or a temporary employee, who resigns at any time when there is any disciplinary action pending against the employee, or after having been given written notice from the department head of contemplated disciplinary action, shall not be re-employed.

ARTICLE 15: RECORDS AND REPORTS

SECTION 15.01 EMPLOYMENT RECORDS

- (a) The Appointing Authority shall maintain an employment record and file for each employee, which shall be always available and open to the Commission. The employment records and files shall be otherwise confidential. Guidelines regulating access to and release of information from the personnel records to any entity other than the Commission shall meet all lawful requirements.

- (b) The Appointing Authority shall make prompt and complete responses to requests of the Commission on all matters affecting the conduct and direction of the employees. Such responses may include recommendations and constructive comments on the enforcement and effect of this Civil Service Code, and any other matters tending to improve or affect the efficiency of the City.
- (c) Additionally, the Appointing Authority shall make reports to the Commission at its next meeting of the following personnel actions:
 - (1) Permanent Appointments by name, position and effective date of employment
 - (2) Temporary Appointments by name, position, effective date of employment and scheduled termination of temporary employment
 - (3) Temporary Assignments by name, position, effective date of assignment and scheduled assignment

ARTICLE 16: MISCELLANEOUS PROVISIONS

SECTION 16.01 NOTICE.

“Notice” as used in these Rules shall mean notice in writing to the person, office or department concerned with the event or subject-matter concerned. Such notice shall be served in person or by mail to the address of the office, department or person concerned within the time required, unless service in some other manner is specifically provided for. For purposes of calculation of time under these Rules, service by mail shall be construed as being effective upon the date the mail is posted. However, when a response is required to matters served by mail, then an additional three (3) days shall be added to the indicated response period.

ARTICLE 17: SEVERABILITY AND WAIVER

SECTION 17.01 CLAUSES.

Each and every clause of these Rules shall be deemed separable from each other clause. In the event any clause or clauses shall be finally determined to be in violation of any law or right, it shall be of no force or effect and it shall not impair the validity and enforceability of the remaining Rules, including any and all provisions in the remainder of any clause, sentence, or paragraph in which the offending language might appear.

ARTICLE 18: AMENDMENTS

SECTION 18.01 PROCEDURE.

This Code may be amended by affirmative vote of the Commission, after:

- (1) Motion and second so to do;
- (2) Laying on the table for a minimum of thirty (30) days;
- (3) Posting of the proposed changes in three (3) prominent places within the City for fourteen (14) days;
- (4) Receipt, consideration of, and possible modification based upon all comments and recommendations resulting from the posting; and
- (5) Majority vote of the total Commission membership at a regularly scheduled meeting.

ARTICLE 19: EFFECTIVE DATE AND APPLICATION

SECTION 19.01 EFFECTIVE DATE

This Code shall become effective one month after the passage, by the Meridian City Council, of the ordinance.

SECTION 19.02 APPLICATION.

Those matters and issues that shall be raised, processed, and decided hereunder shall be those arising from incidents and/or occurrences that transpired or took place and gave rise to the matter or issue before the Commission after the effective date as computed under Section 19.01. All matters and issues that shall be raised, processed, and decided that are based upon incidents and/or occurrences that transpired or took place prior to the effective date of this Code shall be raised, processed, and decided pursuant to the immediately previous existing Civil Service Rules and Regulations.

APPENDIX O*

NOTICE OF INTENT TO IMPOSE DISCIPLINARY ACTION

Date: _____

TO: Name: _____

Address: _____

You are hereby notified that the Appointing Authority intends to impose the following disciplinary action against you: _____,

as you have violated the following department and Civil Service regulations:

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

You violated these regulations on or about the ____ day of _____, 20____, at approximately _____ o'clock, ____ m.; Below is a brief and clear statement of the facts upon which the disciplinary action is based:

By: _____
Mayor, City of Meridian, Mississippi

This disciplinary action will become effective seven (7) calendar days from the date of

this notice. You are hereby notified you have three (3) calendar days after the receipt of this letter to provide an oral and/or written explanation or defense to this notice. The foregoing notice was served personally on _____, this _____ day of _____, 20____, at _____ o'clock, ____m.

By: _____
Mayor, City of Meridian, Mississippi

Individual personally serving Notice

*This is a suggested form and may be modified to fit circumstances.

Appendix O-2**

FINAL DISCIPLINARY NOTICE

Date: _____

To: _____

Address: _____

You are hereby notified that the Appointing Authority has/has not received your explanation or defense to its Notice of Intent to Impose Disciplinary Action delivered to you on _____.

The following disciplinary action will be taken against you _____ effective _____. You are hereby notified you may appeal this disciplinary action to the Meridian Civil Service Commission pursuant to Article 11 within ten (10) calendar days of the date of this Notice.

By: _____
Mayor, City of Meridian, Mississippi

The foregoing Notice was served personally on _____, this the _____ day of _____, 20____ at _____ o'clock ____m.

BY: _____
Individual who served Notice

**This Notice will only be used if member's defense was not accepted and the Appointing Authority decided to impose discipline.

APPENDIX P
CIVIL SERVICE COMMISSION
MERIDIAN, MISSISSIPPI

_____, Appellant

vs.

_____, City of Meridian, Mississippi

WITNESS SUBPOENA

THE STATE OF MISSISSIPPI:

TO:

YOU ARE HEREBY COMMANDED to appear before the CIVIL SERVICE COMMISSION of the City of Meridian, Mississippi, in Meridian, Mississippi on the _____ day of _____, 20____, on the third floor of City Hall at _____, to testify in the above styled case. If you fail to appear, you may be in contempt.

You are subpoenaed to appear by the attorney hereinafter named and unless excused from this subpoena by this attorney, or the Commission, you shall respond to this subpoena as directed.

ISSUED by the CIVIL SERVICE COMMISSION of the City of Meridian pursuant to authority in Section _____, Laws of Mississippi, _____, through its duly authorized Chairman.

CIVIL SERVICE COMMISSION OF THE
CITY OF MERIDIAN, MISSISSIPPI

Dated: _____

BY: _____
Chairman/Secretary

Attorney for _____

(address) _____

Phone No. _____

Bar No. _____

APPENDIX Q

RULES OF PROCEDURE GOVERNING APPEALS

I. PRE-HEARING PROCEDURES

- A. The appeal procedure is initiated by the filing of a written Notice of Appeal, preferably upon the Commission's approved notice form by the members. (See Appendix O)
1. An appeal is considered filed when written notice is received by the Secretary of the Civil Service Commission. Filing can also be accomplished by personal service upon the Commission's Chairman.
 2. If the Commission's approved Notice of Appeal form is not used, the Notice of Appeal must be as follows:
 - a. It must be written.
 - b. For appeals from disciplinary action, it must communicate an intention to appeal a final disciplinary action.
 - c. It must specifically state the matter appealed from, including the grounds for appeal.
 - d. It must specifically state the error committed by the Department or other entity.
- B. The preparation and scheduling of an Appeal is to be undertaken by and coordinated through the Civil Service Commission and its Secretary. Such preparation will normally consist of:
1. Receipt and acknowledgement of Notice of Appeal.
 2. Agenda entry of Appeal for determination of date of hearing. Agenda entry should specify the expiration of the 30 days or the results of any stipulations for extension of time or continuances of this period.
 3. Upon requests, issue subpoenas to the respective parties.
 4. Prior to the hearing, prepare for each Commission member a copy of the record. The record should include, but is not limited to, the following:
 - a. Memorandum or Notice of Disciplinary Action.
 - b. Record of Informal Due Process, if any.

- c. Any written rebuttal or statements in opposition to the disciplinary action.
- d. Notice of Appeal.
- e. Appearance of counsel, if any.
- f. Copy of applicable rule, regulation, policy, or standard of conduct violated.
- g. Copy of any pre-hearing stipulation.
- h. Copy of any other document, paper, or pleading filed by either party with the secretary.

C. PRE-HEARING CONFERENCE AND STIPULATIONS

1. Pre-hearing Conference

The respective parties, i.e., the City and member or members involved and their counsel, if any, shall meet and confer with counsel for civil service when directed by the Commission, no later than fifteen (15) days prior to the scheduled Appeal hearing in order to:

- a. Discuss and identify the issue(s) to be presented at the hearing.
- b. Stipulate, if possible, to the facts and documents to be presented at the hearing. If stipulation is not possible, each party shall submit a written unilateral statement of his case. The written stipulation or unilateral statement shall detail the issues involved and the facts and documents to be relied upon by the party.
- c. Identify witnesses to be called at the hearing including a brief summary of each witness' testimony. This written list of witnesses, along with a brief summary of their testimony, shall be exchanged between the City and/or its attorney and the member and/or his/her attorney. If a witness is not listed by a party, that witness may not be called at the Appeal hearing unless the use would be solely for impeachment.
- d. Enter into such other stipulations as will facilitate the hearing.
- e. All documentary and demonstrative evidence, including but not limited to documents, computer files, e-mails, photographs, audiotape, videotape, films, motion pictures, charts, graphs, drawings or any item in any form that will be used as demonstrative evidence, marked for identification, or entered into evidence must be exchanged between the City and the member and/or his/her attorney no later than the pre-hearing conference, preferably five (5) calendar days prior to the pre-hearing conference.

Failure to exchange any such document or potential evidence will result in that document's not being admissible at the Appeal hearing unless its use would be solely for impeachment.

2. Pre-hearing Order

Matters stipulated between the parties or any unilateral statement, the list of witnesses required to be produced at the pre-hearing conference set forth in Appendix Q(1)(C)(1)(C), and the list of evidentiary documents and demonstrative evidence referenced in Appendix Q(1)(C)(1)(c) shall be reduced to writing and combined into one Order to be approved by the chairman of the Commission and by the Commission Attorney. All exhibits shall be pre marked and attached to the Order. The order shall be submitted to the secretary at least ten (10) working days prior to the scheduled Appeal hearing.

3. Memorandum of Law

Any party may file a memorandum of law on any legal issues involved in the Appeal. The memorandum of law shall be filed at the time of the filing of the pre-hearing Order.

D. WITHDRAWAL OF APPEAL

In the event the parties compromise the issues presented in the Appeal or the appealing party decides to withdraw his/her Appeal, the following materials, in addition to those listed in Section 1 (B)(4), shall be presented to the Civil Service Commission either at its next regular meeting or at a Special Session:

1. Copies of any correspondence or stipulations between the parties for withdrawal of the Appeal.
2. Copies of employee's Notice of Withdrawal of Appeal.
3. Summary sheet from the head of the applicable department setting forth:
 - a. Terms and conditions, if any, negotiated and agreed upon by which the Appeal is agreed to be withdrawn.
 - b. Notation that the terms and conditions for such withdrawal meet with the approval of the Department Head.
 - c. The signatures of both parties and all counsel, if any.

II. GUIDELINES FOR CONDUCT OF APPEAL HEARING.

A. Preface

The Appeal hearing is an informal proceeding designed to elicit relevant information on the basis of which the Civil Service Commission may discharge its duties and responsibilities under the Code. Only in extraordinary matters will the Commission be inclined to allow more than one hour for the presentation of the case of each side, excluding all objections, arguments, summations, and questions from the Commissioners. Although the proceedings will be as informal as can be consistent and compatible with serving the ends of fairness and justice, the parties and/or their attorneys are advised to comply carefully with procedural rulings laid down by the Commission. In addition, the parties and their attorneys are instructed to maintain the highest degree of decorum and dignity, both on and off the record.

B. Opening of the Hearing

1. The attorney for the Civil Service Commission will preside at the Appeal hearing and shall conduct the proceedings.
2. It is the responsibility of the attorney to see that a full record is developed in order that a decision may be rendered on all relevant and material facts.
3. The Commission Attorney shall conduct the hearing to restrict the hearing and the presentation of evidence to the issues presented under the Appeal. To this end, the attorney shall solicit factual stipulations in order to shorten the actual time of the hearing and shall exclude irrelevant and cumulative material in order to achieve an uncluttered record.

C. Opening Statement by Attorney for the Commission

The Attorney for the Civil Service Commission shall begin the hearing by making a formal statement which shall generally consist of:

1. Identification of the appealing party and the case to be considered;
2. Notation that the hearing is being commenced at the time and place designated by prior notice;
3. On-the-record request that representatives and/or attorneys for the parties state their appearance; and
4. Request for and acceptance of any stipulations between the parties of fact and law which will allow the issues to be narrowed and promote a complete, yet concise, record.

D. Opening Statement

The parties and/or their attorneys may, at their option, give a brief Opening Statement directed to the issues on Appeal. Opening Statement, if given, shall be limited to not more than five (5) minutes.

E. Order and Presentation of Evidence

1. The appellant (the party appealing) or his attorney shall first present his evidence. This presentation shall specifically address the grounds stated in the written Notice of Appeal.
2. The Appointing Authority or its attorney shall present evidence in support of the action taken by the Department, also addressing the grounds in the Notice of Appeal.
3. The appellant may present rebuttal evidence, limited to the presentation of the Department's case.
4. The Department may then present rebuttal evidence, limited to such additional matters as may be brought out by the appellant's rebuttal.
5. The parties are reminded that irrelevant facts, issues, evidence, and testimony shall not be tolerated, nor shall cumulative evidence be allowed during the proceedings.

F. Separation and Swearing of Witnesses

Upon request of either party, the Attorney for the Commission shall order that any witnesses, aside from the party appealing and its counsel, and a representative of the City and its counsel, shall be separated from the hearing. The purpose shall be to exclude witnesses who might be influenced in their own testimony by the prior testimony of other witnesses to the same set of circumstances. Witnesses called to testify by either party will be sworn or asked to affirm the truth of their statements by the Secretary of the Meridian Civil Service Commission or the court reporter in attendance.

G. Examination of Witnesses

Witnesses of either party may testify on direct examination, cross-examination, and re-direct examination only. Commission members may ask such questions to clarify issues or aid in the performance of their duties. The time consumed in the questioning by the Commission shall not be counted against either party.

H. Motions

All motions made prior to the hearing shall be in writing and shall be served on the secretary and opposing party. Motions during the hearing may be in writing or made orally on the record. Rulings by the Attorney for the Commission may be in writing or may be stated orally on the record. The Attorney for the Commission may reserve rulings, depending on the nature of the motion, until such time as a final decision is to be made.

I. Objections

It is considered good practice, and the Commission recommends, that objections during the hearing be kept to an absolute minimum. Objections should be made where evidence or testimony is clearly improper, irrelevant, or objectionable per se. Counsel for the parties should be mindful that technical objections which serve no useful purpose should not be made. Counsel of each party must determine, in each situation, whether the objections shall serve a useful purpose, or merely consume time.

J. Exhibits and Other Documentary Evidence

Documents, records, and other written material, if relevant to the issues, may be introduced as exhibits. Exhibits should be prepared in advance at the expense of the offering party, and counsel for each party should have available at the hearing sufficient copies to serve upon the Commission through its Administrator and opposing counsel. The Court Reporter or the Secretary of the Civil Service Commission shall receive, mark, and maintain custody of all exhibits admitted into evidence.

K. Closing Arguments

Upon completion of the hearing and the presentation of the evidence by all parties involved, the Chair may request upon his/her own, or upon request from either party or his/her counsel, that a brief Closing Statement be made to summarize the issues and the position of the party. Closing arguments shall be limited to not more than ten minutes each.

L. Decision of the Meridian Civil Service Commission.

1. Upon completion of the hearing, and after due consideration of the record as a whole, the Meridian Civil Service Commission shall issue its decision affirming, modifying, or reversing the action taken by the Appointing Authority, and granting such other relief as authorized by the Civil Service Code or the Act. All deliberations regarding the hearing may be conducted in executive session.

2. The Commission may determine that a written statement from each party on the issues presented at the Appeal may be of benefit to the Meridian Civil Service Commission in its consideration of the case. The Commission may request, or grant to the parties the opportunity to present, a brief written summary and argument of the issues presented during the Appeal.

III. STANDARDS FOR REVIEW BY THE COMMISSION AT A FORMAL HEARING.

- A. In the hearing of a member's Appeal from any action taken by any Department, it is neither the function nor the role of the Meridian Civil Service Commission to substitute its judgment for that of the Department in the day-to-day administration and discipline of the work force.
- B. Based upon the evidence and testimony presented during the hearing, the Meridian Civil Service Commission shall be guided and constrained by the following considerations:
 1. Did the Administration's Representative have before him/her competent, substantial evidence or proof of guilt or violation or sub-standard performance? Conversely, did he/she give sufficient consideration to factors inherent in a fair decision, which required the taking of disciplinary action? Among the factors which would so indicate are the following:
 - a. Was the member informed, warned, or notified as to the rules, regulations, and policies, or as to the consequences of his/her conduct, whether orally or in writing?
 - b. Are the relevant rules, regulations, policies, or standards of conduct reasonably related to the sound, safe, efficient, and/or economic operation of the Department or necessary for public safety and welfare?
 - c. Has the discipline under the Department's administration of rules and standards of performance been applied in a consistent and evenhanded manner for similar or comparable violation or misconduct?
- C. Based upon the considerations in Section III B. above, the Civil Service Commission shall affirm, reverse, or modify the disciplinary action taken by the Department against the member as specified in the Civil Service Code.

APPENDIX Q-1

NOTICE OF APPEAL
MERIDIAN CIVIL SERVICE COMMISSION

Instructions:

The purpose of this form is to help you provide information to the Civil Service Commission when you file an Appeal. You are not required to use this form, nor are you limited to answering the questions on the form if there is other information you wish to provide. If you do not use this form, your Notice of Appeal must comply with the Commission's Appeal procedure set forth in its Rules and Regulations.

Filing: An Appeal must be filed with the Civil Service Commission within ten (10) calendar days after Notice of Final Disciplinary Action is received. Filing must be made to the Commission secretary or by personal service on the Commission Chairman or the Commission secretary.

APPELLANT

1. Name _____
2. Present Address _____
3. Home Telephone _____ Work Telephone _____
4. Cellular Telephone _____
5. This Appeal is from: _____ Department
6. Appellant's Position (Rank and Assignment) at the time of action.

7. Appellant's length of service with the Department _____
8. Type of appointment (check one) _____ Temporary
_____ Probationary
_____ Permanent

APPEALED ACTION

9. Briefly describe the Department action you wish to Appeal and attach copies of any relevant documents.

16. Witnesses

You are permitted to call witnesses at the Appeal hearing. If you intend to do so, provide each name and a brief statement of his relationship to the case.

<u>A.</u>	<u>Name</u>	<u>B.</u>	<u>Relationship to the Case</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____

16. I hereby certify that all the statements made in this Appeal are true, complete and correct to the best of my knowledge.

SIGNATURE

DATE

APPENDIX R

GENERAL APPEARANCE NOTICE
MERIDIAN CIVIL SERVICE COMMISSION

Instruction: The purpose of this form is to help you provide information to the Civil Service Commission when you appear before it. You are not required to use this form nor are you limited to answering the questions on the form if there is other information you wish to provide. If you do not use the form, your notice must state with specificity the non-disciplinary matter you wish to bring before the Commission. The Commission will review the matter in its discretion.

Filing: A General Appearance Notice must be filed before the deadline with the Civil Service secretary. Deadlines for different types of Notices are as follows:

Review of the actual administration	within 5 days of the date when results are announced, not counting Saturdays, Sundays, and legal holidays (Rule 5.06)
Review of results of examinations	within 10 days after the date when the applicant was given notice of the rating (Rule 5.10)
All other non-disciplinary matters	Within 10 days of the date when the matter occurred, or within 10 days of the date when the member became aware of the matter.

NOTICE: It is your responsibility to determine which deadlines apply to your case and what is the proper date to file your Notice. Commission staff try to provide helpful guidance, but the Commission will not decide whether your appeal is timely based on any information you receive from Commission other than that stated above.

Appearance

1. Name _____
2. Present Address _____
3. Home Telephone _____ Work Telephone _____
4. Cellular Telephone _____
5. This matter concerns: _____ Department

6. Current Position (Rank and Assignment):

MATTER(S) FOR REVIEW BY THE COMMISSION

7. Briefly describe the reasons for your appearance and attach copies of any relevant documents. Be specific. Cite the rule, procedure, or departmental action, if applicable, that you wish the Commission to review.

8. What action or position would you like the Commission to take on this matter?

9. Have you or anyone on your behalf filed a form grievance or complaint with the City Department in which you work or any other agency on this matter?

_____ Yes _____ No

If yes,

Date Filed

Agency Name

Agency Address

10. Are you speaking for yourself and/or others on this matter?

11. If you wish others to appear and speak in regard to this matter before the Commission, list their names and relationships to the matter.

12. I hereby certify that all statements made by me in this notice are true, correct, and complete to the best of my knowledge.

SIGNATURE

DATE

NOTES:

I hereby acknowledge the receipt of the City of Meridian Civil Service Code of Rules and Regulations.

Employee Signature

Date

Print Name

Witness