

## Chapter 11 - Personnel Board

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### 1. GENERAL PROVISIONS.

1.1 It is hereby declared personnel policy of the City that:

- a) Employment in the City government shall be based on merit and qualifications, free of personal and political considerations without regard to religion, race, color, national origin, age, sex, marital status, height, weight, arrest record or disability.
- b) City government shall promote efficiency and economy of operations.
- c) Positions having similar duties and responsibilities shall be classified and compensated on a similar basis.
- d) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.
- e) The rights and interests of employees covered by this Chapter shall be fairly administered in a manner consistent with the best interests of the public and the City.
- f) Any individual whose employment is subject to the provisions of this Chapter may be disciplined or discharged for misconduct or unsatisfactory work performance.
- g) The Employment of any individual subject to this chapter is conditional upon the necessity for the performance of work within the employee's classification and the availability of funds.

1.2 The Personnel Board shall consist of five (5) members appointed by the Council. The members of the Board shall be persons in sympathy with the application of merit principles to public employment. No member of the Board shall be employed by or be an official of the City; nor shall be a member of any local, state or national committee of a political party or an official or member of a committee in any partisan political club or organization, nor shall hold or be a candidate for any governmental elective office. The members of the Board shall serve for a term of three years. Vacancies occurring during a term shall be filled for the balance of the term. Members of the Board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The Board shall elect its own chairman. The Council may remove any member of the Board with five affirmative votes upon stating in writing the reasons for removal and allowing the member an opportunity to be heard. Three members shall constitute a quorum at any meeting of the Personnel Board.

1.3 In addition to the duties set forth elsewhere in this chapter, the Board shall:

- a) Advise the City Manager on matters of personnel policy and problems of personnel administration, including the personnel rules; job classification plan and pay plan as they apply to Classified employees.
- b) Represent the public interest in the improvement of personnel administration for Classified employees in the City service.

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### 2. SCOPE OF CIVIL SERVICE SYSTEM.

2.1 All offices and positions of the City are divided into the classified service and the exempt service.

2.2 The Classified service shall include the following classifications:

Accountant	Legal Assistant
Administrative Aide	Legal Secretary
Administrative Asst. to the City Manager	Librarian I
Appraiser	Library Aide
Assistant Naturalist	Manager's Office Secretary
Building Inspector	Museum Archivist
Building Maint. Specialist	
	Office Coordinator
Civilian Communications Supv.	PC Specialist/Help Desk
Community Affairs Officer	Plan Analyst
Cross Connection Inspector	
Education Coordinator	
Engineering Assistant	
Engineering Technician	Planning Technician
Field Supervisor	Project Manager (Engineering)
GIS Data Analyst	
Inspector	Right-of-Way Representative
Inspector Supervisor	
Insurance & Safety Coordinator	Secretary II
Inventory Control Assistant	
Landscape Analyst	Survey Supervisor

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2.3 The Exempt service shall include the following:

- a) Elected officials, members of boards and commissions
- b) Volunteer personnel and personnel appointed to serve without pay.
- c) Consultants and counsel rendering temporary professional service.
- d) Such positions involving seasonal or part-time employment, as may be specifically placed in the exempt service by the personnel rules.
- e) Positions in the City service that are represented by an exclusive bargaining representative pursuant to the Public Employment Relations Act, MCLA 423.201 et seq.
- f) Positions of City Manager and City Attorney which serve at the pleasure of City Council pursuant to City Charter.

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- g) All other employees in the City service that are not placed in the Classified service by this Chapter and are not represented by an exclusive bargaining representative pursuant to the Public Employment Relations Act, MCLA 423.201 et seq.

### 3. ADMINISTRATION.

- 3.1 The City Manager shall be responsible for the execution of the personnel program and all advice and rulings of the Board in pursuance of this chapter.
- 3.2 The City Clerk shall serve as secretary to the Board.
- 3.3 The City Manager, with approval of City Council if required by City Charter, may contract with any qualified person or agency for the performance of such technical services as may be desired in establishment and operation of the personnel programs.

### 4. RULES.

- 4.1 The City Manager or designee shall draft such rules as may be necessary to carry out the provisions of this chapter. These rules shall be submitted to the Board for review and approval. Personnel rules approved or initiated by the Board shall be submitted for adoption by resolution of the Council. The rules as adopted shall have the force and effect of law. All rules and amendments thereto shall be made in accordance with the above procedure.

### 5. CLASSIFICATION.

- 5.1. The City Manager or designee shall make an analysis of the duties and responsibilities of all positions in the classified service and he shall recommend to the Board a job classification plan. Each position in the Classified service shall be assigned to a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single description title, the same qualification requirements, the same test of competence and same pay scale. A job class may contain one or more positions. The classification plan, as reviewed and approved or initiated by the Board, shall be submitted for adoption by resolution of the City Council.
- 5.2. The classification plan may be revised from time to time as required.

### 6. COMPENSATION.

- 6.1 The City Manager or designee shall prepare a Classified pay plan based upon accepted principles of pay administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of employment.
- 6.2 The City Manager shall submit the pay plan and rules for its administration to the Board for approval. The Board may recommend that the City Council adopt the plan and the rules, with or without amendment.
- 6.3 The pay plan may be amended from time to time as required, through adjustment of rates, by reassignment of job classes to different pay ranges, or by the addition or deletion of job classes by the City Manager.

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### 7. APPOINTMENT AND PROMOTIONS.

- 7.1 Original appointments to vacancies in the Classified service shall be based on merit as determined by competitive examinations which may include prior training and experience.
- 7.2 Competitive examinations shall be in such form as will fairly test the job-related requirements for the position being sought. Examinations may include written, oral, performance tests or any combination of these.
- 7.3 Pending the approval of an eligible list based upon competitive examination, vacancies may be filled by the City Manager by means of a temporary appointment. Temporary appointment will only be as long as is necessary to establish an approved eligible list.
- 7.4 Priority of Eligible lists for purposes of filling a vacancy shall be: re-employment eligible lists, promotional eligible lists and original appointment eligible lists.
- 7.5 Re-employment lists shall contain the names of regular full-time employees laid off in good standing for lack of funds or work and the position from which they have been laid off. An employee on a re-employment eligible list shall only be able to fill a vacancy in a classification formerly held by the employee or a similar classification at a lower level that the employee is qualified to perform.
- 7.6 Employees who have not completed the initial review period and are (1) laid off for lack of work or lack of funds, or (2) who resign and whose resignations are withdrawn within one year, upon application and with the approval of the Department Head and the City Manager, shall have their names restored to the eligible list from which appointment was originally made.
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- 7.7 Candidates who qualify for original appointment or promotion eligible lists shall be placed on the appropriate eligible list for the classification in the rank order of the composite scores they obtained on the competitive examination, including prior training and experience.
- 7.8 When an appointment is to be made to a vacancy, the City Manager shall appoint from the three persons ranked highest on the appropriate list (or lists, when applicable), who have indicated willingness, to accept appointment. When more than one vacancy is to be filled the number of names submitted shall not exceed the number of vacancies plus two.
- 7.9 An advancement in rank, grade, or to a salary range beyond the limits defined in the rules for the administration of the pay plan for the incumbent's current position shall constitute a promotion.
- 7.10 In preparation of a promotional eligible list, consideration shall be given to the qualifications of a candidate, including training and experience, and the individual's record of performance.
- 7.11 Vacancies in positions above the entrance level shall be filled by promotion rather than original appointment except when in the judgment of the City Manager it is not in the best interests of the City to do so.
- 7.12 Policies and procedures for administering eligible lists shall be provided in the personnel rules covering the duration, cancellation, replacement and consolidation of such lists, and the removal or suspension of the names of eligibles therefrom.

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### 8. RECORDS.

- 8.1 The City Clerk shall maintain adequate records of the proceedings of the Board.
- 8.2 The Human Resources Department shall maintain the examination record of every candidate for one (1) year, and shall maintain the employment record of every employee for a period of five (5) years after separation of employment with the City.

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### 9. INVESTIGATIONS, HEARINGS.

- 9.1 During the course of any investigation or hearing the Board or the City Manager may direct any employee of the City to attend and give witness. Any employee refusing to do so may be subject to disciplinary action.
- 9.2 The Board shall have power to subpoena and require the attendance of witnesses and the production thereby of records, books and papers pertinent to the investigations and hearings.

### 10. GENERAL PROHIBITIONS.

- 10.1 Employees in the Classified service shall be selected on merit and qualifications without regard to political considerations, shall not be required to contribute to any political purpose and shall not engage in improper political activity. The rules shall define the scope of improper political activity.
- 10.2 There shall be no discrimination against any qualified person seeking employment or employed in the classified service because of any considerations of political or religious affiliation or belief, race, color, national origin, age, sex, marital status, height, weight, arrest record or disability.

### 11. TERMINATION APPEAL.

- 11.1 Any member of the Classified service, who is being considered for discharge shall be provided prior written notice of the reasons for the possible disciplinary action and an opportunity to respond to or discuss the contemplated action with the decision-maker prior to a final decision being made. If the employee is discharged, the employee shall be entitled to appeal the discharge to the Personnel Board as set forth below.
- 11.2 A discharged employee is entitled to appeal the discharge to the Personnel Board by filing a written notice of appeal no later than ten (10) calendar days after receiving notice of discharge. Said notice shall be filed with the City Clerk who is Secretary of the Board. Upon receipt of a notice of appeal, the Secretary of the Personnel Board shall schedule a hearing before the Personnel Board within thirty (30) calendar days. At the hearing, the discharged employee shall be entitled to present evidence and testimony on his or her behalf and to question the witnesses called in support of the discharge. The employee and the City may retain a representative for the hearing. A record of the hearing may be kept at the request of the employee or the City.
- 11.3 The Personnel Board shall then review the evidence presented at the hearing and, within thirty (30) days after the close of the hearing, render a written determination. The authority of the Personnel Board shall be limited to determining whether the discharge was arbitrary or capricious. The determination of the Personnel Board shall be final and binding on both the employee on both the employee and the City and shall constitute the sole and exclusive remedy for the employee.

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11.4 At any hearing held subject to this appeal procedure, no member of the Personnel Board shall serve if he or she has been involved in the process leading to the discharge of the employee. In addition, the employee shall be entitled to challenge any member of the Personnel Board for bias or prejudice by providing the Personnel Board written notice of such claim prior to or at the hearing scheduled as set forth above.