

DIVISION 4. CIVIL SERVICE COMMISSION

Sec. 2-126. Intent.

- (a) The intent of this division is to create a civil service commission in order to review, prepare, and recommend rules for the city's personnel policies and procedures with regard to classified employees.
- (b) The civil service commission shall hear grievance for classified employees who believe they have a grievance arising from their employment and render recommendations as provided in the Charter § 6.6C.6. **Grievances against Charter Officers shall be heard by the civil service commission and its findings shall be provided to the Board of Commissioners, the City Manager, and the aggrieved employee by the civil service commission.**
- (c) The civil service commission members also recommends cost of living increases and employee pay adjustments to the board of commissioners for consideration.

(Code 1983, § 2-502)

Sec. 2-127. Organization.

- (a) The civil service commission membership and appointment shall be as provided in Charter § 6.6B. The term of each person appointed shall be staggered so that not more than two terms expire within any one year. Any civil service commission member may be reappointed by the board of commissioners. Appointments to fill vacancies shall be for the unexpired term of office.
- (b) Members of the civil service commission shall be residents of the city at the time of their appointment and throughout the term of office. Any member who is no longer a resident of the city shall be automatically removed, and that vacancy filled as provided in this division.
- (c) Members of the civil service commission shall be suspended or removed for cause upon the filing of written charges by the mayor. The written charges shall be served by hand delivery or certified mail upon the member being charged. The member being charged shall have 15 days to appeal the charges to the board of commissioners. If the charges are appealed, the member of the civil service commission being charged shall be afforded a prompt public hearing on the matter. The member shall be retained, suspended or be removed by majority vote of the board of commissioners.
- (d) The failure of any member of the civil service commission to attend two of three successive meetings without cause and without prior approval of the chairperson, the civil service commission shall then declare the member's seat vacant and the board of commissioners shall promptly fill such vacancy. The failure of any individual civil service commission member to attend four meetings of the civil service commission in any contiguous 12-month period shall be cause for removal.
- (e) Appointments shall be made, consistent with the Charter on the basis of demonstrated experience or interest in the subject matter.

- (f) The members of the civil service commission shall, in November of each year, elect a chairperson and a vice-chairperson from among its members who shall be voting members.
- (g) Members of the civil service commission shall meet quarterly, as necessary, **and when grievances are filed**, or at the call of the chairperson. All meetings of the civil service commission shall be public.
 - (1) **The civil service commission chairperson and the Ex Officio Secretary shall coordinate to choose and set meeting dates and time before a meeting is noticed; and**
 - (2) **The civil service commission chairperson shall coordinate and agree on all agenda items prior to the civil service commission meetings with the members of the civil service commission in the preceding meeting; and**
 - (3) **An employment lawyer may attend civil service commission meetings as may be necessary or desired.**
- (h) Civil service commission members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by board of commissioners or as otherwise provided by law.
- (i) Pursuant to the city charter, the city clerk shall serve as the civil service commission's ex officio secretary. In that role, the clerk shall ensure board meetings are noticed and minutes are recorded and maintained so as to ensure compliance with the state's sunshine law. The clerk shall also provide civil service members with electronic copies of agenda materials and keep and maintain the official records of the commission. The clerk shall also serve as the hearing clerk for any quasi-judicial post-termination appeal hearings and in that role shall swear in all witnesses and keep the official record of the hearing, including all exhibits admitted or proffered into evidence. The City Clerk shall also utilize a court reporter for quasi-judicial post-termination hearings.

(Code 1983, § 2-503; Ord. No. 1028, § 2, 8-24-04; Ord. No. 1075, § 1, 4-25-06)

Charter reference-Civil service commission membership, § 6.6B.

Sec. 2-128. Conduct a meeting/hearing.

- (a) Notification. The city clerk, serving as the ex officio secretary to the civil service commission, shall ensure all notices of the civil service commission are posted in a manner compliant with the state's sunshine law.
- (b) Meetings/public hearing. At all regular meetings of the civil service commission, the chair shall afford any interested person the ability to address the commission on any matter to be voted upon by the commission prior to the vote being taken. In addition, the civil service commission may, in its adopted rules of procedure, afford time on its agenda for any city employee or citizen to address the commission on any matter within the commission's duties and responsibilities. However, when the civil service commission is sitting in its quasi-judicial capacity during post-termination appeal hearings, it shall not afford such opportunity for comments, but rather shall only base its finding and

conclusions on the documents and testimony admitted into evidence during the hearing, and any arguments the parties or their attorneys may make.

- (c) Recommendations. The civil service commission, by majority vote, shall conclude recommendations. Such recommendations may take the form of motions recorded in the minutes, adoption of a written report, or for quasi-judicial appeals, adoption of a written recommended order.
- (d) Written records. Minutes shall be kept of all meetings and hearings by the civil service commission, and all hearings shall be open to the public. Pursuant to the city charter, the city clerk shall serve as the ex officio secretary of the civil service commission, and shall perform the duties associated with that role, as set forth in the city code, including the maintenance of the commission's official record. The official record shall include the vote of each member of the civil service commission upon each question, or if absent or failing to vote, indicating such fact. The minutes of all proceedings, decisions and/or recommendations of the civil service commission shall be made public record on file in the office of the city clerk. The city clerk shall also utilize a court reporter for quasi-judicial post-termination hearings.
- (e) Powers. The civil service commission may adopt such procedural rules to regulate the conduct of its meetings as may be deemed to be necessary and desirable. In developing such rules, the civil service commission shall consult with a labor attorney to assure that they comply with the state's sunshine and records laws and, to the extent that they will govern the commission's quasi-judicial post-termination hearings, to ensure they comply with applicable due process standards. Notwithstanding the foregoing, the civil service commission's procedural rules may not be inconsistent with any provision of the city charter or code, or state law. The civil service commission shall have the power to establish rules and regulations for its own operation not inconsistent with the provisions of this Code.

(Code 1983, § 2-504)

Sec. 2-129. Non-appellate powers and duties.

- (a) The civil service commission is charged with the on-going development of the city's classification and pay plans. This includes periodic studies relating to the equitable classification categories and pay ranges.
- (b) The civil service commission will periodically examine, by use of staff, consultants, and such other resources available, market conditions and comparative wage data for relevant public and private sector employers, and based upon the results of this examination, will make a written recommendation to the board of commissioners with a copy to the city manager concerning wage adjustments.
- (c) The civil service commission is charged with developing recommended classifications and pay plans (subject to budgets approved by board of commissioners) as the city's business needs and operating experience dictate.

(d) With prior notice to the city manager, the civil service commission may interview staff to perform audits to assure the Personnel Policy is being followed and accurately implemented.

(1) The civil service commission may audit ...

(2) Need information from a Commissioner to complete this section.

(Code 1983, § 2-505)

Secs. 2-130-2-150. Reserved.

Compare to file titled, “09 Cit Code – Division 4. – Civil Service Commission”.