

Attorney Eschenfelder said they need to take a position before meeting with the Board of Commissioners. He would recommend breaking the two issues apart. (1) Who should have the authority to order reinstatement? If it is going to be someone other than the manager, he highly recommends it be the Civil Service Commission. He would like to keep the Board of Commissioners free of being in the midst of employment litigation as a decision-maker. It would be more appropriate for the Civil Service Commission to transition from being advisory only to having the authority to order reinstatement. The Board of Commissioners is a policy-setting body that must avoid individual employment.

Chair Emblar said the other issue is who the Civil Service Commission has jurisdiction over. Attorney Eschenfelder said it would be which employees get to appeal a discipline put upon them, who would be civil service protected. If not civil service protected, they are just at the manager's will. They need to hear from the Board of Commissioners where it wants to go from a policy perspective. Language would need to be added to the code and policy, making that clear.

Commissioner Cantrell said he would like to make a motion that they discuss and vote on the Civil Service Commission approaching the Board of Commissioners to allow them to put forth an amendment to have the authority to reinstate an employee wrongfully dismissed. Commissioner Tilka seconded it.

Chair Emblar said they have a motion and a second to write a charter amendment to allow the Civil Service Commission to reinstate an employee, which she nicknamed "having more teeth."

Commissioner Cantrell motioned that they approach the Board of Commissioners for the Civil Service Commission to be able to have the ability to reinstate an employee wrongfully terminated. Commissioner Tilka seconded the motion.

ROLL CALL:

Commissioner Cantrell	"YES"
Commissioner Tilka	"YES"
Chair Emblar	"NO"

The motion carried 2-1.

Commissioner Cantrell said the other issue is the "at will." For someone in a high-level leadership position, there should be little room for or tolerance for disruption in the workforce. That should not happen. He sees the value in having sustainability and employment. Some employees migrated through the ranks and have a historical perspective of what is happening in the City. They can hold stability when there is a change in employment. If the person is causing a disruption and is given 48 hours or so to correct it and they do not, the City Manager should be able to dismiss that person. He would back the City Manager if there was documentation for that and it is proven. However, a person should not be terminated just because someone or the City manager did not like them; they would lose longevity, sustainability, and morale by doing so. He would like everyone, except the Charter Officers hired and fired by the Board of Commissioners to be classified as civil service protected. There must be a just cause reason for terminating someone. Attorney Eschenfelder said