



# **BEATRICE**

**CITY • BOARD OF PUBLIC WORKS**

**Rules and Regulations**  
of the  
**Civil Service Commission**  
of the  
**City of Beatrice, Nebraska**



## **ARTICLE I – GENERAL**

### **Section A – Civil Service Act**

The City of Beatrice, Nebraska, having a population of more than five thousand (5,000) and having full-time police officers or full-time firefighters shall adhere to the Civil Service Act set forth in Nebraska Revised Statute Sections 19-1825 to 19-1848 as amended.

### **Section B – Civil Service Commission**

The Civil Service Commission, hereinafter referred to as the Commission, shall be composed of three (3) members, to be appointed by the Mayor and City Council for overlapping six-year terms. The Commission shall elect a chairperson annually.

### **Section C – Secretary and Chief Examiner**

The positions of Secretary and Chief Examiner shall be merged into one (1) position. The City's City Clerk or his/her designee shall be appointed as the Secretary and Chief Examiner for the Civil Service Commission.

### **Section D – Rules and Regulations of the Commission**

The Commission shall adopt such rules and regulations as it deems necessary to provide for the enactment of the provisions of the Civil Service Act of the State of Nebraska. These rules and regulations may be amended by the Commission as it sees the need. Copies of these rules and regulations shall be printed and made available to the public. One copy of the rules and regulations and any amendments shall be given to each full-time firefighter and full-time police officer.

### **Section D - Classified Service**

The classified service shall be composed of all full-time firefighters and full-time police officers, including the chiefs of the Fire and Police Departments of the City of Beatrice, Nebraska.

### **Section E - Equal Opportunity**

The employment policy and practices of the Civil Service Commission of the City of Beatrice, Nebraska, are to recruit and hire qualified employees without discrimination because of race, creed, color, age, sex, religion, or national origin, and to treat them equally with respect to compensation and opportunities for advancement, including upgrading, promotion and transfer. The Commission emphasizes its policy in this regard to ensure compliance with the Nebraska Fair Employment Practices Act, the Equal Employment Opportunity Act, and other laws and regulations which pertain or may pertain to equal employment opportunity.

### **Section F – Governing Laws**

All hearings, investigations, and examinations shall be governed by the Civil Service Act of the State of Nebraska, the provisions of the Beatrice City Code, and the rules and regulations of the Commission. The conduct of all hearings and investigations of the Commission shall not be bound by the technical rules of evidence.

### **Section G – Definitions**

Appointing Authority – The City Administrator has been designated as the appointing authority in the Civil Service Act for all items except for the appointment of members of the Civil Service Commission.

## ARTICLE II – QUALIFICATIONS

### **Section A – Requirements**

An applicant for a position of any kind under civil service must satisfy the requirements set forth in the Civil Service Act of the State of Nebraska.

### **Section B – Job Qualifications**

An applicant shall meet the minimum job qualifications of the position as established in the job description.

## ARTICLE III – EXAMINATIONS

### **Section A - Application for Examinations**

1. All applications for employment in the classified service shall be made on standard application forms to be furnished by the City. An applicant may be required, by the Commission, to furnish additional information to support his/her application. An applicant shall be required to disclose his/her past employment history and his/her criminal record, if any.
2. Any individual who expects to receive Veteran's preference credit on the examination must furnish a copy of his/her honorable discharge papers with the application or prior to taking the examination. If this is not done, the Veteran's preference credits will not be allowed.
3. The Commission may refuse to examine an applicant, or after examination, refuse to certify as eligible, an applicant who:
  - a. does not meet the minimum job qualifications for the position for which he/she has applied as set forth in the job description,
  - b. after having received a conditional offer of employment,
    - i. has not successfully completed a physical examination when required; or
    - ii. has not successfully completed a physical examination by a city-selected physician; or
    - iii. has not successfully completed a psychological examination.
  - c. has been convicted of a felony, or, for the police officer classification has been convicted of a domestic violence offense,
  - d. is addicted to the habitual use of intoxicating beverages or drugs,
  - e. has been dismissed from a public service for cause,
  - f. has any part-time employment or activity which would tend to interfere with his/her duties as an employee of the City,
  - g. has intentionally made a false statement in any material fact, or practiced or attempted to practice any deception or fraud in making application or in the examination or in the securing of his or her eligibility or appointment, or
  - h. for any good and sufficient reason, which in the judgement of the Commission makes the applicant unsuitable or unfit to be a public employee.

### **Section B – Examination Components**

The Commission shall establish the components that will be included in the examinations of each civil service position and the corresponding value assigned to each component.

### **Section C - Notice of Examination**

Not less than ten (10) calendar days prior to the date of entry level examination, the Secretary shall insert an official notice of examination in a legal newspaper. Notice of the examination shall also be placed on City Hall bulletin boards, and any other place designated by the Commission.

### **Section D - Notification of Applicants**

Each applicant who, according to his/her application, qualifies for the examination, will be so notified and will be given authorization to report for the examination.

### **Section E - Tests**

All tests shall be practical and consist only of subjects which will fairly determine the capacity of persons who are to be examined to perform the duties of the position to which an appointment is made, and may include tests of physical fitness, medical fitness, manual skills, and psychological testing. The Commission shall determine the content of each individual examination. The time and date of examinations shall be established by the appointing authority.

### **Section F- Veteran's Preference**

Any applicant for an entrance examination who, in time of war or in any expedition of the armed forces of the United States, has served in **and** been discharged from the armed forces with a characterization of honorable or general (under honorable conditions), shall be given a credit on his/her score equal to ten percent (10%) of the total points possible. This credit shall only apply to entry level positions as defined by the appointing authority.

### **Section G - Examination Papers**

The written examination and other examinations shall be graded on a scale as may be determined by the Commission from time to time after the completion of each such examination. Completed examination papers are not public documents. An individual applicant may, at the discretion of the Chief Examiner, be given an opportunity to review his/her own answer sheet and the calculations performed to determine his/her final score. Candidates who have completed promotion testing must submit a written request for review of the examination to the Civil Service Secretary, Personnel Department of City Hall within ten (10) calendar days of the date results were mailed. The review must take place one-on-one with an individual authorized by the appointing authority to supervise such review. Candidates may not be told what the correct answer is.

### **Section H – Oral Examination**

The top 10 applications scoring on the written examination shall be invited to participate in an oral examination with the Commission, the Department Head, and the Secretary/Chief Examiner.

### **Section I - Re-Examination**

When, upon completion of an examination, the Commission decides the applicant has failed, the applicant shall not be permitted to retake an examination for the same position for a period of six (6) months from the date of the examination which he or she failed; provided, that when there is no one certified for the position and the Commission deems it in the best interest of the City, applicants may retake an examination after ninety (90) calendar days.

### **Section J - Eligibility Lists**

1. **Established.** An eligibility list shall be established after each examination, showing the names of all successful applicants in the rank order of their general average score. This score can be a composite of written examination score and any other physical fitness, manual skills, and/or oral interview
2. **Removal of Names from List.** Names of individuals may be removed for any of the following reasons:
  - a. failure to report for the oral examination or interview,
  - b. declining an appointment without satisfactory reason,
  - c. inability to locate,
  - d. applicant becomes incapable of performing the duties of the position,
  - e. conviction of a felony, or, for the police officer classification has been convicted for a domestic violence offense, or
  - f. the discovery of any cause which would make the applicant undesirable for public appointment.
3. **Expiration of Eligibility List.** An eligibility list shall expire twelve (12) months from the date it was established, or upon exhaustion of all names on the list, unless a different period of time is established by the appointing authority.

### **Section K - Notification of Examination Results**

Persons examined will be notified by mail of the Commission's decision not more than thirty (30) calendar days after the examination is held.

### **Section L - Obstructing Examination by Defeat or Deceit**

No Commissioner or any other person shall, by himself/herself, or in cooperation with one or more persons:

1. defeat, deceive, or obstruct any person in respect to the right of examination or registration, according to these rules and regulations;
2. falsely mark, grade, estimate or report upon the examination and standing of any person examined or certified according to these rules and regulations, or aid in so doing;
3. make any false representation concerning the same or concerning the persons examined;
4. furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified; or
5. persuade any other person or permit or aid in any manner any other person to personate him or her in connection with any examination, application, or request to be so examined.

## **ARTICLE IV – APPOINTMENTS**

### **Section A - Requisitions**

Whenever a position subject to the Civil Service Act becomes vacant, the appointing authority shall make a request to the Commission for the names and addresses of the persons eligible for appointment and may decline to fill such vacancy for an indefinite period.

### **Section B - Certification**

Upon the request of the appointing authority, the Commission shall certify the names of the persons who are the three (3) highest on the eligibility list following the most recent examination, and whose qualifications have been validated by the Commission for the vacant position. If fewer than three (3) names are on the eligibility list, the Commission shall certify those that do appear. If the Commission certifies fewer than three (3) names for each vacancy to the appointing authority, the appointing authority may appoint one of such

persons to fill the vacancy, may decline to fill the vacancy, or may order that another examination be held by the Commission.

In the event that one or more of the persons certified by the Commission is for any reason disqualified from service before the appointing authority makes the appointment, the appointing authority may request that the Commission certify the name(s) next highest on the eligibility list.

### **Section C - Temporary Appointment**

If a vacancy occurs and there is no eligibility list for the position, or if the Commission has not certified persons from the eligibility list, a temporary appointment may be made by the appointing authority. Such temporary appointment shall not continue for a period longer than four months. No person shall receive more than one temporary appointment or serve more than four (4) months as a temporary appointee in any one (1) fiscal year.

### **Section D - Appointment Probation**

1. Any person so notified of his certification who fails to respond within ten (10) calendar days of the date of the notice shall forfeit eligibility to the position and his/her name shall be stricken from the eligibility list.
2. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the service shall be deemed complete until after the expiration of a period of six months' probationary service for firefighters and one (1) year after certification by the Nebraska Law Enforcement Training Center for police officers, during which time the appointing authority may terminate the employment of the person appointed by it if, during the performance test thus afforded and upon observation or consideration of the performance of duty, the appointing authority deems such person unfit or unsatisfactory for service in the department. The appointing authority may appoint one (1) of the other persons certified by the Commission and such person shall likewise enter upon such duties until some person is found who is fit for appointment.
3. Employees discharged during the probationary period do not have the right to appeal or to a hearing on such discharge.
4. If an employee fails to perform the duties of the position in a proper manner when he or she is in a promotion probation status, the appointing authority shall return the employee to the position he or she formerly held. Any other employee promoted to fill vacancies as a result of such probationary appointment shall be returned to their former position. This demotion shall be recorded as being without prejudice.

### **Section E - Appointment**

If the appointing authority fills a vacancy in a position subject to the Civil Service Act, the appointing authority shall consider factors including, but not limited to:

1. The multiple job skills recently or currently being performed by the applicant which are necessary for the position;
2. The knowledge, skills, and abilities of the applicant which are necessary for the position;
3. The performance appraisal of any applicant who is already employed in the Department, including any recent or pending disciplinary actions involving the employee;
4. The employment policies and staffing needs of the Department together with contracts, ordinances, and statutes related thereto;
5. Required federal, state, or local certifications or licenses necessary for the position; and
6. The qualifications of the applicants who are already employed in the department and have successfully completed all parts of the examination for the position.

## ARTICLE V – DISCHARGES

### **Section A - Employees Not To Be Removed After Permanent Appointment Except For Cause**

No person in the civil service who shall have been permanently appointed or inducted into civil service under the Civil Service Act shall be removed, suspended, demoted, or discharged except for cause and then only upon the written accusation of the police or fire chief, appointing authority, or any citizen or taxpayer.

### **Section B - Reasons for Removal, Suspension, etc.**

The tenure of a person holding a position of employment under the Civil Service Act shall be only during good behavior. Any such person may be removed or discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation, or other privileges, except pension benefits, for any of the reasons set forth in the Civil Service Act.

### **Section C - Accusation**

The City Council shall establish by ordinance procedures for acting upon such written accusations and the manner by which suspensions, demotions, removals, discharges, or other disciplinary actions may be imposed by the appointing authority.

## ARTICLE VI – MEETINGS

### **Section A - Notice of Meetings**

The Secretary shall cause notice of each meeting of the Commission to be published in a legal newspaper one (1) time prior to the day on which the meeting is to be held; provided, if, because of the exigency of the situation, time is not sufficient then posting on the City Hall bulletin board and announcement on a local radio station shall be sufficient notice.

### **Section B - Notice to Commissioners**

Simultaneously with publication, the Secretary shall give notice to each member by United States mail, phone, email, and/or any other method most likely to reach such member.

### **Section C - Type of Meeting**

The notice shall state whether the meeting is a regular or special meeting, and the date, hour, and place of the meeting. If the meeting is a regular meeting, the notice also shall state that an agenda of the meeting kept continually current is available for public inspection at the office of the secretary, but that a majority of the appointed members of the Commission may modify the agenda at the meeting. If the meeting is a special meeting, the notice shall state, instead, the purpose of the meeting, and that other business may be transacted at the meeting if all of the members of the Commission are present, and consent thereto.

### **Section D - Record of Notices**

There shall be filed in the office of the Secretary, a copy of each notice that has been published along with a statement signed by each Commission member acknowledging receipt of this notice.

### **Section E - Agenda of Meeting**

An agenda of a forthcoming meeting of the Commission kept continually current by the Secretary shall be available for public inspection at the office of the Secretary from the time when notice of the meeting is published; provided, a majority of the members of the Commission may modify the agenda of any meeting.

**Section F - Additions to Agenda**

Subsequent to the meeting, there shall be filed in the office of the Secretary attached to the original agenda and, as the case may be, any additions thereto or other changes therein which were made prior to the meeting, a certificate of the Secretary identifying the original agenda and any additions thereto or other changes therein which were made prior to the meeting, and stating that the agenda as thus changed was kept continually current and available for public inspection in the office of the Secretary.