

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

Section 4.01. General provisions.

- (a) *Limitation of functions.* No function assigned by this charter to a particular department, office or agency may be discontinued, or, ~~unless this charter specifically so provides, assigned~~ REASSIGNED to ANOTHER, UNLESS THIS CHARTER SPECIFICALLY PROVIDES OTHERWISE~~any other~~.
- (b) *Direction by manager.* Each department, office, and agency under the direction ~~and supervision~~ of the CITY manager shall be administered by an officer appointed by, and subject to, the direction and supervision of the CITY manager. With the consent of the CITY council, the CITY manager may serve as the head of one or more ~~such~~ departments, offices, or agencies, or may appoint one person as head of two (2) or more of them. Each department head appointed by the CITY manager shall nominate a substitute to ~~fill any vacancy occasioned by his~~ SERVE DURING THEIR temporary absence, ~~from his duties. This substitute shall be affirmed~~ SUBJECT TO APPROVAL by the CITY manager.

Section 4.02. Merit system.

- (a) *Merit principle.* ~~No~~ Council appointees ~~shall be~~ ARE NOT subject to the merit system. All other appointments and promotions of city officers and employees shall be ~~made~~ BASED solely on ~~the basis of~~ merit and fitness, demonstrated by examination or other evidence of competence.
- (b) *Personnel officer.* ~~There shall be a personnel officer appointed by the~~ THE CITY manager SHALL APPOINT A PERSONNEL OFFICER, as provided in section 3.04(a) of this ~~C~~charter, ~~who shall~~ TO administer the CITY'S personnel system ~~of the city~~.
- (c) *Merit system board.* ~~There shall be a~~ THE merit system board ~~consisting~~ SHALL CONSIST of five (5) members and five (5) alternates, appointed by the mayor with the approval of the CITY council, from AMONG the qualified electors of the city for staggered terms of three (3) years. Members of the board shall hold no other city office or city employment. Three (3) members shall constitute a quorum for the transaction of business. The CITY council shall, ~~adopt~~ by ordinance, ADOPT such rules and regulations as may be necessary to seat alternates ~~on the merit system board~~. The personnel officer or designee shall provide necessary staff assistance to the merit system board.
- (d) *Personnel rules.* The personnel officer or designee shall prepare personnel rules. The CITY manager may refer ~~such~~ proposed rules or amendments to the merit system board, which shall submit ITS RECOMMENDATIONS CONCERNING SAME to the CITY manager ~~its recommendations thereon~~. ~~When reviewed by~~ AFTER REVIEW, the CITY manager, ~~the rules shall~~ FORWARD THE RULES ~~be referred~~ to the CITY council, ~~and the council~~ WHICH may adopt them with or without amendment. These rules, subject to amendment at any time by majority vote of ~~all members of~~ the CITY council, shall provide for:
 - (1) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances.

- (2) A pay plan for all city positions.
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion.
- (4) The policies and procedures regulating reduction in force and removal of employees.
- (5) The hours of work, holidays, attendance regulations and provisions for sick and vacation leave.
- (6) The policies and procedures governing persons provisional or probationary appointments.
- (7) Policies regarding in-service training programs.
- (8) Appeal procedures for the hearing of appeals of dismissals, demotions or suspensions of employees to whom the merit system applies, by the merit system board. The merit system board may render advisory opinions based on its findings to the city manager. The final decision on all appeals shall be made by the city manager. A copy of the findings must be furnished to the employee.
- (9) In all cases of dismissals, demotions or suspensions, an employee shall be notified in writing with respect to their rights under the appeals procedures.
- (10) Grievance procedures for matters other than dismissals, demotions or suspensions to be decided by the city manager.
- (11) Other practices and procedures necessary to the administration of the city merit system.

Section 4.03. Strike or work interruption.

It is hereby declared to be contrary to the public interest and a threat to the public health and safety and unlawful for any city employee, directly or indirectly, to instigate, institute, encourage, authorize, or participate in a strike, cessation of work, slow-down or other form of work interruption, and any city employee who participates in any way in such activity or supports it shall thereby abandon and terminate ~~his~~ THEIR appointment or employment and shall no longer hold such position or be entitled to any of the rights of emoluments thereof, except as to any rights already vested in any city employee retirement program. The council shall adopt an appropriate ordinance providing employees with notice of termination and an opportunity to be heard on the facts regarding their participation or circumstances involving any activity prohibited above. The mayor, council members, city manager and city representatives shall not have the power to grant amnesty to any employee for conduct violating the above prohibitions.