

ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on November 6, 2012 at which the ballot shall be prepared to permit voting “yes” or “no” on the following proposition:

Proposition ---

Shall the city charter be amended to provide a civil service system for most city employees who are not already covered by a state civil service statute?

PART 2. If Proposition --- is approved by the majority of voters voting at the election, Article IX, Sections 1, 2, and 3 of the city charter are repealed and replaced with new Sections 1, 2, and 3, and a new Section 4 is added to the charter, to read as follows:

§ 1 Classified Civil Service.

- (A) To the extent of any conflict with other provisions of this Charter, this article controls. If another ballot proposition amending the previous Section 1 of this article is approved by the voters at the same election at which this section is adopted, this section supersedes and replaces the other amendment to Section 1, but does not supersede or replace other amendments to this article that were part of the other proposition.
- (B) There is hereby established a classified civil service in which all employment and promotions shall be made on the basis of merit and fitness. The civil service shall include all appointive offices and employments in the administrative service and in other agencies and offices of the City, except the following:
 - (1) members of the city council and their direct staff;
 - (2) persons who are appointed or elected by the city council pursuant to this Charter;
 - (3) the city manager and assistant city managers;

- (4) department directors and assistant department directors;
- (5) the city attorney and all assistant city attorneys;
- (6) temporary and seasonal employees; and
- (7) employees covered by a state civil service statute.

§ 2 Municipal Civil Service Commission.

- (A) There shall be a municipal civil service commission consisting of three commissioners, one of whom shall serve as chair.
- (B) The city council shall appoint the commissioners, and shall designate one of the three as chair. Commissioners shall be appointed for a term of three years, except that the first three commissioners appointed after adoption of this section shall be appointed for one, two, and three-year terms so that thereafter Commissioners will serve staggered terms. Any vacancy occurring after appointment shall be filled by the city council for the remainder of the unexpired term.
- (C) Each Commissioner must be a qualified voter of the City who does not, during the commissioner's term, hold or become a candidate for any other public office of the City or of the State of Texas.
- (D) Commissioners shall be paid compensation for their services as determined in advance by the city council.
- (E) A commissioner may be removed before the end of the commissioner's term only for cause, and after receiving a written statement of the reasons for removal and a public hearing before the city council if the commissioner requests a hearing.
- (F) Two members of the commission constitute a quorum. The commission must act by majority vote. The chair has the same voting rights as the other two commissioners.
- (G) The commission shall:
 - (1) hear appeals in the case of any municipal civil service employee or appointee who is discharged, suspended, demoted, denied a promotion, or put on disciplinary probation;
 - (2) adopt civil service rules and perform services under the civil service rules as provided in this section;

- (3) conduct any investigations it may consider desirable or which it may be required to make by the city council or the city manager concerning the administration of municipal civil service, and report its findings and recommendations to the City Council;
- (4) perform other duties regarding the municipal civil service, not inconsistent with this article, that the City Council may require;
- (5) issue subpoenas and subpoenas duces tecum to witnesses, whether at the request of interested parties or on its own motion, when reasonably necessary to obtain pertinent evidence at a hearing or investigation; and
- (6) administer oaths to witnesses appearing at a hearing or investigation.

§ 3 Personnel Director.

- (A) There shall be a personnel department, the head of which shall be the personnel director. The personnel director shall be appointed and may be removed by the city manager, and must have had training and experience in personnel administration.
- (B) The personnel director shall:
 - (1) perform the duties prescribed by this article, by ordinance, by the commission, or by the city manager, according to their respective authorities under this Charter; and
 - (2) prepare and recommend to the city manager a classification plan, and amendments thereto, for a classified municipal civil service.
- (C) On approval by the city manager, the classification plan and any amendments shall be presented to the city council for adoption by ordinance. The classification plan shall provide titles for each class of positions; include within each title all positions that are sufficiently similar with respect to duties, responsibilities, and authority so that the same general level of education, experience, general and specialized knowledge, skills, physical abilities, and other qualifications is required of all incumbents of the title, and the same qualification tests are appropriate; and provide all incumbents of the title the same salary range, which may be adjusted to accommodate factors such as seniority, adverse working conditions, and other special circumstances
- (D) After adoption of the classification plan by the city council, and with approval of the city manager, the personnel director shall adopt written specifications

for each title, and assign all positions within the municipal civil service to a classification plan title.

- (E) The personnel director shall maintain a record of the duties of each position within the municipal civil service, and a roster of all persons holding each position, showing as to each person the class title of the position, the salary or pay, any changes in title or status, and such other data as deemed appropriate to maintain and improve personnel administration.
- (F) In accordance with civil service rules, the personnel director shall conduct open and competitive examination procedures as needed in order to establish one-year eligibility lists to make all appointments to and promotions within the municipal civil service. The rank of entry and promotional candidates on such lists shall be based on relative performance on the examination procedures.
- (G) On notice that a position in the municipal civil service is vacant, the personnel director shall certify to the appropriate department director the highest three names remaining on the relevant eligibility list for selection to fill the vacancy. If no list exists on the date the vacancy occurs, the personnel director, upon the department director's recommendation, may temporarily assign a qualified person to fill the vacancy for a period not to exceed 60 days.
- (H) No later than the 60th day before the beginning of each fiscal year, the personnel director shall prepare and recommend to the city manager a pay plan for use in that fiscal year which shall establish for each title in the classification plan a minimum and maximum salary. On adoption by the city council, the personnel director shall ensure appropriate implementation of the pay plan.
- (I) Subject to approval by the city manager and city council, the personnel director shall adopt personnel policies not in conflict with civil service rules or this Charter for the efficient operation of the classified service.

§ 4 Civil Service Rules.

- (A) The administration of the classified municipal civil service, including the employment or appointment of all persons in the municipal civil service, shall be governed, as far as practicable, by rules and regulations known as the municipal civil service rules.
- (B) Within 6 months following the adoption of this section, the personnel director shall prepare civil service rules that meet the requirements specified in this section and recommend them to the civil service commission. After notice and public hearing, the commission shall make any modifications it deems

necessary, and recommend that the city council adopt the rules. The civil service rules become effective when adopted by the city council by ordinance.

- (C) After the civil service rules are adopted, they may be amended at any time by using the same process used for the initial adoption of the rules.
- (D) At a minimum, the civil service rules must contain provisions governing:
 - (1) initial appointments, promotions, and lateral transfers, all of which shall be based on merit and fitness;
 - (2) disciplinary probation or suspension, involuntary demotion, and discharge, all of which, in the case of non-probationary employees, must be for cause;
 - (3) the establishment of probationary periods not to exceed six months for all initial appointments, during which time the appointee may be removed from the position without cause;
 - (4) the establishment of probationary periods not to exceed three months for all promotional appointments, during which time the appointee may be removed from the position promoted to, and returned to his/her prior position, without cause;
 - (5) procedures for reductions in force that give consideration to the affected employees' length of service and past work performance; and
 - (6) other provisions, not inconsistent with this subsection, that may be required by the city council.

PART 3. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2012

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Lee Leffingwell
Mayor

APPROVED: _____

Karen M. Kennard
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

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