



CIVIL SERVICE BOARD

RULES OF PROCEDURE

A. Authority and Purpose:

The Greensboro Civil Service Board (hereinafter called the Board) is established and authorized with certain powers pursuant to the provisions of Senate Bill 9, Session Law 2023-112 of the 2023 Session Laws of the North Carolina General Assembly, known and hereinafter referred to as the "Greensboro Civil Service Law", and codified in Section 7.45 of the Greensboro City Charter and Related Laws of the City of Greensboro (hereinafter the "Civil Service Law"). The Board is authorized by the Civil Service Law to conduct a hearing, in the event of a timely request from a member of the classified service, as defined in the Civil Service Law, when that member is discharged, suspended, reduced in rank, transferred against his or her will or is denied any promotion or raise in pay to which he or she would be entitled. The Board has other powers and duties as prescribed by the Civil Service Law. These rules are adopted in accordance with the Civil Service Law and shall govern proceedings held before the Board.

B. Definitions

1. Civil Service Law: Section 7.45 of the Greensboro Charter.
2. Classified Service: Those persons as defined in Section 7.45 (g) of the Civil Service Law except for probationary personnel as defined in the Personnel Policy. Though probationary employees are allowed to vote in the Board selection process, probationary employees are not entitled to appeal a disciplinary decision to the Board.
4. Demotion: Involuntary and permanent reassignment into a position in a lower pay grade. Demotion does not include any personnel action whereby the employee remains in the same pay grade, including but not limited to, changes relating to responsibility, supervision, worksite, schedule, or assignment.
5. Discharge: Involuntary and permanent separation from employment with the City due to violation of a City policy or unsatisfactory work performance. Discharge does not include involuntary and permanent separation due to the elimination of a position or any form of constructive termination.
6. Entitled: An absolute right to a promotion to a position within the classified service or a raise in pay automatically due an employee based on time in service, achievement of certification, or placement on a ranked eligibility list. No employee is entitled to any promotion or raise in pay that is

subject to discretionary approval by a department director, the Human Resources department, the City Manager, or City Council.

7. Immediate Family Member is defined as a Member's spouse or domestic partner, parents or step parents, children, step children, adopted children, siblings, half siblings, step siblings, and the current and divorced spouses of those listed above.

8. Personnel Policy: A City of Greensboro document covering conditions of employment for City of Greensboro employees.

9. Procedural Fairness: Notice of allegations and an opportunity to be heard by a department director prior to a decision to discharge, demote, suspend, or transfer the employee against their will. If a department, by departmental policy, utilizes a disciplinary matrix, procedural fairness shall also include discipline that accords with that matrix.

10. Quorum: A quorum shall consist of three (3) members of the Board to include the Chair or Vice-Chair. In the event that a quorum exists but a Board member is excused from voting, the quorum shall be destroyed and the hearing/meeting will be continued until such time as a quorum is available.

11. Suspension: Involuntary and temporary unpaid leave imposed due to violation of a City policy or unsatisfactory work performance.

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

C. Officers and Duties

1. Chair:

a. The Chair shall be appointed by City Council. The term of office shall be for one (1) year, and the Chair shall be eligible for reappointment subject to the policies of City Council.

b. The Chair shall preside over all meetings and grievance hearings, call the meeting or grievance hearing to order, state and put to vote all questions which are regularly moved or necessarily arise in the course of the meeting and announce the results of the vote.

c. Subject to these rules, the Chair shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time.

d. The Chair shall appoint any committees necessary to investigate any matter within the jurisdiction of the Board.

2. Vice-Chair: The Board from among its members, shall elect a vice-chair, the term of office shall be for one (1) year and the vice-chair shall be eligible for re-election. The vice chair shall serve as Chair in the absence of the Chair, and shall have the same powers and duties as the Chair during the absence of the Chair.

3. Secretary: The City Clerk has been designated to serve as Secretary to the Board. The Secretary shall be responsible for: (1) keeping all Board records; (2) preparing all correspondence of the Board; (3) keeping in a permanent volume, the minutes of every meeting of the Board in the City's

Department of People and Culture; and (4) performing other duties and functions as required by the Civil Service Law. The minutes shall record all important facts pertaining to each meeting all votes of members of the Board upon all final determination of any question, as well as state the names of the members absent or excused from voting and otherwise comply with North Carolina law for minutes of public bodies. The Secretary shall keep a record of Board attendance and shall not be eligible to vote upon any matter.

D. Members

1. The Board shall consist of five (5) members, as authorized by the Civil Service Law: two (2) elected by employees of the classified service; one (1) appointed by the Greensboro City Council; one (1) appointed by the Greensboro Fire and Greensboro Police Chiefs; and one elected by the aforementioned positions. The Chair of the Board shall be appointed annually by City Council. The fifth Board member shall be selected by the other four (4) Board members. Each Board member shall serve a term of two years or until his/her successor is elected or appointed.

1A. Former employees of the city shall be eligible to serve as members of the Board provided they have been separated from city employment for a period of not less than seven consecutive years prior to becoming members of the Board. No person shall be eligible to serve as a member of the Board if the person, directly or indirectly, through any corporation, partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a business relationship with the city or if the person has an immediate family member or spouse of the immediate family member who, directly or indirectly, through any corporation, partnership, or other entity, or contract, subcontract, or otherwise benefits financially from a business relationship with the city. No person shall engage or benefit, directly or indirectly, from any contractual work or employment with the city for a period of not less than two years following the end of that person's term as a member of the Board.

2. Faithful attendance at all meetings and grievance of the Board and conscientious performance of the duties required of Board members is a prerequisite of continuing membership on the Board. Unless otherwise approved by the Board, a Board member who fails to attend at least seventy-five percent (75%) of the regularly scheduled meetings, work sessions and grievance hearings of the Board, during any calendar year, shall voluntarily resign.

3. No Board member shall take part in the consideration or determination of any matter or grievance in which he/she is personally or financially interested or which creates any other conflict of interest. Such member(s) should recuse him/herself. Or, once informed of the conflict, the Board may excuse such member from voting by a majority of Board members present. After being excused from voting due to the conflict of interest by a majority of Board members present, said Board member may not participate in the hearing or presentation of any matter or grievance from which he/she has been excused from voting. Regarding a quasi-judicial grievance hearing, a conflict is any issue or information not presented as evidence during the grievance hearing that could influence a Board member's decision.

E. Public Meetings

1. Notice: All Board Meetings, other than Grievance Hearings, are public meetings and shall comply with the Open Meetings Law as set forth in Article 33C of Chapter 143 of the North Carolina General Statutes, as amended.

2. Cancellation: Whenever there is no business for the Board, or a quorum will not be available, the Secretary may cancel and/or reschedule the meeting by giving notice as required by the Open Meetings Law. Additionally, notice of the cancellation shall be posted on the door of the Plaza Level Conference Room of City Hall or any other location where the meeting, work session or grievance hearing was scheduled.

3. Regular Meetings: The Board shall meet in January of each year to adopt a regular meeting schedule. Regular meetings shall be scheduled for at least once a month and be held in the Katie Dorsett Council Chamber of the Melvin Municipal Office Building (City Hall); provided, however, meetings may be held at some other convenient time and place in the City if directed by the Secretary in advance of the meeting. The deadline for receiving items for the Board's consideration shall be by 5:00 P.M. at least seven (7) calendar days before the Board meeting. Each agenda shall include a section for "other business," as required by the Civil Service Law.

4. Work Session: Work Sessions may be scheduled by the Board during the year. All Board members should make an effort to attend.

5. Special Meetings: Special meetings of the Board may be called at any time by the Chair or Secretary. Notice shall be given as required by the Open Meetings Law. Absent Board members have the option of teleconferencing with prior Board approval.

F. Grievance Hearings

1. Jurisdiction of the Board: The Board shall only hear grievances of any member of the Classified Service of the City who has been discharged, suspended, reduced in rank, transferred against his or her will, or denied any promotion or raise in pay to which he or she would be entitled. In such instances, that member shall be entitled to a hearing before the Board to determine whether or not the action complained of is justified. To request a hearing, the employee shall file his or her request with the City Clerk within ten (10) days after receiving the final decision in the respective employee's grievance policy; provided however, if the City's grievance procedures are not concluded within thirty (30) days, the employee may file a request with the City Clerk for a hearing at that time. Additionally the Board shall not act on any grievance that is not properly before the Board.

2. Grievance hearings shall be scheduled in accordance with Civil Service Law. Upon receiving a request for a hearing before the Board, the City Clerk/Board secretary, shall schedule the grievance hearing before the Board at a date not less than five (5) nor more than fifteen (15) calendar days from the Clerk's Receipt of such request. Except for the time for filing the initial request for a hearing with the Board, the Board may extend the time for taking action herein for cause or by agreement of the parties to the proceeding. Any member of the classified service who requests a hearing as authorized by this Subchapter shall be entitled to be represented at the hearing by his or her attorney. For purposes of the hearings, the Board is authorized to issue subpoenas for the attendance of witnesses or the production of documents. The secretary to the

Board shall be responsible for notifying all appropriate parties of the date, time, and location of the hearing.

3. Due to the personnel nature of the hearings and according to North Carolina General Statute (NCGS) 160A-168, all grievance hearings will be a closed hearing and in a location that affords the participants privacy, unless otherwise the aggrieved employee requests a public hearing and such a public hearing would not violate the personnel privacy of other employees or witnesses, as determined by the City.

4. For purposes of determining whether a complained of employment action is justified, the City has the burden to prove by a greater weight of the evidence that the decision complained of was just, right, or valid.

5. An employment action is per se justified upon a showing that an employee violated a City or departmental policy, rule, or code of conduct, or has lost a certification or license required to perform the employee's duties and received due process procedural fairness as defined by this rule.

6. Review of a department director's decision that an employee violated a City or departmental policy, rule, or code of conduct will be according to an de novo standard. Within 10 days after the conclusion of the hearing, the Board shall render its decision in writing. If the Board determines the action or omission complained of is not justified, the Board shall order to rescind whatever action the Board has found to be unjustified and may order the city to take such steps as are necessary for a just conclusion of the matter before the Board. The Board's decision shall contain findings of fact and conclusions and shall be based on competent material and substantial evidence in the record. The Board shall, in writing, immediately inform the city clerk and the member requesting the hearing of the Board's decision.

8. An employee's failure to timely exhaust any administrative remedy available under City ordinance or policy deprives the Board of jurisdiction. The burden of proving the Board has jurisdiction over a complained of employment action belongs to the employee.

9. Rules of Evidence. While strict adherence to the formal rules of evidence is not required, the Board shall adhere to the general rules of evidence to protect and preserve the integrity of the quasi-judicial process.

10. Order of Conduct. Attorneys shall always examine witnesses while seated. Board members reserve the right to question the witness at any point during the procedure.

11. Other Information. Board Members may not receive any information regarding the hearing from any source, whatsoever, outside of the hearing. If a Board Member has prior information they must state for the hearing record the nature and source of the information and announce to the Board whether the receipt of the information has created a bias. If bias is shown Board Member must be excused from voting. The Board may also excuse the member by a majority vote.

12. Representation. Employees who request a hearing are entitle to be represented by counsel of his/her choice at their own expense. The City's Attorney Office will represent the City at any such hearing.

13. Documentation. All materials or documents that the City would like for the Board to review at the hearing shall be submitted to the City Clerk no later than five (5) days before the date of the hearing and should be submitted in an electronic format. All materials or documents that the employee or the City would like for the Board to review at the hearing shall be submitted to the City Clerk no later than five (5) days before the date of the hearing and should be submitted in an electronic format. If an electronic submission is not possible, at least seven (7) copies are required to be submitted. It is the responsibility of each party to ensure all copies submitted are also served upon the attorney of record for the City, the attorney of record for the employee or the employee, and the Board's attorney. Documents that are not available at least five days before the hearing may be submitted at the hearing, subject to the discretion of the Board to accept the late offered documents. The offeror of the late submission should bring sufficient copies for all Board members and attorneys. Petitions, statements from persons not in attendance, and character references are never acceptable documentary submissions in a quasi-judicial hearing.

14. Witnesses. All parties are responsible for having their own witnesses present to testify. City employees who have been asked to testify before the Board will be excused with pay to testify as long as there is first-hand knowledge of the facts and circumstances surrounding the grievance. Witnesses shall wait outside of the hearing room and shall not attend the hearing until called upon to testify.

15. Deliberation. Upon conclusion of the hearing, as decided by a majority vote of the Board, the Board shall deliberate the issues posed based upon the evidence presented.

16. Vote. It shall take a Majority of a quorum of the Board members present to determine that the act or omission complained of is not justified.

G. Amendments: These rules may be amended at any time by an affirmative vote of a simple majority of the entire Board, provided that such amendment(s) be first discussed, or presented in writing, at a regular special or special meeting proceeding the meeting at which the vote is taken. Provided further in the event that such amendment(s) is discussed at a meeting preceding the meeting at which the vote is taken; and is not then presented in writing, it shall be presented in at the meeting at which the vote is taken. Such amendment(s) shall also be approved by City Council pursuant to the Civil Service Law.

H. Repeal

All other Rules or Rules and Regulations of this Board are hereby repealed.

Approved by the Civil Service Board on _____.

Civil Service Board Chair

Approved by the City Council on _____.

Mayor

Attested:

City Clerk