

ORDINANCE NO. 80-841

AN ORDINANCE TO AMEND CHAPTER 25 OF THE WARREN CODE OF ORDINANCES RELATING TO PERSONNEL AND CIVIL SERVICE

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 25, Article II, of the Code of Ordinances of the City of Warren, Michigan, currently entitled "Civil Service", Sections 25-21 through 25-205

Is hereby amended to read as follows:

Division 1.- GENERALLY

Sec. 25-21. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Appointing officer or authority means a department head or other person possessing the authority to appoint persons to fill job vacancies.

City service means employment by the city in a position covered by civil service.

Co-op student employee means an individual who is employed in a temporary position on an hourly basis, and who works no more than twenty-five (25) hours per week during the school year and thirty-seven and one-half (37.5) hours per week when school is not in session. Co-op student employees must be receiving educational credit for such employment. Co-op students shall not be considered to have seniority, shall receive no fringe benefits, and shall not share in equalization of overtime.

Demotion means any change of job classification where the classification to which the employee is appointed involves less responsibility, authority or technical ability and where the maximum pay rate authorized for the position in the city pay plan is less than that authorized for the position vacated by the employee upon appointment to the new job classification.

Eligible list means a list of individuals who are eligible for appointment to a position in the classified service.

General employees promotional eligible list means a list of individuals in city service who are eligible for promotion to a position in the classified service, the list not being limited to individuals within a specific division or department.

Part-time employee means an individual who is employed in a temporary position on an hourly basis, and who is routinely scheduled to work less than thirty-seven and one-half (37.5) hours per week. Part-time temporary employees shall not be considered to have seniority, shall receive no fringe benefits unless otherwise required by law, and shall not share in equalization of overtime.

Part-time seasonal employee means an individual who is routinely scheduled to work at least thirty-seven and one-half (37.5) hours per week, but for no more than one hundred twenty (120) calendar days at a time.

Promotion means any change of job classification where the classification to which the employee is appointed and where the maximum pay rate authorized for the position in the city pay plan is greater than that authorized for the position vacated by the employee upon appointment to the new job classification.

Qualification examination means an examination designed to determine whether or not a person possesses the minimum skill and knowledge which will enable him or her to perform the duties of a given position.

Reemployment list means a list of individuals eligible for appointment to a position in the classified service by reason of the fact that they have been laid off.

Residence means the place where a person has a true, fixed, permanent home, where he or she habitually sleeps, keeps his or her personal effects and has a regular place of lodging, and in which he or she is a legal voter.

Special assignment means any appointment or employment of technical, expert or highly skilled nature to assist in or carry out a special work and which is not a regular part of the administration of the city affairs, whether or not such work shall be for a longer period than six (6) months or periodic in its nature. Special assignments shall be deemed to include audits of the city records by auditors outside the regular city employ, the employment of special counsel or special engineering services, employment of a zoning expert, employment of a person skilled in personnel problems to assist in the administration of this article or other services of similar nature to those mentioned. The specific mention of any special service shall not be deemed to exclude others that may properly come within the terms.

Temporary appointment means any interim appointment or employment required because of an emergency or temporary vacancy caused by sick leave or other leave of absence, or pending regular appointment of eligible persons approved by the Human Resources Department.

Transfer means any change of job classification where the classification to which the employee is appointed involves the same degree of responsibility, authority or technical ability and where the maximum pay rate authorized for the position in the city pay plan is the same as that authorized for the position vacated by the employee upon appointment to the new job classification.

Sec. 25-22. Employees subject to article.

All positions in the city's service shall be subject to the provisions of this article, except as hereinafter specifically qualified and exempted; except, however, that the city council and the mayor shall determine the status of all department heads and special personnel to be created and employed in the future.

Sec. 25-23. Positions exempt from article.

- (a) The following positions shall be exempt from the operation of this article, so far as appointments to, promotion in and dismissal from the service are concerned and shall serve at the will of the appointing authority:

Members of all boards and commissions

Deputy city clerk

Deputy city treasurer

Deputy council secretary

All department heads as follows:

City attorney

Controller

Director of public service

Planning director

Police commissioner and fire commissioner

City assessor

Parks and recreation director

Library director

Human Resources director

Labor relations director

Any other positions identified by City Council Resolution which may be updated from time to time

All part-time employees, part-time seasonal employees, co-op student employees, temporary appointments and special assignments.

All positions fully or partially funded by grants from the federal government and which are, by virtue of such funding, subject to federal statutes, rules or regulations regarding the qualifications for such positions, but only for so long as they are so funded and subject to such federal statutes, rules or regulations.

- (b) Provided, however, that any person hereinabove exempted except elected officials, who shall have been, prior to the adoption of this article, employed by the City of Warren, the Charter Township of Warren or the Village of Warren, in any capacity affected by this article, shall, upon discontinuance of employment in

such exempted position, be reinstated to the employment and duties classification held by such person at the time of acceptance of such exempted position; and provided, further, that in the event any city employee shall be appointed to any position exempted by this article, such employee shall, upon written application therefor, receive a leave of absence for the period of time that such employee shall serve in such exempted position and such city employees who have been appointed shall, upon discontinuance of employment in such exempted position, be reinstated to the employment and duties classification held by such person at the time of acceptance of such exempted position. The titles listed above are not necessarily civil service titles but may represent working titles.

- (c) Any person who appoints any person to a position not qualified or exempted under this article is guilty of a misdemeanor.

Sec. 25-24. Merit system established.

There is hereby established a merit system for all positions in the civil service of the city, except as hereinafter qualified or exempted. All municipal personnel problems shall be approached so far as possible in a professional and impartial manner. Appointment to the city's service and promotions and transfers therein shall be based solely upon the fitness, training, seniority and experience of the individual, with no discrimination on account of race, color, religion, sex, age, national origin, height, weight, marital status, handicap, disabled veteran status or veteran status.

Secs. 25-25—25-35. Reserved.

DIVISION 2. CIVIL SERVICE BOARD

Sec. 25-36. Created; purpose.

There is hereby created a civil service board which shall exercise powers and duties as ordained in this Division.

Sec. 25-37. Appointment, term.

The civil service board shall consist of five (5) electors of the city, to be appointed by the mayor and to serve, after their initial appointment, for respective terms of three (3) years.

Sec. 25-38. Holding public city office or participating in politics prohibited.

No member of the civil service board shall hold any other public city office or serve on any city political committee or take active part in the management of any city political campaign.

Sec. 25-39. Oath required.

(a) Every member of the civil service board shall take and subscribe the oath of office prescribed by the constitution of this state before entering upon the discharge of the duties of office.

(b) The oath of office shall be certified by the officer administering it and filed with the city clerk.

Sec. 25-39.1. Compensation.

Members shall receive as compensation as determined by the City Council in the city-approved budget; compensation will be received only for those members in attendance.

Sec. 25-40. Filling vacancies.

If a vacancy occurs on the civil service board, the mayor shall appoint a member, as set forth in section 25-37, for the unexpired term of office.

Sec. 25-41. Removal.

Any member of the civil service board may be removed from office by his or her appointing authority upon notice in writing.

Sec. 25-42. Meetings.

The civil service board shall meet at least twice annually.

Sec. 25-43. Officers.

The civil service board shall elect one (1) of its members to serve as chairperson, and one (1) member to serve as secretary, each to serve for one (1) year. Thereafter these officers shall be elected annually. The secretary shall perform all secretarial and record-keeping functions of the board.

Sec. 25-44. Facilities and supplies.

The department of human resources shall provide the civil service board with suitable and convenient location for its meetings.

Sec. 25-45. Annual appropriation required.

The city council shall annually make such appropriation as shall be necessary for meeting the expenses of effectually administering the merit system. All expenses incurred by the civil service board shall be paid out of the appropriation in the same

manner and under the same conditions as near as may be as expenses for other departments are paid.

Sec. 25-46. Powers and duties.

The civil service board shall be exclusively for classified employees not covered by a collective bargaining agreement. A classified employee covered by a collective bargaining agreement containing a procedure providing for a final and enforceable resolution of a grievance shall use the collective bargaining agreement procedure. Copies of all proceedings of the board shall be furnished to the mayor and the city council upon request.

Sec. 25-47. Minutes, records, eligibility, tests and applications.

The minutes of the official proceedings of the civil service board, a roster of all officers and employees in the city's service and all eligibility lists for appointment to city service shall be public records open to public inspection consistent with the Open Meetings Act and Freedom of Information Act.

Secs. 25-52—25-70. Reserved.

DIVISION 3. NEW APPOINTMENTS

Sec. 25-71. Priorities.

Unless an alternative procedure is provided for by the terms of the applicable collective bargaining agreement, all new appointments to the civil service of the city except as hereinbefore exempted or qualified shall be made by the appointing authorities designated in the Charter and ordinances, and in accordance with the provisions of this article. All such appointments shall be based solely upon merit and the good of the service. All appointments shall be made from persons named on eligible lists furnished by the Human Resources Department in the following order and priority:

- (1) The name of the highest person on the reemployment list; if the list is exhausted, then will be furnished
- (2) The name of the highest person on the general employees promotional eligible list; if the list is exhausted, then will be furnished
- (3) The name of the highest qualified person on the police and fire civil service reemployment list. "Qualified" shall mean the person meets all the preliminary requirements of education and experience for the position; if the list is exhausted, then
- (4) The appointing authority shall interview all individuals on the new hire eligible list who received the highest test score and appoint the person who, in the opinion of the appointing authority, is most qualified. If less than three (3) individuals received the

highest score, then the appointing authority shall also interview all individuals who received the next highest score and appoint the most qualified, in his or her opinion.

Sec. 25-72. Application; qualifications.

All persons desiring employment in the city service, except to positions exempted under the provisions of this article, shall file applications with the Human Resources Department. Any person eighteen (18) years of age or older and otherwise qualified shall be eligible for the examinations and tests hereinafter provided and consequent appointment to the city's service.

Sec. 25-73. Contents of applications.

(a) The Human Resources Department shall require persons applying for positions in the city service to file in its office an application prior to any examination or test is given. The applicant shall state in the application, under oath or affirmation:

(1) His or her name, residence and post office address;

(2) Condition of health and physical fitness for service in the position for which the application is filed;

(3) Occupation and previous employment for the five (5) years immediately prior to the application;

(4) Such other information as may be reasonably required, touching the applicant's qualifications and fitness for public service, or otherwise as required by law, and the rules and regulations of the Department.

(b) Blank forms for application shall be furnished by the Human Resources Department without charge to all persons requesting same at a time and place designated by the Department and such applications shall be available online.

(c) All applications accepted in order to compile an eligible list shall be kept on file for one (1) year, except all applications received from applicants whose name was included on an eligible list shall be kept for the term of the eligible list.

Sec. 25-74. Rejection; causes enumerated.

The Human Resources Department shall receive applications from any person desiring employment in the city service, but shall have the right to reject any application for employment.

Sec. 25-75. Physical fitness.

All applicants for any regular position in the city service shall be required to furnish a statement relative to the applicant's physical fitness before assuming his or her duties. The Human Resources Director shall determine the examining physicians to be used for this purpose.

Sec. 25-76. Examinations—Rules and regulations.

(a) The Human Resources Department shall prescribe such examinations or other tests to measure the applicant's qualifications as it shall deem reasonable and practicable for each class or kind of position in the city's service. Where practicable, such examinations or tests shall be competitive in nature. Such tests and examinations shall be held from time to time at the discretion of the Human Resources Department to meet the prospective needs of the service. The Human Resources Department shall adopt rules and regulations governing the giving of such tests and examinations, which rules and regulations shall give every applicant an equal opportunity for consideration and shall be open to the public.

(b) All examinations or tests for positions in the public service shall be practical in their character and shall relate to such matters and include such inquiries as will fairly and fully test the comparative merit and fitness of the person examined to discharge the duties of the employment sought by him or her.

Sec. 25-77. Same—Time, place; notice.

All examinations and tests under section 25-76 shall be open to all applicants who have fulfilled the preliminary requirements. Individuals deemed qualified shall receive a letter through the United States Postal Service or email communication stating date, time and place upon which such examination will be held.

Sec. 25-78. Same—Ratings.

Each person taking any test or examination under the merit system shall be rated according to his or her attainments. The Human Resources Department shall determine the method of making such ratings and prescribe a passing mark. The method of rating and passing mark shall be determined in advance of any examination or test.

Sec. 25-79. Reserved.

Sec. 25-80. Employment lists enumerated.

(a) A reemployment list shall also be kept of all persons removed from the city service because of the abolishment of his or her position or for reasons of economy, or for any reason other than dismissal for cause or voluntary resignation.

(b) Persons already in the service who are applicants for a specific vacancy in some other position and are eligible for appointment thereto shall also be listed on a divisional promotional eligible list or general employees promotional eligible list, as the case may be.

(c) A reemployment list shall be kept of all persons removed from the police and fire civil service because of the abolishment of his or her position or for reasons of economy, or for any reason other than dismissal for cause or voluntary resignation.

(d) The names of all applicants for a position who have attained the required rating or better on the examination and who are otherwise eligible, shall be placed in the order to their relative attainment on the list of applicants eligible to appointment to the class of positions for which the examination was held.

(e) All eligible lists including promotional lists shall expire in two (2) years from date of certification. No eligible or promotional list shall be recertified once it has expired. This section shall not be construed to affect any reemployment list.

Sec. 25-81. Filling vacancies; promotions; appointments, temporary appointments.

(a) Unless an alternative procedure is provided for by the terms of the applicable collective bargaining agreement, an appointing officer shall immediately upon becoming aware that any position covered by civil service in his or her department is vacant or is to become vacant, give to the Human Resources Department once it has been approved by the mayor, a written notice thereof and state whether or not he or she intends to fill the position. If the position is to be filled, the appointing officer shall specify the class, grade and title of the position, the salary, the duties thereof, and any other information regarding the same which the Department may request.

(b) The rules provided for in this article shall provide, among other things, for the promotion in offices or positions on the basis of ascertained merit and seniority in service, or examination or test for the purpose of providing a list of eligible persons for certification and notify the appointing officer of the date and time for such examination or test. In the interval, the appointing officer may, if the needs of the service require, and with the consent of the Human Resources Director, make a temporary appointment for the period until a regular appointment can be made from the eligible persons certified by the Department. Successive temporary appointments shall not be made to the same positions; provided, however, when the number of persons on the eligible list shall be insufficient, or decline appointment, and it is impracticable to obtain a suitable eligible list due to an emergency or to special conditions over which the city has no control, the appointing authority may make successive temporary appointments, but only with the written consent of the Department. The term of such appointment or successive temporary appointments shall terminate two (2) weeks following certification of an eligible list to the appointing officer. With the sole exception of temporary appointment

as provided in this section and in section 25-82, all appointments to the service shall be permanent appointments, regardless of the duration of the appointment.

Sec. 25-82. Temporary vacancies.

In cases of emergency or to fill a temporary vacancy caused by sick leave or other leave of absence, an appointing officer may make a temporary appointment during the period of such temporary vacancy by filling the vacancy with the senior eligible employee in his or her department.

Sec. 25-83. Positions requiring technical qualifications.

In permanent and continuing positions employing only persons having professional or technical qualifications where there are likely to be few satisfactory applicants, and the persons qualified to serve are relatively few in number, then the Human Resources Department may dispense with the requirements for formal tests and examinations and may prescribe other methods of determining the qualifications of the applicants; may dispense with customary rules and regulations and proceed in an informal manner to assist the appointing authority in choosing a person qualified to fill any vacancy that may occur in such position.

Sec. 25-84. Probationary period—Required; exceptions.

All new appointments in the city service shall be for a probationary period of ninety (90) days. If at any time during the probationary period the appointing officer shall find the appointee unsatisfactory, he or she may dismiss such probationer and ask for the certification of new applicants. In case of such dismissal, the probationer, if he or she had civil service status in another position prior to his or her appointment to the position from which he or she is dismissed, shall automatically be restored to his or her former position; in other cases he or she may, in the discretion of the Human Resources Department, be reinstated on the eligible list, if, after due inquiry, the Department deems him or her worthy of such reinstatement. If, at the end of the probationary period, the appointing authority has found the services of the appointee satisfactory, he or she shall so notify the Department and the probationer shall thereupon forthwith come under the merit system.

Sec. 25-85. Reserved.

Sec. 25-86. Examinations, tests; record, inspection.

A record shall be kept of all examinations and other tests and shall be kept on file for no longer than one (1) year. Any applicant for a position or his or her duly authorized representative shall at any time within sixty (60) days after taking the prescribed examination or test, be entitled to inspect any examination paper or other written test submitted by him or her and be fully informed as to his or her rating on the same.

Secs. 25-87—25-110. Reserved.

DIVISION 4. PROMOTIONS AND TRANSFERS

Sec. 25-111. Vacancies filled by promotion; procedure.

Unless an alternative procedure is provided for by the terms of the applicable collective bargaining agreement, vacancies in higher positions in the classified service shall be filled insofar as practicable by promoting persons holding positions in the next lower grades in the service. Such promotions shall be based upon merit as ascertained where practicable by test, and as shown by the previous service and experience of the person promoted. When a vacancy occurs the Department shall determine, following consultation with the appointing authority, whether promotion is possible and practicable, and if so, what classes of employees are eligible for such promotions and whether an examination or test shall be held to determine the relative fitness of eligible employees, or whether such relative fitness shall be determined by their seniority and efficiency records or by both such examination and records. Upon the recommendation of the appointing authority, and with the approval of the Human Resources Director, an employee may be promoted solely on the basis of a passing grade obtained on a qualification examination.

Sec. 25-112. Promotions with classifications; related classifications.

Promotion shall not necessarily be confined to positions within a department, but may be within a specific classification or closely related classifications of service or positions in different departments. Position vacancies shall be filled, wherever possible, in the following order: qualified personnel within the same division; qualified personnel within the same department; qualified personnel city wide.

Sec. 25-113. Length of service required for promotion.

No employee is eligible for promotion while serving in a probationary status.

Sec. 25-114. Certification for promotion.

Certification to appointing officers of the names of persons eligible for promotion shall be made in the same manner as certification of persons eligible to original appointment. A person failing to qualify for promotion shall retain his or her position and eligibility for future promotion.

Sec. 25-115. Transfer of employees.

An employee who desires a transfer within his or her classification to another division or department shall submit the request for a transfer in writing to the Human Resources Director. When a vacancy occurs within the requested division or department, the employee with the greatest seniority who requested a transfer in writing shall be given

the opportunity to transfer, provided that promotional lists take precedence over transfer requests.

Secs. 25-116—25-125. Reserved.

DIVISION 5. REMOVAL

Sec. 25-126. Employees' status after abolishment of departments and positions.

Unless an alternative procedure is provided for by the terms of the applicable collective bargaining agreement, in the case of such abolishment of any position, office or employment, the person holding such position, office or employment shall be thereby transferred to an equal job, demoted or laid off; provided, however, such person shall continue eligible for any other position in the civil service for which he or she may be qualified and shall be retained on the reemployment list by the Department.

Sec. 25-127. Lay-offs—Causes enumerated.

The department head may, for reasons of economy or for more efficient administration, or when rendered necessary by lack of sufficient appropriation, lay off any employee in his or her department. Such persons shall continue eligible for reappointment to any position or vacancy in the city's service, and the Department shall retain the names of any such persons on its eligible list for appointment to any position which such person is qualified to fill.

Sec. 25-128. Same—Procedure; employees' status.

When lay-off is necessary in a given classification, the employee with the least seniority shall be laid off and his or her name placed on the reemployment list for that classification, ranked in the inverse order of lay-off. If the employee had civil service status in another classification, he or she may request to be reemployed in that classification or may request demotion to the next lower grade in the service. Final disposition of such requests shall be made by the Department. When a vacancy exists in a given classification and a reemployment list exists for the classification, the person highest on the list will be notified of his or her appointment to fill the vacancy. If that person declines the appointment, such person shall be deemed to have resigned and his or her name removed from the reemployment list and the next highest person notified. A person on a reemployment list who declines appointment or who fails to respond within ten (10) days of notification, shall not be employed in that classification unless he or she completes another examination, is subsequently appointed pursuant to certification by the Department of an eligible list, and serves a new, full probationary period. A person's name may be removed from a reemployment list for other reasons satisfactory to the board, such as failure to maintain residency, failure of postal authorities to locate the person, and the like.

Sec. 25-129. Demotions, suspensions, dismissals.

Demotions, suspensions or discharges shall be made only for inefficiency, incompetency, physical or mental incapacity, insubordination, neglect of duty, misfeasance or malfeasance in office. In all cases of reduction, demotion, lay-off, suspension or dismissal of any employee or subordinate, the appointing authority shall, within five (5) working days of the effective date thereof, furnish such employee and the Department with written notice of the reason or reasons for such reduction, lay-off, suspension or dismissal. Such notice may be delivered to such employee by certified U.S. mail, return receipt requested, or in the alternative, may be delivered personally by such appointing authority to such employee. In the latter case, such appointing authority shall make and deliver to the Department a verified affidavit of such personal delivery. The employee or subordinate shall have the right to make and file a written answer to the charges placed against him or her, and to file same with the Department within ten (10) working days from and after receipt of the notice. Nothing herein contained shall limit the power of an appointing officer or department head to suspend without pay for purposes of discipline any person under his or her supervision for a reasonable period not to exceed five (5) days; provided, however, that the Department shall have jurisdiction to review such suspension and to make a final determination regarding same.

Sec. 25-130. Tenure in office, requisites; dismissal, review.

The tenure of a position in the city's service shall be only during good behavior and efficient service. The Department shall have the power to review all dismissals and all suspensions imposed for more than five (5) days.

Sec. 25-131. Filing of charges against employees, filing.

Any charge preferred by a citizen against any person under the merit system employed by the city during his or her working hours shall be made in writing and under oath and penalty of perjury and filed with the Department.

Sec. 25-132. Hearing for discharge, removal, suspension—Hearing.

In case of discharge or removal or suspension for more than five (5) days, any officer or employee feeling himself or herself aggrieved thereby shall have a right to file a petition with the civil service board within ten (10) working days from the effective date of such removal or suspension asking for reinstatement in the service or other relief and giving reasons therefor. The civil service board shall grant the petitioner a hearing, which shall be either private or public at the option of the petitioner, provided that the petitioner may be represented by a representative of his or her own choice.

Sec. 25-133. Same—Evidence, counsel.

The civil service board shall grant such hearing within ten (10) working days after the petition is filed. The hearing shall be deemed an investigation and not a trial, and the board shall not be bound by technical rules of evidence and procedure. It shall,

however, conduct the hearing in an orderly manner, confine the scope thereof to matters set forth in the reasons for dismissal, and secure both to the petitioner and the dismissing officer a full and impartial hearing in regard thereto. Both parties shall be permitted to be represented by counsel and to produce witnesses or any other testimony they may have pertinent to the matter. The petitioner shall be entitled to first hear the testimony against him or her and to face his or her accuser. The petitioner and his or her witnesses shall then be permitted to be heard in his or her own defense. Hearsay evidence, as the term is commonly understood, excepting declarations against interest, shall not be deemed sufficient proof to warrant removal, demotion or suspension.

Sec. 25-134. Same—Determination; appeal to court.

The civil service board shall make its decision on any appeal within ten (10) working days after the hearing. It shall have the power to pass upon the discharge or removal, suspension for more than five (5) working days, or other action from which the appeal has been taken, and may confirm, modify or reverse such action. The action of the civil service board on all such matters shall be final, except, however, that if such action results in removal or dismissal from employment, then such employee shall have rights of appeal to the circuit court of the county. If reinstated without discipline in the position from which he or she was removed, the employee shall be entitled to compensation from the time of his or her demotion or discharge until the time of his or her reinstatement. The dismissing authority and the petitioner shall be entitled to a copy of the findings of the civil service board upon request.

Sec. 25-135. Determination of strike activity.

If an employee of the city, who is disciplined for activity deemed to be a strike under the provisions of Section 6 of Act 379, Public Acts of 1965 (MCL 423.206), requests a determination as to whether he or she did violate the provisions of that act, such determination may be undertaken by the civil service board if the disciplined employee so requests in writing. In such event, the determination shall be made by a hearing conducted by the civil service board.

Secs. 25-136—25-145. Reserved.

DIVISION 6. VETERANS' PREFERENCE

Sec. 25-146. Veteran defined.

The term "veteran" as used in this article shall mean an honorably discharged veteran, as defined by Act No. 190 of the Public Acts of Michigan of 1965 (MCL 35.61 et seq.), as amended.

Sec. 25-147. Evidence of status of veterans.

In all instances the records of the duly constituted federal bureau covering the respective veteran's service and status shall be accepted as final evidence of his or her service and physical status in determining whether he or she is entitled to the benefits under this division.

Sec. 25-148. Passing grade required.

All veterans in order to be eligible for the preference granted under this division must attain a minimum passing mark of seventy (70) percent or more.

Sec. 25-149. Additional points granted.

All veterans who have a service-connected disability record with the veteran's bureau of administration or the federal bureau of pensions, may, upon obtaining the required minimum grade for original employment with the city, in the discretion of the civil service board, be granted an additional ten (10) points, which shall be added to their respective passing marks as attained in their examination.

Sec. 25-150. Additional points for no service disability.

All veterans not having a service-connected disability as described in section 25-149, may, on obtaining the required passing mark for initial employment in the city's service, in the discretion of the civil service board, have an additional five (5) points added to their respective passing marks obtained in their examinations, but shall not be entitled to such additional five (5) points in any promotional examination for promotion to a higher position in the service after they have already been in the city's employment.

Sec. 25-151. Waiver of age limit, physical disability.

Age limits and physical disability shall be waived for all veterans, provided they present to the Human Resources Department a certificate of physical fitness. Such certificates shall state that the applicant veteran is in proper physical condition to fill the position for which he or she applies. The Human Resources Director shall determine the examining physicians to be used for this purpose.

Sec. 25-152. Benefits of state, federal legislation.

No provision in this division shall deprive any veteran of benefits granted by legislation which may later be passed by the national government of the United States or the state government.

Secs. 25-153—25-165. Reserved.

DIVISION 7. DEPARTMENT OF HUMAN RESOURCES

Sec. 25-166. Created.

There is hereby created a department of human resources.

Sec. 25-167. Director.

The director of the department of human resources shall be appointed by and serve at the pleasure of the mayor. The department of human resources shall be under the direct supervision and control of the director of human resources. The director of human resources shall have the following duties and responsibilities:

- (1) Advise the mayor, city council and the civil service commission on matters pertaining to the enforcement of this article and policy including but not specifically limited to the following:
 - a. personnel administration, development of personnel rules, job classification plans and pay plans, workforce development, and succession planning
 - b. ensure compliance with federal and state labor laws;
 - c. manage grievance procedures and ensure compliance with collective bargaining agreements;
 - d. oversee recruitment, selection, and hiring processes for all city departments and agencies;
 - e. address employee concerns, mediate disputes, and support conflict resolution in the workplace;
 - f. oversee workplace safety programs and ensure compliance with OSHA and MIOSHA standards;
 - g. manage workers compensation and employee wellness programs;
 - h. assist with labor relations and participate with management in the collective bargaining process;
 - i. implement an outside employment policy providing that city employees must notify and obtain permission to begin or continue employment with an outside employer.
- (2) Review and approve proposed revisions of the city job classifications plan;
- (3) Keep personnel records of all civil service employees, past and present;
- (4) Provide applications and other necessary forms in order to carry out the civil service plan;
- (5) Investigate employee applications;
- (6) Prepare and monitor qualification examinations or hire the service of an organization skilled in such tasks;
- (7) Prepare increment compensation plans for all civil service employees;

(8) Review and approve all departmental rules and regulations including, but not limited to hiring, promotions, transfers, demotions and layoff procedures consistent with Sec. 7.9 of the city charter;

(9) Establish and maintain a centralized benefits section to serve all employees in regard to their benefits, which shall include but not be specifically limited to the following:

- a. Sickness and accident insurance;
- b. Hospitalization insurance;
- c. Life insurance;
- d. Workers' compensation insurance;
- e. Seniority list;
- f. Unemployment insurance;
- g. Leaves of absence;
- h. Dental program and insurance benefits.

(10) Establish training programs and safety programs for city employees or future city employees;

(11) Assist in union contract negotiations by providing data as related to personnel practices;

(12) Process grievances for employees who elect to take such grievances to the civil service board and recommend to the civil service board solutions for such grievances;

(13) Prepare agenda for the meetings of the civil service board and make recommendations as needed;

(14) Participate in exchange of information with other communities, counties and state and national organizations relative to the city's position of personnel management.

(15) Establish and maintain a risk management section. The duties of the risk management section shall include:

- a. Exposure identification, risk evaluation, and control and management administration;
- b. Evaluating claims from residents, employees, or the City itself, with the goal of seeking an outcome that is both fair and aligned with the protocols set forth by city insurance carriers.
- c. Monitoring outside litigation matters, including case progress, in coordination with the City Attorney and city insurance carriers.

Sec. 25-168. Job classification plan.

The director of human resources shall make an analysis of the duties and responsibilities of all positions in the classification service and shall review and approve

a job classification plan and plan of compensation, consistent with collective bargaining agreements where applicable, and revise as required. The job classification plan will consist of various jobs descriptions.

Sec. 25-169. Rules and regulations.

Departmental rules and regulations shall be filed with the city clerk pursuant to Sec. 7.9 of the city charter.

Secs. 25-170—25-180. Reserved.

DIVISION 8. DIVISION OF LABOR RELATIONS

Sec. 25-181. Created.

There is hereby created a division of labor relations, which shall be a division of the department of human resources.

Sec. 25-182. Director.

The director of labor relations shall be a division head . The Mayor may appoint either the Human Resources Director or another person as head of the Labor Relations Division. The director of labor relations shall:

- (1) Advise the mayor and the city council on matters of labor relations with respect to any and all labor unions formed or to be formed by the city employees;
- (2) Investigate and make recommendations to the mayor and the city council relative to city employee union problems;
- (3) Act as agent for the city in matters of negotiation, collective bargaining, agreements with the city employees;
- (4) Negotiate union grievances and advise various departments in resolving union grievances and assist the processing of union grievances and recommend suitable solutions for the grievances;
- (5) Represent the city's interest at hearings before the state or federal employment relations commissions;
- (6) Advise management personnel regarding the interpretation of city collective bargaining agreements with the city's employees unions;
- (7) Handle any and all matters in which unions are involved.

Sec. 25-183. Rules and regulations.

The director of labor relations shall, in consultation with the mayor, draft such rules as may be necessary to carry out the provisions of this article. Amendments to the rules shall be made in accordance with the above procedure.

Sec. 25-184. Relationships with other city departments.

(a) The director of labor relations shall have information made available by all city departments when such information is needed in the proper function of the department of labor relations.

(b) The director of labor relations shall keep all city departments informed of matters which affect their operations.

(c) The city attorney or his or her designated assistant, the city controller or his or her designated assistant, and the Human Resources Director or his or her designated assistant shall serve as an advisory committee to the director of labor relations.

Secs. 25-185—25-205. Reserved.

SECTION 2. This Ordinance shall take effect on June 3, 2026.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-841 was adopted by the Council of the City of Warren at its meeting held on April 14, 2026.



SONJA BUFFA
City Clerk

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