COUNCIL COMMUNICATION

DATE:	SUBJECT: INTRODUCTORY ORDINANCE 2011-O-095
07-05-11	**AMENDING ORDINANCE 2010-O-17 CIVIL SERVICE COMMISSION FOR CITY EMPLOYEES (EXCEPT EMPLOYEES WHO ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT) DATED FEBRUARY 16, 2010 BY ADDING LANGUAGE TO SECTION 2. CREATION OF COMMISSION, SECTIONS 2 (A), 2(B), 2(C), 2(C)(i), AND 2(D) TO PROVIDE WORKABLE CONTINGENCY PLANS FOR VARYING EMPLOYEE ELECTION RESULTS AS THEY MAY OCCUR SO AS TO ENSURE A FULLY COMPOSED SPECIAL TRIAL BOARD AS NEEDED FOR EMPLOYEE GRIEVANCE DISPOSITIONS; REPEALING ANY PRIOR ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE.**

INITIATED BY:	STAFF SOURCE:
	Daniel E. Migura, Jr. Human Resource Director

PREVIOUS COUNCIL ACTION:

During the June 21, 2011 Civil Service Ad Hoc Committee, by motion of the committee to proceed as instructed. Civil Service Ad Hoc Committee (Current Members: Cm. Mike Garza-Chair; Cm. Jose Valdez, Cm. J. Narvaez, Rene de la Viña, Daniel E. Migura, Jr., Israel Reyna, Jesus Olivares) directed the changes as reflected in the amendments to the ordinance in order to provide for election outcomes.

BACKGROUND

The first appointed Civil Service Ad Hoc Committee was formed on July 2007.

FINANCIAL IMPACT:

None.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION:
Approve amended ordinance as presented.	Approve amended ordinance as presented.

ORDINANCE NO. 2010-0-095

AMENDING ORDINANCE 2010-O-17 CIVIL SERVICE COMMISSION FOR CITY EMPLOYEES (EXCEPT EMPLOYEES WHO ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT) DATED FEBRUARY 16, 2010 BY ADDING LANGUAGE TO SECTION 2. CREATION OF COMMISSION, SECTIONS 2 (A), 2(B), 2(C), 2(C)(i), AND 2(D) TO PROVIDE WORKABLE CONTINGENCY PLANS FOR VARYING EMPLOYEE ELECTION RESULTS AS THEY MAY OCCUR SO AS TO ENSURE A FULLY COMPOSED SPECIAL TRIAL BOARD AS NEEDED FOR EMPLOYEE GRIEVANCE DISPOSITIONS; REPEALING ANY PRIOR ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 16, 2010 the City of Laredo adopted Ordinance No. 2010-0-17 establishing a Civil Service Commission for City employees as per the requirements of the Laredo City Charter §12.03; and,

WHEREAS, attempts by staff to conduct elections for employee civil service commissioners resulted in situations that must be provided for by way of the contingency plans in the ordinance; and,

WHEREAS, amendments to the ordinance are advisable so as to provide for contingency plans for varying employee election results as they may occur so as to ensure a fully composed Special Trial Board as needed for employee grievance dispositions,

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

SECTION 1. The following amendments to Ordinance No. 2010-0-17 be made by adding language to Section 2. Creation of Commission, Sections 2 (a), 2(b), 2(c), 2(c)(i), and 2(d) to provide workable contingency plans for varying employee election results as they may occur so as to ensure a fully composed special trial board as needed for employee grievance dispositions, to-wit:

Section 2. Creation of Commission

(A) There is hereby established a Civil Service Commission, which shall consist of fourteen members. Members of the Commission must be appointed by the City Council, nine (9) members (one nominated by each Council Member and Mayor) and 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 8 years. Any vacancies in such Commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten 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 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 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 four (4) years. No person may be a candidate unless nominated by a petition signed by a minimum of ~~[twenty-five (25)]~~ *ten (10)* city employees filed with the City Secretary within the forty-five (45) day period prior to the date of close of candidate nominations, together with the candidate's verified application. 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 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. Employees may sign only one candidate's petition and allowed one (1) hour to vote during work hours. Final resolution of any election disputes shall be decided by the Employee Liaison Committee.

(C) *Where employee's elections fail to yield a sufficient number of candidates, then, the following procedure must be followed:*

(i) In any event, where employee's efforts to obtain employee nomination by petition yields less than five 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 §2(I), infra, except where the employee election process results in two or less employee nominee commissioners confirmed by City Council, then both or one 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.

(D) Where employee efforts to obtain employee nominees by petition yields five 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.

(J) Any prior ordinances in conflict with provisions of this Civil Service Ordinance are repealed.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage by the City Council of the City of Laredo in accordance with the ordinance provisions set forth in the City Charter, as amended.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS _____ DAY OF _____ 2011.

_____
RAUL G. SALINAS, MAYOR

ATTESTED:

_____
GUSTAVO GUEVARA
City Secretary

APPROVED AS TO FORM:

_____
RAUL CASSO
City Attorney