

TOWN OF SAN ANSELMO

ORDINANCE NO. 743

AN ORDINANCE REVISING THE CIVIL SERVICE PROVISIONS
OF THE SAN ANSELMO MUNICIPAL CODE

The Town Council of the Town of San Anselmo does ordain as follows:

Chapter 3 of Title 2 of the San Anselmo Municipal Code is hereby repealed.

A new Chapter 3 of Title 2 is hereby added to the San Anselmo Municipal Code to read as follows:

CHAPTER 3 PERSONNEL SYSTEM

Section 2-3.01 Personnel System Adopted

Pursuant to the authority granted by Section 45000, et seq of the Government Code of the State of California, a personnel system hereby is adopted.

Section 2-3.02 Legislative Findings and Declaration

It is the intent of this Chapter to insure that:

- a. Town Employment is based on merit, free of personal or political considerations, and untainted by discrimination based on race, creed, color, national origin, sex, marital status, age, political opinion, permitted political activity, any physical condition unrelated to job performance, or any educational prerequisites or testing or evaluation method unrelated to job performance.
- b. Within a reasonable time, ethnic minorities and females are employed at all responsibility levels in approximate proportion to their presence in the labor market; and
- c. All Town employees consistently provide service of high quality and efficiency to the residents of the Town; receiving salaries, hours, fringe benefits and working conditions as set from time to time by collective bargaining agreements; and, conversely, that no property right in Town employment shall be created, which right would inhibit the proper discipline or removal of an employee not serving in accordance with Town standards, any such discipline or removal to follow procedural safeguards specified in the Rules & Regulations adopted under Section 2-3.04 of this Chapter.

Section 2-3.03 Applicability

The provisions of this Chapter shall apply to all applicants for and employees in all Town positions, whether part time or full time, except for elective officers, the Town Administrator, Town Attorney, appointive Department Heads, and temporary, emergency or seasonal employee.

Section 2-3.04 Rules and Regulations

The Council shall by resolution adopt, and may amend from time to time, after consultation with employee organizations recognized pursuant to Resolution No. 1561:

- a. personnel rules and regulations consistent with the intent of this Chapter.
- b. an affirmative action plan consistent with intent of this chapter and complementary to the personnel rules and regulations.

~~Section 2-3.05~~ Board of Review

a. Appointment. A Board of Review is constituted consisting of five (5) members appointed by a majority vote of the whole Council for staggered terms of six (6) years. Members of the Board of Review established by Ordinance 244 serving as of the effective date of this Chapter shall continue to serve for ^{of the} the balance of their terms. No later than December 15, 1978, one of the mem-
^{employees}bers and an alternate shall be employees appointed from a list to be supplied jointly by all recognized employee organizations. A vacancy on the Board shall be filled by appointment by the Council for the unexpired term. Each member of the Board shall serve until his successor is appointed and qualified. A four-fifths vote of the Council shall be required to remove any member of the Board prior to the expiration of his term.

b. Alternate member. The alternate member shall participate and vote in any proceeding involving an employee of the same department as the regular employee member, in lieu of the regular employee member. The alternate member also may take the place of any absent member.

c. Functions. The Board of Review shall:

(1) Hear and decide appeals from disciplinary actions under Section 2-3.07 of this Chapter.

(2) Hear and decide grievances pursuant to the procedure established by Resolution 1650.

(3) Hear and advise on citizen complaints against employees pursuant to the Rules and Regulations adopted under Section 2-3.04 of this Chapter.

d. Subpoena Power; Oath; Counsel; Right of Discovery.

(1) In any hearing, the Board of Review shall have the power to examine witnesses under oath and compel attendance or production of evidence by subpoenas issued in the name of the Town and attested by the Town Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served, and refusal

of a person to attend or to testify in answer to such a subpoena shall subject such person to prosecution in the same manner set forth by law for failure to appear before the Council in response to a subpoena issued by the Council.

(2) Each member of the Board shall have the power to administer oaths to witnesses.

(3) At any stage of any disciplinary, grievance, or citizen complaint action under this Chapter, each party may be represented by a representative of his choice, and each party shall have the right to obtain the names of witnesses to be called, and to examine relevant documents to be submitted, by the other party.

d. Hearings. All hearings of the Board shall be closed, unless the appellant, grievant, or person charged requests an open hearing.

Section 2-3.06 Appointments.

All appointments to positions specified in Section 2-3.03 of this Chapter shall be made by the appropriate department head, in accordance with the rules and regulations adopted pursuant to Section 2-3.04.

Section 2-3.07 Disciplinary Actions.

a. Definition. For purposes of this section, a disciplinary action is a dismissal, demotion, reduction in compensation, or suspension without pay. In the case of a sworn police officer, disciplinary action also is a suspension with pay, a transfer for punitive reasons, or a written reprimand.

b. Authority. A department head may take a disciplinary action provided procedural and appeal requirements are followed as set forth in the Rules and Regulations adopted pursuant to Section 2-3.04 of this Chapter.

Section 2-3.08 Abolition of Positions.

Whenever in the judgment of the Council it becomes necessary in the interests of economy or because need for the position no longer exists, the Council may abolish any position and lay off the employee holding such position, provided five days notice of intended action has been given to the employee organization representing the bargaining unit covering the position, and further provided the layoff procedures and seniority rules of the applicable collective bargaining agreement are followed. Should such position or any position involving similar duties be reinstated within three years, the employee laid off shall have preference for appointment thereto.

Section 2-3.09 Administration.

The Town Administrator is designated as Personnel Officer and as Affirmative Action Officer, and shall be responsible for carrying out the provisions of this Chapter, other than for the specific functions enumerated as to the Board of Review

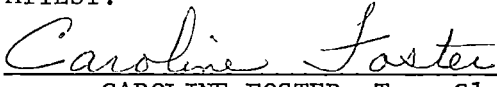
and Department Heads.

Dated June 13, 1978.



JAMES F. REED, Mayor

ATTEST:



CAROLINE FOSTER, Town Clerk

The foregoing Ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on May 23, 1978, and was thereafter at a regular meeting of the Town Council held on June 13, 1978, duly passed and adopted by the following vote:

AYES: Councilmen Toal, Convis, Signorelli, Capurro, Reed

NOES: None

ABSENT: None



CAROLINE FOSTER, Town Clerk