



City Council Report

Date: January 26, 2015
To: City Council
Through: John Pombier, Deputy City Manager
From: Jon Nielson, Personnel Appeals Board Chair
Gary Manning, Human Resources Director
Alfred Smith, Deputy City Attorney
Subject: Mesa City Code Revisions
Personnel Appeals Board Hearing Procedural Rules for Classified Employees
(Excluding Sworn Law Enforcement) and Personnel Appeals Board Hearing
Procedural Rules for Sworn Law Enforcement Employees

Strategic Initiatives



Purpose and Recommendation

The purpose of this City Council report is to recommend that the Council (i) amend parts of the Mesa City Code, Title 2, Section 18, pertaining to the Personnel Appeals Board hearing procedures; (ii) adopt by Ordinance Personnel Appeals Board Hearing Procedural Rules for Classified Employees (Excluding Sworn Law Enforcement) and Personnel Appeals Board Hearing Procedural Rules for Sworn Law Enforcement Employees; and (iii) adopt a resolution declaring the new procedural rules to be public records.

Background

Personnel Appeals Board hearing procedures were first adopted by Ordinance in 1999. They were amended in September 2014. Portions of the procedures are set forth in Title 2, Chapter 18 of the Mesa City Code. This change was requested by the Personnel Appeals Board Chair.

Discussion

Following the recent changes to the Personnel Appeals Board rules amended and approved by Council in September of this year, the Board Chair made an additional recommendation to further amend the rules to allow up to five regular voting members on the Board rather than the current three regular and two alternate members. Currently only three members hear and vote on appeals. The alternate members only participate if one of the regular members is unable to participate. Allowing up to 5 members to hear a case and deliberate/vote in executive session would allow all board members to obtain valuable experience in this process (currently alternate members potentially never have the experience of hearing and participating in the executive deliberation process). If five (5) Board members are present for the entire hearing, all five (5) Board members

may deliberate and vote on the recommendation to the City Manager. If four (4) Board members are present for the hearing, in order to avoid a possible 2 to 2 split decision, the member appointed last may participate in the deliberations but will not vote. At least three (3) Board members must be present to proceed with a hearing and for deliberations and voting.

The procedural rules for both non-sworn and sworn Police employees have been edited to reflect this proposed change. The current rules exclude Alternate members from discussion and voting at the conclusion of the Hearing if the three regular members were present.

Alternatives

The alternative to the recommended actions is to maintain M.C.C. section 2-18 and the procedural rules as they currently exist.

Fiscal Impact

None.

Coordinated With

The Personnel Appeals Board, the Human Resources Director, the City Attorney's Office, the Mesa Police Association, and the United Mesa Firefighters.