



Text File

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Committee: Committee on Finance and Law

Status: Passed Finally

Ordinance amending the Pittsburgh City Code, Article VII, Personnel, Chapters 701 and 702; Title One, Administrative, Article III, Chapters 111, 116, 140 and 145; Title One, Administrative, Article V, Chapter 152; Title One, Administrative, Article VII, Chapters 161 and 170; Title One, Administrative, Article IX, Chapters 174A, 176A, 177A, 177C, 178C, and 179; and Title One, Administrative, Article XI, Chapters 180, 182, 186, 190, 197, and 199, to establish the Department of Human Resources and Civil Service to encompass current Department of Personnel and Civil Service Commission employees, responsibilities, and functions in order to adjust the name of the Department to better reflect its current functions and to clarify the roles, responsibilities, and functions of its Director.

WHEREAS, Section 208 of the City of Pittsburgh's Home Rule Charter permits units of government to be established by ordinance submitted by the Mayor or City Council; and

WHEREAS, Article I, Section 102 of the Charter defines "unit of government" as including "any subdivision of City government including any department, bureau, division, board, commission or magistrate court;" and

WHEREAS, the Department of Personnel and Civil Service was created under Chapter 111 of the City Code and has since actively served the needs of the City relating to employees; and

WHEREAS, the term "personnel" was largely replaced by "human resources" in describing professions that serve employee needs in the late 1980s; and

WHEREAS, the term "personnel" refers to a different understanding of employee services (i.e. hiring, firing, payroll, and benefits) which does not accurately describe the City of Pittsburgh's human resources model, which encompasses a strategic approach to servicing, staffing and supporting City operations through activities including performance evaluations, training and development, and other employee management practices; and

WHEREAS, the Mayor now wishes to change the name of the Department of Personnel and Civil Service Commission to the Department of Human Resources and Civil Service to encompass the employees, responsibilities, and functions of the Department of Personnel and Civil Service Commission; and

SEE ATTACHMENT

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1.

Article VII- ~~Personnel~~ Human Resources

Chapter 701- ~~Personnel~~ **Human Resources** System

The mayor shall propose a personnel system to council for approval and adoption by ordinance. The system shall be uniform for all employees. It shall include written procedures for appointment, promotion and removal based on merit and fitness as demonstrated by examination or other evidence of competence, with due consideration for seniority, insofar as permitted by law. Appointments, promotions and removals of subordinate officers and employees within major administrative units shall be made by the major administrative unit head on the basis of the system adopted. The right of collective bargaining for employees is recognized in accordance with law.

Section 2.

Chapter 702- Appeals Board

The personnel system shall include an appeals board which, unless changed by ordinance, shall consist of three persons: one appointed by the mayor, one by council and one by the controller. Appeals board members shall be removed only for just cause and with the approval of two of the three appointing authorities.

Section 3.

Chapter 111- ~~Departments~~ Generally

111.01- ~~Establishment; Rules and Regulations; Organization and Control.~~

(a) *Establishment.* The following executive departments are hereby established:

- (1) Office of the Mayor;
- (2) Bureau of Neighborhood Empowerment;
- (3) Office of Management and Budget;
- (4) Department of Innovation and Performance;
- (5) Office of City Controller;
- (6) Department of Finance;
- (7) Department of Law;
- (8) Department of ~~Personnel~~ **Human Resources** and Civil Service;
- (9) Department of City Planning;
- (10) Department of Permits, Licenses, and Inspections;
- (11) Department of Public Safety;
- (12) Bureau of Emergency Medical Services;
- (13) Bureau of Police;

- (14) Bureau of Fire;
- (15) Bureau of Animal Care and Control;
- (16) Department of Public Works;
- (17) Department of Parks and Recreation.
- (18) Department of Mobility and Infrastructure.

Section 4.

Chapter 116_ Department of Public Safety

116.02- Powers and Duties of Bureau Chiefs and Director of Public Safety.

III. Domestic Abuse Policy for the Bureau of Police:

(G) Early Warning and Intervention.

7) Director of Public Safety Responsibilities:

- (b) The Director shall insure personnel records, including reports of domestic violence and abuse while off of the job, are [to] be maintained by the Bureau of Police and/or Department of ~~Personnel~~ **Human Resources and Civil Service** for a period of at least ten (10) years post termination.

Section 5.

Chapter 140_ Department of Aging

140.03- Transfer of Departmental Powers, Duties and Functions.

(a) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or extended by the Department of Parks and Recreation in connection with the powers, duties or functions exercised under this act by the Department on Aging are hereby transferred to the Department on Aging with the same force and effect as if the appropriations had been made to and such items had been the property of the Department on Aging in the first instance and as if such contracts, agreements and obligations had been incurred or entered into by the Department on Aging.

(b) All job positions currently dedicated to aging services and programs under the Department of Parks and Recreation are subject to reorganization in order to affect the duties and purpose of the Department on Aging. All personnel reorganization shall be in compliance with the rules and regulations of the Department of ~~Personnel~~ **Human Resources** and Civil Service.

(Ord. 18-1992, eff. 5-7-92)

Section 6.

Chapter 145_ Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~

145.01- ~~Personnel Director~~ **Director of Human Resources and Civil Service** as Head

The Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ shall be under the charge of a Director, who shall be the head thereof.

145.02- Organization

The Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ shall be organized as provided in 180.04 <https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTXIPE_CH180PEAD_S180.04OR>.

145.03 - Powers and Duties of ~~Personnel Director~~ **Director of Human Resources and Civil Service**

The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall have the powers and duties as set forth in Chapter 180 of this Title.

Section 7.

Chapter 152: - Regular and Special Meetings.

152.01 - Special Meetings with the Act 47 Coordinator and Oversight Committee Board- Financial Status Report.

(a) Legislative intent. The purpose of these meetings is to establish a clear picture of the city's financial position; promoting strong lines of communication between all parties responsible for the financial well being of the City of Pittsburgh and, to give the public as much access as possible to the response to the management of the city's financial crisis.

(1) Financial status report meetings. During the time that the City of Pittsburgh is either declared financially distressed pursuant to the act of July 10, 1987 (P.L. 246, No. 47), known as the Municipalities Financial Recovery Act, (Act 47) and/or during the term that an Intergovernmental Cooperation Authority For Cities of the Second Class (ICA) is established pursuant to the act of February 12, 2004 (P.L. 53, No. 11) known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class (Act 11) there shall be a publicly televised meeting held in City Council Chambers between the following parties:

- A. Members of Council of the City of Pittsburgh ("Council")
- B. Mayor, and/or the Mayor's Executive Secretary for Policy & Development ("Mayor")
- C. City Controller
- D. Intergovernmental Cooperation Authority Governing Board representative ("ICA")
- E. 47 Coordinator representative ("Coordinator")

The Members of Council, the Controller and the Mayor, under the City of Pittsburgh Home Rule Charter, Article 3, Section 310 (f), are compelled to attend these meetings. While the City lacks direct legislative authority over the ICA and the 47 Coordinator, their participation is considered to be voluntary

but in the best interest of the people of Pittsburgh.

The President of the Council of the City of Pittsburgh shall determine the time and date of the meetings. The President of Council shall chair the meeting.

There shall be at least one (1) meeting every five (5) weeks. However, the president of council is empowered to convene such meeting more frequently if it is determined by the president that additional meetings are warranted.

No legislation shall be introduced nor shall there be any deliberations of any legislation pending in council.

Agenda

The agenda for the meeting shall include but not be limited to the following subjects:

Finance report - General

| | | |
|---------------------|-----------|------------------------|
| Actual Revenue | Projected | +/- from budget target |
| Actual Expenditures | Projected | +/- from budget target |
| Cash Position | Projected | +/- from budget target |
| | | |
| Departmental | | |
| Revenues | Projected | +/- from budget target |
| Expenditure | Projected | +/- from budget target |
| | | |
| Employees | | |
| Budgeted | | |
| Full Time | Part Time | |
| Actual | | |
| Full Time | Part Time | +/- from budget target |

Act 47 Requirements

Mayors Budget Office Report on Non-Discretionary Spending

Discretionary Spending Freeze

Director Approvals for + \$1,000.00

Finance Director Approvals for + \$5,000.00

List of non-discretionary items

Spending Plan for each department

2004 Budget

Alternative crisis spending plan

Department on target

Department exceeding target

Personnel Director's **Director of Human Resources and Civil Service's** Report

Hiring Freeze Requirement

Hiring and Termination Report (by Department)

Employee head count by Department

F/T (seasonal and year round)

P/T (seasonal and year round)

Approvals for overtime (by Department/position/reason)

Major Unforeseen Events Report (description of the event and cost)

Employee Benefits

Workers Compensation costs

Pension Status - funding status

Self Insured Health Insurance Status - UPMC/Select Blue

Disability Insurance

Capital Budget

Inventory of each General Obligation and Pension Bond describing term, callable/non-callable

feature, par value, principal and interest value. Refinance options.

Total Capital Debt Analysis - i.e., debt payment percent of operating cost, weighted average maturity and weighted average interest cost.

2004 Capital Projects

2004 Terminated Capital Projects

Authorities

Financial accounting position of the authorities

Employee report

Bonded Indebtedness

Intergovernmental Cooperation Authority Update

Findings to date

Current areas of examination

Contracts approved

Interim Recommendations

The agenda may include other items related to the financial condition of the city as determined by the President and/or the majority of the members of Council.

(Ord. 6-2004, § 1, eff. 4-26-04)

Section 8.

Chapter 161- Contracts

161.16- Required Provisions in Contracts.

(a) Charter and liability limit. Every contract shall contain a clause that it is subject to the provisions of the Charter, and that the liability of the City thereunder is limited to the amounts which have been or may be, from time to time, appropriated therefor.

(b) Workers' compensation and occupational disease acts. Every contract which pertains to the performance of work involving the employment of labor shall contain a clause that the contractor has accepted the provisions of the Workers' Compensation and Occupational Disease Acts, as amended and supplemented, insofar as the work covered by the contract is concerned, and that the contractor has insured its liability thereunder in

accordance with the terms of such Acts or has duly filed a proper certificate of exemption from insurance with the Pennsylvania Department of Labor and Industry.

(c) Human relations ordinance. Every contract shall contain a clause requiring the contractor to comply with the Human Relations Ordinance provisions specified in Chapters 651 to 659 of the Conduct Title and to require the contractor to include a similar clause in all subcontracts.

(d) Compliance with laws. Every contract shall contain a clause that the contractor shall fully obey and comply with all laws, ordinances, resolutions and administrative regulations duly made in accordance therewith, which are applicable to the work done under such contract.

(e) Every contract shall contain a provision stating that the contractor and all of its subcontractors shall pay at least the applicable prevailing wages as shall have been determined by the City Controller pursuant to the City of Pittsburgh Service Worker Prevailing Wage Ordinance, Title I, Article VII, Section 161.38(I)(B), and as shall have been determined by the Secretary of Labor and Industry to the workers employed in the performance of any contract for public work subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961, P.L. 987, No. 442, as amended August 9, 1963, P.L. 653, No. 342, 43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004), and the regulations issued pursuant thereto. Every contract shall contain a provision stating there may be withheld from any sums due to the contractor or subcontractor so much as may be necessary to pay the workers employed in the performance of any contract subject to City of Pittsburgh Service Worker Prevailing Wage Ordinance, Title I, Article VII, Section 161.38

<https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTVIIPR_CH161CO_S161.38CIPSEWOPRWAOR>(I)(B), or for public work

subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961, P.L. 987, No. 442, as amended August 9, 1963, P.L. 653, No. 342, 43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004), and the regulations issued pursuant thereto the difference between the wages required by the contract to be paid and the wages actually paid to such employees, and the City Controller may make such payments directly to the appropriate workers.

The prevailing minimum wages for each craft classification of workers needed to perform the contract subject to the City of Pittsburgh Service Worker Prevailing Wage Ordinance, Title I, Article VII, Section 161.38 (I)(B), and the public work contract subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961 P.L. 987, No. 442, as amended August 9, 1963, P.L. 653, No. 342, 43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004), and the regulations issued pursuant thereto shall be incorporated into and made a part of the contract.

Every contract shall contain a provision stating the contractor shall require all subcontractors to comply with and be bound by all provisions of this section as if they, themselves, were contractors.

Every contract shall contain a clause that requires a contractor to comply with § 197.08(c).

(f) Where contracts are entered into pursuant to oral bids or comparison of prices, as provided in § 161.04

<https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTVIIPR_CH161CO_S161.04QUPRPU30000.00LE>, they shall be deemed to

contain the foregoing provisions.

(g) Every contract for the purchase, lease, rental or taking on consignment of goods or products shall contain a provision stating that the contractor certifies that none of their goods or products were made under sweatshop conditions as defined in § 161.02(e) of this Chapter.

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(h) Every contract shall contain a provision stating that the contractor and all of its subcontractors shall comply with Chapter 181, ~~Personnel~~ **Human Resources**, at § 181.12(b), subject to exceptions for public safety agreements/contracts and those entered into with other political jurisdictions, the Commonwealth of Pennsylvania or the United States of America. Any other exceptions shall be made only at the City Solicitor's recommendation, and then only with the Mayor's written approval. Any such recommendations and approvals shall be attached to the contract and filed with the City Controller's Office and the City Clerk.

This subsection also applies to contracts and agreements the City enters into with instrumentalities of the Commonwealth for which the City is the parent agency with the exception of those instrumentalities which are multi-municipal (i.e., Allegheny County Sanitation Authority; Sports and Exhibition Authority for Counties of the Second Class; Steel Valley Authority and the Southwestern Pennsylvania Commission).

(Ord. 7-1990, eff. 5-23-90; Am. Ord. 25-1992, eff. 6-23-92; Am. Ord. 32-1997, eff. 10-16-97; Ord. 21-2004, § 5, eff. 12-2-04; Ord. No. 1-2010, § 1, eff. 2-18-10; Ord. No. 25-2012, § 1, eff. 12-31-12)

Section 9.

Chapter 170- Fees

170.04- Fees for Civil Service Examinations.

The Director of the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ is hereby authorized to establish and implement a fee to be paid by individuals who take Civil Service examinations so long as such fee does not violate a collective bargaining agreement.

The fee shall be calculated not to exceed the cost to the City of administering such examinations.

(Ord. 26-1998, eff. 12-31-98)

Section 10.

Chapter 174- The Pittsburgh Land Bank

174A.05 - Board of Directors.

(a) Board of directors. The land bank shall be governed by a board of directors, comprised of nine (9) board members. Three (3) members of the board shall be appointed by the mayor; three (3) members of the board shall be appointed by the three (3) members of city council representing the districts with the most distressed and vacant parcels, and three (3) community members of the board shall be elected by majority vote of the other board members. Of the three (3) members elected by the board, the first member shall be a resident of one (1) of the top three (3) most

distressed council districts. The second member shall be a resident of one (1) of the fourth through sixth most distressed districts. The third member shall be a resident of one (1) of three (3) least distressed districts. The three (3) community board members elected by the board of directors shall be approved and seated within thirty (30) days of the six (6) appointed board members being seated. An audit will be performed every three (3) years after the initial land bank board is instated to determine which are the districts with the most distressed and vacant parcels.

(b) Board size adjustment. The size of the board may be expanded to up to eleven (11) board members in accordance with the bylaws of the land bank and intergovernmental cooperation agreements with any municipality or taxing jurisdiction which provides for membership on the board. No adjustment to the board size shall be effective unless approved by city council.

(c) Qualifications. Members shall meet the following qualifications:

(1) All board members shall live in the City of Pittsburgh, until such a point that the land bank is expanded to other municipalities.

(2) The three (3) board members appointed by the mayor shall have the following expertise: one (1) appointee shall have expertise in planning; one (1) appointee shall have expertise in financial management; and one (1) appointee shall be a licensed real estate professional.

(3) The three (3) board members appointed by city council shall have expertise in community development and/or community organizing.

(4) The board members shall reflect geographic diversity, with at least one (1) representative of each of the city's regions (north, south, east, west, and central) serving on the board.

(d) Interim board.

(1) The land bank shall initially be governed by an interim board of directors comprised of nine (9) members.

(2) Term limit. Interim board members shall serve terms of three (3) months, or until all the members of the initial board have been appointed pursuant to Section 174A.05.

(3) The land bank's interim board shall draft policies and procedures that they shall submit to the initial board of directors.

(4) The land bank's interim board members are hereby appointed as follows:

- (a) Matthew Barron
- (b) Richard Carrington
- (c) Shawn Carter
- (d) Ronell Guy
- (e) Jerome Jackson
- (f) Llyod Hedlund
- (g) Kim Salinetto
- (h) Barb Valaw
- (i) Dan Wood

(e) Terms. Initial land bank board of director members shall serve the following terms:

(1) One (1) appointee of the mayor, of the city council, and of the board shall serve for one (1)

year;

(2) One (1) appointee of the mayor, of the city council and of the board shall serve for two (2) years;

(3) One (1) appointee of the mayor, of the city council, and of the board shall serve for three (3) years.

(4) After the initial term, each member of the land bank shall serve for three (3) years, unless otherwise enacted by vote of the land bank.

(f) Officers. The members of the board shall elect annually from among their members a chair, vice-chair, secretary, treasurer and other officers as the board determines.

(g) Rules. The board shall establish rules in accordance with Section 2105(d) of the Land Bank Act.

(h) Meetings. The initial board shall conduct its first meeting no later than thirty (30) calendar days after the board is appointed. The board shall meet in regular session monthly. Regular session shall be public cablecast meetings, and the board shall make each meeting's agenda available on the land bank's website at least ten (10) business days in advance of such a meeting, and shall allow for public comment on matters up for deliberation at each such public meeting. The board shall meet in special session as convened by the chair, or upon written notice signed by a majority of the members pursuant to Section 2105(g) of the Land Bank Act. Quorum is a simple majority of the board members then in office, excluding vacancies. Physical presence is required in accordance with Section 2105(g) of the Land Bank Act.

(i) Conflict of interest. The acts and decisions of members of the board and of employees of the land bank shall be subject to the Act of July 19, 1957 (P.L.1017, No. 451), known as the State Adverse Interest Act. The board may adopt supplemental rules addressing potential conflicts of interest.

(j) Removal. Board members serve at the pleasure of their appointing entity and may be removed by the appointing entity at any time with or without cause, or may be removed pursuant to any other provision of Pennsylvania law. For the purposes of this Chapter, the mayor, city council, and the land bank board constitute three separate appointing entities. Any individual or organization may submit recommendations for board membership to be considered in making appointments.

(k) Ethics. Board members and land bank employees are subject to 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and Pittsburgh Code, Title One: Administrative, Article XI: ~~Personnel~~ **Human Resources**, Chapter 197: Code of Conduct. The board shall adopt strict ethical guidelines for members of the board and land bank employees.

(l) Voting. All actions of the board shall be approved by the affirmative vote of a majority of the members of the board present and voting; provided, however, that on the following matters shall be approved by a majority of the entire board membership:

(1) Adoption of by-laws, policies and procedures, and other rules and regulations for conduct of the land bank's business;

(2) Hiring or firing of any employee or contractor of the land bank. This function may, by a majority vote of the total board membership, be delegated to a specific officer or committee of the land bank, under such terms and conditions and to the extent that the board may specify;

- (3) Incurring of debt;
- (4) Adoption or amendment of the annual budget;
- (5) Sale, lease, encumbrance, or alienation of real property, improvements or personal property.
- (6) Discharge and extinguishment of liens or claims for real property taxes owed on real property owned by the land bank.

A member of the board may not vote by proxy. A member may request a recorded vote on any resolution or action of the land bank.

(m) Board responsibilities. The board shall have all powers necessary to carry out and effectuate the purposes and provisions of this Chapter and the Land Bank Act, including, but not limited to, the powers set forth in Sections 2107 and 2117(a) of the Land Bank Act.

(n) Fiduciary duty. The members of the board are under a fiduciary duty to conduct the activities and affairs of the land bank in the best interests of the land bank, including the safekeeping and use of all land bank monies and assets. The members of the board shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(o) Compensation. The members of the board shall receive no compensation for the performance of their duties. A board member may engage in private or public employment, or in a profession or business, except to the extent prohibited by Pennsylvania law. The land bank may reimburse members of the board for actual and necessary expenses incurred in the discharge of their official duties on behalf of the land bank.

(p) Vacancies. A vacancy among the members of the board appointed under this Section, whether caused by the death, resignation or removal of a board member shall be filled by the original appointing authority within sixty (60) days of the creation of the vacancy, and if not filled within that time, the appointing entity shall have the authority to fill the vacancy. Upon removal under subsection (f), the position shall become vacant pursuant to Section 2105(e) of the Land Bank Act.

(q) Advisory committees. The board is authorized to create advisory committee(s) as it sees fit. (Ord. No. 10-2014, § 1, eff. 4-28-14)

Section 11.

Chapter 176A- Other Post Employment Benefit Trust

176A.03 - Composition.

The Board of Trustees of the OPEB Trust Fund shall consist of five (5) members, the Director of Finance, the Director of the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~, the City Solicitor, the City Controller, and the City Council President. The Finance Director shall serve as Chair and the Director of the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ shall serve as Vice Chair. In the event of a vacancy in the office of Chair, the Vice chair shall assume the office of Chair

until the vacancy is filled.

Trustees shall serve without compensation.

(Ord. No. 1-2012, § 1, eff. 2-14-12)

Section 12.

Chapter 177A- Equal Opportunity Review Commission

177A.09 - Determination of Good Faith Efforts.

(a) In the event of failure by a developer/contractor to meet the residency requirements of Chapter 161 of the City Code of Ordinances, the developer/contractor shall be given an opportunity to demonstrate that every good faith effort has been made to meet these requirements. In a proceeding in which such good faith is an issue, all the actions of the developer/contractor in seeking to comply with the requirements shall be reviewed and evaluated by the EORC in light of the criteria set forth below. Compliance with these conditions shall be monitored by the EORC.

(b) A developer/contractor's good faith efforts with regard to City Resident work force requirements shall be measured by:

(1) The developer/contractor's effort to actively solicit City Residents as members of the work force to be employed in connection with the Covered Contract and to solicit subcontractors employing City Residents.

(2) The developer/contractor's efforts to notify the EORC of opportunities for City Resident participation in proposed projects. The developer/contractor shall place notifications in area publications, including minority publications, and shall also notify nonprofit and community organizations regarding such employment opportunities.

(3) The consideration given by the developer/contractor for employment as journeymen, trainees, advanced trainees and apprentices to persons referred by any training source approved by the Department of ~~Personnel~~ **Human Resources and Civil Service**.

(4) The size of the developer/contractor's work force.

(Ord. 21-2004, §§ 5, 7, eff. 12-2-04; Ord. No. 22-2012, § 1, eff. 12-14-12)

Section 13.

Chapter 177C: Gender Equity Commission

177C.06 - Gender Equity Commission.

(a) Duties of the Gender Equity Commission.

(1) The Gender Equity Commission shall select the method for conducting the Gender Analysis of the City of Pittsburgh.

(2) The Gender Equity Commission shall be established to oversee and provide support for the Gender Analysis of the City of Pittsburgh.

(3) The Gender Equity Commission shall, based upon the equity disparities identified in the gender analyses, offer guidance to departments (bring in community or subject experts, seek out best practices, etc.) in the development of action plans.

(4) The Gender Equity Commission shall aid City departments in developing specific five-year and ongoing action plans based on the gender analysis and monitor and guide them in implementation.

(5) The Gender Equity Commission shall work with the Gender Equity Commission Executive Director to implement recommendations identified in the five-year action plan.

(6) The Gender Equity Commission shall work with appropriate city departments to take appropriate measures to protect women and girls from street harassment.

(7) Equity Commission shall review that the action plans, based on the gender analysis are consistent with the intent, purpose, and requirements of CEDAW.

(8) The Gender Equity Commission shall produce annual reports to Pittsburgh City Council.

(9) The Gender Equity Commission shall make annual funding recommendations to the Mayor and City Council.

(10) The Gender Equity Commission shall seek outside sources of funding to supplement Gender Equity Commission activities.

(b) Gender Equity Commission Members.

(1) The Gender Equity Commission shall be composed of at least thirteen (13) persons appointed by the Mayor and approved by City Council as follows:

- a. One (1) member representing the Mayor's Office;
- b. One (1) member representing City Council;
- c. One (1) member representing the Pittsburgh for CEDAW Campaign;
- d. One (1) member from the non-profit community working on gender equity issues;
- e. One (1) City resident who is active in gender equity issues;
- f. One (1) employee of the City knowledgeable about the City budget;
- g. One (1) member representing the Department of ~~Personnel~~ **Human Resources** and Civil Service;
- h. Six (6) members of the community, including, but not limited to:
 1. A member knowledgeable about economic development and/or employment issues;
 2. A member knowledgeable about women's health issues;
 3. A member knowledgeable about violence against women;
 4. Members active in minority communities;
 5. A member knowledgeable about City labor unions and women's issues in the workplace;
 6. A member knowledgeable about education and educational barriers facing girls and women in Pittsburgh.

(2) The Mayor may also appoint, subject to the approval of City Council, additional persons to the Commission who may offer additional knowledge or fundraising capacity to gender equity work in the

City of Pittsburgh.

(3) Each City department shall designate a management-level employee to serve as a liaison to the Gender Equity Commission.

(c) Gender Equity Commission process.

(1) The Commission shall meet in regular session monthly and shall conduct its first meeting no later than thirty (30) calendar days after its members are appointed.

(2) Meetings of the Commission shall be public and shall be advertised in a manner designed to ensure full and meaningful public participation in Commission decisions.

(3) The Commission shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a summary of the matters that will be under consideration.

(4) The Commission shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within seven (7) days.

(d) Gender Equity Commission member attendance requirements.

(1) All members of the Commission are required to attend all sessions of the Commission.

(2) In the event that any member misses more than two (2) regularly scheduled meetings without the prior notice to Gender Equity Commission, the Executive Director or her or his designee shall certify in writing to the Mayor that the member has missed two (2) meetings.

(3) On the date of such certification, the member shall be deemed to have resigned from the Gender Equity Commission. The Executive Director or her or his designee shall then request the appointment of a new member.

(Ord. No. 34-2016, § 1, eff. 12-13-16)

177C.07 - Training.

The Gender Equity Commission shall work with the Department of ~~Personnel~~ **Human Resources** and Civil Service to offer trainings in issues related to gender equity.

(Ord. No. 34-2016, § 1, eff. 12-13-16)

Section 14.

Chapter 178C- Sustainability Commissions

178C.03- Membership.

The Commission shall consist of eleven (11) members. The positions shall be filled as follows:

(a) One (1) member shall be the Sustainability Coordinator.

(b) One (1) member shall be the Energy and Utilities Manager.

(c) One (1) member shall be the Recycling Supervisor.

- (d) One (1) member shall be the Urban Forester.
- (e) One (1) member shall be a member of the Council appointed by the Council President.
- (f) One (1) member shall be a member of the Department of Finance.
- (g) One (1) member shall be a member of the Department of Public Works.
- (h) One (1) member shall be a member of the Bureau of Building Inspection.
- (i) One (1) member shall be from the Department of City Planning.
- (j) One (1) member shall be from the Mayor's Office.
- (k) One (1) member shall be from the Department of ~~Personnel~~ **Human Resources and Civil Service**.
(Ord. No. 29-2009, eff. 11-23-09)

Section 15.

Chapter 179- Commission on City Archives

179D.01 - Definitions.

- (a) Record(s). Any City-produced book, paper, report, presentation, photograph, map, application or other documentary material, regardless of physical characteristic, deemed appropriate by the Commission for preservation.
- (b) Departments. Departments of the City of Pittsburgh that are required to create their own archival plan: Public Works, Finance, City Planning, Public Safety, City Council, Mayor's Office, City Information Systems, Law, ~~Personnel~~ **Human Resources and Civil Service**.
- (c) Archive Plan. A plan created and implemented by each City department, overseen by the Commission on City Archiving that will preserve and make accessible records from each department. Once approved by the Commission, it becomes the City policy.
- (d) Department Representative. The Department Head or her/his designee shall sit on the Commission.
(Ord. No. 19-2012, § 1, eff. 10-2-12)

Section 16.

Article XI: ~~Personnel~~ **Human Resources**

Chapter 180- ~~Personnel~~ **Human Resources** Administration

180.01 - Definitions.

As used in this Chapter, certain terms are defined as follows:

- (a) Noncareer service. Includes those positions in the unclassified service as defined in Section 7 of the General Civil Service Statute (53 P.S. Sec. 23439) and additional positions as designated by this Chapter.

The noncareer service shall include the following positions:

- (1) All elected officials.
- (2) All executive secretaries or assistants to the Mayor, one (1) clerical secretary to each executive secretary and one (1) private secretary to the Mayor.
- (3) Administrative and Research Assistants to each Council Member, Legal Adviser to Council, the Budget Controller, Assistant Budget Controller, one (1) Budget Technician, Financial Analyst, as needed, the City Clerk, the Assistant City Clerk, one (1) Secretary to the City Clerk, one (1) Administrative Assistant, one (1) Supervisory Clerk and one (1) Systems Analyst Programmer III. (Ord. 1-1992, eff. 2-3-92)
- (4) The Deputy Controller, Controller's Engineer, Accounting Officer, Executive Secretary, Controller's Solicitor, one (1) private secretary to the Controller, Controller's Assistant Executive Secretary, Controller's Information Systems Manager, Payroll Audit Supervisor, Prevailing Wage Officer, Assistant Payroll Audit Supervisor, Accountant 3, Materials Supervisor and Assistant Accounting Manager.
- (5) All magistrates and members of statutory, Charter or ordinance boards, and commissions.
- (6) All department heads, (heads of major administrative units), deputy and assistant directors, superintendents, one (1) administrative assistant to each department head and one (1) secretary to each department head.
- (7) All attorneys in the Department of Law.
- (8) Part-time employees and employees whose employment does not exceed 180 days per year. (Ord. 23-1987, eff. 12-28-87)
 - (b) Career Service. All positions other than those listed as "noncareer service".
 - (c) General Civil Service Statute. The Act of May 23, 1907, P.L. 206, (53 P.S. Sec. 23431 et seq.), as amended, and any subsequent amendments thereto.
 - (d) Fire and Civil Service Statute. The Act of June 27, 1939, P.L. 1207 (53 P.S. Sec. 23491 et seq.) as amended, and any subsequent amendments thereto.
 - (e) Police Civil Service Statute. The Act of August 10, 1951, P.L. 1189 (53 P.S. Sec. 23531 et seq.) as amended, and any subsequent amendments thereto.
 - (f) ~~PERSONNEL DIRECTOR~~ **Director of Human Resources and Civil Service**. The head of the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~, as provided in Chapter 145.
 - (g) Where a position is named by title in this Chapter, it includes any change of title for the position which may hereafter be made.

(Am. Ord. 16-1995, eff. 7-19-95)

180.02 - Purpose.

The purpose of this Chapter is to establish a complete and exclusive system of ~~personnel~~ **human resources** administration based on merit principles and adapted to the requirements of the city. This system will insure that persons are recruited, appointed, promoted and retained on the basis of merit and demonstrated competence without regard to sex, race, religion or political affiliation, while giving full recognition to the City's affirmative

action plan and 704 of the Home Rule Charter.

180.04 - Organization.

(a) There is hereby created in the government of the City an additional executive department to be known as the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~, and shall be under the charge of a ~~Personnel Director~~ **Director of Human Resources and Civil Service** who shall be the head thereof and shall maintain and administer the merit-based ~~personnel~~ **human resources** system. The Director shall have the following powers and duties:

- (1) The power and authority to adopt, amend or rescind the rules and procedures as may be necessary for the proper administration of the ~~personnel~~ **human resources** system, and the rules shall be approved by the Mayor before they go into effect, but when so approved shall not be annulled or changed except by the ~~Personnel Director~~ **Director of Human Resources and Civil Service** with the approval of the Mayor. If the Mayor takes no action on the rule or amendment, submitted to him or her, within a period of ten (10) days from the date of its submission, then the rule or amendment shall be effective as though approved by the Mayor; and any ~~personnel~~ **human resources** rules or procedures adopted, amended or rescinded by the Director shall be supplement and subordinate and not be in conflict with Civil Service statutes, the Civil Service Commission, collective bargaining agreements, Appeals Board, or applicable laws, and notice of the adoption, amendment, recession, annulment and/or change of the rules and procedures shall be in writing, and must be transmitted and filed of record, with the City Clerk, before they shall become effective and/or changed; and
- (2) ~~The Personnel Director shall maintain~~ **Maintenance** of records of all employees; and
- (3) ~~Shall certify~~ **Certification of** payrolls to the Controller of all persons in the career service that they have been appointed in accordance with and are in compliance with the provisions of the Civil Service statutes and rules of the Civil Service Commission, this Chapter and other City ordinances or rules relative to employees and the rules established by the ~~Personnel Director~~ **Director of Human Resources and Civil Service**; and
- (4) **Any other duties assigned by the Mayor.**

(b) The ~~Personnel~~ **Human Resources and Civil Service** Department shall include the Civil Service Commission as provided in Section 2 of the General Civil Service Statute (53 P.S. § 23432) who shall retain the powers and responsibilities as described in Section 6 of the General Civil Service Statute (53 P.S. § 23436). The compensation of the Commissioners shall be fixed by Council on a per diem basis. The President of the Commission shall receive not less than five hundred dollars (\$500.00) per year and the Commissioners shall receive not less than two hundred fifty dollars (\$250.00) per year as provided in Section 2 of the General Civil Service Statute (53 P.S. § 23432).

(c) The ~~Personnel~~ **Human Resources and Civil Service** Department shall include an Appeals Board as provided in 702 <https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=HORUCHPIPE_ART7PE_S702APBO> of the Charter, which shall consist of three (3) persons: one (1) appointed by the Mayor to serve a term concurrent with the term of the Mayor; one (1) appointed by Council to serve a term concurrent with the term of the Controller; and one (1) appointed

by the Controller to serve a term concurrent with the term of the Controller. The members of the Appeals Board qualify by taking and filing an oath in accordance with 709 of the Charter. The compensation of the Appeals Board members shall be fixed by Council on a per diem basis.

(d) Except where otherwise provided in a collective bargaining agreement or arbitration award, the Appeals Board is authorized to hear and decide the following appeals: an appeal by a nonuniformed employee, at the option of the employee, from any disciplinary action by a major administrative unit head that the employee may now appeal to the Civil Service Commission; an appeal by a uniformed employee, at the option of the employee, from a decision of a trial board, as approved by the Mayor or by the City at its option, from a decision of a trial board as disapproved by the Mayor; and, CETA public service employees not covered by collective bargaining agreements or Civil Service Statutes shall have the right to appeal such disciplinary matters as described in the General Civil Service Statute to the Appeals Board.

(1) An appeal to either the Appeals Board or the Civil Service Commission shall be in lieu of appeal to the other body. The party appealing shall designate the body at the time of filing the appeal. The appeal shall be filed with the Director of ~~Personnel~~ **Human Resources and Civil Service**.

(2) Appeals of trial boards under this section shall be on the record before the trial board. In all appeals under this section, the Appeals Board shall have the power to affirm, reverse, increase or decrease the disciplinary decision of the major administrative unit head or trial board, as approved or disapproved by the Mayor.

(3) In conducting hearings, the Appeals Board shall have the power to administer oaths, issue subpoenas, receive relevant evidence and question witnesses.

(e) The Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ and Appeals Board shall consist of persons at compensation as may be fixed by annual resolution of the City fixing the number of officers and employees of all departments of the city, and the rate of compensation thereof, or as may be provided for in appropriate Federal Grant Programs, except that the clerks, examiners and employees of the Civil Service Commission shall receive salaries to be fixed by the Civil Service Commission and approved by the Mayor as provided in the General Civil Service Statute, and the expense of the office shall be provided for in the annual resolution making appropriations to pay the expenses of conducting the public business of the city, or as may be provided for in appropriate Federal Grant Programs.

180.05 - Staffing.

(a) Recruitment. All positions in the career service not filled by promotion or transfer shall be filled according to the following procedures. When there is a position to be filled in the career service, the department head will notify the ~~Personnel Director~~ **Director of Human Resources and Civil Service**. The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall make public announcement of the position to be filled along with the requirements and qualifications, the subject of any examination and other information deemed necessary by the ~~Personnel Director~~ **Director of Human Resources and Civil Service**. The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall make every effort to insure that all interested persons are informed and that qualified persons are attracted by utilizing distribution mechanisms such as the press, radio, television, professional associations, union organizations, civic groups, educational institutions and neighborhood

organizations as necessary to insure a sufficient number of qualified applicants. Applications received shall be retained for a period of one (1) year and may be used to fill similar positions that become available during that period. For federally-funded positions the ~~Personnel Director~~ **Director of Human Resources and Civil Service** may utilize the applications on file for the federal program or utilize the same recruitment techniques outlined above.

(b) Selection. When a vacancy arises in the career service and the department head desires that the position be filled, it shall be filled by promotion, whenever possible and in the best interests of the city, in accordance with the Civil Service statutes where applicable. The Civil Service Commission, in consultation with the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, shall establish the examinations to be used to determine the fitness and ability of applicants for appointment and promotion in the career service. The examinations used may be oral, written, performance, evaluation of education and experience, interviews, physical examinations, or any other appropriate measures. The Civil Service Commission, in consultation with the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, shall establish the weights for each part or parts of the examination. The examinations used shall be constructed for validity and shall be related to the duties and responsibilities of the position for which the applicant is being examined for appointment or promotion. After the appropriate examination procedures, the Civil Service Commission, in consultation with the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, shall prepare a list of eligible candidates. Although the Civil Service Commission should and is encouraged, to consult with the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, no advice and/or decision of the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, shall be binding on the Civil Service Commission. A limited number of the highest ranking eligibles shall be certified to the department head for selection and appointment in accordance with the applicable Civil Service statutes, ~~personnel~~ **human resources** rules and collective bargaining agreements, and the City's affirmative action plan. This Chapter shall not be construed to change the existing procedures whereby heads of major administrative units select and appoint employees within their respective units or offices.

(c) Probationary period. All original appointments to positions in the career service shall be for a probationary period as established by statute or collective bargaining agreement. During the probationary period the appointee may be dismissed as provided by the applicable Civil Service Statute, or if no Civil Service Statute is applicable, for "just cause" as defined in subsection (d) hereof. At the end of the probationary period, if the conduct or capacity of the appointee has not been satisfactory to the appointing officer, the appointee shall be notified in writing that permanent appointment shall not be made and the appointee's employment shall cease; if the notice is not given, retention of the appointee shall be equivalent to final appointment.

(d) Removal. Employees in the career service who have successfully completed the probationary period may be removed, discharged or demoted only for just cause. "Just cause" may be, but is not limited to:

- (1) Physical or mental disability; or
- (2) Absenteeism, delinquency, misconduct, incompetence, inefficiency or failure to maintain City domicile; or
- (3) Economy reductions, lack of work, abolition of position or reduction of federal, state or bond funds.

Nothing in the chapter shall limit the power of any officer to suspend a subordinate employee in

accordance with the provisions of Section 20 of the General Civil Service Statutes (53 P.S. Sec. 23453); nor shall this Chapter alter the disciplinary and removal procedures required by the Fire and Police Civil Service Statutes.

(e) All newly created positions of employment with the City shall be accompanied by a detailed description of job duties, qualifications and requirements.

(Ord. 3-1985, eff. 2-6-85)

Section 17.

Chapter 182- Job Sharing

182.08 - Regulations.

The Director of the Department of ~~Personnel~~ **Human Resources** and Civil Service ~~Commission~~ is hereby authorized to formulate and adopt additional regulations, policies and forms that he or she deems necessary to implement the provisions of this Chapter.

(Ord. 5-1992, eff. 2-25-92)

Section 18.

Chapter 186: Domestic Partnership and Common Law Spouse Benefits

186.07 - Registration and Fees.

1. The Department of ~~Personnel~~ **Human Resources and Civil Service** will keep a record of all declarations of mutual commitment and of all notices terminating a mutual commitment.

2. The fee for filing a declaration of mutual commitment shall be twenty-five dollars (\$25.00) (consistent with the prevailing fee for a marriage license), which entitles the persons filing the declaration of mutual commitment to two (2) certified copies of the official statement.

3. No fee will be charged for filing a notice terminating a mutual commitment.

4. An amendment to a declaration may be filed by a declarant with the Department of ~~Personnel~~ **Human Resources and Civil Service** at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a mutual commitment are filed with the declaration of mutual commitment to which they apply.

(Ord. No. 9-2008, § 1, eff. 6-26-08)

Section 19.

Chapter 190: Citywide Policy Against Domestic Violence

190.01 - Purpose.

Many of the principles originally espoused in Section 116.02

<https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTIIIOR_CH116DEPUSA_S116.02PODUBUCHDIPUSA>, Section III of this

Code regarding the commission of domestic violence against intimate partners and other family or household members by members of the Bureau of Police apply equally to all City employees. In order to reduce the likelihood of domestic violence acts being committed by any City employee, to assist City employees who have experienced domestic violence, and to ensure that the City's workplaces are safe environments, all Department Directors/Bureau Chiefs shall implement prevention strategies and establish and follow procedures for handling acts of domestic violence committed by their employees and for supporting employees who are victims of domestic violence according to the guidance set forth herein.

The Department of ~~Personnel~~ **Human Resources** and Civil Service is hereby directed to prepare and assist in implementing a Citywide Policy Against Domestic Violence ("Citywide Policy"). The goal of this policy will be to provide Directors, Supervisors, and all City employees guidance in addressing incidents where at least one (1) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank. Members of the Bureau of Police shall remain subject to the requirements of City Code Section 116.02, Section III only. This Chapter (and the corresponding Citywide Policy) shall apply only to those City Departments/Bureaus and corresponding employees outside of the Bureau of Police.

By enacting this Chapter, the City does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

(Ord. No. 13-2010, § 1, eff. 5-20-10)

190.02 - Citywide Policy Contents.

(a) The Citywide Policy shall offer a comprehensive, pro-active approach to domestic violence involving City employees with an emphasis on victim and workplace safety.

(b) The Citywide Policy shall delineate the City's unequivocal position against domestic violence.

(c) While prioritizing the safety and privacy of victims, the Citywide Policy shall be designed to address prevention through training practices as well as hiring practices designed to identify perpetrators, provide direction to supervisors for appropriate intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence committed by employees, and offer direction for conducting the subsequent administrative investigations for incidents of domestic violence committed by employees. Required components include:

A. Prevention and Training,

B. Early Warning and Intervention,

C. Domestic Violence Review Board,

D. Disciplinary Action for Employees who are Perpetrators of domestic violence consistent with the City's policy of progressive discipline up to and including termination,

E. Support for employees who are victims of domestic violence that includes confidentiality for reporting, time off and other reasonable accommodations, maintenance of benefits and any adjustments to payroll necessary for victim safety, and the commitment of no discrimination due to domestic

violence victim status,

F. Severability.

(d) If an employee is charged with a qualifying Crime of Domestic Violence (CDV) or is the defendant in a protection order in which protective relief has been granted, the Director of Public Safety, and/or the Director of Operations, the applicable Department Director/Bureau Chief, City Solicitor and Director of ~~Personnel~~ **Human Resources and Civil Service** shall be consulted immediately for an assessment of what, if any, impact such charge or protection order may have regarding continued employment or duty assignment in accordance with applicable law and working agreements. For purposes of this Chapter, a "qualifying" CDV shall:

1. Include any state or federal crime alleged to have been committed against a family or household member that is a misdemeanor or felony with an element of: use, or attempted use of physical force, or use or threatened use of a deadly weapon; and
2. Include a right to counsel or knowing and intelligent waiver.

(e) Employees found guilty of a qualifying Crime of Domestic Violence as defined in this Section may be subject to discipline up to and including termination.

(Ord. No. 13-2010, § 1, eff. 5-20-10)

190.04 - Responsibilities of Applicable Directors and Bureau Chiefs.

(a) With oversight from the Director of Public Safety and the Mayor's Director of Operations, all Directors and Bureau Chiefs shall take proactive steps to ensure that all City employees are familiar with the provisions of this Chapter and the Citywide Policy and shall work together with applicable personnel to vigorously enforce its provisions.

(b) Instruction concerning the dynamics of domestic violence and available legal remedies and resources shall be made part of the orientation and training for all new City employees and shall continue throughout employment. Current employees shall receive training through mandatory attendance at a Domestic Violence Awareness Training Session administered by the Department of ~~Personnel~~ **Human Resources** and Civil Service.

(c) The applicable Director/Bureau Chief shall ensure that personnel records of City employees who have committed acts of domestic violence, including reports of domestic violence and abuse while off of the job, are maintained by the applicable Department Bureau and/or Department of ~~Personnel~~ **Human Resources and Civil Service** for a period of at least ten (10) years post-termination of any employee under this Chapter.

(Ord. No. 13-2010, § 1, eff. 5-20-10)

190.05 - Employee Domestic Violence Review Board.

(a) The Director of ~~Personnel~~ **Human Resources** and Civil Service will establish the Employee Domestic Violence Review Board (EDVRB) consisting of the following members to review all City employee involved domestic violence related incidents:

Mayor or his/her designee.

Director of Public Safety or his/her designee.

City Solicitor or his/her designee.

Director of the Department of ~~Personnel~~ **Human Resources** and Civil Service or his/her designee.

A representative from an area organization with an expertise in domestic violence.

City-contracted Psychologist.

(b) In addition to meeting after specific incidents, the EDVRB members shall meet once a quarter to review all Citywide domestic violence incidents and PFA/qualifying protection orders.

(c) Other than for convictions of CDVs as described in Section 190.02 in which termination is ordered, the applicable Department Director and/or Bureau Chief will retain the authority to follow the normal course of departmental/bureau disciplinary action against an employee who has been involved in a domestic violence related incident.

(d) The EDVRB will review all available information pertaining to the City employee involved in domestic violence related incident(s).

(e) The EDVRB shall serve in an advisory capacity by presenting findings and making recommendations to the applicable Department Director or Bureau Chief.

(f) The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.

(g) While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Department Director or Bureau Chief.

(Ord. No. 13-2010, § 1, eff. 5-20-10)

Section 20.

Chapter 197- Code of Conduct

197.16 - Penalties.

(a) When determining the appropriate penalty, the following should be considered: the severity of the subject's offense; the position and responsibilities of the subject; the presence or absence of any intention on the part of the subject to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern. Another consideration is whether the subject has depended on advice of counsel, but this cannot be used as a defense against the finding of a violation; only formal advice of the Ethics Officer or Ethics Hearing Board may be considered as a defense, per Section 197.13.

(b) All decisions regarding disciplinary action require the majority of the Ethics Hearing Board at large, including members of the Probable Cause Panel (an affirmative vote of five (5)).

(c) Upon any violation of the City provisions, including the undertaking of wrongful acts as described above, one (1) or several of the following penalties shall be available to the Ethics Hearing Board for imposition:

(1) Admonition. In compliance with existing ~~personnel~~ **human resources** practices, collective bargaining agreements and/or statutes, a letter to the subject, the Mayor, the Director of the Department in which the subject is employed, if any, and the complainant, if any, indicating that the subject has been found to have violated the City provisions;

(2) Public censure. In compliance with existing ~~personnel~~ **human resources** practices, collective bargaining agreements and/or federal, state and local laws, notification to the subject, the Mayor, the Director of the Department in which the subject is employed, if any, and the complainant, if any, indicating that a violation of the City provisions took place and that the Board strongly disapproves of the actions by public officials, public employees or any person covered under this Code, and in cases of violations of the campaign finance regulations set forth in Chapter 198, the candidate for City elected office must attest to a statement corroborating the content and subject matter of the public censure and accepting responsibility for the actions that led to the public censure;

(3) Recommendation to the Mayor of suspension. Recommendation of suspension, without compensation, in compliance with existing ~~personnel~~ **human resources** practices, collective bargaining agreements and/or federal, state and local law, with notification to the subject, the Director of the Department in which the subject is employed, if any, and the complainant, if any;

(4) Recommendation to the Mayor of termination. Recommendation of termination, in compliance with existing ~~personnel~~ **human resources** practices, collective bargaining agreements and/or federal, state and local laws, with notification to the subject, the Director of the Department in which the subject is employed, if any, and the complainant, if any;

(5) Reimbursement of financial gain. Any person who realizes financial gain by way of a violation of any provision of the City Code, in addition to any other penalty provided by the law or this Chapter, shall pay into the Treasury of the City a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized;

(6) Debarment. Any public official, public employee, person, corporation, company or other covered entity found to have participated in or benefitted from a violation of this Chapter, may be barred from participating in business dealings with the City for a period of time to be determined by the Board, in addition to being subject to any other penalty deemed appropriate by the Board; and

(7) A fine of up to one thousand dollars (\$1,000.00), per violation, to be paid into the City Treasury. In the case of fines related to violations of the campaign finance regulations, the Ethics Hearing Board may levy fines in accordance with the regulations set forth in Chapter 198 of this Code.

(8) In cases where the violation of this Chapter is also a violation of federal or state law, the matter shall be turned over to the proper authority for criminal prosecution.

(Ord. 28-1990, eff. 11-28-90; Am. Ord. 28-1991, eff. 7-19-91; Ord. No. 37-2015, § 6, eff. 10-28-15)

Section 21.

Chapter 199: Performance Evaluation Program

199.01 - Organization.

(A) The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall be responsible for administration of the Performance Evaluation Program described in this Chapter.

(B) The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall determine who performs each evaluation described in this Chapter. However, only individuals actually able to observe job performance shall be permitted to make evaluations.

(Ord. 28-1995, eff. 10-24-95)

199.03 - Program Description.

(A) All City employees subject to this Chapter shall, on an annual basis, participate in performance evaluations selected by the ~~Personnel Director~~ **Director of Human Resources and Civil Service**, which may include:

- (1) Written self performance evaluation;
- (2) Written performance evaluation by supervisor;
- (3) Written upward performance evaluation by supervisor; and
- (4) Oral performance evaluation interview between supervisor and employee.

(B) Performance evaluations shall not be used as a basis for demotion, termination or any other adverse change in employment status. Performance evaluations shall be a consideration in promotions and other positive changes in employment status. Performance evaluations shall also be used to determine the need for additional training/education, to plan for improvement of future performance, to praise achievements and to point out deficiencies.

(C) A written response may be made by the individual who has been evaluated.

(D) Except as set forth in division (E), the written performance evaluations and any written response shall be retained in the employee's personnel file and be available for inspection by him/her.

(E) If the program selected by the ~~Personnel Director~~ **Director of Human Resources and Civil Service** includes written upward performance evaluations, they shall be submitted only to department directors and shall be treated as highly confidential. The written upward performance evaluation shall not be signed nor should the employee doing the evaluating be otherwise identified. Department directors shall compile information from all of the supervisors upward performance evaluations into a summary and then destroy these written evaluations. The summary shall be a part of the director's performance evaluation of the supervisor.

(Ord. 28-1995, eff. 10-24-95)

199.04 - Rules and Procedures.

(A) The ~~Personnel Director~~ **Director of Human Resources and Civil Service** shall have the power and authority to adopt, amend or rescind such rules and procedures as may be necessary for the proper administration of the chapter.

(B) The Director shall adopt rules and procedures, which shall include:

- (1) Forms required for performance evaluations and response.
- (2) Deadlines for completion of each evaluation in a reasonable time frame.
- (3) Written instructions and mandatory classes on conducting the evaluations.
- (4) A program for participation by seasonal and part time employees.
- (5) A prohibition against the use of any characteristic unrelated to job performance (e.g. political affiliation, political beliefs, political activity, political inactivity, age, race, sex, sexual orientation, religious beliefs) unless it is a bona fide occupational qualification.

(Ord. 28-1995, eff. 10-24-95)