

Civil Service Rules

CHAPTER I - DEFINITIONS

RULE 1: DEFINITIONS

- A.** “Application” shall mean the form over the applicant's own signature which each applicant for a position in the Civil Service must file with the Department of Human Resources to be considered for the desired position in accordance with the rules of the Department Human Resources.
- B.** “Appointing Officer” shall mean the official or municipal service employee who is clothed with authority to make appointments to and removals from positions in a City organizational unit by reason of the provisions of the Baltimore City Charter, or of a statute or ordinance, or by reason of delegation by the appointing authority.
- C.** “Certification” shall mean the transmittal to an appointing officer a list of qualified persons eligible for appointment to positions in the Civil Service under the rules of the Department of Human Resources.
- D.** “Charter” shall mean the Charter for the City of Baltimore adopted on November 5, 1946, with any amendments thereto which may hereafter become effective.
- E.** “Civil Service” shall mean all offices and positions in the municipal service of the City of Baltimore required by Section 99 of the Charter to be classified under the Civil Service Commission.
- F.** “Classification” or “Class” shall mean a grouping of positions that are similar with reference to duties, responsibilities and qualifications, warranting the same title and salary.
- G.** “Class List” shall mean a list of all position classes within each organization unit in the Civil Service, and the names of incumbents.
- H.** “Commission” or “Civil Service Commission” shall mean the Civil Service Commission of Baltimore.
- I.** “Competitive” shall mean unrestricted with regard to the number or preliminary requirements of persons who may apply for an examination, requiring public advertisement.
- J.** “Department” shall mean the Baltimore City Department of Human Resources.
- K.** “Director” shall mean the Human Resources Director of the Baltimore City Department of Human Resources Human Resources, or his or her designee.
- L.** “Eligible List” shall mean either an employment or a reemployment list.
- M.** “Employment List” shall mean an open list or promotional list.
- N.** “Examinations” shall mean all tests conducted by the Department for determining the suitability of applicants for positions in the Civil Service.
- O.** “Intermittent” shall mean working on an irregular, part-time schedule on an as-needed basis.

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- P.** “Lines of Promotion” shall mean the arrangement of classes in order of ascent from subordinates classes of positions to superior classes in relationship to duties, responsibilities, and qualifications.
- Q.** “Non-Competitive” shall mean not competitive, either by restriction on the number of persons to apply, by special requirements for persons to apply and/or by elimination of the public advertising requirements.
- R.** “Notification” shall mean notice, or announcement delivered by first class mail or electronic means.
- S.** “Official Roster” shall mean the roster of employees in the Civil Service kept in the office of the Commission, in compliance with the provisions of Section 101 of the Charter.
- T.** “Open Examination” shall mean any examination which is open to the public.
- U.** “Open List” shall mean an employment list resulting from an Open Examination.
- V.** “Organization Unit” shall mean any City department or part of a department, declared by regulations duly adopted by the Commission, to be a unit for purposes of administration in carrying out these Rules.
- W.** “Position” shall mean an office or place of employment having duties or responsibilities calling for the attention of one person for the performance and exercise thereof.
- X.** “Probationary Period” shall mean a special performance testing and evaluation period immediately following appointment during which the appointing officer may remove an employee without a required demonstration of just cause.
- Y.** “Promotion Examination” shall mean any examination which is limited to permanent members of the Civil Service.
- Z.** “Promotional List” shall mean an employment list resulting from a Promotional Examination.
- AA.** “Reemployment List” shall mean a list of names of persons who have occupied positions in a specified class in the Civil Service and who have been discharged for the purpose of reducing the force and without fault on their part, or who have taken leave of absence according to these Rules and who are entitled again to occupy positions in such class when vacancies arise in them.
- BB.** “Seasonal” shall mean used temporarily only during certain months or seasons of the year.
- CC.** “Signature” shall mean a person’s name, mark, or electronic acknowledgement indicating that person’s identity.
- DD.** “Special Examiner” shall mean a subject matter expert (SME), test administrator, or other Department designee.
- EE.** “Veteran” shall mean a person who has served in active US armed forces who was discharged for reasons other than dishonorable or bad conduct.

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CHAPTER II - RULES OF THE DEPARTMENT OF HUMAN RESOURCES

RULE 2: ESTABLISHMENT OF CLASSES

The Department, with approval of the Commission, shall create job classifications for proper and efficient management, recruitment, promotion, training, compensation, and layoff purposes. The Department, with the approval of the Commission, shall abolish which are no longer required or appropriate.

The Personnel Director shall establish and maintain a classification plan consisting of a systematic arrangement and inventory of positions in the Civil Service, whereby positions are grouped into classes indicative of the range of duties, responsibilities, and level of work performed. The plan shall be utilized in order to provide a uniform salary structure which shall be commensurate with the duties of the positions established while being consistent with the fiscal integrity of the City.

The Classification plan shall comprise the following elements:

- A. A grouping of positions into classes so that each position in a class requires basically the same training, experience and education or either of them, and is deserving of the salary range for the class;
- B. Class titles which shall be indicative of the work of the class and which shall be used for administrative purposes in connection with payroll, budget, and other financial and personnel forms and records. No person shall be appointed or promoted to any position in the Civil Service unless such position possesses a class title in the classification plan;
- C. Written job specifications for each classification which shall contain a statement describing the nature of the work; examples of typical duties found in the class; requirements of the class with respect to the minimum necessary knowledge, skills, abilities, training, and experience; and any special qualifications necessary for entrance into the class. The classification specifications are descriptive and not necessarily inclusive of all duties to be performed. Such specifications are intended to indicate the kinds of positions which shall be allocated to the classes established.

RULE 3: AMENDMENTS TO THE CLASSES

The Department, with the approval of the Commission, shall hereafter, as it may deem necessary, establish additional classes and may divide, combine, alter, or abolish existing classes. Each new class thus established shall be given a classification title indicative as far as may be of the character and range of the employment, and shall be defined with respect to the duties, responsibilities, and qualification requirements for the positions properly falling within it (Section 99).

RULE 4: DEPARTMENT REPORTS OF NEW POSITIONS AND CHANGE IN DUTIES

On a form prescribed by the Department, each organizational unit in the municipal service shall report the establishment of new positions and changes in the duties and responsibilities of existing positions in the municipal service. Each such report shall set forth the duties, responsibilities and authority of the position, its place in the organization, and such other information as shall be called for by the prescribed form.

Positions in the Civil Service and employees occupying such positions shall be designated by the titles of the respective classes in which the said positions have been classified, on the official roster and other records of the

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Department, on all forms which are submitted to the Department for certification, and on all reports made to the Department or the Commission as provided in these Rules.

RULE 5: ALLOCATION OF POSITIONS

The Personnel Director shall allocate each position in the Civil Service to one of the classes in the classification plan and shall establish and maintain class specifications as required to maintain a valid and effective classification plan.

An appointing officer may request a review of an allocation of a position if significant permanent changes have occurred in the actual duties and responsibilities of the position. The Director may initiate studies of a position to determine their proper allocation.

RULE 6: EXCLUSION FROM THE CIVIL SERVICE SYSTEM

Consistent with Charter Section 101, all positions in the City of Baltimore, except as otherwise provided by the Charter or state law, shall be within the Civil Service, with the exception of positions for:

- A. Elected officials and those employees whom elected officials have designated as members of their personal staffs.
- B. Assistant City Solicitors.
- C. With the exception of the Director of the Department of Legislative Reference, directors, or by whatever other name the chief administrative officer may be known, and the deputy directors, of all departments of the City.
- D. All members of boards and commissions.
- E. All professional employees of the Department of Education.
- F. Persons in positions of temporary or seasonal employment.
- G. Persons who, in the judgement of the Civil Service Commission, exercise policy-making discretion or occupy a position of special trust and confidence that is inconsistent with membership in the Civil Service.

The category F above shall not include any positions in occupational categories A, B, C, D, E or G above.

Positions in category F above which require full-time employment for twelve months per year for more than two years shall be deemed permanent and therefore within in Civil Service, unless the exclusion is extended by the Civil Service Commission prior to the completion of the two-year period. Temporary positions in Category F shall be placed in non-Civil-Service classifications and appointments to those classifications shall be audited by the Department each year to insure that appointments to temporary positions in Category F shall not be continued for more than two (2) years. Category F positions which are later deemed permanent shall be reclassified and included in the Civil Service and a permanent appointment shall be deemed pursuant to the Rules of the Department of Personnel. Persons in temporary positions which are later deemed permanent shall not be placed on the official roster until they have been certified and permanently appointed in accordance with

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these Rules.

Where there is need for an emergency temporary appointment in a permanent Civil Service position for more than 60 days, such appointment shall be subject to Rule 36 of the Department.

The Personnel Director may initiate a classification audit of any or all municipal positions, including those positions which are excluded from the Civil Service to verify the grounds for such exclusion. The Department may recommend that non-Civil-Service positions be included in the Civil Service, and that Civil Service positions be excluded from the Civil Service. A copy of each recommendation shall be sent to the appointing officer.

An appointing officer may object to any recommendations by the Personnel Director regarding the inclusion or exclusion of a position from the Civil Service. Such objection shall be in writing to the Commission, describing in detail the reasons for including or excluding the position from the Civil Service.

RULE 7: THE GENERAL CATEGORY

The General Category shall include all classes of positions for which it is practicable to determine the merit and fitness of applicants by competitive or non-competitive examinations, and shall include all classes of positions and employments now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the Civil Service, except such classes or positions as are in the Trainee Category or the Labor Category (Section 99(B)).

RULE 8: THE TRAINEE CATEGORY

The Trainee Category shall include all such classifications where employees are primarily to receive training for advancement to journey or full performance level classifications.

The Director may place in the Trainee Category, whenever there is continuing manpower shortage for any established classification, such trainee class or classes as shall be created in order to provide job and career opportunities for persons who are service trainees, service recipients or clients of other City agencies or departments.

Any such training class shall be established only when the Director, after participating with all agencies involved, shall have approved the method of selection of trainees, the scope and content of the training program, and the method of determination as to satisfactory completion of the course.

RULE 9: THE LABOR CATEGORY

The Department shall place in the Labor Category those classifications for unskilled and such skilled positions involving labor services. The Labor Category shall not include clerical, inspection or supervisory work, or work requiring technical skills.

RULE 10: FILING APPLICATIONS

All persons filling a position in Baltimore City Government shall complete an application in the manner prescribed by the Department.

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RULE 11: DATE FOR RECEIPT OF APPLICATIONS

Applications must be filed with the Department or postmarked on or before the closing date stated in the examination announcement. In cases where insufficient numbers of applications are received, the Director may extend the time for accepting any application or supplemental information up to the administration of the examination. Closing dates shall be included in the examination announcements in accordance with Rule 18.

RULE 12: VERIFICATION OF APPLICATION INFORMATION

- A. All applications shall be signed certifying the truth of the statements contained therein. Claims made by applicants regarding residence, military background, training, work experience or other qualifications for eligibility or preference are subject to verification under policies established by the Director. Falsification of information material to eligibility or preference shall be grounds for rejection of the application, removal from an eligibles list and/or discipline up to and including discharge from employment with the City of Baltimore.
- B. When an application is filed for positions requiring specialized qualifications, the Director may require evidence of specialized education, or satisfactory experience as defined in the classification specification. Proof of certification or licensure may be required.

RULE 13: APPLICATIONS FOR POSITIONS IN LABOR CATEGORY

- A. Each applicant for appointment to a position in the Labor Category shall file with the Department an application for examinations for the classification in which that position is classified. Such application shall be made in the manner prescribed by the Department, but may be completed by a person other than the applicant, and certified by the signature of the applicant duly witnessed. For each classification in the Labor Category the Director shall maintain an eligibles list.
- B. The Director may delegate the authority to establish an eligibles list for appointment to specific classes in the Labor Category. Agencies that have been delegated such authority must strictly adhere to the Department's guidelines for establishing, maintaining and placing candidates fulfilling the minimum requirements of the class on the appropriate eligibles list. The Agency shall, at the request of the Department, produce necessary documentation, including copies of any eligibles list and associated supporting documents established and maintained by the Agency for review and screening by the Commission to determine compliance with the Department's established guidelines.

RULE 14: REJECTION OF APPLICATION

- A. The Director shall not permit an applicant to take part in any examination(s) where the application has been rejected prior to the date of the examinations. The Director may reject an application for any examination for any of the following reasons:
 - 1. The applicant lacks the minimum qualifications necessary for appointment to a position in the class for which the examinations are held.
 - 2. The applicant has made an erroneous, false or misleading statement in his/her application or in an examination with regard to any material fact.
 - 3. The application was not submitted to the Department within the period specified in the official notice of the examinations to which it applies.

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There exists any other cause which, in the judgment of the Director, impairs the fitness of the applicant for the position applied for.

RULE 15: EXAMINATIONS FOR APPOINTMENT TO GENERAL CATEGORY POSITIONS

- A. Only persons found qualified by examination requirements set forth in Rule 21 may be appointed to a regular position in the General Category.
- B. Vacancies in positions in the General Category shall be filled, so far as practicable, by promotions of Baltimore City government employees. The Director, however, may authorize promotions be filled from the organizational unit in which the vacancy exists.
- C. Promotions shall be based on merit, as determined by examination or by prior service, with due consideration being given to seniority and experience.
- D. Promotional examinations shall be limited to employees of Baltimore City government who meet the preliminary requirements and/or who have successfully served in a lower grade for at least six months prior to the date the examinations are set to begin.

For positions in the Fire Department, employees must have served in the next lower grades for the length of time prescribed in the respective classification specifications.

RULE 16: EXAMINATIONS FOR APPOINTMENT TO TRAINEE CATEGORY POSITIONS

- A. Only persons who satisfy the examination requirements set forth in Rule 21, or as provided in Sections 1 and 2 below may be appointed to the Trainee Category.
- B. Examinations for appointment to classes of positions in the Trainee Category shall be conducted in the same way and manner as herein provided for entrance examinations to the classes in the General Category.
 - 1. On-the-Job Training. Persons meeting the requirements set by the Department for on-the-job training classes in the Trainee Category shall be considered as qualified for appointment (except for interns and fellows) to regular entrance-level positions without further examination. Separate open eligibles lists shall be established containing the names of those employees who have successfully completed special training programs approved by the Department. Further advancements in the Civil Service shall be subject to all other requirements of the Charter and Rules of the Department.
 - 2. Promotional Training. Whenever there is a continuing manpower shortage for any class, the Department may establish programs to train employees to fill vacancies in the specific class. Such training programs shall be established only when the Department, after participating with all agencies involved, shall have approved the method of selection of trainees, the scope and content of the training program, and the method of determination as to satisfactory completion of the course. Those employees meeting the requirements set by the Department shall be considered as qualified for appointment to positions in the specified class without further examination. Separate promotional eligible lists shall be established containing the names of those who have successfully completed

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special training programs approved by the Department. The selection and evaluation of employees in these training programs must be found equivalent to promotional examination procedures approved by the Department. Further advancement in the Civil Service shall be subject to all other requirements of the Charter and Rules of the Department.

RULE 17: EXAMINATIONS FOR APPOINTMENT TO LABOR CATEGORY POSITIONS

Examinations for appointment in the Labor Category shall be held when necessary, at times to be determined by the Director. Applicants shall be rated on the statements contained in their applications, which the Department may verify by such methods as it may deem advisable and on such oral, practical, medical and physical tests as may be prescribed. The names of those who fulfill the requirements and pass the tests shall be placed on the appropriate eligibles lists without scores or grades.

RULE 18: EXAMINATION ANNOUNCEMENTS

- A.** The Director may issue an examination announcement for any class whenever an eligibles list does not exist; whenever more vacancies are anticipated than there are names on the eligibles list for such class; or whenever the list has been reduced to fewer than five names.
- B.** Examination announcements shall be made available in the lobby by the Department for at least two (2) weeks.
- C.** Each examination announcement shall state the title and salary or salary range for the class; a description of the duties; the minimum qualifications required; the period during which applications may be filed with the Department and a description of any examination procedures.
- D.** The Director may post an open or promotional continuous examination notice which shall state that applications may be filed daily with the Department, and that the applicants will be notified to appear for the examination if applicable.

Applicants must be notified of when and where to appear for examination, at least ten (10) days prior to the examination.

RULE 18-1: POSITION SPECIFIC RECRUITMENT

A position specific recruitment is a specialized exception to the normal recruitment process. An Agency may request a position specific announcement stating the specific reasons the Agency is unable to identify a suitable candidate from the normal recruitment process and such a recruitment may only be granted following approval of the Director. An Agency may not request more than two position specific recruitments within a rolling twelve month period.

RULE 19: CONDUCTING EXAMINATIONS

- A.** All examinations shall be conducted under the direction of the Director who shall be responsible for securing fair competition and preventing fraud and injustice in all tests.
- B.** The Director may personally conduct any test or part of a test, or may appoint other persons as special examiners to conduct or assist in conducting any test or part of a test, and may remove such special

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examiners and appoint others in their places.

- C. Any Human Resources Civil Service employee appointed by the Director to serve as a special examiner shall not receive additional compensation for such service.

Wherever possible the identity of applicants shall remain confidential until all tests are administered and written reports thereof have been completed.

RULE 20: PARTS AND WEIGHTS

Examinations for any class of positions shall consist of one or more parts as determined by the Department. Such parts shall be assigned weights, which shall be apportioned according to the relative importance of the parts in determining the qualifications of applicants for employment in such class of positions. Whenever practicable, the parts and weights for examinations as fixed by the Director shall be stated on the public notice. Whenever it is not feasible to determine in advance the parts and weights to be assigned, the public notice may state probable or alternate parts and weights.

RULE 21: CHARACTER OF TEST

The examination's held to establish a list of eligibles for any class shall consist of one or more of the following parts:

- A. Training and Experience Evaluation. This part, when required, shall consist of a statement, of the previous education and previous experience or employment of the applicant including dates of employment. The Department may request, at any time during the examination period, supplemental documentation or information. The Department may in its discretion investigate the truth of the applicant's statements as to any or all of the above matters, and govern its rating accordingly.
- B. Technical Knowledge and Skill Test. This part, when required, shall include such tests, written or oral, as will demonstrate the ability of applicants to perform the duties of the positions to which they seek appointment and shall include any tests of manual skill or technical knowledge or the actual performance of typical tasks required of employees in the class.
- C. Essay Test. This part, when required, shall consist of applicants preparing one or more formal compositions that demonstrate the organizing, administrative, or research ability of applicants and their ability to comprehend technical problems and present their ideas in logical form and proper grammar.
- D. Personal Interview. This part, when required, shall include a personal interview with applicants for classes of positions where executive, administrative or organizing skills and ability to direct the work of others to interact with the public or other personal qualifications are to be tested.
- E. Aptitude Test. This part, when required, shall include any tests to determine the special aptitude of applicants seeking appointment to positions requiring the performance of tasks involving good memory, quickness of hand or eye, manual dexterity, ability to follow a prescribed routine, calmness and immediacy in emergencies, or other special aptitudes.

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- F. Educational Test.** This part, when required, shall include written or oral demonstrations (other than formal compositions as described in paragraph (c) of this Rule) of the applicants ability to use proper grammar (including spelling, penmanship, and composition), mathematics, general information, or any or all of these, depending upon the educational requirements of the particular class of positions, and which applicants should possess properly to fill the positions to which they seek appointments.
- G. Physical Test.** This part, when required, shall consist of tests of physical condition, muscular strength, agility, and physical fitness of applicants.
- H. Seniority Rating.** This subject shall be used in promotion examinations only, and shall consist of a rating for each individual applicant based on the length of his previous service in the class as prescribed in Rule 44.
- I. Supervisory Rating.** This subject shall be used in promotion examinations only, and shall consist of a rating determined for each individual applicant.

RULE 22: FINAL RATINGS OF COMPETITORS ON EMPLOYMENT LISTS

Competitors shall be required to attain the minimum score established by the Director for each part of the examination. Any person who fails any part of the examination shall be disqualified from participating in subsequent parts of the examination and their names shall not be placed on the eligibles list. In no event shall any competitor be disqualified from subsequent parts of the examination prior to final scoring of the previous examination part. Where numeric grades or scores are used, such scores shall be reported between 70 for the least qualified candidates and 100 for the best qualified candidates, provided that scores above 100 may be reported for candidates receiving additional preference points in accordance with Rule 23. Scores for each part shall be continuous (e.g. 1-100 or consistent fractional intervals) or discrete (e.g. pass/fail). Final rounded scores shall be established after all preliminary or raw scores for each part of the examination have been exactly calculated, weighted and totaled.

Where examination procedures are not sufficient to identify better- or less- qualified candidates, the Director shall not use numerical grades.

RULE 23: VETERANS', RESIDENTS', AND DISABILITY PREFERENCES

A. Veterans' Preference.

- 1.** A Veteran shall be entitled to all preferences, benefits, rights and privileges and subject to all the obligations, liabilities and duties conferred or imposed by any of the existing laws of the State of Maryland.
- 2.** A Veteran shall be entitled to eligibility preferences under these Rules provided that each of the following conditions are met:
 - a.** The Veteran has applied for an open examination whose resulting employment list will include numerical grades or scores.

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- b.** The Veteran's application with a copy of the Certificate of Release or Discharge from Active Duty (DD-214) attached as proof of eligibility shall be submitted to the Department.
 - c.** The Veteran received an Honorable discharge from one of the U.S. Armed Forces and served not less than 90 consecutive days on active duty, not including active duty as a Reservist or National Guardsman.
 - d.** The Veteran shall have passed all parts of the examination and shall be otherwise found eligible for employment.
- 3.** A Veteran who is eligible for a preference as stated in Section A.2 above shall be assigned the nearest rounded score equal to 5 points higher than the Veteran's original rounded score.
- 4.** A Veteran who was rated by the Department of Veterans Affairs (VA) with a compensable service-connected disability and who has been issued a notice of retirement or discharge from active military service due to the disability and who is eligible as stated in Section A.2 above with the attachment of a certifying memo from the Department of Veterans Affairs shall be assigned the nearest rounded score equal to 10 points higher than the veteran's original rounded score. A Veteran who receives 10 points under Section A.4 is not eligible to receive additional points under Section A.3 or Section C.2.
- 5.** Any Veteran whose name appeared on any eligibles list of the Department prior to entry into the Armed Forces may have their name restored; pursuant to applicable law. Such Veteran shall make a written request to the Department to have their name restored to the eligibles list. The request must be made within ninety (90) days following an honorable discharge from the Armed Forces. Such restoration shall be subject to the following terms:
 - a.** Any Veteran who qualified for preference under Section A.2 of this Rule may request that his or her name be restored to the eligible list on which his or her name originally appeared or any successor list that has been established. Such restoration shall be for the period of eligibility remaining on the original list or combination of lists. For an open employment list, the rating shall be increased by preference points provided in Sections A.3 and A.4 above.
 - b.** If the eligibles list on which the name of any Veteran requesting benefits of this Rule originally appeared is not in existence at the time of discharge, and a successor list has not been established, a new eligibles list shall be opened containing the names of all Veterans eligible for the same class of position who may be entitled to the benefits on this Rule. In the case of a promotional list, such names shall be listed in the order of the same ratings as on the eligibles lists upon which they originally appeared, and in the case of an open list, the names shall be listed in the order of new ratings which shall be the sum of the original ratings plus any preference points awarded under Sections A.3 and A.4 above. The length of eligibility shall be for the period of eligibility remaining on the original list or combination of lists.
 - c.** Should a new examination for the same class of position be scheduled before such period of eligibility expires, and the Veteran enjoying eligibility under the benefits of this Rule should fail to participate in the new examination, or should participate and fail to pass the new examination, his or her name shall remain on the combined list in order of the original rating for such

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unexpired portion of extended eligibility. However, should such Veteran participate in and pass the new examination, the Veteran shall forfeit the former rating, and shall assume for the life of the new lists such standing as he or she acquired by reason of a rating on the new examination.

- d. The names of qualified Veterans shall be entered on the appropriate list of eligibles in the order of their respective augmented ratings.

B. Residents' Preference.

1. A resident of Baltimore City shall be entitled to preference in eligibility under these Rules provided the following conditions are met:
 - a. The resident has applied for an open examination whose resulting employment list will include numerical grades or scores.
 - b. The resident's application is submitted on or before the closing date of the announcement, and upon request the resident must produce two forms of identification acceptable to the Maryland Motor Vehicle Administration, indicating a street address within Baltimore City limits. The original driver's license or other Maryland State issued identification proving residency shall be subject to inspection by the Department.
 - c. The resident has passed all parts of the examination and shall be otherwise found eligible for employment.
2. A resident who is eligible for preference as stated in Section B.1 above shall be assigned the nearest rounded score equal to 5 points higher than the resident's original rounded score.

C. Disability Preference.

1. A person with a developmental disability, a severe physical disability, or a psychiatric disability shall be entitled to preference in eligibility under these Rules provided the following conditions are met:
 - a. The person with a disability has applied for an open examination whose resulting employment list will include numerical grades or scores; and
 - b. The person satisfies the standards established under 5 C.F.R. 213.3102(u), the criteria used by the Federal Office of Human Resources Management for noncompetitive appointment to Federal merit system positions under its special hiring authority; and
 - c. The disability has been certified by the Maryland Department of Education Division of Rehabilitation or equivalent out-of-state vocational rehabilitation agency as meeting the above standard of disability and the certification has been submitted to the Department attached to the application.
 - d. The person with a disability has passed all parts of the examination and is otherwise found eligible for employment.

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2. A person with a disability who is eligible for preference as stated in Section C.1 above shall be assigned the nearest rounded score equal to 5 points higher than the person's original rounded score.

A Veteran with a service-related disability who has received preference under Section A.4 above shall not be entitled to additional disability preference under this section.

RULE 24: REPORTS OF SPECIAL EXAMINERS

The special examiners shall rate each candidate designated by examination identifier and shall prepare a written report. The report shall be transmitted to the Director and shall include the rating of each competitor in the subjects in which they were tested and shall remain in his or her custody until the posting of the eligibles list.

RULE 25: REVIEW OF WRITTEN PROMOTIONAL EXAMINATIONS

- A. When administering a promotional written test, whether in a multi-choice or short-answer format, the Department shall indicate the time and location for review of the questions and the tentative answer key. Applicants will not be permitted to review questions or tentative answers where the test, or any part thereof, is copyrighted or otherwise restricted.
- B. During the protest period, any applicant protesting an item on a tentative answer key must do so in writing, at the time he or she reviews the tentative key. The protest must be stated on the official form furnished by the Department. Any challenge to a tentative answer key must clearly set forth the item and describe in detail the alleged error. Failure to follow these instructions will void the protest.
- C. The Director shall review all protested items and any errors in the tentative answer key shall be corrected. If none of the proposed answers are correct, the question will be omitted from the test or if the correct answer is included in the selection of answers, the tentative answer key will be amended. Following the review of the protest and the decision of the Director, the tentative answer key shall become final.
- D. Applicants will be permitted to review their applicable test materials at a time and location designated by the Department. Any arithmetical and clerical errors or errors in computing efficiency or seniority ratings will be corrected. Applicants may not copy any part of the examination or take any notes during the review.
- E. All test booklets and other test materials are the property of, and shall remain in the possession of, the Department, and may only be examined by an applicant at such time as the Department may designate under this Rule for the review of the question and answer key. All test booklets and materials must be returned to the Department after the applicant reviews the question and answer sheet.

This Rule shall not apply to continuous examinations.

RULE 26: RECORD OF EXAMINATIONS

All documents and papers evidencing the manner in which a competitor responded to an examination must be retained for the duration of the eligibles list. If a competitor failed the examination the documents and papers must be retained for two years.

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RULE 27: PREPARATION OF EMPLOYMENT LISTS

A. Preparation.

1. The Director shall prepare, an employment list from the examinations, which shall contain only the names of competitors attaining a minimum score of 70.
2. Whenever two or more eligibles attain the same general average rating, the tie score shall be resolved in the following manner:
 - a. If one of the candidates is a City employee who has completed an initial probationary period that employee shall have priority over the other candidates.
 - b. If a tie still exists, the competitors having equal general average ratings shall be placed on the employment list in a random order determined prior to administering the examination.
3. When an employment list has been prepared, the Director shall cause it to be entered in a safeguarded record to be known as the eligibles list , and the Director shall certify that said list is correct and in conformity with the reports of the special examiners. A copy of the employment list shall be made available for inspection in the offices of the Department. The date when an employment list is published by the Director shall be known as the date of establishment and shall be entered on all final copies of the eligibles list.

B. Revision of Employment List.

In the absence of proof of fraudulent acts, false statements, or cheating by an applicant, no list shall be subject to revision after it has been established. Clerical errors may be corrected any time before the expiration of the lists, and no person whose name has been previously certified from the list shall be displaced by reason of correction of clerical errors.

C. Promotional List Following Reclassification.

When employees are assigned to a lower classification as a result of a reclassification of one or more positions, the Director shall prepare promotional eligible lists for the previous classifications containing the names of those employees whose positions were in the previous class. Where the previous class is abolished, the Director shall place the employees' names on promotional lists for classes which are most comparable based on salary, responsibilities and minimum qualifications.

Promotional lists established for employees in reclassified positions shall be maintained separately from promotional lists resulting from examinations. The relative standing of each employee on the promotional lists shall be determined by the employee's seniority as set forth in Rule 44.

RULE 28: DURATION AND COMBINATION OF EMPLOYMENT LISTS

- A. Employment lists resulting from an open announcement shall continue for six months after the date of posting and may, at the discretion of the Director be continued for a longer time.
- B. An Agency seeking an extension of an open employment list for a maximum of one year shall do so by making a written justification to the Department at least 30 days prior to the expiration date of the list. The extension will apply only to Agencies making the timely request.

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- C. In case an employment list for any class already exists, when a new list for the same class is posted, the two lists shall be combined, and the names of the eligibles shall be ordered on the combined list in the manner in which the existing list order was determined. Any portion of such combined list shall be automatically canceled and stricken after such portion expires as described above.
- D. Employment list resulting from a promotional announcement shall continue for one year after the closing date of the announcement.

RULE 29: CERTIFICATION FOR POSITIONS IN THE GENERAL CATEGORY (Amended July 13, 2006)

- A. An appointing officer may request a single certification of the names of persons eligible for appointment to more than one position of the same class. Separate requests for certification shall be made for positions classified in different classes.

If both open and promotional eligibles lists exist, the appointing officer may request certifications from either list.

Whenever a vacancy occurs in any position in the General Category, the appointing officer shall make a written request to the Department, upon the form prescribed by the Department, for the certification of eligibles.

If there are no names upon the eligibles list for the class, the Director shall notify the appointing officer, and the temporary appointment may be authorized, in accordance with Rule 36.

B. Priorities For Reemployment Lists.

For initial appointments, the Director shall first certify to the appointing officer from the appropriate reemployment list the names of persons, equal in number to the positions to be filled, who have been laid off pursuant to the provisions of Rule 52. All names shall be selected or removed from a reemployment list for a class before any selections may be made from an employment list for the same class.

Certifications for promotions to a class for vacancies in an organizational unit in which a layoff occurred may not be made while the reemployment list for that class contains the names of eligibles from that organizational unit. Certifications for promotions to the class for vacancies in other organizational units may be made only if no new or additional names were placed on the reemployment list within the 90 days prior to the date of request for certification.

C. Certification of the Top Five Scores.

In case no reemployment list exists or in case a reemployment list does not contain an adequate number of names to fill all vacancies, the Director shall certify the appropriate eligibles from the employment list. To determine the appropriate eligibles for certification, the Director shall count one eligible from the top of the list for each vacancy to use the final score for the last eligible counted as a reference scores.

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D. Selective Certifications.

An appointing officer may request either (1) selective certification from an appropriate open or promotional list of eligible candidates in the agency, or (2) selective certification from an appropriate open list of eligible candidates from among all departments.

Selective certification of eligible candidates from an open eligibles list shall be permitted only in the absence of promotional and reemployment lists for the same class.

E. Cross-certification For Different Classes.

A certification for one classification may be issued to fill a vacancy in an equivalent or lower classification, as determined by the Director, provided the Department does not at the time of making such certification have a reemployment list for the lower or equivalent class, or have the requested promotion or open eligibles list for the lower or equivalent class from which certification can be made. Acceptance by a candidate of appointment to an equivalent or lower classification shall not be cause for removal of his or her name from the eligibles list.

Cross-certification of a reemployment list shall follow the rules of a regular certification for the equivalent or lower class.

F. Actions By Appointing Officers.

Upon receipt of a certification, the appointing officer shall invite at least five (5) certified eligibles (or all certified eligibles if fewer than five names are certified) for an interview and shall indicate on the Department's form the name or names of those selected together with any other pertinent information concerning the availability or response by the eligibles. In the event the appointing agency intends to hire for multiple vacancies in the same classification, the appointing officer must invite a minimum of four more eligibles than the number of vacancies.

The appointing officer may review the applications and final scores of the persons whose names are certified for appointment. The appointing officer may within sixty (60) days after certification, appoint one of the persons whose names have been certified and is willing to accept the appointment, provided that where an emergency appointment has been made, the appointing officer shall within 30 days either make a regular appointment or terminate the emergency appointment.

RULE 30: CERTIFICATION TO POSITIONS IN THE TRAINEE CATEGORY

Whenever a vacancy occurs in any position in the Trainee Category, the appointing officer shall make a written request to the Department, upon the form prescribed by the Department, for the certification of the names of the persons eligible for employment in positions in the class of the vacant position. The Director shall then certify to the appointing officer, in accordance with the provisions of Rule 29, the names of the eligibles standing first on the reemployment list for the class in question, which list shall be maintained in accordance with the provisions of Rule 39.

In case there are no names on the reemployment list for the class of the vacant position, the Director shall certify to the appointing officer names from an employment list in accordance with Rule 29(2).

RULE 31: CERTIFICATION TO POSITIONS IN THE LABOR CATEGORY

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Whenever vacancies occur in any position in the Labor Category, the appointing officer shall make his or her selection from the list of qualified eligibles maintained and certified by the Department and promptly report the names of the applicants so appointed to the Department in the prescribed manner.

In case of an emergency where it is not practicable to secure laborers from an eligibles list with sufficient promptness, the appointing officer may employ, subject to the subsequent approval of the Department, as many persons as may be required, but no such emergency employment shall continue more than five days unless extended by the Director.

RULE 32: WAIVER OF CERTIFICATION

Any person whose name is on an employment or reemployment list may designate in writing those organizational units in which he or she will not accept appointment, if offered, either at any time or for a definite period. If the reason for such waiver is deemed sufficient by the Director, certification will be withheld.

If an eligible fails to report to the appointing officer, or declines appointment following disapproval of a request for waiver of certification, the name may be stricken from the list.

RULE 33: RECORDS OF APPOINTMENT

When a person whose name has been certified to an appointing officer as one of the eligibles for appointment to a vacancy, has been appointed to such vacancy, the appointing officer shall report such appointment to the Department in the manner prescribed by the Department within two days after the appointment. After appointment the Human Resources appointing Agency shall ensure the name of such appointee, salary, title, and the effective employment or reemployment date are recorded in the official roster of the Department as provided for by Rule 38.

RULE 34: APPOINTMENTS IN THE GENERAL AND TRAINEE CATEGORIES

No person shall be selected for a position in the General or Trainee categories until the person has been certified for an appointment to that position. Appointments to positions in the Trainee Category shall be reported and recorded in the same manner as provided for appointments to positions in the General Category.

RULE 35: PROBATION

- A. All persons who are initially appointed to a position in the civil service shall serve a six month probationary period except sworn public safety positions in the Fire Department whose members shall serve a one year probationary period. At any time during the probationary period, the appointing officer may remove the appointee for any reason, provided that written notice of such removal is filed in the office of the Commission before the expiration of the probation period.
- B. In the event a person is appointed to a new position in the Civil Service prior to completion of an initial probationary period, the person shall serve a new probationary period.
- C. Persons who are on an approved leave for thirty days or more during the initial probationary period shall have their probationary period extended by an amount of time equivalent to the length of the approved absence.
- D. Appointments made as a result of certification from employment lists resulting from promotion examinations shall be considered as transfers and such appointments shall not be subject to probation,

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except that employees of the Baltimore City Police Department who have not previously completed a probation within the Civil Service shall be on probation after appointment from a promotional eligible list.

RULE 36: TEMPORARY APPOINTMENTS TO CIVIL SERVICE POSITIONS

- A. Whenever a vacancy arises in a fully-funded regular Civil Service position in a classification for which there is no reemployment list and no employment list, the Director may grant authority for the temporary appointment of a person not to exceed six months. The authority for temporary appointment shall continue only until such time as certification of qualified eligibles can be made, and regular appointment becomes effective under the provisions of these Rules and of the Charter. When such authority has been granted, the Director shall proceed to schedule examinations for the class, so that the resulting employment list may be posted before the expiration of the six-month period.
- B. A temporary appointment may be made to a Civil Service position when the position is expected to be abolished, or when permanent funding for the position is not available. Whenever such temporary appointment is requested, the Director may grant authority for such appointment for a period not to exceed one year, provided that persons appointed for more than 30 days must meet the minimum qualifications for the classification.
 - 1. If a Civil Service position that is filled temporarily is not abolished within one year or if funding is made available beyond one year, then the Director shall proceed to certify an appropriate eligible list for regular appointment or may authorize a temporary appointment in accordance with part (A) of this Rule above.
 - 2. Request of appointing officers for temporary appointments in all classes of positions shall be made in the manner prescribed by the Department, and no temporary appointment will be authorized as effective prior to the date of its approval by the Department. Every request for temporary appointment must be accompanied by the prospective appointee's application, in the manner prescribed by the Department, for examination for the class to which the temporary appointment is requested.

RULE 37: REMOVAL FROM ELIGIBLES LIST

- A. Names shall be stricken from the employment or reemployment list on which it appears if the person:
 - 1. Notifies the Department in writing that he or she will not accept appointment to a position in the class;
 - 2. Fails to give satisfactory reason(s) for refusing to accept an appointment;
 - 3. Fails to respond to the notice of certification within seven days after the mailing of the notice, or
 - 4. Fails to keep the Department informed of his or her current address.

If the Department receives or develops information sufficient to believe that a person whose name is upon an eligibles list has made false, erroneous or misleading statements in the application or examination, or that there is anything in connection with the eligible's physical condition that would prevent the person from performing an essential function of the position, this shall be cause for the removal of the person's name from

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the eligibles list. Such cases shall be investigated by the Department, and pending the decision of the Department in each case, the name of the person under investigation shall not be certified to appointing officers for vacancies that may occur.

RULE 38: OFFICIAL ROSTER

- A. The Director shall ensure the maintenance of an official roster of the names of all current Civil Service employees, in the offices of the Commission, in accordance with the provisions of Section 101 of the Charter. The name, date of employment, reemployment, promotion, transfer, or reduction, the rate of pay and the title of each employee whose regular or temporary appointment to a position has been duly approved by the Department or whose appointment has been made in accordance with these Rules, shall be entered on the official roster, together with such other information as may be considered necessary by the Commission for the maintenance of a proper record of the service of such employees.
- B. No payroll or account for the payment of wages to any person whose name does not appear on such roster or whose name has been ordered stricken therefrom by the Commission or the Director, shall be certified or approved for payment by the Commission or by the Director. Whenever a payroll or account for payment of wages to a person or persons whose names do not appear on such roster is presented for certification or approval to the Commission or to the Director, the Director shall notify the Director of Finance of the fact that the name or names of the said persons do not appear on the official roster, and that payment of salary or wages to such persons is unlawful.
- C. The Director shall cause names of persons to be removed from the official roster whenever the authority issued for the temporary employment of any such person is canceled or has expired, and whenever reports of separation are received and approved by the Department. The Director shall make corrections to the official roster in the names, titles and rates of pay reported by appointing officers, when such changes have been made in accordance with these Rules.

RULE 39: RE-EMPLOYMENT LISTS

- A. The Director shall maintain by appropriate classifications, re-employment lists in conjunction with employment lists, containing the names of all employees laid off from positions in class in accordance with Rule 52.
- B. The names of persons laid off in accordance with Rule 52 shall be placed on the re-employment list for the appropriate class in the order of the length of their service in their classifications at the time of being laid off and in other classifications in the Civil Service in which they may have served previously.

The order of placement on re-employment lists shall be determined by the relative number of points awarded on the following basis:

- 1. Two (2) points for each month of service in the present or last classification;
- 2. Plus one (1) point for each month of the next preceding sixty months in any classification in the Civil Service;
- 3. Plus one half (1/2) point for each month of all other service in any classification in the Civil

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Whenever two employees in the same class are of the same seniority, as determined above, precedence on the re-employment list shall be given to the employee with the greater total length of service.

- C.** The Director shall place the names of persons laid off in accordance with Rule 52 on comparable re-employment lists. A comparable re-employment list is defined as classifications at the same or lower grade level that requires similar knowledge, skills and abilities for which the employee is qualified based on established minimum qualifications. The maximum number of comparable lists that a person laid off may be placed on shall be limited to three.
- D.** Persons laid off under Rule 52 shall have absolute preference in re-employment, in the order of their standing on the re-employment list, when certified for the class in accordance with the provisions of Rule 29, and shall not be required to serve a probationary period.
- E.** No person's name shall be entered or carried on a re-employment list after one (1) year from the date of layoff except with the approval of the Director.
- F.** An individual returning to duty after a layoff of more than six (6) months is required to pass a pre-employment requirement.

RULE 40: STANDARDS OF CONDUCT AND PERFORMANCE

- A.** Employees shall perform the duties and responsibilities of their job classifications, in accordance with reasonable job performance standards established by their superiors.
- B.** Employees who are in formal training or apprenticeship programs shall complete all technical requirements of the programs within the time periods allowed.
- C.** Employees shall report to work on time as scheduled, and shall follow all established rules and policies for leave.
- D.** Employees shall obtain and retain all licenses, certificates and other personal qualifications legally required to perform the duties of their positions.
- E.** Employees shall be businesslike, helpful and courteous to the general public, clients, co-workers and superiors, exercising due discretion and patience at all times.
- F.** Employees shall comply with the federal, state and local laws prohibiting illegal discrimination, harassment and breach of confidentiality.
- G.** Employees shall abstain from the use of alcohol, drugs or other chemical substances which would interfere with the performance of their duties or which would pose an unacceptable risk of injury or loss to the City.

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- H.** Employees shall report their work accurately and honestly, consistent with all professional, municipal, agency and legal requirements, without obstruction of any review, verification or investigation of their work.
- I.** Employees shall observe and protect the City's property rights, and shall follow all rules requiring authorization for the use of City funds, labor and property.
- J.** Employees shall refuse gifts made in the course of work or in connection with work when such gift could appear to be made for personal gain or in exchange for favoritism or better treatment. Employees shall comply with all established laws, regulations and orders dealing with ethics and conflicts of interest.
- K.** Employees may not engage in political activity during work hours, may not use the City positions to interfere with a political nomination or election, and may not coerce any other state or local employee to contribute anything of value to any political cause.
- L.** Employees shall conduct themselves at all times in a manner becoming of a City employee, and shall not bring scandal, expense or annoyance upon the City through crime, conflict of interest, failure to pay just debts, or other improper or notorious behavior.

Within his or her authority, the appointing officer may prescribe standards of performance to apply to all incumbents of positions in a specified class. Such standards shall note the quantity and quality of service ought fairly to be expected, the manner in which the service should be rendered, and the regulations which should be observed in the performance of services.

The appointing officer shall take disciplinary actions for all employees who violate the performance standards listed above. Such disciplinary action shall include training, counseling, oral or written reprimand, oral or written warning, suspension, demotion, discharge or any other actions authorized by law, appropriate to the severity of the violation. Demotion, suspension for more than 30 days, and discharge shall be performed only in compliance with Rule 56 of the Commission.

RULE 41: PERFORMANCE EVALUATIONS

Municipal departments shall keep such records as the Department may specify in its regulations, regarding the performance, output and conduct of employees in each class to which the standards established as provided in Rule 40 apply and each appointing officer shall make periodic reports to the Department covering the performance evaluation for each such employee, and such periodic reports shall be made on the form and in the manner prescribed by the Department.

The Department shall prescribe the factors or elements upon which records of performance shall be based. Such factors or elements and the scale of markings upon which they shall be rated, shall be uniform for all employees in positions in the same class, and shall be based upon the duties of position in the class, and shall bear a fair relation to the responsibilities of such positions. Positive ratings shall be given only for the character, quantity and quality of work performed, and deductions from such positive ratings shall be made for all irregularities or delinquencies in conduct, in attendance, or in other respects.

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RULE 42: LINES OF PROMOTION

In order to provide for making promotions in the General Category, the Director shall establish and prescribe lines of promotion from certain classes of positions to be designated as subordinate classes, to certain classes to be designated as superior classes with respect to such subordinate classes.

Whenever promotion examinations are to be held for a superior class, the Personnel Director shall issue public notice and hold examinations for such superior class, which tests shall conform to the provisions of Rule 19 for promotion examination, provided, however, that the Personnel Director may hold open examinations simultaneously with such promotion examinations for the same class of positions, and provided, further that the Director may direct that promotion examinations be omitted, and open examinations be held in their stead whenever, in the judgment of the Director, the number of qualified persons in the service, or the good of the service generally, makes such action desirable.

RULE 43: ELIGIBILITY FOR PROMOTION

No person shall be permitted to compete in promotion examinations for any classification unless such person (1) has completed a probationary period in the Civil Service or the Baltimore City Police Department, and (2) is either actively employed or on approved leave of absence in a position in the Civil Service or the Baltimore City Police Department, and (3) has not experienced a break in service since completion of the probationary period. The Director may further limit eligibility to only those employees serving in designated inferior classes in the line of promotion to the class for which the promotion examination will be held. Where the class specification requires prior service in an inferior class for a specified period of time, such service must be continuous, except for periods of military leave or periods of layoff in excess of six months.

RULE 44: SENIORITY AND PROMOTION

Where seniority is included as part of the examination, the rating to be entered for a competitor in promotion examinations on the subject "seniority" shall be obtained by adding to a rating of 70 a number of marks determined by the duration employment of such competitor, as follows:

2 points for each year of the first five year of employment.

1 point for each of the next five years of employment.

1/2 point for each additional year of employment.

Proportionate credit shall be given for employment for fractions of a year. Credit for seniority shall only be given for service by actual continuous employment in all positions in those classes designated as inferior classes to the class to which promotion is sought; provided that such employment has been continuous except for breaks in service due to lay-off; and provided that employment in such positions shall have been in the organization unit for which the promotion examinations are being held; and provided, further, that periods of absence less than fifteen days in duration for any cause, and periods of absence due to military leave, shall be treated the same as periods of actual employment in determining such credit. Employees who file applications

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for promotion examinations may be required by the Personnel Director to give proof of the length of their employment claimed in each such application blank at the time of filing application.

RULE 45: RATINGS AND PROMOTION

Where a supervisory or peer rating is included in the examination, the rating to be entered for a competitor on promotion examinations shall be determined by the averaging of the performance evaluation reported by the appointing authority for that competitor for the six months' period of his or her employment next preceding the date of beginning of the examinations, provided, however, that in the case of promotion examinations for classes in the Fire Department, the performance evaluation shall be obtained by the averaging of the periodic performance evaluation reported by the Department for that competitor for not less than the twelve months of his employment next preceding the date of beginning of the examination. Where no periodic performance evaluations have been made by the departments in which the competitor has served, or where no records of such ratings are on file in the office of the Department covering the foregoing period, the Department shall investigate and enter such marking for the competitor as it shall deem proper.

RULE 46: TRANSFER

A transfer shall mean the appointment of an employee:

- (1) to a position in the same class outside the authority of the original appointing officer, or
- (2) to a position under the authority of the same appointing officer in a comparable class which requires similar knowledge, skills and abilities.

Reassignment of an employee to a different position in the same class in the same agency is not a transfer under these Rules.

A transfer to a new agency or department within the same class shall require only the approval of the original appointing officer and the new appointing officer.

A transfer to a comparable class shall require the approval of the Director and the appointing officer. Such transfers shall be approved only on the grounds of physical disability of the employee, recruitment difficulty in the comparable class, lack of work within the original class or other grounds as may be set forth by the Department. No transfer to a comparable class shall be approved to circumvent required competition or examinations.

All transfers shall be reported to the Department, on the form prescribed by the Department, within seven (7) days after they become effective.

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RULE 47: LEAVE OF ABSENCE WITHOUT PAY

- A. Less Than 30 Days.** Any employee in the Civil Service may be granted a leave of absence without pay for a period not to exceed thirty (30) days by the appointing officer; provided, however, that in case a temporary employee is to be appointed to the position, during the regular employee's absence, the approval of the Director must first be secured as provided in Rule 36.
- B. More Than 30 Days.** Except as provided in Section F below, leave of absence without pay, for a definite period or periods in excess of thirty (30) calendar days in a 12-month period, but not to exceed one year may be granted to permanent employees by the appointing officer, with prior approval of the Director for any of the following causes and not otherwise:
1. Birth of a child, care of a newborn child, placement with the employee of a child for adoption or foster care.
 2. A serious health condition in the employee, the employee's spouse, the employee's parent or the employee's child that makes the employee unable to perform the employee's job.
 3. For any other cause satisfactory to the appointing officer and the Director.
- C. Educational Leave.** Leave of absence, without pay may be granted by the appointing officer with the approval of the Director, for a definite period not to exceed nine months, where the employee proposes to enter upon a course of study or training for the purpose of improving the quality of his or her services or of fitting himself or herself for promotion in the Civil Service.
- D. Reinstatement.** Employees who are granted leave of absence without pay in accordance with Section B above shall be reinstated to their previous position or to another position in the same class, or to a position in a comparable class in accordance with Rule 46, provided that approval was granted for a period or periods not to exceed 60 days within the previous 12 months. Employees who have been granted leave of absence without pay for a period or periods in excess of 60 days within the previous 12 months may be removed from the positions and those positions may be filled by permanent appointment.

Any employee granted leave of absence without pay and ready to return to duty at or before the expiration of the leave may notify the appointing officer in writing of his or her readiness to return and may be restored to an appropriate position at any time before the eleventh day following the expiration of such leave unless the position has been filled by the permanent appointment of a certified eligible or unless there be no need for his or her services, in either of which instances he or she shall be determined to have been laid off and his or her name shall be placed on a reemployment list for the class as provided in the Rules of the Department. Failure on the part of an employee to report for duty or to state in writing a willingness to report before ten (10) days after the expiration of a leave of absence

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without pay or to give the Director a satisfactory explanation of such failure shall be considered a resignation from the Civil Service.

- E. Grounds For Removal By The Director.** Employees who are absent without pay for a period or periods in excess of thirty (30) days in a calendar year without prior approval of the Director shall be in violation of this Rule. The Personnel Director may notify employees in violation of this Rule. Such employees who fail to make a proper request and return to work as directed by the Personnel Director within fifteen (15) days of receipt of the above notice shall be considered to have resigned their positions.
- F. Appointments To Non-Civil-Service Positions.** Any permanent employee in the Civil Service shall be granted a leave of absence from the Civil Service upon appointment to a non-Civil-Service position in the City or upon appointment to a position in the Baltimore City Police Department. Such leave shall continue as long as the employee continues to be employed in the non-Civil-Service position or in the Baltimore City Police Department, or until the employee returns to a position within the Civil Service. Upon appointment to non-Civil-Service position or to a position in the Baltimore City Police Department, the employee's position shall be deemed vacant and may be filled with another permanent employee.

Any employee dropped during probation or laid off from the nonclassified position or from the Baltimore City Police Department may request of the former appointing officer to return to a position in the employee's previous Civil Service classification. Such employee may be restored to an appropriate position at any time before the eleventh day following the termination unless (1) the employee's position has been filled by the permanent appointment of a certified eligible or (2) there be no need for his or her services, in either of which instances he or she shall be determined to have been laid off and his or her name shall be placed on a reemployment list for the class as provided in the Rules of the Department. Failure on the part of an employee to report for duty or to state in writing a willingness to report before ten (10) days after the expiration of a leave of absence without pay or to give the Director a satisfactory explanation of such failure shall be considered a resignation from the Civil Service.

RULE 48: MILITARY LEAVE

- A. Persons In The Civil Service.** Any employee of the City government in a position Civil Service who enlists, is conscripted or is call for active duty in the armed forces of the United States shall be granted a leave of absence, without pay, during the period of such service (Article 96 2 of the Annotated Code of Maryland, Resolution of Board of Estimates, April 14, 1942).

If, within ninety (90) days after completion of said military service, and honorable discharged therefrom or from hospitalization continuing after such discharge for a period of not more than one year, an employee shall apply in writing to the Department for reinstatement to the position held at the

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time of taking such leave of absence, he or she shall be so reinstated, if it is determined by the Director that he or she is capable of performing the duties of the said position, provided, however, that if the said position has been abolished, he shall be given a position as near as may be of like duties, qualifications and pay, classification, seniority and status. Such substitute positions is to be known as a "comparable" position.

Any such employee who is found to be incapacitated by the Commission by reason of such military service, may report again at any time or times within two years, and if he is found by said Commission to be sufficiently recovered, shall either be restored to duty in his former classification, if a vacancy exists, or if not, shall be placed in a "comparable" position.

- B. Persons Under Probation.** Any employee holding a position in the Civil Service who has not completed his probationary period at the time of entrance into the armed forces of the United States shall be granted a leave of absence, without pay, for the duration of his military service, and upon completion of such service and honorable discharge therefrom, may, upon written application made to the Department within ninety (90) days thereafter, if determined by the Department to be capable of performing the duties of said position, be reappointed to a position in his former classification, or a "comparable" position. In such case, he shall resume his probationary period at the point where it was interrupted by military service.
- C. Replacement Employees.** Whenever an employee is expected to be absent for a period of six months or more due to military leave, a replacement appointment may be made by transfer, promotion, or from an eligible list.

A replacement employee is a person employed solely to replace an employee granted leave of absence for military service. A replacement employee who has completed a probationary period, who is not a veteran and who is displaced by the reinstatement of a veteran with equal or greater seniority, shall be offered another "comparable" position whenever possible. Where no such position is available, such displaced civilian shall be determined to have been laid off and his or her name shall be placed on a reemployment list for the class as provided in the Rules of the Department.

- D. Certification.** The names of all persons in military service contained in an eligible list shall be included in the certification of such list, and all eligibles so certified shall be held to be available for appointment and not be removed from the eligible list during the life of the list because of military service, but their names will be withheld from certification upon receipt of a notice that they are in the military service, until they are available.

Any member of the military reserves returning from military leave may request that his or her name be restored to the eligible list on which his or her name originally appeared, if such list is still in existence

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at the time of the request, or to a successor eligible list, if such list has been established. Such restoration whether to an original list, to a successor list or to a combination of such lists, shall be in force for a period of time equal to that portion of military leave which was concurrent with the existence of the eligible list upon which such name originally appeared. The rating on a successor eligible list shall be the same as on the eligible list on which the name originally appeared.

If the eligible list on which the name of any person requesting benefits of this Rule originally appeared is not in existence at the time of return from military leave, and a successor list has not been established, a new eligible list shall be opened containing the names of all persons eligible for the same class of position who may be entitled to the benefits of this Rule. Such names shall be listed in the order of the same ratings as on the eligible lists upon which they originally appeared and length of eligibility thereon shall be equal to that portion of the period of military leave which was concurrent with the existence of that eligible list upon which such names originally appeared.

Should a new examination for the same class be scheduled while an employee is on military leave, and the employee fail to participate in the new examination, his or her name shall remain on the combined list in order of the original rating for such unexpired portion of the extended eligibility. Should an employee on military leave participate in the new examination, however, he or she shall forfeit the former rating, and shall assume for the life of the new list such standing as acquired on the new examination.

- E. Educational Leave - G.I. Bill of Rights.** Any employee of the City of Baltimore, who has served honorable in the Armed Forces of the United States, and who may be given a federal grant for educational or vocational purposes will be granted a leave of absence without pay for any period during which he or she is attending an educational or vocational training institution under such grant; provided, however, that such employee shall notify this Department of an intention to use this privilege and the name of the institution; and, provided, further, that such employee shall furnish the Department with certification of attendance from the institution.

Provided he notify the Department within ten days of the completion of his training or the withdrawal of his grant, such employee, upon acceptance by the Department's medical staff, shall be eligible for placement on and certification from the reemployment list for the class in which he has a position when leave of absence without pay was granted in the same manner as provided in the Rule 47 on leave of absence without pay.

RULE 49: LEAVE OF ABSENCE WITH PAY

Leave of absence with pay will be approved only in accordance with the current policy of the Board of Estimates, and as agreed upon between the Mayor and City Council and City collective bargaining agreements.

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For each change in the Resolution wherein it relates to leave of absence with pay, the Department will issue a procedure bulletin.

RULE 50: SEPARATION AFTER PROMOTION

In case any appointee in the Civil Service has been promoted to a higher class and within six months thereafter is dismissed, or resigns, or is otherwise separated from City service, he or she shall, on application and with the approval of the Director, be placed on the reemployment list for his or her former class.

In case any employee in the Civil Service is appointed to a non-Civil-Service position, the employee shall, on application and with the approval of the Director, be placed on the reemployment list for the class of his or her former position in the Civil Service.

RULE 51: RESIGNATION

An employee wishing to leave the Civil Service in good standing shall file with the appointing officer a written resignation on the form prescribed by the Department giving at least one week's notice of intention to leave the service, unless the said appointing officer consents to the employee's leaving sooner. The written resignation shall be forwarded to the Department forthwith. An employee who leaves the Civil Service without filing a written resignation, or giving a week's notice, shall have that fact entered on his or her service record, and may be denied entrance to examinations for which he or she may apply in the future.

Any employee who has resigned in good standing may, with the consent of the Department, withdraw the resignation within one year from the effective date of the resignation and be reappointed to a vacant position in the same classification, provided a reemployment list for the same classification is not on file with the Department. If an employee resigns from a Civil Service position to accept a non-Civil-Service position, the employee may request and be granted approval to return in his or her prior Civil Service class within one year of separation from the non-Civil-Service position. If the employee's prior classification has been abolished subsequent to the resignation from the Civil Service position, the Department may, upon the recommendation of an appointing officer, approve appointment to another classification requiring comparable or lesser qualifications and responsibilities within the time periods described above. The employee shall seek reappointment by making application in the personnel office for the organizational unit in which the reappointment is sought. In no event, shall any employee wishing to withdraw his or her resignation be placed on a reemployment list.

RULE 52: LAY-OFF

- A.** No lay-off or removal of employees for the purpose of reducing the force because of lack of work or lack of funds shall be made for any reason other than the good of the public service.

When laying off an employee in an executive, administrative, technical or professional classification, the appointing officer may give consideration to merit, efficiency, character, industry, and length of

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service in the present classification or other classification, total length of service in the Civil Service, physical condition, and any other factors relating to efficient operation of the organizational unit.

- B.** When considering the lay-off of an employee, other than an executive, administrative, technical or professional employee, that employee's length of service in his or her present classification will govern, provided that in the case of any affected employee his or her production of work is satisfactory.
- C.** Whenever it becomes necessary to reduce the work force in any organizational unit because of lack of work or lack of funds, the appointing officer shall notify the Department of the names and classifications of the affected employees for the purpose of entering their names on appropriate reemployment lists as provided in Rule 39, and shall furnish each person so laid off or removed with a certificate to that effect, as required by Section 102 of the City Charter.
- D.** Upon request of the appointing officer, the Department shall furnish such information from its employee files as may be needed in effecting any lay-off as described herein.
- E.** The provisions of this Rule shall have the same force and effect when applied to persons laid off prior to expiration of leave of absence granted in accordance with the provisions of Department Rule 47.

RULE 53: REMOVAL ON PROBATION

At any time within six months after the appointment of an eligible from a list resulting from an open examination, a probationer may be removed by the appointing officer for any reason. Such removal shall be reported to the Department forthwith, and the Director shall determine whether or not the name of the probationer shall be stricken from the eligible list as unfit for any position in the class, or whether he or she shall be allowed a trial in some other position in the class when later vacancies arise.

Persons appointed from employment lists resulting from promotion examinations shall not be subject to probation, but shall be removed in the manner described in Rule 55.

CHAPTER III - RULES OF THE CIVIL SERVICE COMMISSION

RULE 54: SUSPENSION

An appointing officer may suspend without pay from the performance of duty (for a period not to exceed thirty days), any Civil Service employee guilty of misconduct or negligence. In each case written notice of the suspension together with the reasons therefor and the period of duration, shall be given to the suspended employee or mailed to the employee's last known address. A copy of the notice to the employee shall also be furnished to the Commission forthwith.

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Suspensions shall not exceed thirty (30) calendar days, unless the employee is under investigation for criminal offenses.

An employee who has been suspended for more than 30 days may request in writing that the Commission investigate this suspension. The request and investigation shall be conducted in the manner provided in Rule 57.

RULE 55: REMOVAL FOR CAUSE

No person shall be removed from a position in the Civil Service or reduced in pay or position for or on account of his political or religious opinions or affiliations or refusing to contribute to any political fund, or refusing to render any political service. No person shall be removed from a position in the Civil Service except by the appointing officer having jurisdiction over such person, and the said appointing officer shall give the employee so removed, or mail by registered mail to the employee's last known address, written notice of the removal, in which shall be given the reasons therefor. A copy of the notice to the employee shall be furnished the Commission forthwith.

After notice has been given, the appointing officer shall schedule an informal conference with the employee to be held on or before the effective date of removal. At this conference, the employee may submit a written statement in response to the reasons for termination proffered, or may orally respond to the proffered reasons.

Upon the conclusion of the conference, and at the discretion of the appointing officer, the appointing officer may (1) proceed with the removal in conformity with the provisions of Section 102 (a) of Article VII of the Charter and Rules 55 and 56 of the Commission or (2) modify the proposed removal.

The said notice shall state further that the employee has the right within five days from the date said notice is given him, or from the date it is mailed, to request the Commission, in writing, to investigate his removal. An employee receiving notice of removal shall file a request in writing for investigation with the Commission in its offices within five days after receiving such notice, if he or she desires that he Commission investigate the said removal. The said written request shall be in accordance with Rule 57.

If no request for investigation is received from the employee within the period specified, the Commission shall act upon his removal and approve it, or order an investigation, in accordance with the provisions of Rule 57. The name of an employee who has been removed and whose removal has been approved by the Commission shall be stricken from the official roster.

RULE 56: CAUSE FOR DISCHARGE, DEMOTION OR SUSPENSION

1. Discharge, demotion or suspension of an employee in the Civil Service shall be for any just cause. Discharge shall be only for (a) unsatisfactory conduct which cannot be corrected through training,

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rehabilitation or lesser forms of disciplinary action, (b) conduct which causes irreparable harm to the health or safety to any person or, (c) conduct which causes an irreparable breach of trust.

2. The following are recognized by the Commission as just and sufficient causes for suspension, demotion or discharge of an employee from the Civil Service, although charges may be based on grounds other than those enumerated which demonstrate just cause.
 - a. That the employee has violated any lawful or official regulation or order, or failed to obey any lawful or reasonable direction made or given by a superior officer, when such failure to obey amounts to an act of insubordination or serious breach of discipline which may reasonably be expected to result in loss or injury to the City or the public.
 - b. That the employee is incompetent, inefficient or negligent in the performance of duty.
 - c. That the employee has been wantonly offensive in conduct toward clients, customers, other City employees, representatives of other governments or the public.
 - d. That the employee has been absent from duty without leave from a superior for three consecutive days without good cause and without notifying the said superior officer of his or her absence and intention to return.
 - e. That the employee has been intoxicated while on duty.
 - f. That the employee has been involved in the illegal sale, manufacture, delivery, receipt, possession or use of any controlled substance either on or off the job site during hours of employment or non-working time.
 - g. That the employee has some physical ailment or defect which incapacitates him or her for the performance of the duties of his or her position.
 - h. That the employee has committed acts while on or off duty which amount to conduct unbecoming to an employee of the City.
 - i. That the employee has been engaged in fraud, theft, misrepresentation of work performance, misappropriation of funds, unauthorized use of City property, obstruction of an official investigation or any other act of dishonesty.
 - j. That the employee has taken a fee, gift or other valuable thing in the course of the work or in connection with it for personal use when such fee, gift or other valuable thing is given him by a

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person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons.

- k.** That the employee has been convicted of a criminal offense or misdemeanor involving moral turpitude.
 - l.** That the employee has failed to complete all technical requirements of a formal traineeship or apprenticeship agreement within the term of the training program.
 - m.** That the employee has failed to obtain or retain any license, registration, certificate, permit or other qualification required by law for the performance of the duties of the position.
 - n.** That the employee is engaged in private business, occupation or employment which presents conflict with the duties and responsibilities of his or her City position.
 - o.** That the employee has failed to pay or make reasonable provision for the payment of just debts when annoyance is caused a superior officer or scandal is caused to the municipal service by such failure.
 - p.** That the employee has engaged in political activity while on the job during working hours, or advocated the overthrow of the government by unconstitutional and violent means, or used his or her official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office, or directly or indirectly attempted to coerce a state or local officer or employee to pay, lend or contribute anything of value to any political cause or purpose.
- 3.** Any employee may be suspended by a superior officer pending investigation by the appointing officer to determine whether or not the employee should be removed.

RULE 57: INVESTIGATION OF REMOVAL

- 1.** In case an employee is removed by an appointing officer, or by the Commission, and such employee has reason to believe that his removal is without just cause, or for or on account of political or religious opinions or affiliations, or for refusal to contribute to any political fund, or refusing to render any political services, said employee shall file with the Commission within five days after the receipt of an order of removal, a request in writing that the Commission investigate his or her removal and shall contain a statement that he believes that the removal was without just cause as required in the Civil Service Commission Rules, or for or on account of his political or religious opinions or affiliations, or for refusing to contribute to any political fund, or refusing to render any political services.

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Upon receipt of such written request for investigation containing the aforesaid statements, the Commission shall investigate, or appoint a hearing officer to conduct a hearing to investigate the matter. The Commission itself may grant a hearing to the discharged employee and shall appoint the time and place for the conduct of such hearing and shall notify the employee and the appointing officer of such time and place. The Commission shall have the power to administer oaths and summon and examine witnesses as to matters relating to such hearings. If the Commission finds that the removal has been in violation of the provisions of Section 102 of the City Charter or the provisions of the collective bargaining agreements, it shall report its findings and recommendations to the appointing officer, the Labor Commissioner and the Mayor, as required in the Charter Section 102. Nothing herein contained shall prevent the Commission from investigating any discharge or removal on its own motion. Any employee who files a written request for investigation with the Commission, which does not contain statements above mentioned, shall be notified by the Personnel Director that his request may not be entertained, unless it contains such statements, and such employee shall be given an opportunity to frame a request in accordance with this rule, provided the original request shall have been filed within five days as above specified.

2. Section 1 of this Rule shall apply to demotions and suspensions for more than 30 days, as well as to discharges from the service.

RULE 58: VOTING BY THE COMMISSION

All issues before the Commission shall be decided by a majority vote of the members of the Commission, either by mail ballot or by voice vote at a meeting of the Commission.

With regard to termination or suspension hearings, the Commission shall approve or reject the recommendations of a hearing officer within 60 days of the submission of the hearing officer's report. If the Commission shall to act within the 60-day period, the recommendations of the hearing officer shall prevail. Where the recommendations of a hearing officer are rejected by the Commission, the Commission shall provide to all parties a written explanation of its decision.

RULE 59: MEETINGS OF THE COMMISSION

Commission meetings may be held at any time at the call of the President on upon request of any two members. Two members of the Commission shall constitute a quorum. Regular meetings shall be adjourned in the absence of a quorum. Robert's Rules of Order shall be the rules of order of this Commission. The Director shall attend all meetings. The President shall cause minutes thereof to be recorded in the manner prescribed by law. By request of a member of the Commission present, the vote on any question acted on at any meeting shall be entered in the minutes of such meeting.

The Commission shall announce and conduct at least one public meeting prior to the final approval of any amendments to the Rules of the Department or the Rules of the Commission.

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RULE 60: AMENDMENT TO RULES

The Commission may at any time abolish, add to, change or amend any of these Rules provided that such action shall be proposed at any regular meeting of the Commission and entered in the minutes thereof. Notice of the proposed change, together with a copy of the proposed change or amendment, shall be made available to the public at no cost, and copies thereof shall be sent to the Mayor and to each appointing officer at least ten days prior to the time when said proposed change shall take effect, and the substance of said proposed change shall be published in a daily newspaper of general circulation in the City of Baltimore at least ten days prior to the time for action thereon by the Commission. Notice of every amendment or change in the Rules shall be sent by the Personnel Director to each appointing officer. A copy of all changes and additions in the Rules shall be filed as a public record with the Department of Legislative Reference and the amended rules shall not be effective until so filed.