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**Title:** PROVIDE DIRECTION ON NEGOTIATING A CIVIL SERVICE COMMISSION (CITY COUNCIL)

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9/3/2019	1	City Council		

**Report to Mayor and City Council**

Tuesday, September 03, 2019

Discussion

**SUBJECT:**

**PROVIDE DIRECTION ON NEGOTIATING A CIVIL SERVICE COMMISSION (CITY COUNCIL)**

**I. SUMMARY**

This item is on the agenda at the request of Mayor Robles. On January 17, 2019, the Secretary of State ratified the City Charter voted on and passed by Carson residents on November 6, 2018. The full administration of the City Charter is in order, which includes the permissive establishment of a Civil Service Commission.

Pursuant to Charter and to Meet & Confer with the affected labor organizations, the Civil Service Commission is proposed to consist of five (5) independent members with relevant expertise who are nominated by the Mayor and ratified by the City Council, reflecting the interests of management, employees and citizens, including businesses, but need not be residents, and except that one member shall be a board member of one of the City's represented bargaining units.

The Mayor is proposing the following additional procedures for constituting the Civil Service Commission -

One (1) Employee Organization Board Member - proposes that each employee

organization may make 2 recommendations from each of their Boards, from which the Mayor will select one (1) Employee Organization Board Member.

One (1) Management Representative - proposes that the City Manager may make two (2) recommendations, from which the Mayor will select 1 management representative.

One (1) Resident Representative - proposes that each City Council Member may make one (1) recommendation, from which the Mayor will select one (1) resident representative.

One (1) Business Representative- proposed that the Carson Chamber of Commerce may make 2 recommendations. The Mayor may select one (1) representative from the 2 recommendations or from the Economic Development Commission.

5th position - proposes that Mayor may nominate 5<sup>th</sup> position from the remaining recommendations provided from 1-4 positions above.

## **II. RECOMMENDATION**

Staff is seeking direction from Council on if and how to proceed with the establishment of a Civil Service Commission as indicated in the City Charter.

## **III. ALTERNATIVES**

Take any action deemed appropriate.

## **IV. BACKGROUND**

The City Charter reads as follows:

“Contingent upon meet and confer with the affected employee organization as defined by and required under the Meyers-Milias-Brown Act (Gov’t Code Section 3500 et. seq.), the City may establish a civil service commission to consider appeals of disciplinary actions initiated against employees. The civil service commission shall consist of five (5) independent members with relevant expertise who are nominated by the mayor and ratified by the city council, reflecting the interests of management, employees and citizens, including businesses, but need not be residents, and except that one member shall be a board member of one of the City’s represented bargaining units. The members shall select three of their members to conduct any personnel appeal hearing, but any hearing of the commission must consistently be attended by the three designated members. The rules and regulations for appointment of members to the civil service commission shall be as further provided by ordinance of the city council consistent herewith. The civil service commission shall be advised by legal counsel, generally the city attorney, as it or the city attorney may deem necessary, unless the city attorney is representing the appointing authority.

The civil service commission shall have the following powers and duties, which powers and duties may be modified by ordinance of the city council:

- (1) Conduct hearings in accordance with personnel rules and policies adopted by the city council, and make findings and recommendations thereon to the city council as the final authority.
- (2) Conduct investigations regarding hearings pending before it.
- (3) Have the power to compel the attendance of witnesses and the production of documents by way of subpoena, and to examine witnesses appearing before it.
- (4) Conduct hearings on protests, grievances, or questions arising under the personnel system before the civil service commission. Any person aggrieved by any action of the civil service commission may appeal such action to the city council, according to procedures which shall be established by ordinance. The decision of the city council in any such appeal shall be final.
- (5) Review personnel rules and policies and make recommendations to the city council as to improving the personnel system by enhancing efficiency and protecting employee rights.
- (6) Perform other duties specified by the city council not inconsistent with the City Charter.”

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. City of Carson City Charter (on file in City Clerk’s office and on External Website)

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