

ARTICLE 12
CIVIL SERVICE

Section

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2-1201 Code, how cited.

The provisions of this Article shall be known and may be cited as the Civil Service Code.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1202 Definitions.

For purposes of the Civil Service Code, unless the context otherwise requires, the definitions found in the Civil Service Act and those listed below shall apply:

- (1) “Appointing Authority” means the City Administrator of the City of Crete, Nebraska.
- (2) “Civil Service Act” means sections 19-1825 to 19-1848 of the Nebraska Revised Statutes and any updates and amendments thereto.
- (3) “Commission” means the Civil Service Commission of the City of Crete, Nebraska.
- (4) “Examinations” means all open competitive examinations and tests that are practical and consist only of subjects which will fairly and impartially determine the capacity of persons who are to be examined to perform the duties of a specific civil service position and may include, but not be limited to, tests of basic knowledge, physical fitness, manual skill, and psychological testing.
- (5) “Position” means an individual job which is designated by an official title and corresponding job description indicating the nature of work to be performed.
- (6) “Promotion” or “demotion” means changing from one position to another, accompanied by a corresponding change in rate of pay.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1203 Civil Service Commission, creation.

There shall be and there is hereby created, in and for the City of Crete, Nebraska, a Civil Service Commission, which shall exercise all of the power and authority granted to and perform all of the duties required by a civil service commission under the Civil Service Act and this Article.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1204 Commission; appointment of members; removal.

- (1) The Civil Service Commission shall consist of five (5) members who shall be appointed by the Mayor with the approval of the City Council. No person shall be appointed a member of the Commission who is not a citizen of the United States, a resident of the City of Crete for at least three years immediately preceding such appointment, and a registered elector of Saline County, Nebraska. At the time of appointment, no more than three members, including the one or ones to be appointed, shall be registered electors of the same political party.
- (2) Any member of the Commission may be removed from office by the Mayor for incompetency, dereliction of duty, malfeasance in office, or other good cause. No member of the Commission shall be removed until written charges have been made and provided to the Commission, due notice has been given to such member, and a full hearing has been held before the Mayor and the City Council. Any member so removed shall have the right to appeal the decision to the District Court of Saline County, which shall hear and determine such appeal as provided for in the Civil Service Act.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1205 Commission; chairperson; secretary and chief examiner.

- (1) Each December, the Commission shall meet and elect one of its members chairperson to serve for the following year. If the chairperson resigns or is removed from office, a successor shall be elected as the first item of business at the next meeting of the Commission.
- (2) The Commission shall appoint the Director of Human Resources, Human Resources Coordinator, or other agent of the Department of Human Resources as its secretary and chief examiner. The secretary and chief examiner shall keep all records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held by the Commission, and perform such other duties as the Commission may prescribe in its rules and regulations.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1206 Civil service employees; qualifications; vacancies; hiring process.

- (1) The Appointing Authority shall establish the minimum job qualifications, minimum qualifying standards for examinations, essential job functions, and job descriptions of each position subject to the Civil Service Act.
- (2) Whenever a position subject to the Civil Service Act becomes vacant, the Appointing Authority shall request the Commission provide a certified eligibility list of persons eligible for the position and may decline to fill such vacancy for an indefinite period.
 - (a) Such certified eligibility list (i) shall include the names of all persons who have satisfactorily passed the required examinations for the vacant position and whose qualifications have been verified by the Commission and (ii) shall be ranked in order from highest to lowest based on composite scores calculated from the sum of each person's scores on the required examinations.
 - (b) If the certified eligibility list contains fewer than three different names for each vacant position, the Appointing Authority shall direct the Department of Human Resources to begin an application and hiring process and may hire a temporary employee, pursuant to the Civil Service Act, to temporarily fill any vacant position.
- (3) The Department of Human Resources shall solicit applications for vacant positions and shall invite those applicants who meet the minimum job qualifications to participate in and take the required examinations for such positions.

- (4) The Commission shall determine the examinations required for each position subject to the Civil Service Act and shall proctor, score, and administer all required examinations at such dates and times as determined by the Appointing Authority. The Commission shall adopt and promulgate procedural rules and regulations to govern the manner in which examinations are held.
- (5) The Appointing Authority shall determine and be responsible for all aspects of the hiring and selection process for filling vacant positions, except for the selection and administration of examinations, and shall make all hiring or promotion decisions based solely on merit, efficiency, and fitness as determined by the results of the required examinations and the factors specified in the Civil Service Act.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1207 Civil service employees; written accusations; disciplinary procedures.

- (1) No person who has been permanently placed into civil service under the Civil Service Act and this Article shall be suspended, demoted, removed, or discharged except for cause and then only upon the written accusation of the police or fire chief, the Appointing Authority, or any citizen or taxpayer.
- (2) The written accusation shall set forth the alleged misconduct, charges, or grounds in sufficient detail as to allow the police or fire chief and the Appointing Authority to perform an investigation into its veracity and shall be filed with the Department of Human Resources, which shall cause a copy of the written accusation to be delivered to the police or fire chief and the Appointing Authority.
- (3) If, after an investigation, the police or fire chief and the Appointing Authority determine the written accusation has merit, discipline shall be imposed according to the Personnel Rules and Regulations of the City of Crete.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).

2-1208 Civil service employees; appeal and investigation by Commission; public hearing.

- (1) Any person suspended, demoted, removed, or discharged pursuant to this Article may, within ten days after being notified by the Appointing Authority of such disciplinary action, file a written demand for an appeal and investigation with the Department of Human Resources, which shall cause a copy of the written demand to be delivered to the Commission and the Appointing Authority.
- (2) The Appointing Authority shall provide the Commission and the appellant a certified copy of: the written accusation, any statements or evidence obtained as a result of the investigation performed by the police or fire chief and the Appointing Authority, and the imposed disciplinary action.
- (3) The Commission shall conduct an independent investigation to determine the sole question of whether or not the suspension, demotion, removal, or discharge was made in good faith for cause, which shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.
- (4) After such investigation, the Commission shall, not less than ten days or more than twenty days after the filing of the written demand for an investigation, hold a public hearing in accordance with the Civil Service Act. The Appointing Authority shall appear at the public hearing to present evidence and testimony in support of the imposed disciplinary action.
- (5) At the close of the public hearing or within a reasonable amount of time after the public hearing, the Commission shall make such findings as are provided for in the Civil Service Act and shall issue an order or judgment explaining its findings and directing the Appointing Authority to take appropriate action. Such order or judgment shall be certified in writing to and enforced by the Appointing Authority.

- (6) The Commission shall adopt and promulgate procedural rules and regulations to govern its investigations and public hearing proceedings.

Source: Ord. 1377 (1997); Ord. 1999 (2017); Ord. 2109 (2020).