

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY ARIZONA, REPEALING THE EXISTING PERSONNEL RULES APPLICABLE TO CITY OF MESA EMPLOYEES AND ADOPTING BY REFERENCE NEW PERSONNEL RULES; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN UNDER THE EXISTING PERSONNEL RULES.

WHEREAS, pursuant to Section 403(D) of the Mesa City Charter, the City Council may adopt personnel rules by ordinance, and the City Council desires to repeal the existing rules in their entirety and replace them with new rules, entitled the “City of Mesa Personnel Rules,” which were declared a public record by Resolution No. 11945 on September 19, 2022; and

WHEREAS, pursuant to Sections 403(C) and (D) of the Mesa City Charter, the Merit System Board has reviewed and approved the City of Mesa Personnel Rules and recommended their adoption; and

WHEREAS, pursuant to Section 211(C) of the Mesa City Charter, every ordinance that is not an emergency ordinance shall become effective thirty (30) days after adoption or at any later date specified therein.

WHEREAS, Sections 423(C)(1), (3), (5), and (7) of the City of Mesa Personnel Rules pertaining to conversion of sick time to vacation time are contingent upon the ability of the City’s timekeeping system vendor to develop a customized software system to implement and manage the conversion of future accrued sick time hours to vacation time for those employees that elect such conversion. For this reason, the effective date of these provisions must be delayed for such time as necessary for the system to “Go Live,” which shall occur after the software has been built, tested, and approved, and all other system updates necessary for final implementation have been completed.

WHEREAS, due to circumstances beyond the control of the City, the timeframe for the system to “Go Live” is uncertain. Therefore, the City Council, as to only Sections 423(C)(1), (3), (5), and (7), desires a delayed effective date up to three (3) years after the effective date of this Ordinance to allow the vendor and the City the time needed to effectuate Sections 423(C)(1), (3), (5), and (7).

WHEREAS, the conversions set forth in Sections 423(C)(1), (3), (5), and (7) are intended to be prospective from and after the delayed effective date and shall not be retroactive.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That certain document known as the “City Of Mesa Personnel Rules,” three copies of which are on file in the office of the City Clerk of the City of Mesa, Arizona, which were declared a public record by Resolution No. XXXX on September 19, 2022, is enacted, adopted, and made a part hereof as if fully set forth in this Ordinance.

Section 2: That Sections 423(C)(1), (3), (5), and (7) of the City of Mesa Personnel Rules pertaining to the conversion of sick time to vacation time shall have a delayed effective date (the “Rule 423(C) Date”) selected by the City Manager that is no longer than thirty (30) days after the “Go Live” date of the customized software system needed to effectuate Sections 423(C)(1), (3), (5), and (7). The conversion for employees who elect the applicable option set forth in Sections 423(C)(1), (3), (5), or (7) shall begin on the Rule 423(C) Date and shall not be retroactive. If a “Go Live” date for the customized software system is not identified within three (3) years after the effective date of this Ordinance, then Sections 423(C)(1), (3), (5), and (7) shall sunset from the Personnel Rules and be rendered null and void. All other personnel rules set forth in the City of Mesa Personnel Rules shall become effective on November 2, 2022.

Section 3: The existing City of Mesa Personnel Rules are hereby repealed in their entirety; provided, however, that if Sections 423(C)(1), (3), (5), and (7) sunset, or if the Rule 423(C) Date is deemed to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then the current Rule 423(C) shall not be repealed and shall be given effect.

Section 4: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: The repeal of the existing personnel rules does not affect rights and duties that matured, penalties that were incurred, or proceedings that were initiated before the effective date of the repeal.

Section 6: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof, except as specifically set forth herein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, this 3rd day of October, 2022.

APPROVED:

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Mayor

ATTEST:

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City Clerk