

Introduced by: Council Present

**AN ORDINANCE AMENDING SECTIONS OF THE CITY OF BERKELEY EMPLOYEE HANDBOOK PERSONNEL RULES AND REGULATION, POLICIES, AND BENEFITS RELATING TO EMPLOYEES APPEAL PROCEDURES**

Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:

**Section 1** Sections 6.07 and 6.08 of the City of Berkeley Employee Handbook, Personnel Rules and Regulations, Policies, and Benefits shall be amended as follows:

Section	6.07	Subject: Appeal of Disciplinary Reprimands
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Any action taken by Supervision against an employee in implementing Step 2 of the disciplinary procedure established in Section 6.03 shall be subject to an informal review, if the employee holds a full time position and has completed his initial probationary period. The employee may request a review in the following manner:

- Step 1. ~~Orally~~ **In writing** with the Supervisor, providing the request has been made within ~~three (3)~~ **five (5) business** days of the action taken by the Supervisor.
- Step 2. ~~Orally~~ **In writing** with the Department Head, providing the disposition of Step 1 is unsatisfactory and the request for a review to a higher authority has been made within five (5) **business** days of the answer given by the Supervisor.
- Step 3. ~~Orally~~ **In writing** with the ~~Human Resource Manager or City Manager~~ **designated personnel responsible for human resources**, providing the disposition of Step 2 is unsatisfactory and the request for a review to a higher authority has been made within five (5) **business** days of the answer given by the Department Head.
- Step 4. ~~The City Manager will make final disposition of the case.~~ **In writing** with the City Manager or designee, providing the disposition of Step 3 is unsatisfactory and the request for review has been made within five (5) business days of the answer given by the designated personnel responsible for human resources. The City Manager or designee has five (5) business days to reply and will be final.  
 If the disposition of Step 4 is unsatisfactory, the employee can appeal to the Civil Service Board within ten (10) business days of the Step 4 reply providing that the request meets with the Appeal of Disciplinary Action Involving Suspension, Demotion, or Dismissal as outlined below in Section 6.08.

Section	6.08	Subject: Appeal of Disciplinary Action Involving Suspension, Demotion or Dismissal
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Any action taken by Supervision against an employee in implementing Steps 3 or 4 of the disciplinary procedure established in Section 6.03 shall be subject to review at the volition of the employee on condition that the employee holds a permanent full time position and has completed his initial probationary period if the employee is reduced in rank, discharged, suspended without pay in excess of (10) ten days, or forfeited in excess of (20%) twenty per cent of the employee's annual vacation pay, the employee may request a review in the following manner:

- a) *Complaint.* Any employee who has been suspended, demoted or dismissed who shall consider himself aggrieved may file with the City Manager and the Civil Service Board a complaint in writing and request a hearing thereon. Such complaint shall be filed within ten (10) **business** days of the receipt of such written disciplinary notice and shall state the pertinent facts relative to such action.
- b) *Hearing.* Upon receiving a complaint requesting a hearing, the Civil Service Board shall schedule and hold a hearing as promptly as the circumstances permit, but no later than

thirty (30) days from the date of the request for a hearing. The hearing will be convened with the Department Head, appellant and such appropriate witnesses, as they or the Civil Service Board shall request.

- c) *Decision.* The Civil Service Board, after such hearing, shall make final disposition of the case. A copy of the final disposition from the Civil Service Board will be sent to the appellant, City Manager, and filed as a permanent record with the City Clerk.

**Section 2** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3** This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2016

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2016

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2016

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Theodore Hoskins, Mayor

ATTEST:

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Deanna L. Jones, City Clerk

Final Roll Call:

Mayor Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Kirkland	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mathison	Aye	__	Nay	__	Absent	__	Abstain	__
Councilman-at-Large McDaniel	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mitchell	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	__	Nay	__	Absent	__	Abstain	__

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Approved As To Form:  
Donnell Smith, City Attorney