

EXEMPT EMPLOYMENT

If employment is said to be exempt, it is meant that the employment is exempted from the civil service provisions of the City Charter. In order to receive a regular civil service appointment, employees must have successfully participated in a civil service examination, received a high enough score on the examination to be placed on and receive an appointment from an eligible list, and they must serve a probationary period.

Exempt employees do not compete in a civil service examination, they are not placed on an eligible list and receive an appointment from that list, nor do they serve a probationary period. As a result, exempt employees do not have what is referred to as a "property interest" in their job. Exempt employees serve at the will of the appointing authority and can be terminated at any time without cause. Employees with a property interest in their job, i.e. civil service employees, cannot be deprived of their employment (discharged or suspended) without due process.

GENERAL INFORMATION ABOUT EXEMPT EMPLOYMENT

Exempt employees serve at the will of the appointing authority, and as such, they may be discharged, suspended or otherwise disciplined without cause.

Exempt employees have no property interest in their employment, and any procedural benefit or other prerogative extended to them by their appointing authority is not intended to create and does not create any such property interest.

No officer or employee of the City may make to any other officer or employee any representation of a property interest in employment which does not correspond to Charter provisions unless the City Council, by ordinance, permits such representation. No unauthorized representation can serve as the basis of an employee's reliance on, or expectation of, a property interest.

FOR EXEMPT EMPLOYEES SEEKING TO BECOME CIVIL SERVICE EMPLOYEES

There is no protective leave for an exempt employee appointed to a civil service position. Upon receiving a civil service appointment and passing probation, the former exempt employee will be subject to the Civil Service provisions described in Article X of the City Charter. Upon appointment, the civil service employee will begin to accrue displacement and layoff seniority on the first day of his/her civil service appointment and may file for promotional examinations for which s/he qualifies. A full or half-time exempt employee appointed to a full or half-time civil service position continues to: contribute to the Retirement System; accrue vacation time; accrue sick time; receive anniversary date salary increases; and, receive health and dental benefits identical to those received in the civil service position.

FOR CIVIL SERVICE EMPLOYEES CONSIDERING EXEMPT EMPLOYMENT

Per Civil Service Rule 1.5 (d) – A Regular (civil service) appointment is an appointment from an eligible list to a permanent position of half time or more.

Per Civil Service Rule 1.7 (b) – An Exempt employee is an employee who is exempted from or who occupies a position exempted from the civil service provisions of the Charter.

Per Charter Section 1000 – A civil service employee appointed to an exempt position is considered “at will” and may be discharged, suspended, or otherwise disciplined by their appointing authority without cause.

Per Charter Section 1001 (e) – A civil service employee appointed to an exempt position is considered on leave from his/her civil service position while employed in an exempt position. The employee will continue to accrue seniority credit in his/her civil service position while employed in the exempt position for the entire time in the exempt position. The employee may return to his/her civil service position at any time.

Per Civil Service Rule 1.18 (c) – A civil service employee in an exempt position may file for promotional civil service examinations for which s/he qualifies.

Per Civil Service Rule 1.33. (a) – A civil service employee in an exempt position continues to accrue displacement seniority (time in a job classification within a particular City department) in a civil service class group (all the positions in a job classification within a specific City department) and in all higher classes since his/her original civil service appointment.

Per Civil Service Rule 1.33. (b) - A civil service employee in an exempt position continues to accrue layoff seniority (total time in a particular job classification regardless of time within a particular department) in all classes in which the employee received a civil service appointment.

Per Administrative Code Section 4.245.1. – A civil service employee with less than 15 years of City service, but 15 years or more of job-related work experience, who accepts an exempt appointment to one of the managerial positions listed in Administrative Code Section 4.245.1. is entitled to an annual vacation accrual of 20 days.

A full or half-time civil service employee who accepts a full or half-time exempt position continues to: contribute to the Retirement System; accrue vacation time; accrue sick time; receive anniversary date salary increases; and, receive health and dental benefits identical to those received in the civil service position.