

BYLAWS

Civil Service Commission

Article I: Purpose and Scope

A. Purpose

The purpose of these Rules and Regulations of the Civil Service Commission (“Rules and Regulations”) is to describe the membership, responsibilities, and authority of the Civil Service Commission (the “Commission”), pursuant to Minnesota State Statutes 419.01–.18, and to ensure a fair and equitable system of human resources management for the City of Golden Valley Police Department (the “Department”), which includes:

- providing fair treatment of all applicants and employees without regard to age, ancestry, color, creed, disability, familial status, gender, pregnancy, genetic information, sex, marital status, national origin, race, religion, sexual orientation (including sexual identity), status with regard to public assistance, and veteran’s status, or other protected class or any non-merit factor
- providing objective, non-biased evaluation and classification of jobs
- retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected

B. Scope

These Rules and Regulations shall apply to all employees and officers of the Department. Where overlap or conflict exists between these Rules and Regulations and any labor agreement between the City of Golden Valley (the “City”) and an exclusive representative within the meaning of Minn. Stat. § 179.71, subd. 3, the terms of the applicable labor agreement shall supersede these Rules and Regulations. Except as otherwise provided herein or required by law, the Commission delegates to the City Manager control and supervision over the employment, promotion, discharge, and suspension of all employees other than sworn Police Officers.

Article II: Membership, Appointments, Terms, Officers, Meetings, and Attendance

A. Membership

The Commission shall consist of three members (the “Commissioners”) who are citizens of Minnesota and residents of the City of Golden Valley, and who shall be appointed by the Golden Valley City Council (the “Council”). No Commissioner shall, at the time of appointment or while serving, hold any elected office under the City, the United States, the state of Minnesota, or any public corporation or political division thereof, or employment under the City, or employment under a police department of any city, other than as a member of a civil service commission for firefighters or other municipal personnel.

B. Appointments

The Council shall appoint members to the Commission effective May 1 of each year. Each Commissioner, before entering duties, shall subscribe and file with the City Clerk an oath for the faithful discharge of duties.

C. Terms

Members will serve three-year staggered terms. If a vacancy occurs before the end of the term, interim appointments may be made by the Council.

D. Officers

The Commission shall elect officers at its first meeting in February each year. Officers elected in the February meeting shall assume their position effective May 1 of that year. Each Commissioner shall serve as president of the Commission during the last year of the Commissioner's term. Officer positions shall be held for a maximum of one year and shall rotate. If a Commissioner wishes to vacate her or his position, she or he shall serve in the elected position until a successor is appointed.

E. Meetings & Attendance

The Commission shall meet the first Monday in February each year. The Commission may hold additional meetings throughout the year. A quorum consisting of a simple majority of the Commissioners is necessary to transact the business of the Commission.

Members are expected to attend all meetings, including the annual board and commission joint meeting. If a member is unable to attend a meeting, they should contact the staff liaison, who will inform the chair. If a quorum cannot be attained, the meeting will be canceled. Staff liaisons will track attendance at each meeting. Each April, the City Manager's office will review attendance records for the preceding calendar year (April-March) and send a standardized letter of warning to any member that has missed more than fifty percent (50%) of the preceding year's meeting.

Minutes of all meetings shall be kept and stored in the Commission Records, as defined in Article III, paragraph A below.

Article III: Rules

The Commission authorizes the City Manager to administer the policies and procedures necessary to carry out these Rules and Regulations.

A. Records

The Commission delegates to the City Manager the responsibility of keeping the Civil Service Records (the "Commission Records"). The Commission Records shall include:

- the most current version of these Rules and Regulations
- meeting minutes and agendas for all Commission meetings
- all current Service and Eligible Registers
- the most current application form approved by the Commission
- an organizational chart of the Department
- a summary description of each classification required under Article III, paragraph B below
- a summary description of the most current testing procedures approved by the Commission
- a summary description of the most current promotion procedures approved by the Commission

Records of classification studies, actions, and job descriptions (describing typical duties, responsibilities, and minimum qualifications) as well as the Application Register will be separately maintained by the Human Resources department. Such records shall be made available to the Commission upon request.

The Commission Records shall contain only public data as defined by Minnesota Statutes section 13.03, subdivision 1, and shall not contain any confidential data on individuals, data on individuals, not public data or nonpublic data (collectively, “Private Data”) as those terms are defined by Minnesota Statutes section 13.02, subdivisions 3, 5, 8a and 9, respectively. Any documents containing Private Data shall be redacted before being placed in the Commission Records.

B. Classification of Jobs

The Commission delegates to the City Manager the responsibility of administering a fair and objective job classification system, including the responsibility to grade and classify all employees and officers of the Department. Job classes shall group positions that have identical or similar primary duties, and jobs shall be classified based on job-related contributions and value to the City’s function. Such classifications and amendments or additions thereto shall be reviewed and approved by the Commission.

C. Creation of Registers

The Commission delegates to the City Manager the responsibility of preparing and maintaining:

- i. a service register (“Service Register”) containing the classes, names, ages, compensation, period of past employment, any available demographic data, and such other facts and data with reference to each employee as the Commission may deem useful.
- ii. an application register (“Application Register”) containing the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. The Commission shall authorize the creation of an Application Register upon request of the City Manager or the Chief of Police. No name shall remain on the Application Register for more than two years. When an applicant is found eligible for service, her or his name shall be removed from the Application Register and transferred to the Eligible Register.
- iii. an eligible register (“Eligible Register”) containing the names, addresses and test scores (expressed as a percentage) of all applicants found eligible for new appointment pending successful completion of background and psychological examinations. An Eligible Register will be maintained from the date approved by the Commission until a recommendation from staff to de-certify the register is approved by the Commission. After the initial creation of an Eligible Register, no names may be added to the register, except that internal Community Service Officers who meet the minimum requirements may be added to an existing Eligible Register at any time.

D. Selection of Candidates for New Appointments

When a vacancy exists, the City Manager or the Chief of Police will request that the Commission establish a list of eligible candidates. If there is an existing Eligible Register from which the City Manager wishes to fill the vacancy, the City Manager will request certification of the appropriate number of candidates from that register. Alternatively, the City Manager may request that the Commission approve de-certification of any existing Eligible Register and authorize the initiation of a new application process to create a new Eligible Register.

The Commission shall certify to the City Manager the names of the three highest standing applicants on the applicable list. The City Manager may select a candidate certified by the Commission, or may reject any or all candidates certified by the Commission as provided in Section F below. Alternatively, the City Manager may choose not to fill the position and reject all three candidates. Prior to making a selection, the City Manager may obtain any additional job-relevant information deemed necessary to complete the appointment, including recommendations from the Chief of Police. The Commission will be notified of the

candidates selected for appointment and will receive copies of all police officer appointment letters.

E. Applications

Applications must be filed, in a format prescribed by the City Manager and approved by the Commission, before the closing date set in the announcement. The Commission may require the applicant to furnish such additional information as it deems necessary regarding the applicant's health, character, and qualifications. Application forms will meet the requirements of relevant federal and state law(s) or regulation(s). Applications will be retained by the Human Resources Department. All applications must be retained until the applicant's name no longer appears on the Application Register or the Eligible Register and in compliance with the State of Minnesota Records Retention Schedule for Minnesota governmental entities.

F. Rejection of Applications

The City Manager may exercise reasonable discretion to reject an application for any of the following reasons:

- failure to meet the minimum requirements for the position as set forth in the approved job description
- past record of crime, disgraceful conduct, or conduct unbecoming of a police officer
- disqualifying background information
- giving false information, engaging in fraudulent conduct or attempted deception, or conspiring with others to do the same
- former dismissal from public or private service because of delinquency or misconduct
- DWI, Implied Consent, or BAC over .08 on driving record in the last two years
- misdemeanor conviction (including traffic convictions, DAR and DAS) in the last three years
- dismissal from a police agency or negotiated resignation in lieu of termination
- an undesirable discharge from the military or an honorable discharge which indicates the applicant is not eligible for reenlistment
- More than two "at fault" motor vehicle accidents in the last two years
- documented instances of misconduct by prior employers
- documented instances of undesirable work habits
- documented pattern of unfitness or misconduct
- documented history of behavior that indicates that the applicant will not succeed as a Golden Valley police officer
- insufficient references or unsatisfactory references
- unsatisfactory personal qualifications
- conduct that is not consistent with current City employment policies

The City Manager shall reject an application for any of the following reasons:

- felony conviction (including pardons)
- felony and gross misdemeanor drug conviction
- criminal sexual misconduct conviction
- gross misdemeanor conviction in the last five years
- conviction of assaulting or eluding a police officer
- evidence that the applicant has misrepresented or falsified any material information to the department
- failure to meet any of the other minimum requirements for POST certification under Minnesota Administrative Rule 6700.0700

Upon rejection of any application, the applicant's name shall be removed from the Application Register.

G. Examinations

The City Manager shall prescribe and administer tests to determine the relative fitness and ability of applicants for new appointment and for promotion within the Department to perform the duties of the positions to which they seek appointment. Examinations shall consist of a written examination, physical examination, and at least one oral interview. Examinations shall be held in successive rounds, and only applicants who achieve a passing score on each test shall be eligible for placement on the Eligible Register. Examinations may be administered orally, in writing, or in any other form that allows applicants to demonstrate the relevant skills, and the form of each examination and scoring criteria are subject to Commission approval.

With respect to applications for new appointment, the Commission delegates to the City Manager the responsibility of providing notice of the date, hour, place, and scope of each examination. At a minimum, such notice shall be published in a newspaper of general circulation in the City and posted for 10 days in City Hall and at each station house. The notice shall provide that other examinations may be administered from time to time throughout the life of the Eligible Register to applicants meeting the minimum requirements.

H. Eligible Register

i. Placement of New Candidates on the Eligible Register

All candidates who pass the examinations to the satisfaction of the City Manager or the Chief of Police shall be placed on the Eligible Register and ranked according to the total weighted scores, the candidate with the highest qualifying score being first and the candidate with the lowest qualifying score being last. In the event that two or more candidates are ranked in such a manner as to create a tie, the contest shall be decided by the toss of a coin by the Chair. The candidate with the surname closest to the beginning of the alphabet shall be assigned the "heads" result and the other candidate the "tails" result. In the event that more than two candidates are subject to this section, the contest shall be conducted in the same manner with the first two contestants selected based on alphabetical ranking, the victor of which shall then compete with the remaining candidate.

Veterans shall have added points during the examination process, if they so elect, in accordance with applicable Minnesota law. Placement on the Eligible Register is not a guarantee of being hired

as a Golden Valley Police Officer.

ii. Expiration or Termination of Eligibility

The eligibility of a candidate for appointment shall continue for a period of no more than two years.

An applicant may be removed from the Eligible Register before the expiration of two years for any of the following reasons:

- the candidate submits a written request to be removed from the Eligible Register
- the candidate fails to meet or continue to meet any established requirements for the position, including but not limited to failure to meet licensing, registration, or medical qualifications
- the Eligible Register is decertified
- any other reason that would disqualify a candidate for appointment to the classification

I. Promotions

The Commission delegates to the City Manager the responsibility of establishing and administering the promotion process, subject to the approval of the Commission. To be eligible for a promotion, a candidate must file a written application, fulfill the minimum job requirements, pass the applicable examinations, and fulfill the minimum experience and education requirements. The Commission delegates to the City Manager the responsibility of reviewing candidate applications as well as each candidates' records of efficiency, character, conduct and seniority to determine if the applicant meets the foregoing requirements and is eligible for promotion. Examinations for promotion shall be open to anyone meeting the minimum requirements, based on written recommendation of the Chief. No prejudice will be held against an officer not seeking a promotion.

J. Probationary Period

Both new appointments and promotions shall be followed by a probationary period of 12 months. The probationary period for a newly appointed officer shall begin after satisfactory completion of the basic peace officer training course. An employee or officer may be discharged at any time during the probationary period, with or without cause, by the City Manager. A candidate for promotion who is rejected during the probationary period shall return to his or her former position.

K. Temporary Assignments

In case of emergency, the Commission may be requested to certify names for appointment to a temporary position. In such cases, the Commission shall certify the names of the three individuals standing highest on the Eligible Register who are willing to accept such temporary appointment. If no one on the Eligible Register is willing to accept such temporary employment, the Commission may certify the name of any other qualified person. No temporary employment shall continue for a period of longer than 30 days, nor shall successive temporary employment be permitted for the same position.

L. Suspension/Leave of Absence

For disciplinary purposes, or pending investigation of actions or conduct which may result in a cause for discharge, demotion or reduction, in accordance with the City and department policies and any applicable labor contract, the City Manager shall have the power to suspend or mandate a leave of absence for, with or without pay, any employee or officer for a period of up to 60 days. Any such action shall be subject to

all applicable labor contracts. The suspended employee shall have 10 days to appeal the suspension to the Commission. In lieu of an appeal to the Commission, the employee may appeal the suspension by such other process to which she or he is otherwise entitled.

M. Discharge

No employee or officer, after satisfactory completion of a probationary period, shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in their own defense, as provided by Minnesota law. Charges against an officer may be presented by the City Manager or a superior officer, and shall be filed with the Secretary of the Commission. The Commission shall hear the charges as soon as feasible and the officer shall be afforded 10 days written notice of the hearing. In lieu of a hearing before the Commission, the employee may pursue any other process to which she or he is otherwise entitled. Nothing in this section shall limit the power of any officer to suspend a subordinate for a reasonable period of time not exceeding 60 days for the purpose of discipline, or pending investigation of charges.

N. Lay-Off and Reinstatement

Whenever it becomes necessary, for lack of funds or any other causes, to reduce the force, the City Manager shall notify the Commission in writing, at least two weeks in advance, giving the number of positions to be vacated and reasons therefore. Temporary and probationary appointees shall be laid off first, in the order named. Permanent employees shall be laid off on the basis of seniority, as defined in the labor contract.

Any employee or officer who has been laid off in accordance with these rules shall be eligible for reinstatement to positions of the same class and grade as the position from which lay-off commences. Such persons shall be reinstated in the reverse order of lay-off. When vacancies occur, appointment shall be made from the pool of laid off employees or officers before new applicants are considered, and in accordance with the labor contract.

Article IV: Amendments and Revisions

The Commission will review these Rules and Regulations annually at a meeting with a majority of the Commissioners present, and Commissioners will present recommendations for changes and amendments. These Rules and Regulations can be altered or amended at any regular Commission meeting.