

ORDINANCE NO. 2019-020-ADM

AN ORDINANCE CREATING AN EMPLOYEE CIVIL SERVICE SYSTEM WITHIN THE CITY OF TRUSSVILLE, ALABAMA.

WHEREAS, the City of Trussville, Alabama seeks to create a system for the competent and efficient administration of the government of the City of Trussville, including the hiring, retention and termination of City employees;

WHEREAS, the City of Trussville seeks to assure effective and fair management of its employees by requiring hiring and promotions be based upon competency and merit; and that suspensions, demotions and terminations be made for just cause; and

WHEREAS, under Ala. Code § 11-43-7, the City of Trussville has the authority to establish salaries for its municipal employees; and

WHEREAS, under Ala. Code §11-43-56, the City of Trussville has the authority to manage and control the finances and property of the City; and

WHEREAS, under Ala. Code §11-43-43, the City Council of the City of Trussville has authority to exercise legislative powers; and

WHEREAS, the City of Trussville has the implied authority to create a civil service system in order to carry out the aforementioned statutory powers granted to the City; and

NOW THEREFORE, be it ordained by the City Council of the City of Trussville, Alabama, there is hereby created a Trussville Employee Civil Service System as follows:

SECTION I. PURPOSE

The City Council of the City of Trussville hereby creates an Employee Civil Service System for the effective and fair management of City employees through provision for making appointments and promotions based upon merit and competency; and that suspensions, demotions, discharges be for just cause.

SECTION II. DEFINITIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All other words in this Ordinance are used by their plain, ordinance meaning.

Appointing Authority. The Mayor of the City of Trussville, Alabama, or his or her designee.

Board. The Employee Civil Service Board of the City of Trussville.

Class or Class of Positions. A position or group of positions sufficiently similar in respect

to duties, responsibilities and authority such that: the same descriptive title may be used to identify all positions allocated to the Class; the requirements as to education, experience, capacity, knowledge, proficiency, skills, ability and other qualifications are substantially similar; the same tests of fitness may be used to choose qualified Applicants; and the same schedule of compensation can be made to apply with equity.

Classification. The process of assigning a position to the appropriate Class.

Classified Employee. A person appointed (*i.e.*, hired) by the Mayor for employment in the Classified Service.

Classified Service. All persons employed by the City of Trussville. Employees occupying these positions shall be deemed to be in the Classified Service unless they fall within one of the following exemptions: officials elected by popular vote, the judge of any court, the city attorney, or any other individual exempted by the Rules and Regulations, by ordinance, act, or statute of the legislature of the State of Alabama.

Director. The Director of Personnel for the City of Trussville.

Eligibility List. A record containing the names of all persons who have successfully completed the examination process and listed in alphabetical order, and who are considered qualified for appointment or Promotion to positions in the Class for which the list exists.

Pay Plan. Refers to the Salary Administration and Classification Plan and sets forth certain provisions and premium rates for the advancement of salary within each Grade or Class within the Classified Service.

SECTION III. CREATION OF TRUSSVILLE EMPLOYEE CIVIL SERVICE BOARD

There is hereby established a City of Trussville Employee Civil Service Board (the "Board") which shall consist of three (3) members. The members of the Board shall be selected and serve pursuant to the Rules and Regulations established and adopted by the City Council.

SECTION IV. RULES AND REGULATIONS

- (a) The City Council shall adopt all rules and regulations relating to Civil Service System and the Board. Subject to the rules and regulations enacted by the City Council, the Board may adopt such rules and procedures it deems necessary for the proper conduct of its business after public hearing and subject to approval of the City Council. No rule or regulations shall be adopted which permit the employment of persons without good character or who are unfit and incompetent to discharge the specified duties. The City Council shall define cause for disciplinary actions, including removal, suspension, demotion, reduction in pay, and provide for progressive discipline where appropriate. 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 employment.
- (b) The City Council shall further adopt rules and regulations for:

- a. Classification of employees;
- b. Staffing procedures;
- c. Promotion procedures;
- d. Development of a performance appraisal system;
- e. Demotion or termination of employees;
- f. Disciplinary procedures;
- g. Employee grievance and appeal procedures;
- h. Establishment of hours of work, holidays, vacations, leaves with pay and procedures relating to leave without pay; and
- i. Such other matters as may be necessary to carry out the intent and purpose of this chapter

SECTION V. DIRECTOR OF PERSONNEL

(a) A position is hereby created for the Director of Personnel. The Director shall be appointed by the Mayor, subject to approval by the City Council, and said Director shall be experienced in the field of personnel administration and shall administer an efficient and economic merit system in accordance with the rules arising therefrom, and shall carry out the policies, rules and regulations approved by the Council. The Director shall maintain neutrality between employees and the Appointing Authority. The Director shall serve at the pleasure of the Mayor.

(b) In addition to the duties and responsibilities set forth herein, the Director shall do all of the following:

- i. Serve as secretary and chief executive officer to the Board;
- ii. Serve as a department head and make recommendations to the Appointing Authority for the appointment or removal of such subordinates as may be necessary to administer the Employee Civil Service System;
- iii. Prepare for approval by the City Council such directives, rules and regulations as needed to carry out the provisions of the Ordinance;
- iv. Examine the effectiveness of the Merit System and compliance with the Ordinance and the Rules and Regulations as may be adopted by the City Council, by conducting such necessary investigations and inquiries and reporting such findings along with recommendations to the City Council and Appointing Authority for improvements;
- v. Study the organization, operation, and personnel requirements of the City and make recommendations for improvements to the City Council and Appointing Authority;
- vi. Maintain an official list of all positions and incumbents in the Classified Service, and maintain personnel records for all Classified Employees;
- vii. Establish and administer, subject to approval by the City Council, plans for the Classification and compensation of positions;

viii. Advertise all openings of positions in appropriate publications, websites, or other venues.

ix. Promote and assist in the establishment of programs for employee pension, welfare, working conditions, ethic, employee orientation, safety, health, and career development;

x. Conduct and/or superintend over the job analysis and test development functions of the Employee Civil Service System, and employ such professional staff and consultants as may be necessary, to ensure that professional job analysis and test development practices are adhered to and that, to the extent practicable, individuals may be selected for employment in the Merit System by means of valid, job-related, and nondiscriminatory selection procedures; and

xi. Perform any other act not inconsistent with the Ordinance and necessary for the administration of the Employee Civil Service System.

SECTION VI. COVERAGE

Upon adoption of an appropriate classification plan and adoption of rules and regulations relating to the Employee Civil Service System, or such other time as may be determined by the City Council, the Employee Civil Service System shall cover all employees including those full-time, part-time and temporary employees as currently employed by the City but shall not include or cover the following: officials elected by popular vote, the judge of any court, the city attorney, or any other individual exempted by the Rules and Regulations as may be adopted from time to time.

SECTION VII. CLASSIFICATION PLAN

The City Council authorizes the Mayor to cause to be created an appropriate classification plan and submit the classification plan to the City Council for approval as soon as practicable after the effective date of this Ordinance.

SECTION VIII. CONFLICTS

(a) Nothing in this article shall be construed to alter or amend the rights of any employee, as of the effective date of this Ordinance, covered under the current merit system, personnel policies of the city or state law. Qualifications for employment as set out in this article shall be in accordance with the state laws and the ordinances creating such board or position or office.

(b) Any existing vested right to which an existing employee of the City of Trussville is entitled shall not be altered, diminished, decreased, or otherwise changed by the adoption of this Ordinance and rules and regulations of the City of Trussville. This includes, but is not limited to, pay, vacation, retirement, health insurance, or seniority.

(c) Should a conflict arise between this Ordinance and any state or federal law, the state or federal law shall govern.

SECTION IX. SEVERABILITY

In the event a court of competent jurisdiction shall declare any of this Ordinance or an adopted rule and regulation unconstitutional or otherwise invalid for any reason, the remainder of the Ordinance and rules and regulations shall remain in full force and effect.

SECTION X. AUTHORITY TO IMPLEMENT

The Mayor is hereby authorized to take all necessary actions to fully execute and implement this Ordinance and the rules and regulations.

SECTION XI. ENACTMENT

This Ordinance shall become effective following its passage, adoption, and publication as required by law.

ADOPTED this the 23rd day of April, 2019.



JEF FREEMAN
CITY COUNCIL PRESIDENT



BUDDY CHOAT
MAYOR

ATTEST:



LYNN B. PORTER
CITY CLERK

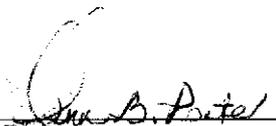
CERTIFICATION

I, Lynn B. Porter, City Clerk of the City of Trussville, Alabama do hereby certify that this is a true and correct copy of Ordinance Number 2019-020-ADM of the City of Trussville, Alabama, adopted on April 23, 2019, and posted in the following places:

Trussville City Hall
Trussville Public Library
Trussville Civic Center

on April 24, 2019, and effective five days thereafter.

Given under my hand and seal this 24th day of April, 2019.



Lynn B. Porter, City Clerk
City of Trussville, Alabama