

ORDINANCE NO. 4846

An ordinance to amend Grand Forks City Code § 3-0203 to include department heads within the mayor's removal power, to amend § 6-0101(13) relating to the definition of "Department," to amend § 6-0101(14) regarding the definition of "Department Head," and to amend Grand Forks City Code § 6-0103 relating to nonclassified positions.

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

Section 1: Amending Clause to Amend Grand Forks City Code § 3-0203.

Grand Forks City Code § 3-0203 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

3-0203. – Removal of appointed officers.

The mayor shall have the power to remove any appointed official **and department head, as defined in § 6-0101(14),** not within the classified service of the civil service system on any written charge, whenever the mayor shall be of the opinion that the interests of the city demand such a removal. The mayor shall report the reasons for such removal to the city council at a meeting thereof to be held not less than five (5) days, nor more than fifteen (15) days, after such removal. If the mayor shall fail or refuse to file with the city auditor a statement of the reasons for the removal, or if the council by a majority vote disapproves said removal, such official **or department head** shall thereupon become restored to the office from which the official **or department head** was removed. No official **or department head** shall be removed a second time ~~for~~ **based solely** on the same **prior** incident.

Section 2: Amending Clause to Amend Grand Forks City Code § 6-0101(13).

Grand Forks City Code § 6-0101(13) is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

6-0101. – Definitions.

- (13) *Department* means a major operating functional unit of the executive branch of the city government, including the mayor's office, and such other functional units of the executive branch established by action of the city council, ~~including, but not limited to: Assessing, city attorney, engineering, fire, finance, information technology, public health, human resources, municipal court, public works, planning and community development, and public safety answering point (PSAP).~~

Section 3: Amending Clause to Amend Grand Forks City Code § 6-0101(14).

Grand Forks City Code § 6-0101(14) is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

6-0101. – Definitions.

- (14) *Department head* means the officially appointed supervisor of any city department having ultimate responsibility for the operation of a department. **Except as otherwise provided, classified department heads include: city assessor, city engineer, fire chief, finance director, information technology director, public health director, human resource director, police chief, public works director, planning and community development director, and public safety answering point (PSAP) director. Nonclassified department heads include: city administrator, city attorney, municipal judge and any supervisor of a city department employed by a contract and officially designated by the mayor.**

Section 4: Amending Clause to Amend Grand Forks City Code § 6-0103.

Grand Forks City Code § 6-0103 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

6-0103. – Scope and application.

- (1) Employment with the city shall be designated as employment into classified positions or nonclassified positions.
- (2) The nonclassified positions shall include the following:
- (A) All elected officials;
 - (B) Employees not in a classified position; persons appointed to boards, commissions, or committees;
 - (C) The city attorney, the city health officer, the city administrator, ~~community/government relations officer~~ and any of their assistants and deputies;
 - (D) Volunteer personnel and personnel appointed to serve without pay;
 - (E) Consultants, professionals, and legal counsel rendering temporary professional service;
 - (F) Positions designated as nonclassified by the city council;
 - (G) Persons employed under written contract including but not limited to benefitted project grants, non-benefitted seasonal or non-benefitted retirees returning for limited hours;
 - (H) Persons employed by the Grand Forks Center Commission;
 - (I) **All department heads, as defined in § 6-0101(14), except any department head designated as a classified employee on the date**

this Ordinance No. _____ becomes in full force and effect shall continue to be a classified employee until such department head's employment with the city ends or is otherwise terminated.

Section 5: Effectivity.

This ordinance shall be in full force and effect after its final passage and approval as provided by law.

Brandon Bochenski, Mayor

Dated: 11/21/2022

ATTEST:

Maureen Storstad, City Auditor

Dated: 11/21/2022

Introduction and first reading: 11/07/2022

Public Hearing: 11/21/2022

Second reading and final passage and approval: 11/21/2022

Approved: 11/21/2022

Published: Not required by law.



City of Grand Forks
Staff Report
Committee of the Whole – October 24, 2022
City Council – November 7, 2022
City Council – November 21, 2022

APPROVED & ACCEPTED
by City Council

11/07/2022

Maureen Storstad
Maureen Storstad
City Auditor

APPROVED & ACCEPTED
by City Council

11/21/2022

Maureen Storstad
Maureen Storstad
City Auditor

Agenda Item: Department Head Classification Matter

Submitted by: Todd Feland, City Administrator
Tangee Bouvette, Human Resources Director

Staff Recommended Action: Approve Amendment for the Grand Forks City Code sections 3-0203; 6-0101(13); 6-0101(14); and 6-0103 and as attached.

Committee Recommended Action:

Motion by Weber, second by Weigel with the request to move forward. Motion moved unanimously.

Council Action:

November 7 - Motion by Sande, second by Weigel to approve on consent agenda. Motion carried 6-1 with Weber dissenting.

November 21 - Motion by Sande, second by Weigel to approve. Motion carried 6-1 with Weber dissenting.

GENERAL OVERVIEW:

City Administration has recently received the retirement notices of City Assessor Paul Houdek and Public Health Director Debbie Swanson. Mayor Brandon Bochenski's administrative direction is to fill the City Assessor and Public Health Director open and vacant Department Head positions with non-classified, contracted employees. Under Mayor Bochenski's administrative tenure, the City Planner, Building Inspections Director, Public Works Operations Director, and Public Safety Answering Point Director positions were filled as non-classified, contracted positions.

As part of these City of Grand Forks organizational changes, it is necessary to update the *Grand Forks City Code* specifically regarding the definition of department heads. The structure and titles of our department head positions have evolved and changed over time based on the needs of the City of the Grand Forks. As a result, this *Grand Forks City Code* section is an inaccurate reflection of our department heads status in terms of classified and non-classified positions as well as position titles.

Under current Grand Forks City Code, both the City Assessor and the Public Health Director are defined as classified, Civil Service positions. Previously, the City administration requested to the City Attorney's Office to develop updated language for the *Grand Forks City Code* and for City Council approval regarding department head positions to be more streamlined and flexible with the frequent changes that occur within the organization. Ultimately the City Council did not approve the Grand Forks City Code changes at the May 17, 2021 City Council meeting.

Previously and as part of Mayor Michael Brown's tenure, Mayor Brown began the first part of his tenure filling department head positions as non-classified, contracted positions and in the latter half of his tenure filled the department head positions as classified, Civil Service positions, except for City Administrator.

ANALYSIS AND FINDINGS OF FACT:

- Mayor Bochenski and the City administration are recommending filling department head positions as non-classified, contracted positions, which includes the most recent department head positions of City Planner, Building Inspections Director, Public Works Operations Director, and Public Safety Answering Point Director.
- The recommended and updated *Grand Forks City Code* would provide for the following:
 - o Maintain position classification status of current department heads.
 - o Identify a process to change position classification status of vacated department head positions.
 - o Remove actual titles from the definition of department heads.
 - o Provide administrative flexibility to fill department head positions in a strategic and expedited manner.

SUPPORT MATERIALS:

- Proposed Grand Forks City Code Amendment.
- Department Head Classification Modifications – Over the Last 25 Years.
- City of Grand Forks Staff Report with Attachment– Department Head Classifications Matter – Dated May 17, 2022.
- E-Memorandum from City Attorney Dan Gaustad – Inspections Department Head Designation – Dated October 1, 2020.

ORDINANCE NO. _____

An ordinance to amend Grand Forks City Code § 3-0203 to include department heads within the mayor's removal power, to amend § 6-0101(13) relating to the definition of "Department," to amend § 6-0101(14) regarding the definition of "Department Head," and to amend Grand Forks City Code § 6-0103 relating to nonclassified positions.

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

Section 1: Amending Clause to Amend Grand Forks City Code § 3-0203.

Grand Forks City Code § 3-0203 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

3-0203. – Removal of appointed officers.

The mayor shall have the power to remove any appointed official **and department head, as defined in § 6-0101(14),** not within the classified service of the civil service system on any written charge, whenever the mayor shall be of the opinion that the interests of the city demand such a removal. The mayor shall report the reasons for such removal to the city council at a meeting thereof to be held not less than five (5) days, nor more than fifteen (15) days, after such removal. If the mayor shall fail or refuse to file with the city auditor a statement of the reasons for the removal, or if the council by a majority vote disapproves said removal, such official **or department head** shall thereupon become restored to the office from which the official **or department head** was removed. No official **or department head** shall be removed a second time ~~for~~ **based solely** on the same **prior** incident.

Section 2: Amending Clause to Amend Grand Forks City Code § 6-0101(13).

Grand Forks City Code § 6-0101(13) is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

6-0101. – Definitions.

- (13) *Department* means a major operating functional unit of the executive branch of the city government, including the mayor's office, and such other functional units of the executive branch established by action of the city council, ~~including, but not limited to: Assessing, city attorney, engineering, fire, finance, information technology, public health, human resources, municipal court, public works, planning and community development, and public safety answering point (PSAP).~~

Section 3: Amending Clause to Amend Grand Forks City Code § 6-0101(14).

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6-0101. – Definitions.

- (14) *Department head* means the officially appointed supervisor of any city department having ultimate responsibility for the operation of a department. ~~Except as otherwise provided, classified department heads include: city assessor, city engineer, fire chief, finance director, information technology director, public health director, human resource director, police chief, public works director, planning and community development director, and public safety answering point (PSAP) director. Nonclassified department heads include: city administrator, city attorney, municipal judge and any supervisor of a city department employed by a contract and officially designated by the mayor.~~

Section 4: Amending Clause to Amend Grand Forks City Code § 6-0103.

Grand Forks City Code § 6-0103 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

6-0103. – Scope and application.

- (1) Employment with the city shall be designated as employment into classified positions or nonclassified positions.
- (2) The nonclassified positions shall include the following:
- (A) All elected officials;
 - (B) Employees not in a classified position; persons appointed to boards, commissions, or committees;
 - (C) The city attorney, the city health officer, the city administrator, ~~community/government relations officer~~ and any of their assistants and deputies;
 - (D) Volunteer personnel and personnel appointed to serve without pay;
 - (E) Consultants, professionals, and legal counsel rendering temporary professional service;
 - (F) Positions designated as nonclassified by the city council;
 - (G) Persons employed under written contract including but not limited to benefitted project grants, non-benefitted seasonal or non-benefitted retirees returning for limited hours;
 - (H) Persons employed by the Grand Forks Center Commission;
 - (I) **All department heads, as defined in § 6-0101(14), except any department head designated as a classified employee on the date**

this Ordinance No. _____ becomes in full force and effect shall continue to be a classified employee until such department head's employment with the city ends or is otherwise terminated.

Section 5: Effectivity.

This ordinance shall be in full force and effect after its final passage and approval as provided by law.

Brandon Bochenski, Mayor

Dated: _____

ATTEST:

Maureen Storstad, City Auditor

Dated: _____

Introduction and first reading: November 7, 2022

Public Hearing: November 21, 2022

Second reading and final passage and approval: _____

Approved: _____

Published: Not required by law.



DEPARTMENT HEAD CLASSIFICATION

Contracted - Late 1990's

Police Chief	1997-2014
Fire Chief	1999-2017

Contracted - 2000's

City Administrator	2000-2001 & 2001-2013
Public Works Director	2001 – 2013
City Engineer	2001 - Current
Community Development Director	2003 – 2014
City Planner	2006 – Current
PSAP Director	2010 – Current

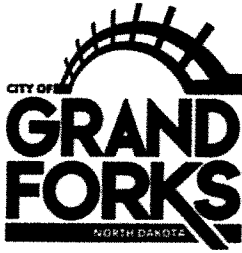
Contracted – 2011 to Present

City Administrator	2013 – Present
Building Inspections Director	2021 – Present
Public Works Operations Director	2021 – Present

Classified – 2011 to Present

City Assessor	2015 – Present*
Police Chief	2014 – Present
Fire Chief	2018 – Present
Finance Director	2013 – Present
Public Health Director	2015 – Present*
IT Director	2016 – Present
Public Works Operations Director	2016 – 2021
Waterworks Director	2016 - Present
Community Development Director	2019 - Present
Human Resources Director	2019 - Present

*Looking to fill positions in near term.



City of Grand Forks
Staff Report
Committee of the Whole – April 26, 2021
City Council – May 3, 2021
City Council – May 17, 2021

Agenda Item: Department Head Classifications Matter

Submitted by: Todd Feland, City Administrator
Tangee Bouvette, Human Resources Director

Staff Recommended Action: Approve revisions for the *Grand Forks City Code sections 3-0203; 6-0101(13); 6-0101(14); and 6-0103* and as attached.

Committee Action: Motion by Weigel, second by Sande, to refer to City Council with a recommendation to approve. Motion failed, 2-4 vote.

City Council Action: Motion by Weigel, second by Kvamme, to approve the staff recommendation and introduce the ordinance.
Roll call vote - aye: Weigel, Kvamme, Sande - 3; nay: Dachtler, Weber, Mock, Vein - 4.
Mayor Bochenski declared the motion failed.

BACKGROUND:

At the April 12, 2021 Grand Forks City Council Committee of the Whole meeting, the City of Grand Forks (City) administration discussed upcoming organizational changes in department head leadership to include Planning Director and Public Works Operations Director. Further the City administration requested policy making feedback from the City Council regarding department head classifications in advance of working with the City Attorney's Office on *Grand Forks City Code* modifications.

As part of these City organizational changes, it is necessary to update *Grand Forks City Code* specifically regarding the definition of department heads. The structure and titles of our department head positions have evolved and changed over time based on the needs of the City. As a result, this *Grand Forks City Code* section is an inaccurate reflection of our department heads status in terms of classified and nonclassified positions as well as position titles.

Grand Forks City Code Chapter VI – Civil Service System 6-0101 (14) currently reads as follows:
Department head means the officially appointed supervisor of any city department having ultimate responsibility for the operation of a department. Except as otherwise provided, classified department heads include: city assessor, city engineer, fire chief, finance director, information technology director, public health director, human resource director, police chief, public works director, planning and community development director, and public safety answering point (PSAP) director. Nonclassified department heads include: city administrator, city attorney, municipal judge and any supervisor of a city department employed by a contract and officially designated by the mayor.

Below is a table reflecting the current department heads and their actual classified vs. nonclassified status.

Classified Department Head Positions	Nonclassified Department Head Positions
Fire Chief	City Administrator
Police Chief	City Engineer
City Assessor	City Planner
Public Works Operations Director	PSAP Director
Finance Director	Building Inspections Director
Information Technology Director	City Attorney (Appointed by the Mayor)
Public Health Director	Municipal Judge (Elected Official)
Human Resource Director	
Community Development Director	
Waterworks Director	

As noted, there are several department heads that are currently nonclassified that according to *Grand Forks City Code* would fall under the classified category, such as City Engineer and PSAP Director. Also, there are department head titles listed in this section of *Grand Forks City Code* that are not currently being utilized or have been replaced over time with different titles, such as Public Works Director (currently Public Works Operations Director) and Planning and Community Development Director (currently separate Planning Director and Community Development Director).

The City administration recommendation to the City Attorney's Office was to develop updated language for the *Grand Forks City Code* regarding department head positions in order to become more streamlined and flexible with the frequent changes that occur within our organization. Previously and as part of Mayor Michael Brown's 20-year tenure, Mayor Brown began the first part of his tenure filling department head positions as nonclassified positions and in the latter half of his tenure filled department head positions as classified positions, except for City Administrator.

FINDINGS AND ANALYSIS:

- Mayor Bochenski and the City administration are recommending filling department head positions as nonclassified positions, which included the most recent department head position of Building Inspections Director.
- The recommended and updated *Grand Forks City Code* would provide for the following:
 - Maintain position classification status of current department heads.
 - Identify a process to change position classification status of vacated department head positions.
 - Remove actual titles from the definition of department heads.
 - Provide administrative flexibility to fill department head positions in a strategic and expedited manner.

SUPPORT MATERIALS:

- Proposed amendments drafted by City Attorney's Office.



CITY OF GRAND FORKS

24 North 4th Street
GRAND FORKS, NORTH DAKOTA 58203

OFFICE OF CITY ATTORNEY

E-MEMORANDUM

To: Mayor Brandon Bochenski (BBochenski@grandforksgov.com)
Todd Feland (TFeland@grandforksgov.com)
Tangee Bouvette (TBouvette@grandforksgov.com)

From: Daniel L. Gaustad (dan@grandforkslaw.com) *DLG*

Re: Inspections – Department Head Designation

Date: October 1, 2020

The City of Grand Forks (the “City”) seeks to establish a newly created Inspections Department and in turn, employ an individual that would serve as the department head to oversee the operations of such department. There is currently debate as to whether this department head position would be deemed classified or nonclassified.

A. Status as nonclassified position.

To begin, the Grand Forks City Code (the “City Code”) defines “department head” to mean an “officially appointed supervisor of any city department having ultimate responsibility for the operation of a department.” City Code § 6-0101(14). The position at issue would certainly come within this definition and in turn would be a department head position.

However, the definition goes on to differentiate between classified and nonclassified departments heads to provide the following:

Except as otherwise provided, classified department heads include the city assessor, city engineer, fire chief, finance director, information technology director, public health director, human resources director, police chief, public works director, planning and community development director, and public safety answering point director. *Id.* Nonclassified department heads include the city administrator, city attorney, municipal judge and *any supervisor of a city department employed by a contract and officially designated by the mayor. Id.* (emphasis added).

Id.

As you can see, the specified and finite list of department heads that are in a classified employment status does not currently include the department head for the Inspections Department. Thus, it can be concluded that since this position is not specifically enumerated, like other department head positions, that it would not then be a classified position. Zueger v. N. Dakota Workers Comp. Bureau, 1998 ND 175, ¶¶ 11, 584 N.W.2d 530; Little v. Tracy, 497 N.W.2d 700, 705 (N.D.1993) (ordinance is to interpreted on what the legislating body (here the City Council) says, not what is unsaid, and the mention of one thing (specific listing of department heads that are in classified positions) implies the exclusion another thing (those unlisted department positions are not in classified positions)).

In further support of this conclusion, City Code § 6-0101(14) goes on to provide a list of nonclassified department heads as well – again the department head for the Inspections Department is not specifically enumerated. However, unlike the specific and finite listing of those department heads in a classified position, the City Code includes a broader type of nonclassified department head – being *any supervisor of a city department employed by a contract and officially designated by the mayor*. City Code § 6-0101(14). Here, it can be reasonably concluded that absent designation of this position as a classified position, this department head position would be by contract and officially designated by the Mayor, and in turn a nonclassified department head position.

In the event it was decided that the department head position for the newly formed Inspections Department would be considered a classified position, City Code § 6-0101(14) would need to be amended to include this position within the specified list of department heads that are in a classified employment position as defined in City Code § 6-0101(14).

In addition to the definition of department head that distinguishes between classified and nonclassified positions, City Code § 6-0103 also enumerates various nonclassified employment positions. City Code § 6-0103; See also City Code § 6-0101(27) (defining a “nonclassified employee” as “an employee who has been hired by the city for a nonclassified position as designated by section 6-0103”).

First, City Code § 6-0103(G) provides those “persons employed under written contract including but not limited to benefitted project grants, non-benefitted seasonal or non-benefitted retirees returning for limited hours” are non-classified. Although not clear, I would not rely on this provision to conclude the department head for the Inspections Department is nonclassified simply because the employment is under contract as there are likely a number of classified employees that have written contracts. I believe this particular provision of the City Code is directed at short-term and seasonal types of employment.

Finally, if there is any question as to whether the department head for the Inspections Department would be nonclassified, City Code § 6-0103(F), provides authority to the city council to designate the position as nonclassified, and if that occurs, then there becomes no debate that the position would be nonclassified.

It is recognized concerns have been raised in appointing a department head whose employment would be at will and without protections that may exist for classified employment

under the civil service provisions of the City Code (Chapter VI). To alleviate these concerns, there is another section of Code that may offer some protections if the department head for the Inspections Department is a nonclassified position.

City Code § 3-0203 provides that the mayor shall have the power to remove any appointed official not within the classified service of the civil service system whenever the mayor believes the interests of the City demand such removal. City Code § 3-0203. However, in doing so, the mayor is to report the reasons for the removal to the city council at a council meeting between 5 and 15 days after the removal. City Code § 3-0203. Should the mayor fail or refuse to file a statement of reasons for the removal with the city auditor, or if the city council disapproves the removal by a majority vote, the official shall be restored to his/her position. City Code § 3-0203. Although the City Code does not define who is considered to be an "appointed official," this provision could be used to provide some level of employment protection to this position. If this path was chosen, and to avoid confusion as whether the position was an "appointed position," one could simply incorporate the process described in City Code § 3-0203 into the employment contract.

B. Status as classified position.

1. Hiring Process.

Should this anticipated department head position ultimately be designated as a classified position, it would fall within the civil service system, governed by the civil service commission. Therefore, certain procedures would need to be followed when hiring such a classified employee. The following is a brief outline of the hiring procedures for a classified position:

- Public announcement of a position must be made by the commission. City Code § 6-0501.
- An applicant must submit a written application in the form prescribed by the HR director within the time period posted. City Code § 6-0502.
- The HR director may reject any application for the reasons outlined in Code § 6-0503. When an application is rejected, notice must be given to the applicant, who may appeal the rejection within 5 working days of the date the notice was issued. City Code § 6-0504.
- All classified appointments must be made according to merit and fitness by competitive examination. Such examinations must be impartial, practical and relate to the applicant's ability to discharge the duties of the position. Examinations include, but are not limited to written tests, oral tests, performance tests, review of past performance, interviews, education or experience or any combination of these. City Code § 6-0505(1).
- The commission may also consider factors such as education, experience, aptitude, knowledge, character, attitude in determining an applicant's fitness.

City Code § 6-0505(2). Physical, emotional, psychological and/or mental fitness may also be tested and considered. City Code § 6-0505(3).

- If a written exam is conducted, the identity of each applicant must be concealed from examiners by use of an ID number. City Code § -0505(4).
- Mayor shall determine and designate, in writing, positions requiring completion of a polygraph exam. City Code § 6-0506.
- Physical and mental examinations may be required when necessary to perform essential functions of position. City Code § 6-507.
- The HR director shall engage in an applicant scoring process and the commission shall establish a minimum passing score. City Code § 6-0508.
- Veterans preferences are appointed when appropriate. City Code § 6-0509.¹
- Applicants must be given written notice of their results. City Code § 6-0510.

2. *Discipline/Termination Process.*

When the Mayor or department head believe, in their sole discretion, good cause exists for taking disciplinary action against an employee, the Mayor or department head may utilize one of the disciplinary actions in City Code § 6-0602(1)(A)-(G).

A. Types of Disciplinary Action.

- Reprimand: The Mayor or department head may reprimand an employee – either orally or in writing. Such reprimand must be issued within a reasonable period of time after the Mayor or department head learns of the existence of due cause. City Code 6-0602(1)(A). A department head can only reprimand an employee in his/her department.
- Suspension by Department Head: A department head may suspend an employee with or without pay for up to 3 days. City Code § 6-0602(1)(B).
- Suspension by Mayor: The Mayor may suspend an employee with or without pay for a length of time as the Mayor considers appropriate, not to exceed 60 days in any 12-month period. City Code § 6-0602(1)(C).

¹ Veterans preference also applies to nonclassified employment decisions. See N.D.C.C. ch. 37-19.1 (providing for veteran's preference for employment under a system that is not through a competitive personnel system).

- Investigatory Suspension: The Mayor may suspend, with or without pay, an employee who is the subject of a disciplinary or criminal investigation. City Code § 6-0602(1)(D).
- Demotion: The Mayor may demote an employee from a position in one class to a position in a lower class. City Code § 6-0602(1)(E).
- Probation: The Mayor may place an employee on probation. City Code § 6-0602(1)(F).
- Dismissal: The Mayor may dismiss an employee. City Code § 6-0602(1)(G).
- In any case involving potential disciplinary action of an employee (other than a department head) the respective department head may provide the Mayor with recommendations regarding appropriate disciplinary action, but such action is not binding on the Mayor. City Code § 6-0602(2).

B. Due Cause for Disciplinary Action.

- “Due cause” for disciplinary action includes, but is not limited to those actions set forth in City Code § 6-0603(1)-(29).

C. Notice of Proposed Disciplinary Action.

- Written notice of the proposed disciplinary action must be given to the employee in person or mailed by registered or certified mail no later than 10 working days prior to proposed action. City Code § 6-0604(1).
- The notice must contain those requirements listed in City Code §§ 6-0604(1)(A)-(F).
- After any informal disciplinary conference with the employee and his/her legal counsel, supervisor or official employee rep – or following any submission of a written response by the employee – the department head or Mayor, whichever proposed the disciplinary action, shall affirm, modify or withdraw the proposed action. City Code § 6-0604(2).

D. Appeal of Disciplinary Action.

- Employee must appeal disciplinary action by a department head within 10 working days after the date of notice of the reprimand or suspension by filing a written notice of appeal to the Mayor. City

Code § 6-0605(1). After consideration of the evidence and review of the employee's personnel record, the Mayor must issue an order affirming or reversing the disciplinary action, and this decision is final, subject to any right of review under State or Federal law. City Code §§ 6-0605(1)(A)-(C).

- Employee must appeal disciplinary action by the Mayor within 10 working days after any reprimand, termination, placement on probation, or suspension by filing a notice of appeal with the civil service commission. City Code § 6-0605(2).

E. Appeal to Mayor.

- When an employee appeals a disciplinary action by a department head to the Mayor, the Mayor must comply with those requirements outlined in City Code §§ 6-0606(1)-(14), governing process and procedure for handling such an appeal.

F. Appeal to Civil Service Commission.

- When an employee appeals a disciplinary action by the Mayor to the civil service commission, the commission must comply with those requirements outlined in City Code §§ 6-0606.1(1)-(13).

G. Decision of the Reviewing Authority.

- After consideration of the evidence and review of the disciplinary action taken by a department head, the Mayor may affirm or reverse the disciplinary action. City Code § 6-0607(1).
- After consideration of the evidence and review of the disciplinary action taken by the Mayor, and review of the employee's personnel record, the civil service commission may, by majority vote, affirm or reverse the disciplinary action. City Code § 6-0607(2).
- The decision of the Mayor or commission is final, subject to any right of review under State or Federal law. The decision shall not be stayed pending review in any court. In the event the decision is reversed, the appealing employee shall be reinstated as of the date the disciplinary action was taken and shall be entitled to compensation from that date. City Code § 6-0607(3).