

PERSONNEL BOARD

<http://www.ci.richmond.ca.us/1090/Personnel-Board>



REGULAR MEETING Thursday, August 24, 2017

5:15 p.m.

@ 440 Civic Center Plaza – City Council Chambers



AGENDA

Vice Chair: Yvonne Nair

Personnel Board Members

Robert Davila

Steve Early

McKinley Williams

1. ROLL CALL
2. AGENDA REVIEW
3. STATEMENT OF CONFLICT OF INTEREST
4. APPROVAL OF MINUTES
 - a. Regular Meeting of May 25, 2017
5. PUBLIC COMMENT
6. CONSENT AGENDA
 - a. APPROVAL to establish Office of Neighborhood Safety Program Manager (Office of Neighborhood Safety)
7. NEW BUSINESS
 - None
8. UNFINISHED/OLD BUSINESS
 - a. DISCUSS, NOMINATE AND VOTE to elect a Personnel Board Chair and Vice Chair
9. REVIEW AND/OR ISSUANCE OF SUBPOENA(S)
 - None
10. CONSIDERATION OF PROBLEMS AND REPORTS
 - a. DISCUSS AND APPROVE scheduling of IFPTE Local 21 grievance hearing

This portion of the Personnel Board Meeting is CLOSED TO THE PUBLIC

 - b. DISCUSS AND APPROVE the RPMA hearing before Administrative Law Judge (ALJ) or before the Personnel Board

11. ADJOURNMENT

NOTE: Copies of items to be distributed from the Public to the Personnel Board must also include two (2) copies; one (1) for the Secretary to the Board and one (1) for Board Counsel.

COMMUNICATION ACCESS INFORMATION This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator at (510) 620-6509 at least three business days before the meeting date.

CITY OF RICHMOND, CA
HUMAN RESOURCES MANAGEMENT DEPARTMENT

**PERSONNEL BOARD
REGULAR MEETING**

**CITY COUNCIL CHAMBERS
440 CIVIC CENTER PLAZA
RICHMOND, CA 94804**

**MAY 25, 2017
MINUTES**

The regular meeting was called to order by Vice Chair Yvonne Nair at 5:17 p.m. on May 25, 2017.

1. ROLL CALL

Present: Yvonne Nair, Vice Chair Member
Steve Early, Board Member
McKinley Williams, Board Member

Absent: Robert Davila, Board Member
City Council Liaison Gayle McLaughlin

2. AGENDA REVIEW

- None

3. STATEMENT OF CONFLICT OF INTEREST

- None

4. APPROVAL OF MINUTES

- Regular Meeting of February 23, 2017

Board Member Williams made a motion to approve the minutes of February 23, 2017. Board Member Early seconded the motion. Minutes were approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

SPEAKERS:

- None

5. PUBLIC COMMENT

SPEAKERS:

Cordell Hindler: asked that the job descriptions for Neighborhood Services Liaison and Assistant City Manager be placed on a future agenda. Mr. Hindler also recommended a revision to the Administrative Manual and Position Waiver Form.

6. NEW BUSINESS

In order to accommodate staff, items were moved around as follows:

- a. **APPROVE** revision to the existing classification of Administrative Student

Audio recordings of Personnel Board Meetings are available at:

<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

Intern.

SPEAKERS:

Cordell Hindler: requested that the Personnel Board Members approve the Administrative Student Intern job description as presented.

DISCUSSION:

Human Resources Senior Management Analyst Dorothy Mandujano presented the updates to the job description Administrative Student Intern. Changes were made to eliminate antiquated language. The requirement to annually submit official transcripts showing the continued attendance in an academic institution was added to the job specification.

Board Member Williams made a motion to approve the Administrative Student Intern classification as presented. Board Member Early seconded the motion. Classification was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

- b. **APPROVE** revision/re-title to the existing classification of Source Control Inspector I/II/III to Environmental Compliance Inspector and Senior Environmental Compliance Inspector

SPEAKERS:

- None

DISCUSSION:

Human Resources Personnel Officer Donna Newton introduced Water Resources Recovery Director Ryan Smith. The Water Resources Recovery Department is responsible for the Storm water and waste water for the City of Richmond. Veolia has a long-term contract with the City of Richmond for operations and maintenance but City staff inspects the systems.

The revision to the job specifications and the titles are in alignment with the industry direction. There is redundant language between the Source Control Inspector III and Source Control Superintendent which is problematic being that one is represented by SEIU 1021 and the other is IFTPE Local 21. Requiring a degree is appropriate for these types of positions. The title is also in alignment with the certificate that is required for the position.

Ms. Newton spoke on the update of the job specification. The most significant changes were the title and the minimum requirements.

Mr. Smith answered a few questions from the Personnel Board Members.

Board Member Williams made a motion to approve the revised Source Control Inspector I/II/III to Environmental Compliance Inspector and Senior Environmental Compliance Inspector as presented. Board Member Early seconded the motion. Both classifications

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

were approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

- c. APPROVE revision/re-title to the existing classification of Source Control Superintendent to Environmental Services Manager

SPEAKERS:

- None

DISCUSSION:

Ms. Newton presented the updates to the Source Control Superintendent to Environmental Services Manager. The changes to this classification were minor. Vice Chair Nair inquired whether the position was currently filled and Mr. Smith affirmed that there is currently an employee in this position.

Board Member Williams made a motion to approve the classification Environmental Services Manager as presented. Board Member Early seconded the motion. Classification was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

- d. APPROVE revision to the existing classification of Human Resources Technician I/II/III

SPEAKERS:

Cordell Hindler: explained his pleasure in the clear descriptions in the update of this job specification and asked that the Personnel Board approved the proposed Human Resources Technician I/II/III.

DISCUSSION:

Human Resources Finance Manager Sharrone Taylor presented changes to the Human Resources Technician I/II/III job specifications beginning with the removal of redundant and antiquated language and changing public agency experience to desirable versus required. The changes are a modernization of the job specification to attract job applicants without lowering standards.

Board Member Williams expressed concern about the removal of “work effectively with people from diverse, socio-economic and cultural backgrounds” from the job specification.

Ms. Taylor explained that the applicants should be able to work with all people not just a specific or isolated economic or ethnic group. The incumbent should be able to offer good customer service to everyone.

Ms. Taylor continued to answer questions posed by the Personnel Board members.

Board Member Nair requested that the language change brought up by Board Member Williams remain in the job specification.

Secretary Stephenson stated that in trying to move forward, we want people to work

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

together without looking at each other as distinctly different. The removal of this is a move toward that. If the objection to the removal of this language equals not approving this job specification, then the language can remain. Secretary Stephenson expressed her support of Ms. Taylor's explanation. One must be able to work with all people in the community. Secretary Stephenson stated that the job announcements describe the City of Richmond. It would be surprising to find an applicant who was not aware of what it is to work with the City of Richmond. It does not need to be a part of the job specification.

Vice Chair Nair requested that the language remain.

Secretary Stephenson inquired whether the job specification would not be approved if the language was removed. Vice Chair Nair stated that she would abstain if the language was removed.

Board Member Williams made a motion to approve the classification Human Resources Technician I/II/III contingent on the statement "work effectively with people from diverse, socio-economic and cultural backgrounds" remain in the job specification. Board Member Early seconded the motion. Classification was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

e. **APPROVE** revision to the existing classification of Principal Personnel Analyst

SPEAKERS:

Cordell Hindler: stated that the Principal Personnel Analyst revision makes a lot of sense and requested that Personnel Board approve the job classification.

DISCUSSION:

Secretary Stephenson explained that the Human Resources Management Department consists of 14 people with 14 job titles. The Principal Personnel Analyst is an attempt to streamline others into this position. Currently, the Finance Manager and Senior Management Analyst will be moving to this position. A third position will also be included in this job classification.

Secretary Stephenson answered questions from the Personnel Board members.

Vice Chair noted that the language "work effectively with people from diverse, socio-economic and cultural backgrounds" was removed from the Principal Personnel Analyst job specification and as with the Human Resources Technician I/II/III, the language should remain.

Board Member Williams made a motion to approve the classification Principal Personnel Analyst contingent on the statement "work effectively with people from diverse, socio-economic and cultural backgrounds" remain in the job specification. Board Member Early seconded the motion. Classification was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

f. **DISCUSS AND APPROVE** revision to the Personnel Board Agenda to include a Consent Agenda for approval of job classification changes, retitles, and/or updates

SPEAKERS:

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

Cordell Hindler: stated that in October he presented the Assistant City Manager job description that should be brought before the Personnel Board. Mr. Hindler will be meeting with the City Manager to speak with him about the Assistant City Manager job description.

DISCUSSION:

Ms. Mandujano explained that the Consent Agenda item would be similar to the City Council Consent Calendar. All classification items would be under the Consent Agenda and approved in one motion. To have an item moved from the Consent Agenda, anyone, public or Personnel Board members, must contact the Human Resources Management Department by 2:00 p.m. the day of the meeting or the Personnel Board members can request further discussion during the Agenda Review portion of the agenda.

Assistant City Attorney Bruce Soublet pointed out that the Personnel Board members, after reviewing a new or revised job classification attached to a Personnel Board meeting agenda, could contact the Human Resources Management Department before the scheduled meeting with any questions or concerns about the particular job classification.

Board Member Williams made a motion to approve the change to the Personnel Board agenda to include Agenda Consent immediately following Public Comment. Board Member Early seconded the motion. Agenda change was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

- g. **DISCUSS, NOMINATE AND VOTE** to elect a Personnel Board Chair and Vice Chair.

SPEAKERS:

Cordell Hindler: stated that in the City Charter it spells out the nomination of a Chair and Vice Chair.

DISCUSSION:

An election has not been done since 2015 when Vice Chair Brown resigned. Vice Chair Nair's term expires in September. Board Member McKinley mentioned that he would not be able to commit to the responsibility of Vice Chair or Chair at this time.

Secretary Stephenson explained that the current vacant seat is to be filled by a public safety nominee. Secretary Stephenson continued to explain the process of seating another Board Member and how it will probably, at least, be a few months given that Public Safety needs to provide three names, City of Richmond Public Safety employees voting, and City Council approval. Vice Chair Nair's seat is a Mayor appointee seat and this should not take as long to fill.

After some discussion, it was decided to discuss this at the June meeting.

In discussing the election, Vice Chair Nair asked about the current policy on Board Member attendance. Since this subject was not on the agenda, it was recommended that it should be agendaized for another meeting.

- h. **DISCUSS AND APPROVE** whether, and if so, when the Personnel Board will

Audio recordings of Personnel Board Meetings are available at:
<http://www.ci.richmond.ca.us/index.aspx?NID=1090>

recess.

SPEAKERS:

Cordell Hindler: explained that in the Personnel Board Procedures and Protocols it is stated that the Personnel Board meets every month. He stated that it is up to the Board Members whether to recess or not.

DISCUSSION:

Board Member Williams made a motion to recess in July. Board Member Early seconded the motion. Recess in July was approved by the following vote: AYES: Y. Nair, S. Early, M. Williams, NOES: None.

7. **UNFINISHED/OLD BUSINESS**

- None

8. **REVIEW OF SUBPOENA(S)**

- None

9. **CONSIDERATION OF PROBLEMS AND REPORTS**

- a. **DISCUSS AND APPROVE** scheduling of IFPTE Local 21 grievance hearing in September

SPEAKERS:

Tracey Angelo: introduced herself as a City employee who works in Finance and would like to assure the scheduling of her grievance.

DISCUSSION:

A discussion ensued on when it would be best to schedule the IFPTE Local 21 grievance hearing.

Secretary Stephenson will discuss with the City representatives for availability in June or July 12th, 2017.

10. **ADJOURNMENT OF REGULAR MEETING**

Regular meeting adjourned at 6:30 p.m.



STAFF REPORT

PERSONNEL BOARD

DATE: August 24, 2017

TO: Vice Chair Nair and members of the Personnel Board

FROM: Lisa Stephenson, Director of Human Resources Management Department

SUBJECT: **APPROVAL TO ESTABLISH OFFICE OF NEIGHBORHOOD SAFETY PROGRAM MANAGER (OFFICE OF NEIGHBORHOOD SAFETY)**

STATEMENT OF THE ISSUE:

In an effort to improve the existing organizational structure of the Office of Neighborhood Safety (ONS), the City Manager has requested the establishment of the Office of Neighborhood Safety Program Manager classification.

RECOMMENDED ACTION:

Approve the new classification of Office of Neighborhood Safety Program Manager in the Office of Neighborhood Safety.

DISCUSSION:

Over the past year, the ONS day-to day program management has been reduced, due to the resignation of the ONS Director. The ONS is currently assigned to and under the leadership of the Community Services Department. These changes have left current staff to perform critical management responsibilities and maintain program structure while lacking an accurate classification. Although the former ONS Director continues to consult with the City regarding the operations of the ONS, the City requires requisite full-time staff to manage the ONS program staff and activities on a daily basis.

Per the City Manager's request, the Human Resources (HR) Department met with ONS staff to assess their classification needs. During that meeting, HR department staff determined that a Neighborhood Change Agent was working outside of their classification in a management capacity and should be properly classified. After reviewing the City's current classification plan, staff was not able to identify a current job description that characterized the distinctive combination of duties and skills that include facilitating and evaluating gang and violence prevention and intervention services for

Personnel Board Staff Report

the City in addition to a variety of administrative duties.

Staff conducted a classification study of local jurisdictions with similar violence prevention programs. Although there were a limited number of jurisdictions with similar neighborhood safety programs in place, staff was able identify local comparable program management classifications within the cities of Stockton, CA and Santa Rosa, CA. In both cities, each comparable classification was created specifically to provide management-level support within a violence prevention program or department, which includes program management experience as well as gang and violence facilitation and intervention experience. With such strong examples available, staff was able to create the attached proposed classification of Office of Neighborhood Safety Program Manager, for the City's consideration and approval.

CONCLUSION:

The City of Richmond continues to make great progress with reducing shootings and making the community safe from violence, most notably, since the establishment of the ONS. The Office of Neighborhood Safety Program Manager will play a central and critical role in ensuring accountability to committed stakeholders, improving outcomes for youth and young adults at high risk of violence and strengthening relationships between community and police. Therefore, it is staff's recommendation to approve the new classification of Office of Neighborhood Safety Program Manager in the ONS. The new title of Office of Neighborhood Safety Program Manager will accurately reflect the current duties of the incumbent, and will provide the necessary day-to-day program management, so the operations can remain efficient and effective. The classification will be placed in the Management Employees Bargaining Unit represented by IFPTE Local 21. They have been informed and agree to this action.

ANALYST: Jessica Collins

ATTACHMENTS: Proposed Office of Neighborhood Safety Program Manager
Classification Specification (3 pages)

PROPOSED

OFFICE OF NEIGHBORHOOD SAFETY PROGRAM MANAGER

DEFINITION

Under general direction, responsible for the successful performance of programs and projects of the Office of Neighborhood Safety (ONS) The Office of Neighborhood Safety Program Manager provides supervision, planning, organization, program development, implementation and management as related to the delivery of culturally competent and trauma informed practices to a specific population to reduce firearm-related homicides and injuries in efforts that ensure such programs and projects meet organizational goals and requirements.

CLASS CHARACTERISTICS

This position is characterized by its responsibility for supervision in one of two sections of the ONS. Incumbents in this class will use considerable judgment and initiative in planning and programming the section's work. Individuals in this classification will demonstrate broad-based skills associated with the office's service delivery efforts, while at the same time possessing a keen knowledge of the evidence-based practice of street outreach, case management, cognitive behavioral training and mentoring.

EXAMPLES OF DUTIES

Essential duties may include, but are not limited to, the following:

1. Directs and manages ONS program staff and related community outreach strategies to assure operations are performed in accordance with City policies and procedures, and applicable state and federal laws.
2. Plans and supervises program activities; supports the assessment and analysis of violence prevention and violence-treatment services within the City of Richmond; acts as a liaison with community groups, federal, state, and county agencies and community-based organizations.
3. Monitors legislation and developments related to areas of responsibility; evaluates their impact on City operations and programs; recommends and implements program, policy, and operational improvements.
4. Coordinates and manages inter-agency working partnerships of community leaders, including clergy, public, and community-based service

CITY OF RICHMOND
OFFICE OF NEIGHBORHOOD SAFETY PROGRAM MANAGER
PAGE 2

- providers, and other stakeholders committed to reducing violence; facilitates meetings, and makes public presentations.
5. Maintains program statistics, and prepares analytical reports, procedures, and recommendations regarding ONS projects or programs.
 6. Works with other department leaders and resources to define, prioritize, and drive ONS projects and programs.
 7. Provides leadership for managing ONS programming scope, deliverables, schedule, budget, and quality.
 8. Oversees private and public fundraising as it relates to violence prevention and reduction.
 9. Monitors budget expenditures.
 10. Performs related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of: goals and objectives of the ONS programming; trauma-informed knowledge of philosophies and evidence-based practices associated with personal growth and development; principles, philosophies, and techniques of conducting program needs analysis and training and organizational development; community organization, group dynamics, training, and consultation methods and practices; current issues, trends, strategies, and industry best practices in the violence- prevention field; and basic budgetary principles and practices.

Skill in: planning, organizing, and directing programs; meeting and dealing effectively with others; supervising, evaluating, and training staff; communicating effectively, orally and in writing.

Ability to: work with citizens, community leaders, civic groups, special interest agencies, boards, and commissions; interpret and implement goals, objectives, policies, and operating procedures, and create and maintain an atmosphere which encourages an innovative approach to service delivery.

EDUCATION AND EXPERIENCE

Two (2) years of full-time, satisfactory college credits from an accredited college or university **and** four (4) years of full-time experience which demonstrate application of knowledge, skills and abilities listed.

**CITY OF RICHMOND
OFFICE OF NEIGHBORHOOD SAFETY PROGRAM MANAGER
PAGE 3**

License: Incumbent must possess a valid California Driver's License upon employment. License status must be maintained during the course of employment.

PHYSICAL REQUIREMENTS

In addition to requiring sufficient mobility to work in a typical office setting, vision sufficient to read printed materials, and hearing and speech sufficient to exchange information in person and over the telephone, duties may require sufficient mobility to attend night and/or weekend meetings and make site visits. Accommodation may be made available for individuals requiring and requesting such accommodation.



STAFF REPORT

PERSONNEL BOARD OR DEPARTMENT

DATE: August 24, 2017

TO: Vice Chair Nair and members of the Personnel Board

FROM: Lisa Stephenson, Secretary to the Personnel Board

SUBJECT: DISCUSS, NOMINATE AND VOTE TO ELECT A PERSONNEL BOARD CHAIR AND VICE-CHAIR.

BACKGROUND:

A discussion took place at the meeting last month, May 25, 2017 and it was decided to continue this item to the June 2017 meeting.

The last election held by the Personnel Board was at the February 28, 2013 meeting and another election was held on October 22, 2015 to seat a vice chair.

The City of Richmond City Charter states: "The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for one year and until a successor is elected."

RECOMMENDATION:

Discuss, nominate and vote to elect a Personnel Board Chair and Vice-Chair.

ANALYSIS:

The Personnel Board is currently conducting business with an acting Chair, Vice Chair Nair. Vice Chair Nair's term expires on September 11, 2017. The City Charter states that, "All members shall serve after the expiration of their term until their successor has been appointed and qualified."

It would be ideal to have a Personnel Board Chair and Vice Chair to conduct business from this point until May of 2018 when the Personnel Board Members should discuss, nominate and vote to elect a Chair and Vice Chair for the next year.

ANALYST: Dorothy Mandujano, Senior Management Analyst

Attachments: City Charter pages 46-51; Creation of a Personnel Board

Sec. 5. (Amended at election April 17, 1973) The Council shall by ordinance provide:

(a) For the adoption of a comprehensive compensation plan, for the financing of rates of pay of all employees in the classified service, and amendments thereto. In the adoption of such a compensation plan, the Council may consider the recommendation of the City Manager. In arriving at recommendations relating to salaries and wages within the compensation plan, consideration shall be given to salaries and wages paid in comparable types of work in both public service and private industry within the area, the movement in recognized cost of living indices, the financial condition of the City and conditions of the labor market.

(b) For appropriations for personnel and facilities adequate to provide for the effective administration and enforcement of the provisions of this Article and the ordinances and rules adopted thereunder.

(Amended at election May 12, 1959 and June 4, 1968)

Sec. 6. Creation of a Personnel Board:

The Personnel Board shall consist of five members who shall be appointed by the Council in the following manner: one of the board members shall be appointed from a panel of three persons designated by a committee from the Police and Fire Department. One of the board members shall be appointed from a panel of three persons designated by a committee representing the general employees, and the remaining three board members shall be appointed by the City Council as hereinafter provided. Designation of said panels shall be in writing and signed by duly authorized committee members.

The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for one year and until a successor is elected. The Secretary to the Board shall be the Personnel Director. The members shall so classify themselves by lot that one of them shall serve for a term that shall expire July 1, 1952, one shall serve for a term that shall expire July 1, 1954, one shall serve for a term that shall expire July 1, 1955, and one shall serve for a term that shall expire July 1, 1956. Effective July 1, 1959, the member whose term expires on July 1, 1959, shall remain in office and his term shall expire on December 31, 1959; the member whose term expires on July 1, 1960, shall remain in office and his term shall expire on December 31, 1960; the member whose term expires on July 1, 1961, shall remain in office and his term shall expire on December 31, 1961; the member whose term expires on July 1, 1962, shall remain in office and his term shall expire on December 31, 1962; the member whose term expires on July 1, 1963, shall remain in office and his term shall expire on December 31, 1963. Thereafter, the term of office of each member shall be five years. All members shall serve after the expiration of their term until their successor has been appointed and qualified.

Every other (alternate) appointment shall be made from a panel of three names submitted by city employees. Said panel shall be selected through an election to be conducted by the City Clerk in accordance with rules established by the Personnel Board. Members appointed to this Board shall be subject to removal from said Board for a just cause by a six-ninths vote of the Council prior to the expiration of the term of which they were appointed.

Vacancies on the Personnel Board, caused by a member not completing his term, shall be filled by the Council. If the member vacating his office was appointed from a panel submitted by a committee representing all city employees, then said vacancy shall be filled from such a panel; if the member vacating his office was appointed directly by the Council, then said vacancy shall be filled by direct appointment by the Council.

Members of the Board shall have been qualified electors of the City of Richmond for at least three years and shall be persons sympathetic to the principles of modern personnel administration. No person shall be appointed to said Board who holds any salaried public office or employment in the service of the City of Richmond, nor is a retired city employee, nor shall any member, while a member of the board or for a period of one year after he has ceased to be a member of the board, for any reason, be eligible for appointment to any salaried office or employment in the service of the city, or for appointment to any elective office in the City.

The members of this board shall serve without pay, and shall hold regular meetings monthly at such time and place as designated by the chairman of the Board. The Board, in addition, may hold such special meetings as the affairs of the Board may require. Such special meetings shall be held upon the call of the chairman or any two members of the Board. Three members shall constitute a quorum for the transaction of business, provided that all members of the Board shall have been officially notified under the rules established by said Board for such notification.

(Added at election May 13, 1975, and amended at election November 6, 1984)
The unexcused absence of any member of the Personnel Board from more than three regularly scheduled meetings of the Board within any twelve-consecutive-months period shall constitute an automatic resignation from the Board. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City board or commission. The provisions of this paragraph shall operate prospectively so as to apply only to absences which occur after the effective date of this paragraph. Any and all absences of any member occurring prior to that date which did not result in removal of the member from the Board by the City Council are hereby excused. A member may request the Board to excuse an absence. Such request must be in writing and be submitted to the Board within thirty (30) days from the date of such absence. The granting of such a request shall require an affirmative vote from at least three (3) of the members of the Board. In the event of any such automatic resignation, the vacancy shall be filled for the unexpired portion of the term of the resigned member through the same procedure that was used for the appointment of the resigned member to the Board.

Sec. 7. The Personnel Board shall have power, and it shall be its duty:

(a) (Amended at election May 13, 1969) To hear any employee in the Classified Service, upon his request, who has been demoted, suspended, dismissed, or reduced in pay as follows: No person placed under the Personnel System established by this Article shall be demoted, suspended if for more than thirty days in any one calendar year, dismissed, or reduced in pay except by order of the Personnel Director made upon written charges by the Council, the City Manager or the head of the department in which such person is employed, and served upon such person. Whereupon the person so charged shall have an opportunity of filing a written answer or explanation of the charges. Any person demoted, dismissed, suspended, or reduced in pay may within ten days from the date of his notification of the same file with the board a written demand for an investigation and public hearing within a period not to exceed thirty (30) days in accordance with the rules and procedures established by the Board. After such investigation, the Board may recommend to the City Manager, suspension, modification or revocation of any order previously made by its suspending, demoting, or reducing in pay such person. The City Manager must act on the recommendation with fifteen (15) days. In cases of contrary action by the City Manager, the Board may submit its recommendation to the Council. Recommendations of the Board submitted to the Council may be overridden only a 2/3 vote of the Council. (This is not to contravene the employee's right, if dissatisfied with any order or ruling of the Board, and/or Council, to appeal to the Superior Court.)

(b) To make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this Article and rules adopted in accordance therewith, and to make such recommendations to the City Manager or to the Council as in its judgment may be indicated by the circumstances.

(c) To advise the City Manager on all matters of policy regarding the administration of the personnel system which the City Manager may present to it, or which, in its judgment, may be indicated by the circumstances.

(d) To review, together with duly authorized employee representation and in a public hearing, all changes, additions or eliminations in the personnel rules, which are proposed for presentation to the Council for approval, and to recommend for or against their adoption.

(e) To transmit to the Council with such additions and comments as it may desire to make, annual and special reports.

(f) (Amended at election April 17, 1973, and November 6, 1984) To entertain appeals on any matter arising under this Article by any aggrieved employee, or by the City, and make appropriate recommendations to the City Manager. Neither the Personnel Board nor any of its members shall have power to take any action in these appeals except by majority vote of the entire Board.

(g) Such rules and ordinances, or changes thereto, which are submitted by the City Manager to the Personnel Board for review and recommendations, and which are approved by the Personnel Board, together with duly authorized employee representation, shall require only a simple majority vote of the Council for adoption. These proposed rules or ordinances or changes thereto, which do not carry the recommendation of the Personnel Board, shall require an affirmative vote of six (6) Councilmembers in order to be adopted.

(h) (Added at election November 6, 1984) To subpoena witnesses to testify concerning any matter before the Board.

Sec. 8. (Amended at election November 6, 1984) The City Manager shall appoint a qualified Director of Personnel. The Director of Personnel shall be responsible for the proper administration of the personnel system and its operation. He shall have the power, and it shall be his duty:

(a) To serve as a Secretary to the Personnel Board, to see to the keeping of its minutes and records, to conduct investigations and prepare reports for the Personnel Board in matters under its consideration, and in all other proper ways to facilitate its actions and proceedings.

(b) To appoint his assistants in the operation of the personnel system, and to direct and control their work, and under the customary financial procedures of the City, to control the expenditures from appropriations for the administration of the personnel system.

(c) To establish and maintain a roster of all city employees.

(d) To prepare, together with duly authorized employee representation, and to recommend for consideration by the Personnel Board, and the Council, personnel rules including a classification plan, and drafts of ordinances for recommendation to the Personnel Board and Council, including such changes as are deemed desirable from time to time in such rules and ordinances.

(e) To allocate each position in the Classified Service to its proper class in the Classification Plan adopted under the provisions of this Article, and reallocate positions as the facts warrant.

(f) To develop and maintain class specifications, and to amend them from time to time as changing conditions warrant.

(g) (Amended at election April 17, 1973) To recruit candidates for employment, to pass upon qualifications of applicants, to conduct promotional and entrance examinations, to establish eligible lists which are to be in effect for such time as is prescribed in the City Personnel Rules but for not more than two years for certification

of eligibles and for appointments to positions in the classified service on the basis of such tests, subject to a work test period of probation of not more than six months or longer if prescribed by rule in initial appointments; eligibility lists are to be made a matter of public record at all times.

(h) To receive, record, transmit and to discuss with the employee concerned, written reasons for rejection during probation.

(i) To make such investigations as he may deem desirable with respect to the enforcement and effect of the provisions of this Article, and the personnel rules and related ordinances.

(j) To pass upon, for compliance with the provisions of this Article, the personnel rules and related ordinances, and to approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, rejections, leaves of absence, changes in rates of pay, suspensions, separations and other employment transactions affecting the status of employees.

(k) To make annual reports to the Personnel Board for its approval and transmission to the Council on the administration and effect of this Article, with such recommendations as he may deem desirable, and to render such special reports as the Personnel Board may request. Such reports shall be public record.

(l) (Repealed at election April 17, 1973)

(m) To do all other things necessary or proper for making effective the provisions of this Article, the personnel rules and ordinances adopted in pursuant thereof.

(n) (Repealed at election April 17, 1973)

Sec. 9. Every person who, when this Article take effect, is legally occupying, by proper appointment thereto, a position placed in the Classified Service by this Article, shall continue to occupy such position without examination, and shall become subject to the provisions of this Article, as though he had been appointed to the position occupied, under the provisions of this Article. The provisions of this section shall also apply to all persons who, on the date of acquisition of any public utility, hereafter acquired by the City, are regularly employed by such utility.

Sec. 10. No person occupying a position in the Classified Service or seeking admission thereto, shall be employed, discharged or in any way favored or discriminated against because of race, or religious belief or political opinions or affiliations, or because of membership in or affiliation with a labor organization. For the purpose of collective bargaining and employee-management cooperation, employees shall have the right to organize and designate representatives of their own choosing.

No employee and no one seeking employment shall require as a condition of employment, transfer, promotion, or retention in service to join or to refrain from joining any organization or association of employees.

There shall be no discrimination against representatives of employees nor shall employees suffer discrimination because of membership or nonmembership in any organization or association of employees. The majority of the employees as a whole, may determine the organization, person or persons, who shall represent the employees as a whole. However, any professional group or craft or other appropriate unit shall have the right to authorize the organization, person or persons who shall represent them.

Sec. 11. There shall be no improper political activity as defined in the personnel rules to be hereinafter adopted, on the part of any employee in the Classified Service. City employees may not engage in political activities or services of any nature during the hours in which they are employed by the city; nor shall City funds, supplies, property, or equipment be utilized in performing any services of a political nature.

No officer or employee under the government of the City and no candidate for any City office, shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on any eligible list or holding any position under the provisions of this Article.

Sec. 12. (Repealed at election April 17, 1973)

Sec. 13. Any person who violates willfully or through culpable negligence violates or conspires to violate any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment. The conviction of any employee or officer of such offense shall operate automatically to terminate his service and to vacate his position.

Sec. 14. If any part of this Article is held by competent authority to be invalid, such decision shall not affect the remaining portions of this Article, or if any provision herein held to be in excess of that permitted by the constitution of the laws of the State, then such provision shall be construed to operate only to the extent permitted.

Sec. 15. All present and future ranks required for the best interests of the City in each of the City departments, shall be recognized in the rules, classifications, and compensation plans.

(Art. 14, Off-Street Vehicular Parking, repealed at election June 4, 1968)