



CITY OF WEST ALLIS

CIVIL SERVICE COMMISSION

RULES AND REGULATIONS

Revised: DATE, 2017

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**RULE I
ORGANIZATION**

The Commission shall consist of five (5) members appointed by the Mayor. The Commission shall appoint one of its members Chairperson and one of its members Secretary.

**RULE II
FUNCTIONS**

The Commission shall:

1. make and preserve the records of its proceedings;
2. serve as appellate body for hearings appeals of decisions by appointing officers concerning termination, discipline and alleged workplace safety complaints of individuals identified in Rule IX;
3. prepare and adopt such rules and regulations to carry out the provisions of Section 2.76 of the Revised Municipal Code of the City of West Allis as, in their judgment, shall be necessary to secure the best service for the City and each department affected thereby, and shall expedite the elimination of all unnecessary formalities in making appointments.

**RULE III
DESIGNATION OF AGENT**

The Human Resources Director shall be designated as Agent for the Commission and shall have the authority to administer the provisions of the Civil Service System as set forth in the Revised Municipal Code, City Policies and Procedures, and the Commission's Rules and Regulations. The Human Resources Department shall develop and implement systems to screen, select, and hire individuals for positions in the classified service, which are job related, in compliance with Human Resources best practices, and consistent with applicable State and federal employment laws and regulations.

**RULE IV
RULES AND REGULATIONS**

It is the purpose of these rules to supplement, interpret and otherwise to give effect to the provisions of Sections 2.76 of the Revised Municipal Code of the City of West Allis, Wisconsin.

Amendments to the rules approved by the Commission shall be published in the minutes, and final actions thereon postponed for at least two (2) weeks. Notice of the proposed amendments, specifying the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission, shall be posted in the Municipal Building in public view.

RULE V MEETINGS

The Commission shall meet for the purpose of hearing appeals of decisions by appointing officers concerning termination, discipline and alleged workplace safety complaints of all City employees except for: 1) protective service employees under the jurisdiction of the Police and Fire Commission (covered by Section 62.13 Wis. Stats.), 2) Executive Service employees, statutorily appointed employees identified specifically in statute as serving at the pleasure of an appointing authority, and elected officials (covered by Sections 17.12 and 17.16 Wis. Stats. and/or Policy 405 in the City of West Allis Policies and Procedures Manual and/or covered by Section 2.02 of the Revised Municipal Code); and 3) employees not under regular tenure (e.g., probationary, provisional, temporary, special, part-time less than 0.5 budgeted FTE).

A majority of the appointed members of the Commission shall constitute a quorum. Robert's Rules of Order shall be the rules of order of the Commission.

RULE VI COMMISSION HEARING

The Commission shall appoint a time and place for hearing the appeal and shall notify the Department Head/Appointing Authority and the affected employee of the time and place of such hearing. This time period may be changed by mutual agreement of the parties and the Commission. The Commission may, in its discretion, have the hearing transcribed. A copy shall be made available to the employee at his/her expense. The employee may be represented at the hearing by an attorney at the employee's own expense.

Subject to the Commission's discretion, witnesses may appear at the hearing and present information under oath or affirmation. Written documents may be submitted. The rules of evidence may be used as a guideline but shall not be binding upon the Commission. The appealing party carries the burden of production of evidence and the burden of proof.

In disciplinary matters, the sole issue before the Commission shall be: Based on the preponderance of the evidence presented, has the employee proven the disciplinary action was arbitrary and capricious? An action will be deemed arbitrary and capricious if it is unreasonable or without a rational basis (i.e. if any reasonable view of the evidence sustains the action, it may not be disturbed). In making such determination, the Commission shall accord the decision of the Department Head/Appointing Authority a presumption of correctness and validity.

RULE VII APPEALS OF COMMISSION DETERMINATIONS

Any person aggrieved by a final determination of the Civil Service Commission may appeal that determination to the circuit court of Milwaukee County pursuant to the provisions of section 68.13 of the Wisconsin Statutes.