

Policy 3-4-1 RULES AND PROCEDURES OF MERIT SYSTEM BOARD

COUNCIL POLICY 3-4-1

DISTRIBUTION: Mayor and City Council  
All Departments

SUBJECT: Rules and Procedures of Merit System Board

PURPOSE: The purpose of these Rules and Procedures is to allow an orderly and fair hearing of appeals placed before the Board.

BACKGROUND:

PROCEDURES: See Attached Exhibit "A"

REFERENCES:

EFFECTIVE DATE/

RESCISSION: This policy becomes effective February 23, 1981.

DISTRIBUTION: Mayor and City Council  
All Departments

  
\_\_\_\_\_  
JOHN TYLER HAMMONS, MAYOR

ATTEST:  
  
  
\_\_\_\_\_  
PAMELA SOBUSH, CITY CLERK

Approved as to form and legality this 31<sup>st</sup> day of August, 2009.

  
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JOHN H. VINCENT, CITY ATTORNEY

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9-16-09 distr.

APPROVED BY THE CITY COUNCIL

Date 2-23-1981

Exhibit "A"

RULES AND PROCEDURES OF MERIT SYSTEM BOARD

MERIT SYSTEM BOARD CHAIRPERSON

After the selection process for membership, the Board members will select among themselves one member to act as Chairperson. The Chairperson will act as Chairperson of any hearings and/or meetings for a period of one (1) year, at which time a new Chairperson will be selected. A person acting as Chairperson shall not reassume this position for two (2) years after their term.

RULES AND PROCEDURES OF CONDUCT

The purpose of these Rules and Procedures is to allow an orderly and fair hearing of appeals placed before this Board. Being in fact a Board of arbitration, the rules of arbitration will prevail.

The Board can favor the Employee's position of the City's position. The Board can also compromise the disciplinary action taken by the City.

Persons allowed to participate in the hearing:

1. City-The Department Head involved in disciplinary action and one spokesperson.
2. Employee-The Employee involved and one spokesperson.
3. Merit Board-The Merit Board and the Secretary to the Merit Board (City Clerk).

WITNESSES

The Board does not have subpoena powers. The Employee or the City may request witnesses to appear before the Board. If the witness is an employee of the City they are required to be available. If the witness is not an employee of the City, the party requesting their appearance must make the necessary arrangements for their appearance.

Witnesses are prohibited, when not giving testimony, to be present during the hearing.

Witnesses must have a direct bearing on the issue to be heard. Character witness will not be allowed.

A witness should attest to their testimony by affirming to an Oath of Honesty to be given by the Secretary of the Board.

Witnesses who are employees of the City and not on duty at the time of their appearance can be compensated for the time required by payment on a straight time basis.

Disruption of the operations of the City will be kept to a minimum. All parties will cooperate to the maximum extent possible to see that the witnesses are away from their jobs only for the minimum time necessary.

#### PROCEDURAL QUESTIONS

Procedural questions that arise should be submitted in writing at least 72 hours prior to a formal hearing. All procedural questions will be heard and acted upon by an executive hearing prior to the formal hearing.

In appeals involving disciplinary action, the burden of proof lies with the City. In an appeal involving contract or policy violations, the burden of proof lies with the Employee.

#### CLOSED HEARINGS

Closed hearing are allowed when appeals involve testimony of a personal nature, with the agreement of all parties. The closing of a hearing can either be in whole or part.

#### TEMPORARY REPLACEMENT OF A BOARD MEMBER

A Board member can disqualify himself from a hearing in which case the replacement member is chosen as follows:

1. Employee's appointed member will be selected by the president of the Employee's representative body.
2. The City's appointed member will be selected by the Mayor.
3. The third member will be selected by the Employee's appointed member and the City's appointed member.

Direct contact with the Board members is prohibited prior to a hearing. Any statements or questions must be submitted in writing to the Secretary of the Merit Board System (City Clerk) and copies of same forwarded to Board members and other parties involved.

The request for a hearing must be filed through the Secretary of the Board (City Clerk) and all Board members consulted as to the date, time, and place of subject hearing.

Temporary changes of these rules are allowed by unanimous consent of the Board members.