

RULE V

EMPLOYMENT PRACTICES

SECTION 1. OBJECTIVES

The following employment practices are established: (1) To comply with federal and state laws; and (2) to enhance the employment conditions in the City of Forest Park in order to create fair and equitable employment practices which will produce greater job satisfaction, integrity, employee loyalty, productivity, and quality of work.

SECTION 2. RECRUITMENT AND ANNOUNCEMENTS

The City of Forest Park recruitment activities shall be planned and executed to meet both the immediate and long range needs of the City. The Human Resources Director will consider such factors as employee turnover, currently budgeted positions, anticipated or identified future departmental needs, and any affirmative action goals that may be established pursuant to federal or state laws.

Vacancies may be filled by promotion, transfer, demotion, regular probationary appointment, reinstatement, reappointment, emergency appointment, or temporary appointment. Vacancies shall be announced publicly by the Human Resources Department for a minimum period of one week before being filled, except where the appointment is to be made on a temporary or emergency basis. During this period, applications will be accepted from applicants and/or current employees seeking promotion. Vacancies to be filled by promotional competitive appointment will be announced within the City for a minimum of one week.

The Department Head shall usually determine whether the position will be filled through a promotional-competitive or open- competitive appointment process, subject to review by the Human Resources Director. If the Human Resources Director determines that the composition of a Department's workforce, or a job classification suggests a possibility of an unlawfully discriminatory pattern or practice of making appointments, the Director of Human Resources may recommend that an alternative method of appointment be used which may expand the pool of qualified applicants and help to eliminate the likelihood that such an unlawful practice exists. If the Human Resources Director determines that an insufficient number of candidates have applied for a position, or that expansion of the recruitment effort to new sources of employees is necessary to create a sufficient pool of qualified applicants to meet any affirmative action goals prescribed under federal or state law, or established by the City in compliance with such laws, the Director of Human Resources may extend the time for accepting applications and may expand the recruitment sources until there are sufficient numbers of qualified applicants for the position. Public announcements of examinations shall specify the title and salary range of the class of positions, the rate of pay at which appointments are expected to be made,

the duties to be performed, the minimum qualifications required, the final date on which applications shall be received, and that the City is an Equal Opportunity Employer.

SECTION 3. APPLICATION FOR EXAMINATION

a. **Prescribed Form Requirement:** All applications shall be made on forms prescribed by the Director of Human Resources and must be filed on or before the closing date specified in the announcement, or postmarked before midnight of that date. The Human Resources Director shall be custodian of all these applications.

b. **Completeness Requirement:** All job applications must be complete and shall include such pertinent job-related information as follows: The applicant's training and education completed; a complete history of work experience, including periods of unemployment; a description and the dates of any military service; a complete account of any convictions for felonies or misdemeanors; and all other pertinent job related information deemed necessary by the Human Resources Director. The job applications shall not seek or include information identifying the applicant's race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age (except where a minimum age is required for a position, or where, consistent with the federal Age Discrimination in Employment Act and the regulations thereunder, a maximum age has been established for the position in a Public Safety job), disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local law. Any data required for monitoring the City's compliance with equal employment opportunity laws other for legal purposes shall be obtained and stored in documents which are not attached to and are stored separately from the job application form, and shall not be made available to the individuals making the hiring decision.

SECTION 4. DISQUALIFICATION OF APPLICANTS

The Human Resources Director may reject and refuse to consider any application, or after examination of an application, may disqualify an applicant when it has been determined that:

a. The application was not received on or before the closing date established for accepting applications;

b. The application was not filed on the prescribed form;

c. The applicant does not possess one or more of the requirements as specified in the job classification or public announcement of the examination;

- d. The applicant falsified or did not complete pertinent information on the application form;
- e. The applicant is not qualified to perform the duties of the position;
- f. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination or in employment;
- g. The applicant has previously been dismissed from a position by the City of Forest Park, or by any other employer;
- h. The applicant has taken part in the compilation, administration, or correction of the examination for a position and is an examinee for that position;
- i. The applicant has directly or indirectly obtained information which is not generally available to other applicants regarding an examination for the position in a manner indicating a breach of ethical standards;
- j. The applicant for a promotion has received less than a satisfactory overall rating on a performance appraisal within twelve (12) months prior to the closing date for receipt of applications;
- k. The applicant has otherwise willfully violated the provisions of these rules; or,
- l. For other lawful reasons deemed relevant to the applicant, the position which the applicant seeks, and to the City's legitimate interests.

SECTION 5. CHARACTER OF EXAMINATIONS

- a. Purpose: The purpose of any examination is to determine the applicant's relative suitability for the job being filled. To determine applicants' "relative suitability" requires a comparative judgment of applicants' respective abilities to create the work behaviors necessary to successfully perform the functions of the position for which they are applying. This determination is made by assessing information obtained from a combination of sources such as the applicant's job application, interviews of the applicant and former employers, assessment of training, education, and experience and any job-related examination or test.
- b. Content: Examinations shall be practical in nature, constructed to measure the relevant training, knowledge, skill, experience and ability of the job applicant actually necessary to perform the functions of the jobs in the particular class of positions in which the vacancy exists. All examinations shall be content related and valid. All applicants' examinations shall be rated objectively and impartially.

c. Valid Methods: The Director of Human Resources may use any job-related selection method that is valid, reliable, and objective. The selection procedures shall measure or sample job behaviors or knowledge, skills, and abilities actually required to successfully perform the job for which the applicant is applying. Examinations may consist of written tests; performance tests; representative work samples, rating of training, education and/or experience; structured oral examinations; and physical fitness, either singularly or in combination, or any other method which, in the Human Resources Director's judgement will test fairly the relative fitness and suitability of the applicant to efficiently discharge the functions of the position to be filled.

SECTION 6. RATING APPLICANTS' TRAINING, EXPERIENCE, AND OTHER FACTORS

a. Functional Relevance of Ratings: When the rating of an applicant's training/education and experience is a part of an examination, or when it is the only measure of an applicant's relative suitability for the position, the Human Resources Director shall determine the procedure for evaluating such qualifications of the candidates. The selected procedure shall ensure that the training/education and experience being rated is relevant to the actual functions in the position being filled. Regency of training/education and experience shall be weighted when such regency is job-related and likely to affect the applicant's performance on the job. The applicant's level of training, education and experience will be considered to the extent such a level is relevant to determining the individual's relative suitability for the job.

b. Jobs with No Prescribed Qualifications: The Human Resources Director shall also determine the procedure for evaluating candidates for positions which do not have prescribed minimum entrance qualifications. Ranking for such positions may be done on the basis of such procedures as work sample tests, work record checks, aptitude testing, or other appropriate procedures. Where minimum qualifications are established, they must be met by all successful candidates.

SECTION 7. CONFIRMATION OF TRAINING/EDUCATION AND EXPERIENCE

Before rating training/education and experience, the Human Resources Director shall investigate the candidate's work history and verify the applicant's training/educational record as indicated in their job application. The Director of Human Resources shall rate the candidate in accord with the results of this investigation. Where it is later determined that an applicant or employee has falsified any statement contained in a job application, the employee shall be dismissed. No employee dismissed for such falsification shall be eligible to apply for or hold a position in the City.

SECTION 8. MAINTENANCE OF RECORDS

The Human Resources Director shall be responsible for the maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept for three (3) years unless retention for a longer period of time is required by either Federal or State law, or otherwise specified.

SECTION 9. HIRING OF RELATIVES

- (a) **Definitions.** “Relative” is defined to include spouse, child, stepchild, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew or the spouse of any of them. These relationships shall include those arising from adoption. Persons who are common law married or who are living together without the benefit of matrimony are also considered as relatives under the intent of this rule. “Personnel actions” include, but are not limited to, promotions, pay raises, transfers, duty assignments, and disciplinary matters.
- (b) **Relatives of elected officials.** Relatives of elected officials are excluded from employment in any department in the City.
- (c) **Relatives of supervisory employees.** Relatives of employees in positions that carry any degree of supervision shall not serve in a position subordinate to a relative.
- (d) **Relatives of nonsupervisory employees.** Subject to the foregoing provisions, relatives of nonsupervisory employees may be employed by the city in any position which they are qualified to fill.
- (e) **Employee transfers.** The limitations regarding the employment of relatives specified in this section also apply to the transfer of an employee into a department where supervisory relatives are employed.
- (f) **Employees who become related subsequent to employment.** The limitations on employment of relatives specified in this section shall apply to the continued employment of persons who become relatives subsequent to their employment by the City due to their getting married to each other. If an appropriate transfer cannot be arranged, the less senior employee will be terminated.
- (g) **Subsequent elections or appointments.** Employees who are already related at the time of the adoption of this section; or who would be in violation of this section upon the election or appointment of a relative to an elected or appointed supervisory position; or who became related subsequent to their employment on account of the marriage or adoption of some other person; may continue their employment subject to the following conditions:

- (1) Elected officials may not participate in or vote upon any specific individual personnel actions directly involving a relative.
- (2) Department directors and supervisors shall transfer any relative (other than those already employed on the effective date of this section) to a different division or section so as to avoid any direct supervision and shall not participate in any personnel actions involving a relative.

SECTION 10. PHYSICAL EXAMINATIONS

No medical examination shall be required, nor shall any medical question be asked of a job applicant until after a conditional job offer has been made to the applicant. Thereafter, all job offers are contingent upon the applicant passing a drug screening, and a medical examination which shall determine whether the applicant is physically able to perform the essential functions of the job for which they are being hired, with or without reasonable accommodations. Every applicant will be given the examination by a physician chosen by the City. The City will pay for all employment physical examinations and drug tests (except where the employee requests a second confirming drug test).