

## MOTION TO AMEND ORDINANCE 11-060-O

BY COUNCILOR GARDNER:

I move to amend Ordinance 11-060-O as follows:

Sec. 13-6. Civil service administration, duties of the secretary.

Unless otherwise provided herein, the secretary shall have all powers necessary to administer the functions and provisions of this Chapter. These powers include, but are not limited to, the creation and maintenance of the class descriptions, administration of all civil service hiring processes, maintenance of the eligible lists, and maintenance of employment records as required by state or federal law. All actions of the secretary may be appealed to the board, in accordance with this Chapter.

Sec. 13-8. Reclassification of positions.

~~If after the evaluation of a position, it is the opinion of the secretary that there has been a significant change in the duties of such position, the secretary may assign such position to a different classification, subject to the approval of the chief administrative officer. Upon reclassification of the position, the chief administrative officer shall, after receipt of the secretary's and appointing authority's recommendation, determine whether the reclassified position will be filled through an employment test or by the appointment of the incumbent of the former position to the reclassified position. The secretary shall notify the affected employee in writing at least ten calendar days prior to implementation of the chief administrative officer's determination. New job classifications created as a result of this process shall not be submitted to city council for approval until the appeal period has expired.~~

If after the evaluation of a position in which there are significant changes in duties, the secretary shall, with the approval of the chief administrative officer, after investigating actual and proposed duties, responsibilities and qualification requirements, refer the matter to the board with his/her recommendation. The board shall determine whether or not to reclassify the position. Upon reclassification of the position, taking into consideration the recommendation of the secretary, the board shall determine whether the reclassification shall be filled by the appointment of the incumbent employee(s) to the reclassified position, or by establishment of a new classification, subject to the approval of the city council. The secretary shall notify the affected employee(s) in writing, within ten calendar days of the initial evaluation decision by the secretary and the reclassification decision by the board, to allow for the appeals process to be utilized, as needed. New job classifications as a result of this process shall not be referred to the council until the appeal period has expired.

Sec. 13-10. Determination of type of eligible list to be created.

(a) When employment tests are to be held to establish an eligible list, the secretary, in consultation with the appointing authority, shall determine whether to administer a promotional only, internal only, internal and open, or open only test process; however, promotional only test processes shall be administered for higher level classifications in the police and fire departments only, ~~excluding management classifications in the police department and fire prevention classifications in the fire department;~~

Sec. 13-29. Appeals to the board.

(a) Right to appeal.

(1) An applicant who has been qualified by the secretary to participate in a selection process for a position within the classified service and any classified or eligible employee ~~whose civil service status is directly affected by an action of the secretary~~ may appeal to the board as provided in this Section;

(2) An applicant who has been rejected under Section 13-13 of this Code or who was on a list canceled by the secretary pursuant to Section 13-21 of this Code may appeal to the board the basis for the rejection or cancellation as provided in this Section;

(b) Manner and time for appeal. An appeal is perfected by filing a notice of appeal within ten calendar days after the secretary's written notification of the action. The notice of appeal shall be in writing, shall contain a complete statement of the matter in controversy and the relief requested, and shall be signed and dated by the appellant. The notice shall be addressed to the board and filed with the office of the secretary. Filing may be accomplished by electronic submission, personal delivery or United States mail addressed to the secretary; however, filing shall not be timely unless the notice of appeal is received in the office of the secretary within the time fixed for appeal;

(c) Secretary's authority to reject appeals. The secretary shall reject any appeal received after the time limit provided by this Section ~~or any appeal that exceeds the authority of the board as provided by this Section~~;

(d) Board scope of authority. Unless otherwise provided by this Chapter, state or federal law, or required by a collective bargaining agreement, the board's jurisdiction shall be to hear and render a decision on:

(1) Appeals challenging the fairness or scoring of a test, including the

number of veteran's preference points allotted to an applicant;

(2) Appeals from applicants that have been rejected under Section 13-13 of this Code;

(3) Appeals of the secretary's action related to placement on a re-appointment list;

(4) Appeals of the secretary's action that ~~directly impacts~~ have any effect on the civil service status of a ~~current~~ classified employee or eligible employee;

(5) Appeals from qualified applicants that were on an eligible list canceled by the Secretary pursuant to Section 13-21 of this Code;

~~(6)~~ (5) In rendering its decision the board shall not modify or waive any of the qualifications, skills, abilities or experience requirements provided for in the classification description;