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ARTICLE VII. OFFICERS AND EMPLOYEES GENERALLY

Sec. 7-1. Merit system created; appointments; removals; personnel rules.

A merit system is hereby established for personnel in the city service. Appointments and promotions in the service of the city shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions, and layoffs shall be made solely for the good of the service. The council, consistently with this charter, by ordinance or personnel rules, may regulate personnel matters and provide for proper personnel administration.

Sec. 7-2. Personnel board created.

- A. There shall be a personnel board consisting of three (3) members appointed by the council for overlapping six-year terms. The term of one member shall begin July 1 in every odd-numbered year. The council shall appoint the original members so that the term of one will expire at that time in each of the first three (3) succeeding odd-numbered years. A member may not hold any other office or position of employment in the city government. The council, after adequate opportunity for a hearing, may remove a member of the personnel board for the good of the service; and the vote shall be by roll call and shall be entered in the journal. The council shall fill vacancies for the unexpired terms. Members shall serve without compensation unless the council provides otherwise.
- B. At the time prescribed for the beginning of the term of a newly appointed member or as soon thereafter as practicable, the board shall elect a chairman, a vice chairman, and a secretary; and the secretary need not be a member of the board. The board shall determine the time and place of its regular meetings, and the chairman or two (2) members may call special meetings.

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- C. The personnel board shall have power to subpoena officers and employees of the city and other persons to testify and to produce documents and other effects as evidence.

Sec. 7-3. Classified and unclassified services.

- A. All officers and employees of the city shall be divided into the classified and the unclassified service.
- B. The following shall constitute the unclassified service:
 - 1. The mayor and councilmen, the municipal judge or judges, the city clerk when appointed by the mayor with approval of the council, one secretary to the mayor (if any), and the city attorney;
 - 2. Members and secretary of each board, commission, or other plural authority;
 - 3. All personnel who serve without compensation;
 - 4. All temporary and all part-time officers and employees, except those whom the council may place in the classified service by ordinance or personnel rules; and
 - 5. Not to exceed five (5) additional officers and/or employees whom the council may place in the unclassified service by ordinance or personnel rules.
- C. All other officers and employees shall be in the classified service.
- D. Nothing herein shall prohibit including unclassified personnel in the classification plan for pay purposes.

Sec. 7-4. Removal of officers and employees.

Unless otherwise provided by this charter, any officer or employee of the city may be laid off, suspended, demoted, or removed by the same authority who has power to appoint or elect a successor of the officer or employee.

Sec. 7-5. Removal; hearing before the personnel board.

- A. The mayor or any other authority who lays off, suspends without pay, demotes, or removes any officer or employee in the classified service after a probationary period of six (6) months, shall, at that time or within two (2) days thereafter, deliver, or have delivered, or mail by registered, certified, or similar special mail, to the officer or employee a written statement of the reason or reasons for the layoff, suspension, demotion, or removal.
- B. Such officer or employee may appeal in writing to the personnel board. The appeal must be filed with the secretary of the board, or with the city clerk for transmittal to the board, within ten (10) days after receipt of notice of the layoff, suspension, demotion, or removal.
- C. As soon as practicable thereafter, the board shall hold a hearing on the appeal, or give an adequate opportunity therefor, and shall report in writing its findings and recommendations to the mayor or other authority who laid off, suspended, demoted, or removed the officer or employee. The mayor or other authority shall then make a final decision in writing regarding the appellant's layoff, suspension, demotion, or removal, as the case may be; provided, that, if the board finds that the layoff, suspension, demotion, or removal was made for a political reason or reasons or for any other reason or reasons than the good of the service, and the action by the mayor or other authority shall be nullified thereby.

Sec. 7-6. Nepotism.

Neither the mayor, the council, nor any other authority of the city government, may appoint or elect any person related to any councilman, to the mayor, or to himself, or, in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the city government; but this shall not prohibit an officer or employee already in the service of the city from continuing and being promoted therein.

Sec. 7-7. Bonds of officers and employees.

The mayor, the city treasurer, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Sec. 7-8. Oath or affirmation of office.

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to the oath or affirmation of office prescribed by the state constitution. The oath or affirmation shall be filed in the city clerk's office.

Sec. 7-9. Who may administer oaths and affirmations.

All officers authorized by federal or state law, the mayor, the city clerk, the municipal judge or judges, the chairman of the personnel board, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Sec. 7-10. Conviction of a felony to terminate office or employment.

If the mayor, a councilman, or other officer, or any employee of the city is convicted of a felony, his office or position shall become vacant immediately when the case is finally determined.

Sec. 7-11. Acting officers and employees; temporary appointments.

- A. The appointing or electing authority who may appoint or elect the successor of an officer or employee, may appoint or elect a person to act during the temporary absence, disability, or suspension of such officer or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such officer or employee shall act. The council by general ordinance may provide for a deputy to act in such a case.
- B. No temporary appointment made by the mayor shall require approval by the council, but the council by ordinance or personnel rules may limit the time which temporary appointees may serve.

Sec. 7-12. Regular appointive officers and employees; term.

All regular (that is, nontemporary) appointive officers and employees of the city except members and secretaries of boards, commissions, and other plural authorities, shall serve indefinite terms.

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Sec. 7-13. Officers to continue until successors are elected or appointed and qualify.

Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Sec. 7-14. Feminine gender.

When the masculine gender is used in this charter, it shall also include the feminine unless the masculine alone is clearly indicated.