

Rules and City Government Proposed amendments to O-31-15

Amendment #1

Page 3, Line 18, after Mayor Strike: "Comma" and insert: "period"

Page 3 Line 19, insert: " new number 2, strike: "and" Strike: "with the approval of the Mayor."
Insert: "period" after Departments.

Page 3, Line 21, Change: "number 2 to number 3." (Leave as written.)

Amendment #2

Page 3, Line 38: Strike: "Demotion May Be Voluntary or Involuntary."

Amendment #3

Page 3, Line 42-44: Strike: "Which Are Appointed By The Mayor, City Manager or a Department Director" Insert "Designated By the City Council which are Specifically Not Included in the Civil Service" add: "Or Other Excluded Service."

Amendment #4

Page 4, Line 9: Strike: "Classified" Insert: "Designated"

Amendment #5

Page 4, Line 39: after civil service, Insert: "Or Other Excluded Service" Strike: "Charter unaffected"

Amendment #6

Page 4, Line 40: Strike: "Comma" after civil service

Amendment #7

Page 7, Line 38-39: Strike: "Satisfactory Performance" Insert: "The Position"

Amendment #8

Page 8, Line 1, Strike "Satisfactory Performance" Insert "The Position"

Amendment #9

Page 8, line 41, Strike: "Annually"

Amendment #10

Page 9, line 4, after city manager Insert: "Whichever Is The Appointing Authority."

Amendment #11

Page 9, line 15, after hire Insert: "On A Prorated Basis" after exceed, Strike: "twice the accumulation authorized for employees in the civil service with regard to leave carryover. Insert: "60 Days."

Amendment #12

Page 10, line 37, after found, Insert: "by the appointing authority"

Amendment #13

Page 11, line 20, after agreement, Strike: "the period" Add: "comma" insert: "that has been approved by the city council"

Amendment #14

Page 11, line 26, Strike: "members of" insert: "or" Other Excluded Service.

Amendment #15

Page 11, line 31, Unstrike: "Board"

Amendment #16

Page 13, line 33, Strike: "handled as follows" insert: "Governed by the following:"

Amendment #17

Page 15, line 7, after applicants, Strike: "The Vacancy For Which They Are Applying" Insert: "A Vacant Position" after who Insert: "Apply and"

Amendment #18

Page 15, line 19, after action, Strike: "precluded" Insert: "Proscribed"

Amendment #19

Page 17, line 14, after eighteen months, Insert: "Except As Provided In The Rules And Regulations Of The Personnel System."

Amendment #20

Page 18, line, 21- 22, after that, insert: "negatively" after Employee's, strike: "Job" Insert: "Position"

Amendment #21

Page 20, line 31, after the, Insert: "Stated Reason for the Discipline." Strike: "Action"

Amendment #22

Page 20, line 43, after May, Strike: " Hear From Others With Relevant Information And" Insert: "Consider Evidence and Relevant Testimony."

Amendment #23

Page 21, line 33, after Days, Insert: "Unless Extended By The Board"

Amendment #24

Page 21, line 39, after of, Strike: "An" Insert: "The"

Amendment #25

Page 22, line 11, after may, Insert: "Affirm"

Amendment #26

Page 22, line 12, after action, Insert: "Of The Appointing Authority"

Amendment #27

Page 24, line 14, after believe, Strike: "They Have" Insert: "He or She Has"

Amendment # 28

Page 24, line 10, strike: "C" Insert: "5"

Amendment #29

Page 24, line 22-35, amend as follows: Insert: "**Civil service amendment #23, paragraph (A)** beginning with, THE CIVIL SERVICE BOARD SHALL SCHEDULE A HEARING WITHIN A REASONABLE TIME NOT EXCEEDING FORTY-FIVE DAYS AFTER THE APPEAL WAS FILED, UNLESS EXTENDED BY THE BOARD. THE HEARING SHALL BE OPEN TO THE PUBLIC. THE EMPLOYEE MAY BE REPRESENTED BY COUNSEL, PRESENT WITNESSES AND EXAMINE AND CROSS-EXAMINE ALL WITNESSES. THE CIVIL SERVICE BOARD SHALL HAVE THE POWER TO ISSUE A SUBPOENA ON ITS OWN OR AT THE REQUEST OF AN EMPLOYEE OF THE CITY. THE CIVIL SERVICE BOARD MAY REQUEST ANY EMPLOYEE OF THE CITY TO GIVE TESTIMONY. NOTWITHSTANDING ANY PROVISION OF THE CHARTER OR THIS CODE AUTHORIZING THE CITY ATTORNEY TO SERVE AS LEGAL COUNSEL TO THE CIVIL SERVICE BOARD, IN CONTESTED CASES BEFORE THE BOARD, THE CITY ATTORNEY SHALL REPRESENT THE INTEREST OF THE CITY AND THE APPOINTING AUTHORITY AND SHALL NOT RENDER LEGAL ADVICE TO THE CIVIL SERVICE BOARD.

THE CIVIL SERVICE SHALL ISSUE A WRITTEN DECISION WITHIN FORTY-FIVE DAYS AFTER THE CONCLUSION OF THE HEARING.

Paragraph (B) beginning with,

IN APPEALS OF DEMOTIONS, NON-DISCIPLINARY DISMISSALS AND VIOLATIONS OF THE CITY CODE OR RULES AND REGULATIONS OF THE PERSONNEL SYSTEM NOT OTHERWISE ADDRESSED IN SECTION 3.16.150, THE BOARD MAY AFFIRM, REVERSE OR MODIFY THE ACTION OF THE APPOINTING AUTHORITY, AND IN APPEALS OF ALLEGED INTOLERABLE WORKING CONDITIONS, THE BOARD MAY ORDER ANY OF THE FOLLOWING RELIEF:

1. ORDER THAT THE EMPLOYEE OR EMPLOYEES CAUSING THE INTOLERABLE WORKING CONDITIONS SHALL CEASE AND DESIST IN THE CONDUCT WHICH HAS INTOLERABLE WORKING CONDITIONS;
2. ORDER THAT THE EMPLOYEE OR EMPLOYEES CAUSING THE INTOLERABLE WORKING CONDITIONS SHALL ACCEPT COUNSELING, EDUCATION AND/OR TRAINING;
3. RECOMMEND DISCIPLINARY ACTION AGAINST THE EMPLOYEE OR EMPLOYEES CAUSING THE INTOLERABLE WORKING CONDITIONS;

4. ORDER THAT THE EMPLOYEE WHO WAS THE SUBJECT OF THE INTOLERABLE WORKING CONDITIONS BE OFFERED REINSTATEMENT TO HIS OR HER MOST RECENT POSITION WITH THE CITY OR, IF NOT AVAILABLE, TO OTHER SUITABLE EMPLOYMENT IN THE CITY.

.... followed by: " little **(d.)** which becomes "number 5" and "little **(e.)** which becomes "number 6"

In new number 6, Strike: "For the purpose of this subsection, an employee shall be considered aggrieved by a decision of the Civil Service Board if and only if the decision is to suspend the employee for thirty or more consecutive days, to demote or dismiss he employee.

Amendment # 30

Page, 27, line 3, Strike: "by" Insert: "Prior to"

Amendment #31

Page 28, line 25, after Family AND Medical Leave. Insert: FMLA

Amendment #32

Page 30, line 21 after leave, Insert: "Bank."

Amendment #33

Page 30, line 29, Add: "Comma" Insert: "negotiating agreements"

Amendment #34

Page 30, line 41, Strike: "Sooner" Insert: "Previously"

Amendment #35

Page 31, line 19-20, Strike: "~~UNAUTHROTIZED OUTSIDE EMPLOYMENT IS PROHIBITED. No EMPLOYEE work shall be done in any CITY FACILITY OR DURING DUTY HOURS FOR AN OUTSIDE EMPLOYER.~~" Insert: NO EMPLOYEE SHALL PERFORM WORK FOR AN OUTSIDE EMPLOYER IN A CITY FACILITY OR DURING WORKING HOURS.

Amendment #36

Page 33, line 1, Insert: "Fair Labor Standards Act"

Amendment #37

Page 34, line 38, Strike: "Individuals" Insert: "Employee's Unstrike: "Gender"

Amendment #38

Page 35, line 18, Strike: "Conduct" Insert: "That"

Amendment #39

Page 35, line 19, Strike: "Individual's" Insert: "Employee's"