

Late Backup

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is approved by the majority of voters voting at the election, Article IX, Sections 1, 2, and 3 of the city charter are repealed and replaced with new Sections 1, 2, and 3, and a new Section 4 is added to the charter, to read as follows: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 five commissioners, one of whom shall serve as chair.
- (B) The city council shall appoint the commissioners, and shall designate one of the five as chair. Commissioners shall be appointed for a term of three years, except that of the first five commissioners appointed after adoption of this section, one shall be appointed for a one year term and two each shall be appointed for 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 may 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) Three members of the commission constitute a quorum. The commission must act by majority vote. The chair has the same voting rights as the other commissioners.
- (G) The commission shall:
 - (1) hear appeals and make final, binding decisions 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) recommend the adoption of 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 Human Resources Director.

- (A) There shall be a human resources department, the head of which shall be the human resources director. The human resources director shall be appointed and may be removed by the city manager, and must have had training and experience in personnel administration.
- (B) The human resources 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;
 - (2) prepare and recommend to the city manager a classification plan, and amendments thereto, for a classified municipal civil service;
 - (3) certify all payrolls for persons in the classified service at the time of initial employment, upon change of status, or upon removal from the payroll; and
 - (4) perform such other duties and functions as may be prescribed by the council or the city manager.

§ 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 12 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, denial of promotion, 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.
- (E) The personnel policies in effect and applicable to the classified service on the effective date of this ordinance shall remain in effect until superseded by civil service rules adopted under this section.

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