

ORDINANCE NO. 4442

AN ORDINANCE ESTABLISHING A CIVIL SERVICE COMMISSION, ESTABLISHING NEW CIVIL SERVICE RULES AND REGULATIONS, AND REPEALING ANY AND ALL EXISTING CIVIL SERVICE RULES, REGULATIONS, PROCEDURES, POLICIES, OR TRADITIONS.

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

Section 1: Administration.

1. Appointment. The Civil Service Commission, referred to hereafter as the "Commission," shall consist of three (3) members appointed by the Mayor for three-year terms with approval of the City Council. The Chairperson for the Commission shall be elected by a majority vote of the Commission.

2. Meetings. A meeting may be called by any Commissioner. The Commissioner desiring the meeting must notify the Chairperson of the Commission not less than three (3) days prior to the meeting date. The Chairperson shall notify the Commissioners of the time and place of the meeting. The notice of the meeting shall be posted as required by law. Two Commissioners shall constitute a quorum to conduct business.

3. Secretary. The Personnel Department shall provide secretarial and staff assistance to the Commission. The Secretary shall record the minutes of the Commission and maintain all Civil Service Commission records.

Section 2: Purpose and Jurisdiction.

It is the purpose of the Civil Service Commission to hear and investigate complaints of improper personnel action or matters not covered by law, regulations, contract, or city personnel policy.

Section 3: Filing of Complaints.

Written notice of complaint must be mailed to the Chairperson, Albany Civil Service Commission, P.O. Box 490, Albany, OR 97321, by certified mail no later than ten (10) days after the date of the alleged improper action.

Section 4: Subpoenas and Records.

The Commission has the power to administer oaths, subpoena witnesses, and compel production of books and papers pertinent to any investigation of hearing authorized by law.

Section 5: Hearings.

1. Procedure. All notices of complaint submitted by an appellant must be in writing and must set forth reasons why the action is believed to be improper and must also list the specific relief sought. The appeal shall be heard by the Commission within thirty (30) days after receipt of the request. The Commission shall furnish the City Manager with a copy of the notice of complaint in advance of the hearing.

Hearings shall be held in the Albany City Council Chambers in compliance with meeting laws. Written notice of hearing time and place shall be mailed to complainant and City Manager no later than ten (10) days prior to the hearing.

2. Witness Fees. Every person served with a subpoena requiring his or her attendance before the Commission shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions, except that no person who is an employee of the City shall be entitled to any fee. The fees and mileage allowed by this section need not be prepaid, but the City shall provide for payment thereof when certified by the Commission.

3. Conduct of Hearings. A hearing before the Commission is intended solely for the purpose of receiving evidence either to refute or to substantiate specific charges which the Commission has been requested to examine. The Commission, in conducting such hearings, is not bound by the rules of evidence.

4. Counsel or Representative. In presenting a complaint to the Commission, an employee may but is not required to have counsel. The complainant may examine and cross-examine witnesses, make statements, summarize testimony and otherwise conduct his or her own hearing.

Section 6: Findings.

After investigating a complaint, the Commission will issue written findings of facts and conclusions. The Commission shall have the authority to affirm, overturn, or modify the complained of action.

All hearings shall require the attendance of three Commissioners. All actions shall be upon a two-thirds' (2/3) majority vote. The Commission's findings, conclusions, and orders shall be filed with the Albany City Council within thirty (30) days of the hearing. The Commission's findings, conclusions, and orders shall be final unless reversed or modified by the City Council within thirty (30) days of receipt of the order. Written notice of findings, conclusions, and orders shall be mailed to the complainant and City Manager at the time it is filed with the City Council.

Section 7. With the adoption of these rules and regulations, any and all existing Civil Service Rules, Regulations, Procedures, Policies, or Traditions are hereby repealed.

Passed by the Council: August 26, 1981  
Approved by the Mayor: August 26, 1981  
Effective Date: September 25, 1981

  
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Mayor

ATTEST:

  
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City Recorder