

**ORDINANCE NO. 2017-O-020**

**AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (DEPARTMENTS, OFFICERS, AND EMPLOYEES), DIVISION 5 (CIVIL SERVICE) BY ADDING AND REMOVING LANGUAGE TO THE MUNICIPAL CIVIL SERVICE RULES AND REGULATIONS FOR CITY EMPLOYEES NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT; AS RECOMMENDED BY THE MUNICIPAL CIVIL SERVICE COMMISSION FOR IMPROVEMENTS ON THE EXISTING DISCIPLINARY PROCEDURES AND APPEAL AND GRIEVANCE PROCESS FOR CLASSIFIED CITY EMPLOYEES; REPEALING CONFLICTING ORDINANCES PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Municipal Civil Service Commission is given the authority under § 3, 2-16-10 of Ordinance 2010-O-017 to recommend amendments of the Civil Service Rules to the City Council as the approving authority; and,

**WHEREAS**, the Municipal Civil Service Commission, after public hearing, presented their recommended changes to City Council; and,

**WHEREAS**, both the Civil Service Commission and the City Council have determined that language throughout the Civil Service Rules should be amended and deleted to improve and facilitate the employee discipline, appeal and grievance process.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

**Section 1.** Article II, Division 5, Chapter 2 of the Laredo Code of Ordinances is hereby amended and shall read as follows:

**DIVISION 5. MUNICIPAL CIVIL SERVICE COMMISSION**

**Sec. 2-87. - Purpose.**

There is hereby established for the city a classified civil service system which provides that appointments and promotions of city employees be based on competency and merit; and that suspensions, demotions, and discharges be for just cause, and not for any other consideration.

**Sec. 2-87.1. - Creation of Commission.**

- (a) There is hereby established a Municipal Civil Service Commission ~~civil Service service Commission~~, which shall consist of eleven (11) ~~fourteen (14)~~ members. Members of the commission must be appointed by the city council, nine (9) members (one (1) nominated by each council member and mayor) and two (2) ~~five (5)~~ members nominated by city

employees and may be confirmed for appointment by city council. The term of office of each member of such commission shall be for ~~four (4) years for the members appointed from the city employee nominees~~ and two (2) years for the members appointed from the city council nominees or until a successor is appointed. No member shall serve more than a cumulative total period of eight (8) years. Any vacancies in such commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner above specified for the unexpired term of the retiring member or of the city council appointee failing to qualify; however, for city employee's nominated members, candidates for vacancies shall remain vacant until the next employee election process (conducted every 2 years). ~~to be filled shall be obtained from the list of alternates composed of the next five (5) nominees in order of votes received. If there are no alternates available, then the employee liaison committee shall be responsible for replacing any employee nominated commissioner that is unable to continue serving due to death, resignation or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment. The employee liaison committee may only replace employee nominated commissioners who have been confirmed by city council.~~

- (b) The city secretary shall be responsible to conduct the election of nominees by city employees every ~~two (2) four (4)~~ years. No person may be a candidate unless nominated by a petition signed by a minimum of ~~five (5) ten (10)~~ city employees (that fall under the Municipal Civil Service) filed with the city secretary within the forty-five-day period prior to the date of close of candidate nominations, together with the candidate's verified application. A classified City employee may sign more than one (1) petition to nominate an employee nominated commissioner. A list of city employees shall be produced and maintained by the city secretary fifteen (15) days before the first day of the nominations period. Sample ballots will be made available fifteen (15) days prior to the first date of elections which shall be for five (5) consecutive work days, the last day for employees previously unable to vote. Ballots will contain all petitioned nominees. Ballots will be numbered based on the employee's number and will not be require an employee's signature. Employees may sign only one (1) candidate's petition and will be allowed one (1) hour to vote during work hours. The two (2) nominees with the most votes will be recommended for City Council confirmed appointment. Final resolution of any election disputes shall be decided by ~~the employee liaison committee~~ City Secretary's Office as pursuant to the Texas Election Code.
- (c) ~~Where employees' elections fail to yield a sufficient number of candidates, then, the following procedure must be followed:~~
- (1) ~~In any event, where employees' efforts to obtain employee nomination by petition yields less than five (5) candidates for services as members of the commission, the civil service commission may proceed with the proper conduct of its business with a separate trial board composed in accordance with section 2(1), infra, except where the employee election process results in two (2) or less employee nominee commissioners confirmed by city council, then both or one (1) of those must serve on the separate trial board at its every meeting so as to ensure that an employee nominated commissioner participate at every meeting of the separate trial board. In the event that either or both of such employee-nominated commissioners fail to participate in a meeting of the separate trial board, the separate trial board may nevertheless proceed with the conduct of its business provided there is quorum.~~

- (~~cd~~) Where employee efforts to obtain employee nominees by petition yields two (2) ~~five (5)~~ or less candidates for services as members of the commission, the necessity of an election shall be dispensed with and such candidates shall be forwarded to city council as nominees who may be confirmed for appointment by city council for service on the commission.
- (~~de~~) A member of the commission may be removed by the city council only for cause and after being given a written statement of the charges against him or her and a public hearing thereon, if he or she requests. A certified copy of the charges and a transcript of record of such public hearing shall be filed with the city secretary.
- (~~ef~~) No member of the commission shall during his or her tenure be a candidate for or hold any city office or position, and no member of the commission shall during his or her tenure hold any other public office, except notary public.
- (~~fg~~) For the purpose of hearing any covered employee's grievance or appeal, five (5) commissioner members shall constitute a quorum ~~a separate trial board is hereby created which shall be composed of three (3) members appointed from the city council nominees and two (2) members appointed from the city employees' nominees selected on a random basis to hear each grievance or appeal separately.~~
- (~~h~~) ~~Reserved.~~
- (~~i~~) ~~Reserved.~~
- (~~gj~~) Any prior ordinances in conflict with provisions of this civil service ordinance are repealed.

## **Sec. 2-87.2. - Rules and powers of commission.**

- (a) The Municipal Civil ~~civil~~ Service ~~service~~ Commission ~~commission~~ shall adopt rules and regulations for the proper conduct of its business ~~after consideration of a recommended draft rules and regulations submitted to it by the civil service ad hoc committee,~~ after public hearing and subject to approval of the city council; however, no rules or regulations shall ever be adopted which permit the appointment or employment of persons without good character or who are unfit and incompetent to discharge the duties thereof. The commission rules shall define just cause grounds for disciplinary actions, including removal, suspension, demotion and reduction in pay, and provide for progressive discipline where appropriate (from a written reprimand to termination); provided that no rule or regulation shall prohibit the discharge, suspension or demotion of any appointee or employee for want of fitness, lack of moral character, incompetence, or the failure or refusal to properly discharge the duties of his or her appointment or employment.
- (b) The commission shall further have the power and be required to:
  - (1) Hear appeals in the case of any employee ~~or other person~~ in the classified civil service who has been subjected to any disciplinary action, including but not limited to termination, suspension or reduction in class or pay; and to hear any grievance of any ~~employee or other person~~ in the classified civil service system concerning matters over which it has jurisdiction, if not satisfactorily resolved after review by the employee's immediate supervisor and department director, under this division and/or the rules and regulations implementing this division, concerning wages, hours of employment, or

~~work conditions~~ employment practice and shall report in writing to the City ~~city~~ Manager ~~manager~~ its findings, conclusions, and recommendations their final decision.

- (2) Make any investigation into matters over which the Commission has jurisdiction ~~which it may consider desirable~~ or which may be required by the Council ~~council~~ or City ~~city~~ Manager ~~manager~~ to make concerning the administration of personnel in the municipal service, and to report to the Council ~~council~~ and City ~~city~~ Manager ~~manager~~ its findings, conclusions and recommendations their final decision;
- (3) Perform the services hereafter provided with respect to the Municipal Civil ~~civil~~ Service ~~service~~ rules;
- (4) Perform such other duties with reference to personnel administration, not inconsistent with the City Charter and Code of Ordinances, as the City ~~city~~ Council ~~council~~ may require.

**Sec. 2-87.3. - Classification system.**

- (a) The commission may investigate and shall recommend amendments to the city's classification plan to the City ~~city~~ Manager ~~manager~~ for presentation and approval by the City ~~city~~ Council ~~council~~.
- (b) All employees below Department ~~department~~ Director ~~director~~ (~~excluding the city manager, deputy city manager, assistant city managers, and department directors as per attached December 3, 2007, organizational chart hereto as exhibit "A" and incorporated herein by reference~~) are eligible for classification under the civil service system created by Ordinance unless prohibited by other laws or by this division ~~unless~~ an employee is placed by operation of the general laws of the state in a different civil service system or unless an employee is excepted from eligibility to the civil service system by or pursuant to the provisions of this section. The following described categories of employees are ~~excepted~~ exempt from the eligibility to civil service classification:
  - (1) ~~Appointive~~ Appointed officials, that is, those employees and officials who are required or authorized to be appointed by the mayor and City ~~city~~ Council ~~council~~ and/or the City ~~city~~ Manager ~~manager~~ or whose appointment is subject to the confirmation of the City ~~city~~ Council ~~council~~ including, but not limited to, the City ~~city~~ Manager ~~manager~~ and all of the department heads of the various city departments.
  - (2) Temporary employees, that is, those employees who are retained for seasonal work, work of fixed duration or other work which does not have a reasonable expectancy to continue indefinitely, provided that this employment lasts for a period less than one (1) year;
- (c) The rules and regulations of the commission shall also make provision for open and free written, verbal, skill or other examination appropriate to determine fitness in regard to classified services, for a probationary period of not more than twelve (12) months which appointees shall serve before they receive classified status and for promotion on the basis of merit, experience and record.
- (d) All eligible persons employed by the city at the time of the adoption of this provision who have served continuously in their respective offices or employment for twelve (12) months

prior to the establishment of the civil service system shall immediately receive civil service classification.

- (e) The ~~City city Council council~~ may by ordinance, recommended by either the ~~civil service ad hoc committee~~ Municipal Civil Service Commission or the standing committee on civil service, confer upon the commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this section.
- (f) Employees subject to the protections of the classified civil service under this article shall be ~~excepted~~ exempted from the existing city ordinance providing for appeals and grievances after the effective date of this article.

**Sec. 2-87.4. - Continuation in effect of other rules and regulations.**

All employees, officers and appointees not covered under the civil service provisions of the City Charter shall remain subject to all other existing provisions as to appointment, removal, salary, services and duties, unless amended by this or some other subsequent ordinance or Charter amendment.

**Section 2.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4.** The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 5.** This Ordinance shall become effective from and after its adoption and publication required by the City Charter and by state law.

**PASSED BY THE CITY COUNCIL AND APPROVED BY MAYOR ON THIS**  
THE 10 DAY OF February, 2017.

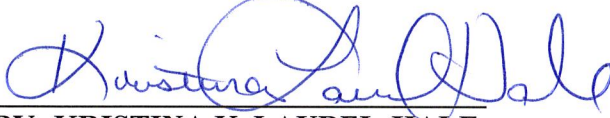
  
Pete Saenz  
Mayor

**ATTEST:**



**Heberto "Beto" Ramirez  
ACTING CITY SECRETARY**

**APPROVED AS TO FROM:**



**BY: KRISTINA K. LAUREL-HALE  
INTERM CITY ATTORNEY**

