

RECEIVED

JUN 03 1992

PERSONNEL

RESOLUTION OF THE COUNCIL OF THE CITY OF LOMPOC  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF: AMENDING RULE XV OF THE NO. 4178(92)  
PERSONNEL RULES RELATING TO PERSONNEL APPEALS

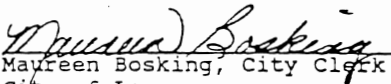
I, Maureen Bosking, City Clerk of the City of Lompoc, County of Santa Barbara, State of California, do hereby certify that the following resolution, proposed by Councilmember William Mullins, seconded by Councilmember Phillip Willis, was duly passed and adopted by the Council of the City of Lompoc at a regular meeting thereof assembled this 2nd day of June, 1992, by the following vote, to-wit:

AYES: Councilmember: Karl Braun, William Mullins, Michael Siminski,  
Phillip Willis, Mayor J. D. Smith.

NOES: Councilmember: None.

ABSENT: Councilmember: None.

(Seal)

  
Maureen Bosking, City Clerk  
City of Lompoc

WHEREAS, Chapter 20 of the Lompoc City Code and Rule XV of the Personnel Rules provide for a Personnel Appeals Board the function of which is to hold hearings relating to appeals, disciplinary actions, interpretations or alleged violations of the Personnel Ordinance or the Personnel Rules; and

WHEREAS, the Personnel Appeals Board has not met since 1978, and recently problems arose during an appeal because of the inability to assemble a Board in accordance with the City's established procedures; and

WHEREAS, it has been recommended that the City modify its procedures to provide for appointment of a Hearing Officer to take the place of the Personnel Appeals Board, to hold hearings, and make recommendations to the City Council on those matters formerly within the jurisdiction of the Personnel Appeals Board; and

WHEREAS, it is appropriate to amend Rule XV of the Personnel Rules which will modify its provisions to provide for a Hearing Officer instead of the Personnel Appeals Board;

NOW, THEREFORE, the City Council of the City of Lompoc does hereby resolve as follows:

SECTION 1. Rule XV "Personnel Appeals" is hereby amended to read as follows:

"SECTION 1. Right of Appeal: Any employee in the competitive service shall have the right to appeal any disciplinary action, interpretation or alleged violation of the Personnel Ordinance or these Rules except in instances where the right of appeal is specifically prohibited by the Personnel Ordinance or these Rules. This right of appeal is subject to first exhausting all applicable grievance procedures.

SECTION 2. Method of Appeal: Appeals shall be in writing subscribed to by the appellant and filed with the Personnel Officer within fifteen (15) working days of the exhaustion of applicable grievance procedures. Within five (5) days after receipt of the appeal, the Personnel Officer shall advise the appointing power and such other persons or officers named or affected by the appeal or the filing of the appeal. The appeal shall be a written statement, explaining the matter appealed from the specific provisions of the Personnel Ordinance or Rules at issue, and setting forth therein a statement of the action desired by the appellant, with his reasons therefore. The formality of a legal pleading is not required.

SECTION 3. Hearing Officer: Within ten (10) days of the filing of an appeal, the employee, or his or her representative, and the City shall mutually agree upon a Hearing Officer. Such Hearing Officer may be secured through the American Arbitration Association, State Office of Administrative Hearings; or any other source agreeable to the parties. Cost of the Hearing Officer's services shall be borne by the City.

SECTION 4. Notice: Upon his or her selection, the Hearing Officer shall set a date for the hearing on the appeal. Said date shall be not less than ten days, nor more than 30 days from the date of selection of the Hearing Officer. The Hearing date may be changed upon mutual consent of the parties. The City shall notify all interested parties of the date, time and place of the hearing at such places as the Hearing Officer shall prescribe.

SECTION 5. Hearings: The appellant shall appear personally, unless physically unable to do so, before the Hearing Officer at the time and place of the hearings. He may be represented by any person or attorney as he may select and may at the hearing produce, on his behalf, relevant oral or documentary evidence. If the appellant elects to be represented by an attorney, he shall so advise the City prior to selection of the Hearing Officer. If the appellant is represented by an attorney the City Attorney shall represent the City Administration at the hearing.

Appellant shall state his case first and, at the conclusion, opposition matter may then be presented. Rebuttal matter not repetitive may be allowed in the discretion of the Hearing Officer. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Hearing Officer, with due regard to the rights and privileges of the parties. Hearings conducted by the Hearing Officer shall be subject to the "Brown Act, Government Code Sections 54950 et seq." They shall be conducted in accordance with the provisions of Government Code Section 54957, and shall be private unless such employee requests a public hearing. The Hearing Officer also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated. The hearing need not be conducted according to technical rules to evidence and witnesses.

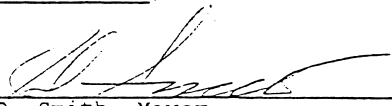
SECTION 6. Findings and Recommendations: The Hearing Officer shall, within thirty (30) days after the conclusion of the hearing, forward his or her recommendation to the appellant, the person, officer or body from whose action the appeal was taken, and to the City Council. The City Council shall review the evidence submitted at the hearing before the Hearing Officer and the recommendation of the Hearing Officer

and may then affirm, revoke or modify the action appealed from as, in its judgment, seems warranted, and the Council's action shall be final. The City Council may require the parties to submit additional written information, or present oral arguments before the Council.

SECTION 2. Rule XIV "Grievance Procedures" is hereby amended to read as follows:

"SECTION 6. No Prejudice to Personnel Appeal: Any action taken by an employee pursuant to this rule shall in no way jeopardize the right of such employee to pursue a personnel appeal in accordance with Rule XIV if such a hearing and review is otherwise authorized by the Personnel Ordinance and Rule XIV.

PASSED AND ADOPTED this 2nd day of June, 1992.

  
\_\_\_\_\_  
J.D. Smith, Mayor  
City of Lompoc

ATTEST:

  
\_\_\_\_\_  
Maureen Bosking, City Clerk  
City of Lompoc