

March 11, 2009

**S 556. ASHEVILLE CITY CIVIL SERVICE BOARD.** Filed 3/11/09. *TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.*

Amends Section 2 of SL 1953-757, as amended, to provide for the membership, administration, and meeting times for the Asheville Civil Service Board (Board). Enacts a new Section 8.1 to SL 1953-757, as amended, to authorize that the Board may by majority vote designate independent legal counsel to advise or represent the Board. Amends Section 10 of SL 1953-757, as amended, to make it a misdemeanor punishable by a maximum \$500 fine for any person to willfully or deliberately violate the Asheville Civil Service Law. Provides that any city employee or official who threatens or intimidates other employees from exercising their rights under this act or Civil Service Rules is subject to discipline by the city, including dismissal from employment. Provides that the remaining portion of this act is valid if any part of the act is held invalid or unconstitutional. Also states that all laws, rules, or clauses in conflict with this act are superseded or repealed as appropriate.

**Intro. by Nesbitt.**

BUNCOMBE

May 12, 2009

**S 556. ASHEVILLE CITY CIVIL SERVICE BOARD.** Filed 3/11/09. Senate committee substitute makes the following changes to 1st edition. Amends Section 4 of SL 1953-757, as amended, to provide that the Asheville Civil Service Board can make and may amend (1) substantive rules (was, rules) for promoting efficiency in the classified service of the city and (2) procedural rules for the conduct of its official proceedings and functions as provided for by this act. Amends Section 5 of SL 1953-757, as amended, to require that written reasons for the discharge or reduction in rank of an employee or officer is to be filed with the Secretary of the Civil Service Board (was, the Department of Civil Service). Also amends Section 7 and 8 of SL 1953-757, as amended, to specify that subpoenas for witnesses in any hearing or investigation under this section are to be issued by the Clerk of the Superior Court Division of the General Court of Justice for Buncombe County upon the written request of any party authorized to make official investigations. Also authorizes the Civil Service Board to conduct hearings and render decisions on matters referred to the Board under Section 7 of this act (regarding penalties for violations of the Act).

July 22, 2009

**S 556. ASHEVILLE CITY CIVIL SERVICE BOARD.** Filed 3/11/09. House committee substitute makes the following changes to 2nd edition. Makes the following changes to SL 1953-757, as amended. Directs the Asheville City Manager to recommend (was, shall provide) and the City Council to approve funding for the operational needs of the Civil Service Board in the City's annual budget. Provides that former City of Asheville employees are eligible to serve as members of the Asheville Civil Service Board (Board) if they have been separated from city employment for not less than 7 (was, 10) consecutive years prior to becoming a member of the Board. Clarifies that the eligibility restrictions are not to be applied retroactively to the current term of anyone currently serving on the Board at the time that this subsection is enacted. Designates the Asheville City Clerk or the Clerk's designee to serve as secretary to the Board. Directs the secretary to distribute the agenda for regular meetings and the approved minutes for those meetings to all city employees; provides that posting the information electronically is sufficient. Clarifies that the disclosure prohibitions in GS 160A-168, the Personnel Privacy Act, or other laws governing the privacy or confidentiality of personnel records provide an exception to the applicable disclosure provisions regarding requests made under the Public Records Act, GS Chapter 132. Directs the Board to meet in January of each year to adopt a regular meeting schedule (was, required the Board to meet at least once a month). Directs the Board to communicate to the Director of Human Resources any notification of actions, reports, or recommendations made by the Board. Directs the Human Resources Department to notify the affected members of the classified service of actions, reports, and recommendations made by the Board.

Adds assistant directors of departments, by whatever title they are designated, to those officers and employees of the city that are not included in the classified service of the city. Directs that written reasons for a discharge or reduction in force and any written response to the discharge or reduction in force be filed with the Director of Human Resources (was, filed with the secretary of the Board). Authorizes the Council by majority vote, the City Manager, or the Board by majority vote (was, the Council, the City Manager, the Chair of the Board Chair or any two or more Board members) to conduct official investigations concerning the facts in respect to the operation and enforcement of the provisions of this Act. Confers the power to subpoena and require the attendance of witnesses on any person or body (was, any person or persons) conducting an investigation authorized or required by this section. Requires that a copy of the report of the investigation be filed with the City Clerk (was, filed with the City Clerk for transmittal to the City Council of Asheville). Deletes directive that subpoenas are to be issued by the Clerk of the Superior Court Division of the General Court of Justice for Buncombe County upon request of any party authorized to make official investigations.

Provides that the Board may conduct hearings (was, conduct hearings and render decisions) on matters referred to it under Section 7 of this act (amending Section 8 of SL 1953-757, as amended). Deletes requirement for a written request form prior to the Board's authorization to issue subpoenas for the attendance of witnesses or production of documents in hearings requested by members of the classified service of the city. Directs the Board to render its written decision within ten days (was, five days) after the conclusion of the hearing. Requires the decision to contain findings of fact and conclusions, and that it be based on competent, material, and substantial evidence in the record.

Directs the Civil Service Board to establish a roster of attorneys from which to select counsel to advise the Board regarding grievance hearings under Section 8. Provides that list is to be reviewed and approved by the City Attorney pertaining to qualifications and fees. Limits the use of independent counsel for matters other than grievance hearings conducted under Section 8 to 20 hours per year. Provides that willful or deliberate violation of the Asheville Civil Service Law (this act) or Civil Service Rules will result in appropriate disciplinary action by the City up to and including dismissal (was, constituted a misdemeanor punishable by a fine of no more than \$500).

Makes technical and organizational changes to the act.

August 3, 2009

**SL 2009-401 (S 556). ASHEVILLE CITY CIVIL SERVICE BOARD. AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.** Summarized in *Daily Bulletin* 3/11/09, 5/12/09, and 7/22/09. Enacted August 3, 2009. Effective August 3, 2009.