

Proposal Number: 25

Name of Proposed Section: {Proposal contains multiple sections}

Suggested Article: Civil Service

Introduced by: Commissioner Williams

Date Introduced: 6/23/2016

Date Reported for Second Reading: 1/24/2017

Date of Second Reading: 2/9/2017

Date Reported for Third Reading:

Date Passed:

Sec. 5-101 CIVIL SERVICE COMMISSION; MEMBERSHIP, TERMS, REMOVAL.

A.

1. The Civil Service Commission shall serve in the interest of all the citizens of the City, and shall consist of individuals selected on the basis of their reputation for fair-mindedness and objectivity. **THE CIVIL SERVICE COMMISSION SHALL SERVE WITHOUT COMPENSATION.**
2. There are three (3) classes of Civil Service Commission members:
  - a. **TWO TO REPRESENT THE** EmployeeS representatives:
  - b. **TWO TO REPRESENT THE** Administration representatives;  
and
  - c. **THREE TO REPRESENT THE PUBLIC-AT-LARGE** Public-at-large representatives.
3. Members shall be chosen in the following manner:
  - a. Employee representatives: The City shall, by ordinance, provide for the nomination and election by City employees of two (2) employee representatives. ~~One (1) such representative shall be chosen solely by the employees of the Board of Hospital Managers and one (1) shall be chosen by all other City employees.~~
  - b. Administration representatives: The Mayor shall appoint two (2) administration representatives. ~~One (1) of these shall be selected by the Mayor from a list of three (3) names submitted by the Board of Hospital Managers.~~

c. The four (4) members chosen under paragraphs (a) and (b) above shall, within thirty (30) days, unanimously select three (3) persons as public-at-large representatives.

~~d. At such time as the Board of Hospital Managers is not under the jurisdiction of the City of Flint, the Civil Service Commission representatives from the Board on the Civil Service Commission shall terminate and said positions shall thereupon be filled in the manner prescribed for the remaining employee and administration representatives.~~

4. Except as limited in Sec. 5-101 (A)(3)(d), any vacancies arising shall be filled within thirty (30) days in the same manner as initial selection and only for the unexpired term.
5. No member of the **CIVIL SERVICE** Commission shall be a City employee during his or her term of office.
6. **ALL MEMBERS** A member of the **CIVIL SERVICE** Commission must be a resident of the City **OF FLINT**.
7. The chairperson and other officers of the Civil Service Commission shall be chosen from among the public-at-large representatives.

B. Terms of initial appointment.

1. ~~The person chosen by the employees of the Board of Hospital Managers shall have an initial term of three (3) years. The ONE person chosen by all other City employees shall have an initial term of five (5) years AND~~ **THE OTHER PERSON SHALL HAVE AN INITIAL TERM OF THREE (3) YEARS.**
2. The **ONE** administration representatives ~~chosen from the list submitted by the Board of Hospital Managers~~ shall have an initial term of three (3) years and the other administration representatives shall have an initial term of one (1) year.
3. Those chosen as public-at-large representatives shall have initial terms of one (1), two (2), and four (4) years.
4. As initial terms expire, appointments shall be for five (5) year terms.

C. Removal.

1. Members of the Civil Service Commission shall be subject to removal from office for cause by a vote of three-fourths (3/4) of members serving on the City Council.
2. Such removal may occur only after written notice of reasons for removal are delivered to the person at least ~~one (1) month~~ **THIRTY (30) DAYS** prior to the date of a public hearing conducted in accordance with due process of law.

Sec. 5-102 STAFF.

- A. The staff of the Civil Service Commission shall include a Director. The Director shall be appointed by and responsible to the Civil Service Commission.
- B. The Civil Service Commission may hire additional staff as required.
- C. Removal.
  1. The Civil Service Director shall be subject to removal from office by a vote of five members of the Civil Service Commission.
  2. Such removal may occur only after written notice of reasons for removal are delivered to the Director at least ~~one (1) month~~ **THIRTY (30) DAYS** prior to the date of a public hearing conducted in accordance with due process of law.

Sec. 5-103 APPROPRIATIONS.

The City shall provide annual appropriations that are necessary and sufficient for the Civil Service Commission to conduct its business.

Sec. 5-104 RULE MAKING.

The Civil Service Commission shall make rules necessary for the orderly and efficient conduct of its business. Said rules shall conform to the provisions concerning rule making in Sec. 1-801 of this Charter.

Sec. 5-201 DUTIES.

- A. The Civil Service Commission shall be responsible for (1) enforcing the merit principle in all aspects of personnel administration in the City **INCLUDING HIRING AND PROMOTION**; (2) receiving, investigating and deciding disputes between the City and any of its employees in the Classified Service; (3) protecting City employees from political pressures; and (4) advising the ~~Chief Personnel Officer~~ **HUMAN RESOURCES DIRECTOR**, Mayor, **AND** City Council ~~and the Board of Hospital Managers~~ concerning personnel administration.

- B. The Civil Service Commission shall not have the power to develop personnel policies but shall have authority to make recommendations regarding revision of all personnel matters.
- C. For the performance of the foregoing duties, the Civil Service Commission may conduct investigations and hearings.
- D. ~~The Civil Service Commission shall meet at least once a month.~~

Sec. 5-202 POWERS.

- A. The Civil Service Commission may hold hearings, subpoena witnesses, administer oaths, take testimony, and require the production of evidence.
- B. To enforce a subpoena or order for the production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the **CIVIL SERVICE** Commission shall apply to the appropriate court.
- C. The **CIVIL SERVICE** Commission may delegate the powers to hold hearings, administer oaths and take testimony.

Sec. 5-203 HEARINGS.

- A. All hearings of the Civil Service Commission shall be public, and a written record of said hearings shall be kept. This record shall be compiled regularly and made available to any interested persons upon request.
- B. Decisions of the Civil Service Commission shall be based upon the facts presented at its hearings. Reports of the **CIVIL SERVICE** Commission's decisions shall include a summary of findings of fact and conclusions of law. Decisions of the Civil Service Commission shall be binding on all parties involved.

Sec. 5-204 JURISDICTION.

- A. The Civil Service Commission procedure shall be exclusive for applicants to the Classified Service of the City and for classified employees not covered by a collective bargaining contract.
- B. A classified employee covered by a collective bargaining contract containing a procedure providing for a final and enforceable resolution of a grievance shall, unless the contract procedure is made exclusive, elect to use either the **CIVIL SERVICE** Commission procedure or the contract procedure, but may not use both.
- C. A classified employee covered by a collective bargaining contract containing a grievance procedure that does not result in a final and enforceable resolution of the

grievance may, if the collective bargaining contract so provides, pursue the contract procedure and then file under the **CIVIL SERVICE** Commission procedure.

Sec. 5-205 EMPLOYEE GRIEVANCES.

- A. The Civil Service Commission shall, by rules adopted in accordance with Sec. 1-801 of this Charter, provide a procedure for the final resolution of any grievance brought by or against a classified employee of the City or applicant for a position in the Classified Service of the City.
- B. Every grievance filed with the **CIVIL SERVICE** Commission under this procedure shall be finally determined within thirty (30) days after filing, unless the time is extended by agreement of the parties.

Sec. 5-301 EMPLOYEE ORGANIZATION.

Employees of the City have the right to collective organization and collective bargaining.

Sec. 5-401 CLASSIFIED SERVICE.

The Classified Service of the City shall include all persons employed by the City except:

1. All elective officers;
2. The Civil Service Director;
3. Persons serving at the ~~pleasure~~ **WILL**<sup>1</sup> of the Mayor or City Council;
4. Private citizens appointed to multiple member bodies, such as boards and commissions, and person serving at their ~~pleasure~~ **WILL**;<sup>2</sup>
5. The **OMBUDSPERSON** ~~Ombudsman and all members of the staff of the Ombudsman~~;
6. Persons employed or under contract to make or conduct a temporary or special inquiry, investigation, examination or legal representation on behalf of the City.

Sec. 5-402 CLASSIFIED SERVICE.

~~No person shall be considered for entrance into the Classified Service who does not reside in the City of Flint, unless the residency requirement has been waived by the City Council for good cause shown.~~

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<sup>1</sup> Amended in Committee of the Whole 7/14/2016

<sup>2</sup> Amended in Committee of the Whole 7/14/2016