

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)