

TITLE: AN ORDINANCE PROVIDING FOR THE CALLING OF A SPECIAL ELECTION IN THE CITY OF ALBANY, OREGON, ON November 3, 1970, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF ALBANY, OREGON THE QUESTION OF A CHARTER AMENDMENT ESTABLISHING PERSONNEL POLICY AND PROVIDING FOR THE ADMINISTRATION OF THE SAID POLICIES; ESTABLISHING A CIVIL SERVICE COMMISSION AND DUTIES THEREOF, CREATING EMPLOYEE RELATIONS CONFERENCE COMMITTEE AND ESTABLISHING ITS DUTIES, RESERVING CERTAIN POWERS TO THE CITY COUNCIL, COVERING STATUS OF EXISTING CITY EMPLOYEES, REPEALING ALL ACTS OR PARTS OF ACTS INCONSISTENT HEREWITH, PROVIDING FOR SEVERALIBILITY OF THE ACT AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: SPECIAL ELECTION CALLED

The proposition set forth in Section 2 of this Ordinance shall be submitted in the manner prescribed in this Ordinance to the legal voters of the City of Albany, Oregon, at a special election to be held on the 3rd day of November, 1970.

There is a state wide general election being held in the State of Oregon and in the City of Albany and as a part thereof on the 3rd day of November, 1970, this special election is called to be held concurrently therewith.

Section 2: PROPOSITION TO BE VOTED

At the election, there shall be submitted to the legal voters of the City of Albany, for their approval or rejection, the following proposition:

"Shall the Charter of the City of Albany be amended by the addition thereto of a new chapter establishing personnel policies, providing for the administration of said policies, establishing a Civil Service Commission and duties thereof, creating an Employee Relations Conference Committee and establishing its duties, reserving certain powers to the City Council, covering the status of existing city employees and the new chapter to read as follows:

'Section 1: DECLARATION OF PERSONNEL POLICY

The following personnel principals and policies are hereby established:

- (1) Every effort shall be made to stimulate high morale by fair administration of this Act 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 an economy in operation of municipal government;
- (3) Employment in the city government shall be based on merit and free of personal and political consideration, and
- (4) Continuity of employment covered by this Act shall be subject to good behavior, satisfactory performance of work and availability of funds.

***Section 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 the 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 Act. Unless specifically designated otherwise, these personnel policies and rules shall apply to employees of the classified service.

'Section 3: CITY MANAGER

Subject to this Act 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 4: 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.

'Section 5: CIVIL SERVICE COMMISSION - Commission

The Mayor shall, with Council concurrence, appoint a Civil Service Commission of three (3) members who shall serve for three (3) year terms. Members of the Civil Service Commission holding offices at the time of the adoption of this Act 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 6: CIVIL SERVICE COMMISSION - 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 Act.

'Section 7: CIVIL SERVICE COMMISSION - 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 8: CIVIL SERVICE COMMISSION - 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 9: CIVIL SERVICE COMMISSION - 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) Administrative 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 of 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.

Section 10: EMPLOYEE RELATIONS - Purpose

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

Section 11: EMPLOYEE RELATIONS - 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 shall also have the right to refuse to join or participate in activities of employee organizations.

Section 12: EMPLOYEE RELATIONS - 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;

- a) Fire Department One Representative
- b) Police Department One Representative
- c) Finance, Administration,
Library and Recreation One Representative
- d) Engineer and Sewer
Treatment Plant One Representative
- e) Street, Sewer, Equip-
ment, and Park
Maintenance One Representative

Failure of an organizational unit to select an employee representative as provided in Section 14, or failure of employee representative to participate in ERCC deliberations shall not invalidate any action taken by the Employees Relations Conference Committee.

'Section 13: EMPLOYEE RELATIONS - Employee Representation on the ERCC

By the first day of October of each year, each of the organizational units as defined in Section 12 shall select a permanent City employee as representative of the ERCC, and shall 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 14: EMPLOYEE RELATIONS - 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 (2) days upon receiving the request. The Committee may establish its own procedures not inconsistent with this Act.

'Section 15: EMPLOYEE RELATIONS - 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 16: EMPLOYEE RELATIONS - Preparation of Pay and Fringe Benefit Plan

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 (10 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. 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 meetings of the ERCC.

'Section 17: EMPLOYEE RELATIONS - Adoption of Pay and Fringe Benefit Plans

The written report and proposal as described in Section 16 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 18: EMPLOYEE RELATIONS - Prohibition of Political Activity

No City employee shall take an active part in the 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 subject and candidates.

'Section 19: POWERS AND DUTIES RESERVED - Retention of Rights.

Nothing within this Act 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 20: POWERS AND DUTIES RESERVED - 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.

'Section 21: GENERAL PROVISIONS - 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 (6) months immediately prior to the effective date of this Act shall assume regular status under this Act.

'Section 22: GENERAL PROVISIONS - Severability

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

'Section 23: GENERAL PROVISIONS - Repealing Conflicting Ordinances

All Acts or parts of Acts in conflict herewith are hereby repealed.

'Section 24: GENERAL PROVISIONS -

This Act shall take effect immediately. . ' "

Section 3: DESIGNATION OF POLLING PLACES, POLL BOOKS AND JUDGES

The regular polling places designated by the County Court of Linn County, Oregon, in each voting precinct in the City of Albany are hereby designated as the polling places for the special City election. The poll books adopted by the County Court of Linn County, Oregon as the poll books for the state wide general election for the voting precincts in the City of Albany are hereby adopted as the poll books for the special City election. The judges and clerks of election appointed by the County Court of Linn County, Oregon to serve at the stated wide general election hereby are designated as the judges and clerks of and for the special City election.

Section 4: HOURS OF ELECTION

The polls for the special City election shall be open in each of the voting precincts at the same hours and shall be kept open until the same hour as the polls are opened and closed for the state wide general election that will be held on the same date.

Section 5: NOTICE OF ELECTION

Notice of the election shall be given by publication twice in a newspaper of general circulation published in the City of Albany, Oregon not more than twenty (20) days nor less than ten (10) days before the election. Notice of the election shall be posted for not less than twenty (20) days before the election at three (3) public places within the City. The notice in the newspaper and those posted in three (3) public places shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

"On the 3rd day of November, 1970, in the City of Albany, Linn County, Oregon, from 8:00 a.m. until 8:00 p.m. a special election will be held at which the following measure will be submitted to the voters for their approval:

'Shall the Charter of the City of Albany be amended by the addition of a new chapter thereto establishing personnel policies, providing for the administration of the said policies, establishing a Civil Service Commission and duties thereof, creating Employee Relations Conference Committee and establishing its duties, reserving certain powers to the City Council, covering the status of existing City employees, repealing acts in conflict therewith and providing for severability of the act.'

The City and the county precincts within the City of Albany, Linn County, Oregon shall have uniform boundaries and the same election boards. The polling places in the City of Albany for the special City election shall be the same places as provided by the County of Linn in the state wide general election to be held on the same day, that is, November 3, 1970, and to such places as the election boards may legally adjourn. The City Council, by Ordinance, has appointed the identical officers appointed by the County Court of Linn County, Oregon for the state wide general election as the judges and clerks of the special City election to serve in each of the polling places in the respective precincts to which they were appointed by the County Court of Linn County, Oregon.

WITNESS my hand and seal of the City of Albany this ____ day of October, 1970.

Recorder"

The recorder shall advertise and post or cause to be posted the notices required by this section. The notices of election required to be given by this Ordinance shall constitute the only notice necessary and all Ordinances and Resolutions in conflict herewith shall not apply to the notices required to be given in this election.

Section 6: BALLOT FORM

The following is the number and form in which the question shall be printed on the official ballot:

"MEASURE NO. _____ VOTE YES OR NO.
MARK AN "X" IN THE SQUARE FOR THE ANSWER VOTED FOR.

Referred to the people by the City Council

CHARTER AMENDMENT establishing personnel policies.
Shall the Charter of the City of Albany be amended by adding a chapter thereto establishing personnel policies, providing for administration of the said policies, establishing a Civil Service Commission and duties thereof, creating Employee Relations Conference Committee and establishing its duties, reserving certain powers to the City Council and covering the status of existing City employees.

YES

NO

Section 7: EMERGENCY CLAUSE

WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany, that this matter be disposed of at the earliest possible moment, therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: August 26, 1970

Approved by the Mayor: August 26, 1970

Russell W. Tompkins
Mayor

Effective Date: August 26, 1970

ATTEST:

Ernestine Adams
City Recorder