

RULE 1

GENERAL

1. Purpose

On November 6, 1962, the electors of the City of Battle Creek voted to adopt Act 78 of the Public Acts of the State of Michigan, as amended. It is the purpose of these rules to:

- (a) Establish procedures for carrying into effect a Civil Service System for the Fire Department of the City of Battle Creek as set forth in the Act.
- (b) Establish rules applicable to all regular and full-time persons holding positions in the Fire Department excluding civilian employees.

These rules may be added to, amended, or rescinded by the Commission.

2. Definition of Terms

The various terms used in these rules shall be abbreviated or defined as follows:

- (a) **The Act**: Act 78 of the Public Acts of the State of Michigan as amended.
- (b) **Commission**: Civil Service Commission
- (c) **Clerk**: City Clerk is the ex officio Clerk of the Commission, per Act 7, Section 5.
- (d) **Human Resources**: City Human Resources Manager
- (e) **City Commission**: The City Commission of the City of Battle Creek.
- (f) **Principal Executive Officer and/or Appointing or Removing Authority**: The City Manager of the City of Battle Creek.
- (g) **Chief**: The Chief of the Fire Department.
- (h) **Rules**: The Civil Service Commission Rules adopted herein.
- (i) **Employee**: Any person employed on a full-time basis in the Fire Department, excluding civilian employees.
- (j) **Department**: The Fire Department.
- (k) **Executive Session**: A meeting at which only the Civil Service Commissioners and Secretary can be present.
- (l) **Chairman**: Civil Service Commission “President” under the Act.

3. Meetings

Two members of the Commission present at any meeting shall constitute a quorum. All three members of the Commission must be present for oral examination, hearings; however, a quorum is sufficient for those events listed above in situations where a Commissioner is unable to be present due to a medical emergency or the death of a family member, or as outlined in Rule 3, Section 6. (*Rule Change: 8-19-91, 9-25-00*)

- (a) All regular meetings of the Commission shall be held at 4:00 p.m. on the fourth Monday of each month. (*Rule Change: 1-31-94, 1-22-01*) All hearings or other business activities will be held Monday through Friday, except where holidays occur, between the hours of 8:00 a.m. to 5:00 p.m. (*Rule Change: 10-25-99*)
- (b) Special Meetings may be called by any member of the Commission when deemed necessary.
- (c) All meetings shall be in City Hall or a place designated by the Commission.
- (d) Minutes of the proceedings of the Commission shall be prepared by the Clerk's Office or a person designated by the Commission.
- (e) All meetings of the Commission shall be open to the public, except closed sessions, as authorized by the Open Meetings Act.

4. Order of Business

- (a) Roll Call
- (b) Approval of the minutes of the previous meeting
- (c) Petitions and Communications
- (d) Reports
- (e) Unfinished Business
- (f) New Business
- (g) Adjournment

5. Petitions and Communications

- (a) All petitions and/or communications from any employee to the Commission shall be addressed as follows: Civil Service Commission, c/o City Clerk, Room 111, City Hall, Battle Creek, Michigan.
- (b) All petitions and/or communications should be legibly written and properly signed and shall be delivered to the City Clerk who shall forward a copy to each Commissioner.

6. Records

All records of and correspondence to the Commission shall be filed in the office of the Commission. Certain records shall be open for public inspection according to 38.509, Section 9 of the Act, except as follows:

- (a) Materials used in examinations whether or not the examination is held.
- (b) Any other material exempt from disclosure under State or Federal Legislation or regulations.

7. Elections

Election of the member of the Commission to be elected by the members of the department shall be conducted under the supervision of the executive head of the department. The results of any election held under the provisions of this section shall be certified to the Commission within forty-eight (48) hours from the time the ballots are counted and the results determined.

8. Indemnification

Resolution No. 186 adopted by the Battle Creek City Commission on July 1, 1980, is hereby made a part of these local Civil Service Rules. (*Incorporated: 9-14-92*)

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the City Commission determines that the possibility of personal liability on the part of the officials and employees of the City of Battle Creek could hinder and deter the officials and employees from effectively and faithfully performing their duties; and

WHEREAS, the City Commission hereby determines that the protection of the officials and employees of the City of Battle Creek is in the public interest and does advance the interests of the City and good government thereof;

NOW, THEREFORE, BE IT RESOLVED by this City Commission that it shall be the policy of the City of Battle Creek to defend and indemnify its present and past elected officials, appointed officials (including members of its boards, committees, commissions, and the Economic Development Corporation of the City of Battle Creek) and employees from any claims, liabilities, costs, judgments, or settlements which said officials or employees shall be legally obligated to pay as the result of actions taken, or not taken, while acting in the course of their employment or the performance of their duties and while acting within the scope of their authority to the extent not covered by insurance.

RULE 2

FILLING OF VACANCIES

1. Vacancy

When the appointing authority has a position or vacancy which he/she desires to be filled, he/she shall forward to the Commission a written request, stating the title of the position, reason for the vacancy and the probable duration of employment.

- (a) Vacancies in entry-level positions shall be filled in accordance with Rule 3 and the Act.
- (b) Vacancies in positions above the rank of Firefighter shall be filled in accordance with Rule 4 and the Act.

RULE 3

FILLING VACANCIES IN THE RANK OF FIREFIGHTER

AND/OR OTHER

ENTRY-LEVEL POSITIONS

1. Applications

Applications for original appointment shall be received by the Human Resources Manager or such other person(s) designated by the Commission, and shall be forwarded to the Commission at the end of each month. Applications shall contain information as required under 38.510 Sec. 10 of the Act. Applicants must hold a high school diploma or a G.E.D. Equivalent (by the date of the written exam).

2. Date of Examinations

Written examinations shall be scheduled by the Commission.

3. Posting and Publishing Notice of Exam

Rules and qualifications for examinations shall be established by the Commission and copies of same shall be posted in the Fire Stations and City Hall and advertised in the local newspaper when there are vacancies to be filled by beginning Firefighters and other entry-level positions.

4. Content of Written Examinations

The content and nature of examinations shall conform to the requirements stated in 38.512 Sec. 12(1) of the Act. Questions for all written examinations may be prepared and assembled by a recognized agency designated by the Commission.

5. Investigation

The Human Resources Department shall make an adequate investigation of the character of the person applying for initial appointment, including employment, character references and fingerprinting. The Police Department shall furnish to the Commission a police record on all applicants when such record exists. This investigation may include interviews with former employers, character references and neighbors. A check of the applicant's credit record may be required as permitted by law. A report of the investigation shall be completed and filed with the Commission.

6. Interviews

The Commission may use an appropriate qualified agency or individuals for screening applicants for the position of Firefighter or it may interview any or all of the applicants directly. In this situation, the City-appointed Commissioner and the Union-appointed Commissioner must be present except in situations where the City or Union-appointed Commissioner is unable to be present due to medical emergency or the death of a family member. In such cases, a quorum is sufficient for conducting the interviews. The number of individuals interviewed shall be determined by the Commissioners. (*Rule Change: 8-19-91*)

7. Certification of Lists

Certification of a list of eligible applicants shall be accomplished at the earliest possible meeting of the Commission.

8. Physical/Psychological Exams

Applicants for admission to the Fire Department shall be examined by a medical doctor and take a psychological exam. Both the medical and psychological exams must be completed and successfully passed within 45 calendar days after receiving a conditional offer of employment. In the event the Applicant does not successfully complete either a psychological or physical examination they shall be removed from the eligibility list. If exams are delayed due to availability of provider(s), then a reasonable extension may be provided at the discretion of the City. (*Rule Change: 6-22-98, Psychological Rescinded: 10-25-99, Psychological Reinstated: 8-2-00, 2-24-25*)

RULE 4

FILLING VACANCIES ABOVE THE RANK OF

FIREFIGHTER

1. Vacancies

Vacancies in all positions above the rank of Firefighter shall be filled by promotion, based upon evaluation of fitness as demonstrated by the Assessment Center, which will include written and oral examinations, and seniority of the applicants. (*Rule Change: 7-13-2020*)

2. Time in Lower Grade

No person shall be eligible for promotion to a higher grade until he/she has served at least two (2) years in the next lower rank on the date of the exam or the expiration date of the latest eligibility list for that position, whichever is the latest date, except in accordance with 38.512 Sec. 12(2) of the Act.

The next lower rank for each position is as follows:

<u>Position</u>	<u>Next Lower Rank</u>
Battalion Chief	Captain
Captain	Lieutenant
Lieutenant	Firefighter
Fire Marshal	Fire Inspector
Fire Inspector	Firefighter (<i>Rule Change: 1-31-2023</i>)
Fire Training Officer	Firefighter
	Fire Prevention
	Training Liaison Officer (<i>Rule Change: 12-28-93</i>)
Fire Mechanic	Firefighter
Fire Alarm Dispatcher	Firefighter

In the event no person in the next lower rank meets the minimum criteria for eligibility for promotion and/or if persons eligible for promotion in the next lower rank do not seek promotion, the Civil Service Commission authorizes the City to lower the requirements for promotional testing in accordance with 38.512 Sec. 12(2) of the act, without coming before the Commission, as follows (*Rule Change: 1-31-2023*):

- i. First Sign Up: to candidates with 2 years in the next lower rank and 5 years in the department, if none;
- ii. Second Sign Up: to candidates with 2 years in the next lower rank and 3 years in the department, if none;
- iii. Third Sign Up: to candidates who do not have 2 years in the next lower rank; as to all intent and purposes as though 2 years of service had been completed.

3. Interview/Oral Examination

An Assessment Center for line officers (Lieutenant, Captain, and Battalion Chief) shall include a tactical scenario exercise, a role-play exercise, an in-basket exercise, and a structured oral interview exercise. The structured oral interview exercise shall be conducted by the Commission or an appropriate qualified agency or individuals appointed by the Commission. An Assessment Center for non-line positions of Fire Marshal,

Fire Inspector and Training Officer shall include a structured oral interview exercise, an oral presentation exercise, an in-basket exercise, and a role-play scenario exercise. Where the oral examinations are being conducted by the Commission, the presence of all three Commission members is required, except in situations where a Commissioner is unable to be present due to medical emergency or the death of a family member. In such cases, a quorum of Commissioners is sufficient for conducting the oral examinations. *(Rule Change: 4-23-12, 7-13-2020, 6-09-2023)*

4. Yearly Evaluations

There shall be a yearly evaluation of all Fire Department personnel, using the program used by the City Human Resources Department. The evaluation will be reviewed by the Battalion Chief and Chief of the Department before being placed in the employees' Civil Service File. The evaluations will be used at the time of interview for promotion. No interview for promotion will be held without a current yearly evaluation.

5. Release of Test Scores

Test scores for promotional exams will be held until all test scores are compiled. Once compiled, candidates will be provided with all test results. *(Rule Change: 03-24-97)*

6. Promotional Scores

The final score for every promotional exam will be determined in the following:

- (a) It will be possible to receive one hundred (100) points in each of the following categories: Written Examinations and Assessment Center. Fifty percent (50%) of the score will be for the written examination and fifty percent (50%) will be for the Assessment Center. Written Exam (minimum score of 70% required to move forward to the Assessment Center). The Line Officer Assessment Center (40% tactical scenario, 20% role-play exercise, 20% in-basket exercise, and 20% interview exercise) cumulative score of 70% to pass Assessment Center. The Non-Line Assessment Center (25% structured oral interview exercise, 25% oral presentation exercise, 25% in-basket exercise, and 25% role-play scenario exercise) cumulative score of 70% to pass Assessment Center. The assessment center structured oral interview exercise will take into consideration a person's training and education. *(Rule Change: 7-13-2020, 6-09-2023, 7-24-2023)*
- (b) Seniority points will be added to the candidates scores after comprising 70% or higher on the written exam and comprising 70% or greater on the Assessment Center. The final examination score will be written test score, plus Assessment Center score, with seniority points added after written test and Assessment Center scores are calculated. Seniority points will be determined on the basis of .5 (1/2) point for each full year (twelve months) of service on the Battle Creek Fire Department as of the date of the written examination or the date of expiration of the last list, whichever is the latest date. All candidates will be entitled to points on an equal basis regardless of number of years of service. *(Rule Change: 7-13-2020)*

In case of a tie in the final score, same shall be broken in favor of the person with the most seniority in the department.

RULE 5 EXAMINATIONS

1. Applications

The application period for the position of Firefighter shall remain open at all times. Applications received while a current Eligibility list is in place will be saved by the City and all applicants will be notified when a test date is set. The City shall be permitted to schedule a test at any time; but at a minimum, testing shall be conducted every 2 years. In the event a testing period occurs while a current Eligibility list is in place, the current Eligibility list shall be utilized until its exhaustion, and then be replaced by the successor list.

(Rule Change 02-24-25)

2. Review of Contents of Examination

The Commission shall have the right to review the examination questions before they are given to become familiar with the content. Questions for all written examinations shall be prepared and assembled by a recognized personnel agency designated by the Commission.

3. Content Validity

All examinations given for the various positions in the department shall be arranged in such a manner as to determine fairly the qualifications and the ability of the applicant to fill the position for which the examination is being given. All examination papers shall be marked and scored by a person or group of persons experienced in such procedure.

4. Proctor/Rules

Written examinations shall be conducted by the City Clerk or such other person(s) as may be designated by the Commission. The person conducting the examination shall be present and maintain quiet in the examination room at all times so that all contestants may have a fair and equal opportunity to do their best. Talking among contestants shall be prohibited. No contestant shall leave the examination room without permission. No contestant shall remove the exam questions or any copies of the exam questions. No questions pertaining to the examinations shall be answered by the person in charge unless such question is of interest to all contestants and when a question is raised by a contestant the person in charge shall announce so that all may hear what the question was and the answer to it. Unless permitted by the proctor, the contestants may not bring in or leave with any materials.

5. Identity of Examinees

Written examination papers shall contain no other identification than the number placed on it by the contestant and his identification number shall be placed in an envelope, sealed and retained in the files of the Commission until the examination papers have been graded and the tabulated results returned to the Commission by the person or agency designated by the Commission to prepare and grade examinations.

6. Make-up Exams

Make-up examinations will not be allowed for entry-level positions if an applicant does not report to take an exam on the scheduled exam date.

The Civil Service Commission may approve an alternative date for an applicant to take a promotional examination. The applicant must notify the Commission/City Clerk within 72 hours of posting of the sign-up sheet of extenuating circumstances which warrant an alternative date. The Civil Service Commission's decision to approve an alternative examination shall be final.

The Commission has the authority to grant approval after the 72 hour time limit has passed, if the applicant can show cause as to why he/she is unable to sit for the scheduled exam.

If it becomes necessary to cancel a scheduled examination, a new examination shall not be scheduled until at least two weeks pass subsequent to the originally scheduled date. If at all possible, the Clerk of the City will contact each applicant with possible dates for the examination. No new candidate will be allowed to take a rescheduled examination. *(Amended 6-27-11)*

7. Examination Scores Mailed

Examination scores will be mailed to all applicants who write an exam.

RULE 6 **ELIGIBILITY LISTS**

1. Effective Date

Eligibility lists for all positions shall remain in force for a period of two years from the date of the last examination.

2. Maintenance of Eligibility Lists

Eligibility lists are to be maintained and kept current for all positions except Fire Marshal, Fire Inspector, Battalion Chief, Fire Lieutenant, Fire Captain and Training Officer which will be established when a vacancy occurs. (*Rule Change: 2-28-94, 6-24-96, 3-24-97, 11-23-98, 4-24-2006, 4-27-15, 1-23-17, 2-26-18 and 1-31-23*)

3. Removal from Eligibility Lists

The name of any person appearing on the list of eligibles for entry-level positions shall be removed by Human Resources under one of the following conditions:

- (a) If the eligible requests in writing that their name be removed from the list.
- (b) If the eligible cannot be located by postal authorities or other means of ordinary communications, within five (5) days following date of notification.
- (c) If the eligible has waived or refused on two (2) occasions appointments or interview, as prescribed by the Act.
- (d) If the eligible does not respond within five (5) days to written communications on two (2) occasions notifying them of the intent to fill a position, the communication will notify the person that their name will be removed from the list if no response is received.

The name of any person appearing on the list of eligibles for promotional positions shall be removed by Human Resources under one of the following conditions:

- (a) If the eligible requests in writing that their name be removed from the list.
- (b) If the eligible has waived or refused on two (2) occasions appointments or interview, as prescribed by the Act.
- (c) If the eligible does not respond within five (5) days to written communications on two (2) occasions notifying them of the intent to fill a position, the communication will notify the person that their name will be removed from the list if no response is received.

Human Resources will notify the Commission in writing when any name(s) are removed from either eligibility list. Notice is to include the name(s) and reason(s) for removal. (*Rule Change 09-27-2023*)

4. Ties; determination of position by lot; procedure

If it appears that 2 or more persons have received the same final composite score, the order of such persons on the hiring list shall be determined in the following manner: The City Clerk shall appoint a day for the appearance of all affected persons before the City Clerk for the purpose of determining by lot among such persons their order on the hiring list, and shall cause notice to be given to all the persons affected. The City Clerk shall prepare as many slips of paper as there are such persons, and write the numbers of the positions to be determined on as many slips of paper as there are positions to be determined, and fold the same so as to conceal the writing and so that they may appear as nearly alike as possible. The slips shall be placed in a box and, at the time and place appointed for the drawing of the lots, each of the affected persons may draw 1 of the slips from the box, and each person drawing a slip shall be deemed legally assigned to the position so drawn on the hiring list in question. The City Clerk may appoint any person present to draw a slip for any affected person who fails to appear at the time and place specified in the notice. *(Rule Change 5-1-2006)*

RULE 7

DISCIPLINARY ACTION / REDUCTIONS IN FORCE

Reduction in pay; suspensions; removal and discharges; hearings and appeals; and reductions in the force will be administered under the provisions of the Act, 38.513 Sec. 13 and 38.514 Sec. 14.

RULE 8

AUTHORITY OF CITY MANAGER

Nothing herein contained shall take away the legal authority of the City Manager to proceed under Act 78 for violation set forth therein.

RULE 9

RESIGNATIONS

All resignations shall be in conformance with the personnel rules of the City of Battle Creek.

RULE 10

EFFECTIVE DATE

These rules and regulations shall take effect the date of adoption by the Civil Service Commission on April 23, 2001.