THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 26, 2022

Subject: Resolution Affirming Personnel Policy Authority

Staff Resource(s): Shannon Barrett, HR Director; Brad Branham, City Attorney

Action Requested: Adoption of Resolution Affirming Personnel Policy Authority

Background:

- Under the Asheville City Charter, the City Manager possesses sole authority to hire, remove, and supervise all City employees.
- Under that authority, the City Manager may unilaterally adopt policies dealing with personnel matters such as retention and recruitment, discipline, ethics, vehicle use, and other subjects pertaining to employee administration.
- The City Council may adopt ordinances pertaining to personnel matters (pay plans, non-discrimination ordinance, etc.) not exclusively falling under the City Manager's authority.
- In addition, per the Civil Service Act, the Civil Service Board may adopt substantive personnel rules subject to City Council approval.
- In 1990 the City combined the then-existing City Manager adopted policies with the then existing-Civil Service Board rules and council-passed ordinances into a single personnel policy handbook.
- Although it was not necessary to do so, the City Council authorized that action in a resolution (90-129), and also authorized changes when the handbook was amended because of changes to the Civil Service Board's rules in 1999 (99-26).
- The handbook is now largely obsolete due to updated personnel policies and the repeal of nearly all Civil Service Board rules.
- Because Council authorized the handbook more than thirty years ago, it is appropriate that the City Council clarify and affirm the City Manager's authority with respect to personnel policies.

Pro(s):

- Provide clarity to City staff regarding which policies are applicable.

Con(s):

- None

Fiscal Impact:

- None

Suggested Motion:

- Motion to approve resolution affirming personnel policy authority.

Attachment(s)

- Resolution

RESOLUTION NO. 22-____

RESOLUTION AFFIRMING PERSONNEL POLICY AUTHORITY

WHEREAS, Section 19 of the City Charter provides that the City Manager is the Chief Executive Officer of the City; and,

WHEREAS, Section 24 of the City Charter provides that it shall be the duty of the City Manager to supervise the administration of the City's affairs; and,

WHEREAS, Section 20 of the City Charter provides that the City Manager possesses the power to appoint and remove all officers and employees in the administrative service of the City; and,

WHEREAS, Section 23 of the City Charter provides that, except for the purpose of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible through the City Manager; and,

WHEREAS, Chapter 757 of the 1953 Session Laws, as amended, authorizes the Civil Service Board of the City of Asheville to make and amend substantive rules, subject to City Council ratification, for promoting efficiency in the classified service of the City of Asheville; and,

WHEREAS, per N.C. Gen. Stat. § 160A-162, in cities with the council-manager form of government, the manager is responsible for preparing position classification and pay plans for submission to the council and, after any such plans have been adopted by the council, shall administer them; and,

WHEREAS, per N.C. Gen. Stat. § 160A-162, the City Council may purchase life, health, and other forms of insurance for the benefit of all or any class of City employees and their dependents, and may provide other fringe benefits for city employees; and,

WHEREAS, per N.C. Gen. Stat. § 160A-164, where not otherwise limited by law, including the City Charter, the City Council may adopt rules, regulations, and ordinances pertaining to personnel; and

WHEREAS, in 1990, the City combined the then-existing Civil Service Board rules, ordinance-mandated grievance procedure, and all other policies affecting personnel into a single document referred to as "the personnel policy"; and,

WHEREAS, that document was amended in 1999 upon the adoption of new Civil Service Board rules; and,

WHEREAS, the City Manager has subsequently enacted policies, rules, and procedures relating to personnel that modify or supersede policies contained in the consolidated personnel policy document; and,

WHEREAS, the City Council wishes to clarify and affirm the City Manager's authority with respect to policies affecting City personnel.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina law, the City Manager possesses, and has always possessed, full authority to set, amend, and repeal policies affecting City personnel, including any provision of the 1990 personnel policy document.

2. Such policies must conform to any applicable ordinance, substantive Civil Service Board rule, and/or pay plan ratified by the City Council.

Read, approved and adopted this 26th day of April, 2022.

City Clerk

Mayor

Approved as to form:

City Attorney