Civil Service Board Substantive Rules

Council Approval

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Civil Service Board Background

- Civil Service Act passed 1953
  - Applies only to the City of Asheville
- Today, two main functions
  - Review promotional criteria in Police and Fire Departments
  - Hear certain employee grievances

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2009 Civil Service Act Amendments

- Civil Service Act revised in 2009
  - Requires that CSB pass substantive rules, subject to amendment and adoption by the City Council.
    - Procedural rules adopted 2013
    - Subcommittee formed in 2014; rules were not finalized

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New Substantive Rules

- Lack of substantive rules not an issue for day to day administration
  - Employees operate under City Manager administrative and departmental rules.
- Clarity needed for how the CSB will resolve issues in grievance hearings.
  - Define common terms and clarify hearing standard.

New Substantive Rules

- 2020 Civil Service Board and City staff collaborated on development of Substantive Rules
  - Engaged proactively with employee associations
  - Agreement that engagement should value accountability and respect for employees' due process rights.

Definitions

- Classified Service - city personnel as defined in the Civil Service Act, which includes personnel below the Assistant Department Director level.

Definitions

- Demotion - Involuntary and permanent reassignment into a position in a lower pay grade
- Discharge - Involuntary and permanent separation from employment with the City due to violation of a City policy or unsatisfactory work performance
- Entitled - An absolute right to a promotion or a raise in pay automatically due an employee based on specified criteria, *i.e.* time in service, educational attainment, etc.

Definitions

- Suspension - Involuntary and temporary unpaid leave of more than fourteen calendar days.

- Transfer - Involuntary and permanent reassignment into a position in a different City department.

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Definitions

- Due Process - Notice of allegations and an opportunity to be heard by a department director prior to a decision, and if the employee utilizes a disciplinary matrix, discipline that accords with that matrix

- Probationary Employees - Newly hired, rehired, promoted, or voluntarily transferred employees are probationary employees for 365 calendar days

Hearing Standards

- Grievance Hearing Standards
  - Justified
    - Two Part Test
      - Employee received due process, *and*
      - Employee violated a City or departmental policy, rule, or code of conduct, according to abuse of discretion standards
    - *Abuse of discretion* - a decision that is clearly unreasonable, erroneous, or arbitrary.

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Questions?

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