

4.1.2 – Recruitment Process

ARTICLE V. - RECRUITMENT AND EMPLOYMENT

Sec. 54-151. - Eligibility.

- (a) Individuals shall be recruited from a geographic area as wide as is necessary in order to obtain well-qualified applicants. Employment shall not necessarily be limited to residents of the city; however, in cases where residents and non-residents are equally qualified, the resident shall receive first consideration in the filling of vacancies.
- (b) All individuals shall be recruited, screened and employed on the basis of job-related experiences, job-related skills, education, knowledge and abilities, and on the candidates' general suitability to perform the required work.
- (c) Recruitment and employment of sworn police officers shall be governed by the city charter, by state law, and by applicable city ordinances.

(Ord. No. 1994-43, art. V, § 1, 7-26-94; Ord. No. 2012-178, § 1, 11-27-12)

Sec. 54-152. - Employment opportunities.

The human resources director shall publicize employment opportunities for all positions regular, temporary, part-time, or full-time including employment qualifications and pay ranges throughout the community, paying particular interest toward the recruitment of qualified individuals within protected groups. However, where practical, first opportunities for vacant positions which represent promotional opportunities shall be given to qualified persons employed with the city. Applications will be received and selections made without regard to age, sex, race color, religion, national origin, political affiliation, sexual orientation or disability as defined by the Americans with Disabilities Act. Applicants with disabilities shall be given equal consideration with other persons in all matters involving recruitment and employment to the extent that the disabilities do not present an unreasonable barrier to the satisfactory performance of duties.

(Ord. No. 2012-178, § 1, 11-27-12)

Editor's note— Ord. No. 2012-178, § 1, adopted November 27, 2012, amended § 54-152 to read as set out herein. Former § 54-152 pertained to publication of employment opportunities and was derived from Ord. No. 1994-43, art. V, § 2, adopted July 26, 1994 and Ord. No. 1997-42, § 2, adopted August 26, 1997.

Sec. 54-153. - Discrimination prohibited.

The city and specifically, the human resources director and the city manager will take affirmative steps to insure that applicants are employed, and that employees are treated during employment without regard to age, sex, race color, religion, national origin, political affiliation, sexual orientation, or disability as defined by the Americans with Disabilities Act. Such steps shall include, but not be limited to, the following: employment, classification, promotion, demotion, transfer, recruitment or recruitment advertising, layoff or termination, disciplinary action, rates of pay or other forms of compensation, and selection for training. Employees should fully understand that discrimination of any type is forbidden and will result in immediate disciplinary action, up to and including dismissal, and could result in civil suit and/or criminal prosecution. The human resources director shall conduct all internal investigations into discrimination complaints and report his/her written findings to the city manager.

(Ord. No. 1994-43, art. V, § 3, 7-26-94; Ord. No. 1997-42, § 2, 8-26-97; Ord. No. 2012-178, § 1, 11-27-12)

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Sec. 54-154. - Sexual and other unlawful harassment prohibited.

- (a) Sexual and other unlawful harassment involving any employee of the city in the employment relationship will not be tolerated. Harassment, retaliation, coercion, interference, or intimidation of an employee due to his or her age, race, color, religion, sex (including pregnancy, childbirth, or related medical condition), national origin, disability, or other legally protected status is strictly forbidden.
- (b) Employees, without any fear of reprisal, have the responsibility to bring any form of sexual or other unlawful harassment to the attention of their immediate supervisor or division head so that a prompt investigation may be begun into the circumstances of the incident and the alleged conduct. If an employee does not feel comfortable reporting the incident to their immediate supervisor or division head, he/she should contact their department head or the human resources director, who will investigate the matter thoroughly.
- (c) Appropriate disciplinary action, up to and including termination of employment, will be taken against any employee engaging in sexual or other unlawful harassment. In addition to disciplinary action which the city will impose, violations of this section may result in civil suits and criminal violations. (Refer to sexual and other unlawful harassment policy.)

(Ord. No. 2012-178, § 1, 11-27-12)

Editor's note— Ord. No. 2012-178, § 1, adopted November 27, 2012, amended § 54-154 to read as set out herein. Former § 54-154 pertained to harassment prohibited and was derived from Ord. No. 1994-43, art. V, § 4, adopted July 26, 1994 and Ord. No. 1997-42, § 2, adopted August 26, 1997.

Sec. 54-155. - Employment—Appointments.

- (a) The policy of the city is to employ personnel according to merit and fitness. To that end, the city shall use all available means to attract qualified candidates for employment and to make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness, and other qualifications required for positions in the service of the city. All tests and examinations must receive the prior approval of the human resources director and must be in accordance with state and federal law. The human resources director will carefully evaluate the effect of all tests and examinations in order to insure that no particular classes or groups of employees experience an adverse impact.
- (b) The policy of the city is to create career opportunities for its employees whenever possible. Therefore, normally, when a current employee applying for a vacant position possesses the most suitable qualifications, that employee should be promoted to the position. However, if by promoting a current employee, the city would create or continue substantial imbalance in the ethnic make-up for a particular grouping, the city should carefully consider all applicants, so that it may, where reasonable, for the purpose of this section to ensure that the city strives and maintains a work force representative of the community's sex, race and age makeup.

(Ord. No. 2012-178, § 1, 11-27-12)

Editor's note— Ord. No. 2012-178, § 1, adopted November 27, 2012, amended § 54-155 to read as set out herein. Former § 54-155 pertained to appointments and was derived from Ord. No. 1994-43, art. V, § 5, adopted July 26, 1994 and Ord. No. 1997-42, § 2, adopted August 26, 1997.

Sec. 54-156. - Qualification standards.

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Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as may be established by law or the city manager, with advice and recommendations of the human resources director and the respective department head.

(Ord. No. 2012-178, § 1, 11-27-12)

Editor's note— Ord. No. 2012-178, § 1, adopted November 27, 2012, amended § 54-156 to read as set out herein. Former § 54-156 pertained to qualifications of employees and was derived from Ord. No. 1994-43, art. V, § 6, adopted July 26, 1994 and Ord. No. 1997-42, § 2, adopted August 26, 1997.

Sec. 54-157. - Employee residency requirements.

- (a) *Purpose.* The purpose of establishing residency requirements for the city manager, assistant city manager and all department heads as set forth in this section is to:
 - (1) Enhance the quality of employee performance by greater personal knowledge of the city's conditions that results from living and participating as a member in the city's community;
 - (2) Ensure the prompt response of experienced department heads in emergency situations; and
 - (3) Enhance the general economic benefits flowing from local expenditure of department heads' salaries.
- (b) *City manager and assistant city manager residency requirement.* Within six months of his or her appointment, the city manager and assistant city manager shall be required to reside within the city limits, and shall remain a resident of the city during his or her tenure.
- (c) *Department head residency requirement.* All department heads are encouraged but shall not be required to reside within the city. All department heads shall reside within eight miles (measured on a straight line basis) of city hall. If a department head does not reside within the prescribed area at the time of employment, such department head shall have six months from the date of employment to comply with the residency requirement established in this section.
- (d) *Definition.* A person resides, becomes a resident of, or establishes residency within the prescribed area when the person:
 - (1) Has left his or her prior home with no intent to return to the prior home as a place of regular habitation;
 - (2) Has rented, leased, or purchased a dwelling unit (as defined in the Land Use Ordinance) within the prescribed area;
 - (3) Has established such dwelling unit as his or her regular place of habitation and the place to which, whenever he or she is absent, he or she has the intention of returning; and
 - (4) Actually resides within the dwelling unit on a regular basis at least five evenings during normal weeks.

Continued employment is conditioned upon compliance with the residency requirements established in this section. This section is not intended to limit or restrict the area of recruitment for city personnel, it being the desire of the board of aldermen that the best qualified personnel available should be sought for positions in city employment.

(Ord. No. 1994-43, art. V, § 7, 7-26-94; Ord. No. 2011-124, § 1, 8-9-11; Ord. No. 2012-178, § 1, 11-27-12; [Ord. No. 15-031, § 1, 7-14-15](#))

Sec. 54-158. - Employment status.

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Employment status with the city falls into one of two categories:

- (1) Full-time employment is the employment, whether regular or temporary, in which an employee works the number of hours designated by the board of aldermen as full-time. For purposes of this policy, full-time employment shall consist of an average workweek of at least 40 hours (42 for sworn police personnel and 56 for fire personnel).
- (2) Part-time employment is employment, either regular or temporary, in which an employee works an average less than the number of hours designated as full-time. For purposes of this policy, part-time employment shall consist of an average workweek of less than 40 hours per week.

(Ord. No. 1994-43, art. V, § 8, 7-26-94; Ord. No. 2012-178, § 1, 11-27-12)

Sec. 54-159. - Employment types.

There are three types of employment with the city, as follows:

- (1) *Regular*. Employees in these positions shall serve in a budgeted position for an indefinite period.
- (2) *Temporary*. Employees in these positions shall serve for a definite period to fill a position which will cease to exist at the end of a definite term upon the happening of a predictable event, including approved grant funded positions for the duration of the grant period.
- (3) *Seasonal*. Persons employed by the city for special or seasonal work assignments.

(Ord. No. 1994-43, art. V, § 9, 7-26-94; Ord. No. 2012-178, § 1, 11-27-12)

Sec. 54-160. - Probationary period and evaluation.

- (a) Regular and temporary employees who are employed full-time or part-time will serve a six-month probationary period, except fire and sworn police personnel. Fire and sworn police personnel, shall serve a 12-month probationary period. If, during the initial months of a person's employment, that person serves first as a temporary city employee and then as a regular employee or vice versa, then the probationary period shall last until the employee has served the equivalent of six months or 12 months, if applicable as a regular employee.
- (b) An employee who has gained regular status and whose performance and/or conduct has deteriorated to an unacceptable level, may be placed on probation not to exceed six months in order to allow the employee to adjust his or her performance and/or conduct in lieu of more drastic disciplinary measures being taken.
- (c) While serving in a probationary status, employees will accumulate sick leave, annual leave and receive holiday pay, but not be permitted to take annual leave, unless denial of such leave, as determined by the human resources director, will create an unusual hardship for the first six months of probationary period. An employee may be dismissed at any time during the probationary period with or without cause.
- (d) The department head may recommend to the city manager that the probationary period be extended. The manager may extend the probationary period of any employee by up to 50 percent of the initial period, providing that no employee may remain on probation for more than 18 months. The employee shall be notified, in writing, of an extension decision before the expiration of the initial probationary period.
- (e) During the probationary period, the supervisor of the employee serving in a probationary period shall closely monitor the progress of the affected employee and shall frequently coach and discuss performance with the employee. Before the end of the probationary period, the respective department head shall make a written recommendation to the human resources director whether the

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probationary period should be extended or whether the employee should be retained in his/her present position, transferred, demoted or dismissed. An employee will remain on probationary status until his/her department head submits a recommendation to change the employee's status from probationary to regular.

- (f) At the end of the probationary period, if the employee is retained in the position he or she filled while serving in a probationary period, then the employee may be eligible for a one-step salary adjustment if recommended by the department head in terms of employment.
- (g) An employee is generally expected to have completed his/her probationary period in his/her current position before being considered for promotion, demotion or transfer.

(Ord. No. 1994-43, art. V, § 10, 7-26-94; Ord. No. 1997-42, §§ 2, 3, 8-26-97; Ord. No. 2012-178, § 1, 11-27-12)

Sec. 54-161. - Adjustment period and evaluation.

Employees who are promoted, demoted or transferred are required to serve a six-month adjustment period in order that their performance in the new position may be evaluated. Adjustment periods are very similar to probationary periods, and supervisors are expected to give continuous feedback, coaching, counseling and guidance to the affected employee.

(Ord. No. 2012-178, § 1, 11-27-12)

Editor's note— Ord. No. 2012-178, § 1, adopted November 27, 2012, amended § 54-161 to read as set out herein. Former § 54-161 pertained to adjustment period and evaluation for promoted, demoted or reclassified employees and was derived from Ord. No. 1994-43, art. V, § 11, adopted July 26, 1994.

Sec. 54-162. - Employment of relatives.

- (a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family or an employee occupying a position which has influence over the family member's employment, promotion, salary administration, or other related management or personal considerations.
- (b) This section shall not be retroactive, and no action will be taken concerning those members of the same immediate family employed in conflict with subsection (a) prior to the adoption of this policy. However, should immediate family members be employed as outlined above and should one member of the immediate family separate his/her employment from the city, then that family member will be prevented from returning to work with the city if it would conflict with subsection (a).

(Ord. No. 1994-43, art. V, § 12, 7-26-94; Ord. No. 2012-178, § 1, 11-27-12)

Secs. 54-163—54-190. - Reserved.