



City of Grand Island

Tuesday, September 12, 2006

Council Session

Item F7

#9073 - Consideration of Amendments to Chapter 12 of the Grand Island City Code Relative to Civil Service

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, Interim City Attorney

Meeting: September 12, 2006

Subject: City Code Revision to Chapter 5, Animals and Chapter 12, Civil Service

Item #'s: F-7 & F-10

Presenter(s): Dale M. Shotkoski, Interim City Attorney

Background

The Mayor, City Council and City Administration established a goal of revising the Grand Island City Code. The City Code Revision Committee has met and drafted changes to Chapters 5 and 12 of the City Code for the City Council's consideration. The proposed revisions to the City Code will reflect current state law and to clarify ambiguous language from previous Chapters 5 and 12. To assist in the review of Chapter 5 concerning animals, the City of Grand Island's Animal Advisory Board met on three different occasions and took public input on the proposed changes at two of the three meetings.

Discussion

The primary changes that are being proposed for Chapter 5 concerning animals are as follows:

- Section 5-1 for definitions, the code is being amended to mirror state statute definitions of dangerous animals and deleting from the City Code the reference to vicious animals.
- Section 5-41.1 is being added to the code as a recommendation to prohibit the keeping of fowl, including chickens, which includes both hens and roosters from being maintained on residential premises within the city.

The primary changes that are being proposed for Chapter 12, Civil Service, concern cleaning up the definitions of positions that are currently held in the city. The Grand Island Police Department, which is subject to the Civil Service positions, no longer has a deputy chief position so the language and title clean ups were conducted for Chapter 12.

Other language changes recommended for Chapter 12 are being made to again have the City Code mirror the current state statute requirements for civil service. The City of Grand Island currently has a Civil Service Commission which is active and has a set of rules and regulations as is required by state statute.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the revisions to the City Code, Chapters 5 and 12 as drafted by city staff.
2. Disapprove the recommended revisions to Chapters 5 and 12 of the Grand Island City Code.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the changes recommended by city staff to Chapters 5 and 12 of the Grand Island City Code. Any changes to these recommendations that Council may deem to be in the best interests of the City of Grand Island should be entertained pursuant to Robert's Rules of Order and appropriate motion from council members during the meeting and discussion of these items. Any such changes made to the recommendations would be implemented at the direction of the council.

Sample Motion

Motion to approve the recommended revisions of Chapters 5 and 12 of the Grand Island City Code.

ORDINANCE NO. 9073

An ordinance to amend Chapter 12 of the Grand Island City Code; to amend Sections 12-5, 12-7, 12-8, 12-9, 12-10, 12-12, 12-13, 12-15, 12-16 and 12-18 pertaining to housekeeping issues; to repeal Sections 12-5, 12-7, 12-8, 12-9, 12-10, 12-12, 12-13, 12-15, 12-16 and 12-18 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 12-5 of the Grand Island City Code is hereby amended to read as follows:

§12-5. Civil Service Positions

The following official job classification titles are designated for employment positions subject to the Civil Service Act:

Police Department:

Police Chief

~~Deputy Police Chief~~

Police Captain

Police Sergeant

~~Police Detective~~

Police Officer

Fire Department:

Fire Chief

Fire Operations Division Chief

Fire Prevention Division Chief

Fire Training Division Chief

Fire Captain

EMS Division Chief

Fire Fighter EMT-P

Fire Fighter EMT-I

The number of employment positions within each job classification shall be as from time to time determined by the Mayor. The Mayor shall have the authority to create additional employment positions and to eliminate any or all employment positions in each said job classification except Police Chief and Fire Chief. ~~There shall be one employment position in the job classification of Police Chief and one employment position in the job classification of Fire Chief.~~

SECTION 2. Section 12-7 of the Grand Island City Code is hereby amended to read as follows:

ORDINANCE NO. 9073 (Cont.)

§12-7. Disciplinary Actions; Defined

The various disciplinary actions shall be divided into classes as follows:

(A) Class I - Termination; suspension without pay for more than thirty (30) days; demotion of more than one (1) job classification rank.

(B) Class II - Suspension without pay for thirty (30) days or less; demotion of one (1) job classification rank.

(C) Class III - Reduction of salary or compensation not exceeding one (1) pay step within the applicable salary or compensation range established for the employee's job classification.

(D) Class IV - Written reprimand filed in employee's permanent personnel file.

Disciplinary actions do not include: layoffs; denial of leave requests, promotions or pay increases; changes in shifts, work hours, or work schedules; decreases in pay or benefits made pursuant to collective bargaining; terminations or demotions during an employee's probationary period; temporary duty assignments to a different job classification; ~~verbal or written reprimands not filed in employee's personnel file.~~

SECTION 3. Section 12-8 of the Grand Island City Code is hereby amended to read as follows:

§12-8. Disciplinary Actions; Procedure

(1) The Mayor is authorized to impose disciplinary actions of all classes.

(2) The chief ~~of the department and/or the police captain, the fire operation division chief, the fire training division chief, or the fire prevention division chief~~ deputy chief of the Department are authorized to impose Class IV disciplinary actions upon employees of the department.

SECTION 4. Section 12-9 of the Grand Island City Code is hereby amended to read as follows:

§12-9. Disciplinary Actions; Reasons

(1) Class I and Class II disciplinary actions may be based upon any of the reasons set forth in Neb. Rev. Stat. 19-1832, as amended.

(2) Class III disciplinary actions may be based upon any of the reasons set forth in subparagraphs one (1) through five (5) inclusive of Neb. Rev. Stat. 19-1832, as amended.

(3) Class IV disciplinary actions may be based upon departmental, Commission, or City rules, regulations, policies or procedures, as determined necessary and appropriate by the chief ~~or deputy chief~~ of the department, and/or the police captain, the fire operation division chief, the fire training division chief, or the fire prevention division chief.

SECTION 5. Section 12-10 of the Grand Island City Code is hereby amended to read as follows:

§12-10. Disciplinary Actions; Classes I and II

Prior to imposition of a Class I or Class II disciplinary action, an Accusation shall be prepared and signed by the chief of the department, ~~the City Administrator,~~ the Mayor, or any citizen or taxpayer, stating the act, duty, conduct or situation causing consideration of disciplinary action and the reason or reasons which authorize the disciplinary action under the Civil Service Act. A copy of the Accusation shall be delivered to the employee either

ORDINANCE NO. 9073 (Cont.)

personally or by delivery to the employee's last known place of residence at least seventy-two (72) hours prior to imposition of the disciplinary action. The time and date of delivery shall be stated on the copy of the Accusation.

SECTION 6. Section 12-11 of the Grand Island City Code is hereby amended to read as follows:

§12-11. Disciplinary Actions; Election

Upon receipt of an Accusation for disciplinary action the employee may elect to waive further Civil Service Act rights and proceed under the Personnel Rules of the City of Grand Island. Such election shall be made in writing within 72 hours after delivery of the Accusation. ~~The election shall be in the form prescribed by the City.~~

SECTION 7. Section 12-13 of the Grand Island City Code is hereby amended to read as follows:

§12-13. Disciplinary Actions; Class I; Hearing

Upon delivery of an Accusation stating a proposed Class I disciplinary action, the employee shall be ~~placed on administrative leave deemed suspended~~ with pay. Such ~~administrative leave suspension~~ with pay shall continue until a final determination of the Accusation is made by the Mayor, not to exceed twenty (20) days. This provision for automatic ~~leave suspension~~ with pay shall not apply to an Accusation which has not been signed by the chief of the department, ~~the City Administrator~~ or the Mayor.

The employee shall have seventy-two (72) hours after delivery of an Accusation to request a hearing before the Mayor. Such request shall be in writing and delivered to the office of the Mayor.

Upon receipt of a request for hearing, the Mayor shall within five (5) days cause to be set a time and place for the hearing. The hearing shall be held within fifteen (15) days after receipt of the request for hearing. The hearing shall be conducted informally. The supervisory official, department head, city attorney, or city administrator shall present an oral or written statement or statements of the information and reasons supporting disciplinary action. Such statements shall be limited to a total time of one (1) hour or less. The accused employee, the employee's representative, or other persons on the employee's behalf, may present an oral or written statement or statements in response to the proposed disciplinary action. Oral statements shall be limited to a total time of one (1) hour or less.

After 72 hours, if no hearing is requested, or upon conclusion of the hearing, the Mayor shall make a determination to dismiss the Accusation, modify the disciplinary action, impose the disciplinary action, or order preparation of a new Accusation. Notice of the determination shall be given to the employee in writing, either personally or by United States mail.

SECTION 8. Section 12-15 of the Grand Island City Code is hereby amended to read as follows:

§12-15. Commission Investigation; Demand

Upon issuance of a determination by the Mayor imposing a Class I or Class II disciplinary action, the Mayor shall cause a copy of the Accusation and the determination to be filed with the Commission's secretary. Upon filing of a timely demand for investigation of the action, ~~which demand shall be made within ten (10) days after being notified by the appointing authority of such discipline~~, the Commission's secretary shall cause copies of the Accusation, determination, and demand for investigation to be delivered to each Commission member.

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SECTION 9. Section 12-16 of the Grand Island City Code is hereby amended to read as follows:

§12-16. Commission Investigation; Time

Upon receipt of the demand for investigation, the chairperson of the Commission shall set a time and date for filing investigation documents which shall be within ten days after filing of the demand for investigation. Notice shall be ~~delivered mailed~~ to the City Attorney and the subject employee.

SECTION 10. Section 12-18 of the Grand Island City Code is hereby amended to read as follows:

§12-18. Commission Hearing; Notice

After receipt of a demand for investigation, the chairperson of the Commission shall set a time, date, and place for hearing. Such date shall be subsequent to the date for completion of the investigation and shall be in accordance with the Civil Service Act. Notice shall be ~~delivered mailed~~ to the City Attorney and the subject employee at least five (5) days prior to the hearing.

SECTION 11. Sections 12-5, 12-7, 12-8, 12-9, 12-10, 12-12, 12-13, 12-15, 12-16 and 12-18 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 12. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 13. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 12, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk