

ORDINANCE NO. 3465

TITLE: AN ORDINANCE ESTABLISHING PERSONNEL POLICIES, PROVIDING FOR THE ADMINISTRATION OF SAID POLICIES, ESTABLISHING A CIVIL SERVICE COMMISSION AND DUTIES THEREOF, CREATING EMPLOYEE RELATIONS CONFERENCE COMMITTEE AND ESTABLISHING ITS DUTIES, RESERVING POWERS TO THE CITY COUNCIL, COVERING STATUS OF EXISTING CITY EMPLOYEES, REPEALING ORDINANCE NUMBERS 2724 AND 2175, PROVIDING FOR SEVERABILITY OF THE ORDINANCE AND DECLARING AN EMERGENCY.

The People of the City of Albany Do Ordain as follows:

PART I - POLICY AND COVERAGE

Section 1.1 Declaration of Personnel Policy

Under the authority granted by the City Charter, the following personnel principles and policies are hereby established:

- (1) Every effort shall be made to stimulate high morale by fair administration of this ordinance and by every consideration of the rights and interests of the employees individually and collectively, consistent with the best interest of the public and the City;
- (2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in operation of the municipal government;
- (3) Employment in the City government shall be based on merit and free of personal and political considerations; and,
- (4) Continuity of employment covered by this ordinance shall be subject to good behavior, satisfactory performance of work and availability of funds.

Section 1.2 COVERAGE

All offices and positions of the City shall be and are hereby allocated to the classified service and the exempt service. The exempt service shall include all elected officials and members of citizens boards and commissions, City Manager, and other administrative positions, volunteer fire department, police reserves, temporary, or seasonal personnel, and any personnel appointed to serve without compensation. The classified service shall include all other positions in the City service which are not specifically placed in the exempt service by this ordinance. Unless specifically designated otherwise, these personnel policies and rules shall apply to employees of the classified service.

PART II - ADMINISTRATION

Section 2.1 CITY MANAGER

Subject to this ordinance and the provisions of the Charter, the City Manager shall:

- (1) Be responsible for effective personnel administration;
- (2) Appoint, remove, suspend, and discipline all officers and employees of the City; and
- (3) Perform such other duties and exercise such other powers in personnel administration as may be appropriate or prescribed by law.

Section 2.2 PERSONNEL OFFICER

The City Manager shall serve as, or may appoint a Personnel Officer, who shall administer and provide technical direction for the City personnel program. The Personnel Officer shall:

- (1) Administer, under the direction of the City Manager, the personnel program as set forth in this ordinance and in the personnel rules;
- (2) Perform all lawful and necessary duties essential to effective administration of the personnel program; and
- (3) Perform such other duties as may be assigned by the City Manager not inconsistent with this ordinance.

PART III - CIVIL SERVICE COMMISSION

The Mayor, shall, with Council concurrence, appoint a Civil Service Commission of three members.

Members of the Civil Service Commission holding offices at the time of the adoption of this ordinance shall continue in their terms of office until the expiration of that term. Any member of the Commission shall be removed for cause at any time by the City Council.

Section 3.2 - MEETINGS

The Civil Service Commission shall meet on a regularly established meeting day. The Commission shall establish its own rules for organization and meeting procedures. The Personnel Officer shall serve as secretary to the Commission and shall record the minutes of the meetings of the Commission and perform such other duties as the Commission may require not inconsistent with this ordinance.

Section 3.3 - DUTIES

The Civil Service Commission shall advise the City Council and administrative officials on all matters relating to City personnel administration. The Commission shall hear appeals for any disciplinary action and further shall hear appeals on any and all other controversies or matters arising out of or in connection with the personnel rules.

Section 3.4 - POWER TO SUBPOENA WITNESSES

In any investigation or hearing conducted, the Civil Service Commission shall have the power to examine witnesses under oath and compel their attendance or production of evidence before it by subpoena issued in the name of the City. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or testify in answer to such a subpoena shall subject said persons to prosecution in the same manner as set forth by law for failure to appear before the municipal court in response to subpoena issued by the City.

Section 3.5 - PERSONNEL RULES

The Civil Service Commission shall adopt personnel rules and regulations after a public hearing upon the recommendation of the City Manager. The rules shall cover specific procedures and policies to govern the following phases only of the personnel program:

- (1) Administration and adoption of a position classification plan;
- (2) Administration of a pay plan;
- (3) Establishment of hiring and promotional policies;
- (4) Evaluation of the work of the employees;
- (5) Separation of employees from the City service;
- (6) Establishment of hours or work, overtime, attendance, and leave regulations;
- (7) Development of an employee training program;
- (8) Rules governing outside employment for municipal employees;
- (9) System of handling all grievances; and
- (10) Such other matters as may be designated by the City Council.

PART IV - EMPLOYEE RELATIONS

Section 4.1 - PURPOSE

It is the purpose of this ordinance to promote full communication between the City as an employer, and City employees by providing a reasonable method of resolving difference regarding wages, fringe benefits, and other conditions of employment.

Section 4.2 - RIGHT TO ORGANIZE

Except as otherwise provided by state statute, public employees shall have the right to join, form, and participate in the activities of employees organizations of their own choosing. City employees also shall have the right to refuse to join or participate in activities of employees organizations.

Section 4.3.1 - EMPLOYEE RELATIONS CONFERENCE COMMITTEE

The Employee Relations Conference Committee, hereafter referred to as the ERCC, shall consist of the City Manager, Personnel Officer, City Attorney, and one City employee representing each of the following organizational units of the City:

Fire Department	One representative
Police Department	One representative
Finance, Administration, Library, & Recreation	One representative
Engineering & Sewer Treatment Plant	One representative
Street, Sewer, Equipment, & Park Maintenance	One representative

Failure of an organizational unit to select an employee representative as provided in Section 4.3.2 shall not invalidate any action taken by the Employees Relations Conference Committee.

Section 4.3.2. - EMPLOYEE REPRESENTATION ON THE ERCC

By the first day of October of each year, each of the organizational units as defined in Section 4.3.1 shall select a permanent City employee as representative on the ERCC, and also select an alternate permanent City employee representative. The organizational unit shall either select the employee representative and alternate directly, or the unit shall designate a union or employee organization and that organization or union shall select the permanent City employee representative and alternate. Any disagreement concerning the selection of the employee representative or alternate representative of the organizational unit shall be resolved by an election of that unit conducted by the Personnel Officer. Alternate representatives of the organizational units shall attend all meetings of the ERCC, but shall not participate except through their regular representative, unless that representative is absent.

Section 4.3.3 - MEETINGS

The ERCC shall meet each calendar quarter. In addition, any member of the ERCC may request a meeting which shall be called by the Chairman within two days upon receiving the request. The Committee may establish its own procedures not inconsistent with this ordinance.

Section 4.3.4 - DUTIES

The ERCC shall serve as the forum for discussion of problems involving the administration of personnel policy. Where necessary, the ERCC shall after consideration of a specific problem, prepare a policy recommendation which shall be presented to the Civil Service Commission and/or City Council by the City Manager.

Section 4.4 - PREPARATION OF PAY AND FRINGE BENEFIT PLANS

The ERCC shall meet to determine the scope of the annual salary and fringe benefit survey, which shall be conducted by the City Manager's office during the first quarter of the calendar year. As soon as the survey is complete, the City Manager's office shall distribute the collected information in written form to the members of the ERCC. The ERCC shall meet not later than the third week after the survey report is distributed, at which time the representatives of employee organizations shall submit a single written proposal for salary and fringe benefit adjustments for all City employees. Within one week the ERCC shall again meet and the City Manager shall submit a single written proposal for salary and fringe benefit adjustments for all City employees. The ERCC shall then meet to discuss and resolve the differences between the employees' proposal and the City Manager's proposal. The points of agreement, and disagreement, if any, shall be determined by a majority vote of the ERCC employee representatives. Once discussions are completed, a written report and proposal based upon all areas of agreement, and disagreements if any, shall be prepared by the City Manager. Minutes shall be kept of all meeting of the ERCC.

Section 4.5 - ADOPTION OF PAY AND FRINGE BENEFIT PLANS

The written report and proposal as described in Section 4.4 shall be submitted to the City Council by the City Manager no later than the first regular Council meeting in April. The City Council shall first consider the report and proposal and after obtaining whatever additional information is necessary, the Council shall make a final decision.

Section 4.6 - PROHIBITION OF POLITICAL ACTIVITY

No City employee shall take an active part in City political management or in a City political campaign without first resigning his position with the City. No City employee shall directly or indirectly solicit or receive or be in any manner concerned in the soliciting or receiving of any assessments, subscriptions, contributions, either voluntary or involuntary, for any political purpose connected with the City of Albany. All employees shall retain the right to vote as they choose and express their opinions on political subjects and candidates.

PART V - POWERS AND DUTIES RESERVED

Section 5.1 - RETENTION OF RIGHTS

Nothing within this ordinance shall be interpreted as depriving the City Council, Civil Service Commission, or City Manager of the right to make a final decision on matters for which they have ultimate responsibility.

Section 5.2 - RIGHT TO CONTRACT FOR SPECIAL SERVICES

The City may contract with any competent agency for the performance by such agency of such technical service in connection with the establishment of the personnel system or with its operation as may be desired.

PART VI - GENERAL PROVISIONS

Section 6.1 - STATUS OF PRESENT EMPLOYEES

Any person holding a position with the City of Albany who shall have served continuously in this position or in some other with the City for a period of at least six months immediately prior to the effective date of this ordinance shall assume regular status under this ordinance.

SECTION 6.2 - SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any sections in this clause or ordinance is judged by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

SECTION 6.3 - REPEALING CONFLICTING ORDINANCES

Ordinances No. 2724 and 2175 and all other ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 6.4 - EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, Oregon, an emergency, is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: February 11, 1970

Approved by the Mayor: February 11, 1970


Mayor

ATTEST:


City Recorder