

ARTICLE X PERSONNEL

Section 10.01. Merit System Established. Appointments and promotions in the civil service of the Municipality shall be made solely on the basis of merit and fitness demonstrated, wherever practical, by open competitive examinations or other evidence of competence. Except as herein otherwise provided, the Council shall enact ordinances to prescribe and enforce rules for appointment, promotion, transfer, layoff, reinstatement, suspension and removal of employees in the civil service of the Municipality. Such ordinances shall prevail over conflicting state law. The City Manager shall have the authority to determine if it is in the best interests of the city to leave a position vacant or to combine the duties of two positions under a single employee.

Section 10.02. Exempt Positions. The civil service shall include all positions in the municipality except:

- (1) Members of Council;
- (2) The Clerk of Council;
- (3) The City Manager;
- (4) The Directors of Departments;
- (5) The Secretary to the City Manager;
- (6) The Assistant to the City Manager;
- (7) Members of Boards and Commissions appointed by Council, advisory committees appointed by the City Manager;
- (8) Those positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character;
- (9) Unskilled laborers;
- (10) Seasonal, provisional, temporary or part-time employees.

In addition to the above, other positions may be exempted from the civil service and/or the competitive examination requirements upon the determination of the City Manager and the approval of the Personnel Appeals Board.

Section 10.03. Personnel Officer. The City Manager shall appoint a suitably qualified person to serve part or full time as Personnel Officer. The Personnel Officer shall:

- (1) Conduct recruitment of qualified persons;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Develop and conduct training programs;
- (8) Prepare and recommend to the City Manager for approval and publication, necessary rules to establish and maintain the merit system in the Municipality;
- (9) Perform such other duties relating to personnel as the City Manager may direct.

Section 10.04. Personnel Appeals Board. There shall be a Personnel Appeals Board consisting of three (3) members who shall be selected by the Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one member shall expire annually thereafter. Each member of the Board shall be a qualified elector of the Municipality, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.

Section 10.05. Duties of Personnel Appeals Board. The Personnel Appeals Board shall hear appeals upon request of any officer or employee when such officer or employee of the civil service has been suspended in excess of three (3) days, reduced in rank or removed from his/her position. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.

Section 10.06. Assessments and Contributions. No person shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive Municipal position.

No person who holds any compensated appointive Municipal position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, but such person may exercise rights as a citizen to express opinions and vote.

Section 10.07. Penalties. Any person who violates the provisions of Section 10.06 of this Charter shall be guilty of a misdemeanor and shall, if an officer or employee of the Municipality be guilty of malfeasance in office and upon conviction shall be removed from the office or position held and shall be ineligible for election or appointment to any position in the Municipal service for a period of five (5) years.

Section 10.08. Promotional Examinations. Whenever a vacancy occurs in any position in the service of the Municipality which is not exempted under the provisions of Section 10.02 of this Charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the City Manager, they may be opened to qualified candidates from outside the Municipal service, by resolution of the Council. The names of the three (3) eligibles standing highest on the promotional eligible list shall be certified to the appointing authority who shall appoint one of the three so certified, as may be provided by ordinance.