

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 248
HOUSE BILL 556

AN ACT TO MAKE CHANGES IN THE CIVIL SERVICE COMMISSION, AND
THE DUTIES OF THE CITY MANAGER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 144 of the 1937 Public-Local Laws of the State of North Carolina, as amended by Chapter 402 of the 1937 Public-Local Laws of the State of North Carolina, as amended by Chapter 231 of the 1939 Public-Local Laws of the State of North Carolina, as amended by Chapter 841 of the 1947 Session Laws of the State of North Carolina, as amended by Chapter 299 of the 1955 Session Laws of the State of North Carolina, as amended by Chapter 554 of the 1957 Session Laws of the State of North Carolina, as amended by Chapter 522 of the 1961 Session Laws of the State of North Carolina, as amended by Chapter 929 of the 1961 Session Laws of North Carolina, as amended by Chapter 946 of the 1965 Session Laws of the State of North Carolina, as amended by Chapter 313 of the 1967 Session Laws of the State of North Carolina, as amended by Chapter 813 of the 1967 Session Laws of the State of North Carolina, as amended by Chapter 686 of the 1971 Session Laws of the State of North Carolina, as amended by Chapter 721 of the 1971 Session Laws of the State of North Carolina, as amended by Chapter 1192 of the 1973 Session Laws of the State of North Carolina, is hereby repealed.

Sec. 2. There is hereby established a Career Service Commission for the City of High Point which shall consist of five members.

CAREER SERVICE COMMISSION

(1) Composition of Commission. There shall be established a Career Service Commission which shall consist of five members. The members shall be appointed by the Council of the City of High Point. One member shall be appointed to a term of one year. Two members shall be appointed for a term of two years. Two members shall be appointed for a term of three years. Thereafter, members shall be appointed for three-year terms. A chairman and other officers deemed necessary shall be selected annually by the members of the commission. A member shall not be able to succeed himself more than one time unless the appointment is for less than a complete term. A member can be removed by the city council prior to the expiration of his term only for cause. Membership of the Career Service Commission shall consist of qualified voters of the City of High Point.

(2) Employee Representation on the Commission. The Career Service Commission shall provide for two employee members in any event in which the

commission shall assume the role of an administrative, fact-finding advisory hearing board as defined in Section 3(a). Employees shall be selected in an objective and impartial manner by the members of the commission to the extent that any appellant shall have peer representation on the hearing board, and that no member of the appellant's department shall sit on the hearing board at the time the appellant's hearing is being conducted. The employee peer representative shall not be more than one salary range above or below the salary range of the appellant. Assistant division heads and above shall not be eligible to serve on the appeals board except as a peer representative of the appellant.

(3) Function of Commission. The Career Service Commission shall serve in a fact-finding and advisory capacity to the city manager in matters relating to personnel administration of the city. The personnel director shall provide staff assistance as needed. The Career Service Commission shall make recommendations to the personnel director and city manager in the following areas of personnel administration:

(a) Shall serve as an administrative advisory and fact-finding hearing board in the event any permanent employee who has completed his/her initial probationary period is suspended, demoted or dismissed from the city service. The commission shall act as a hearing board only at the request of the suspended, demoted or dismissed employee. Any suspended, demoted or dismissed employee shall have the right to appeal directly to the city manager, provided such appeal shall be requested in writing and further that such request shall waive the right to appeal to the Career Service Commission. Hearings shall be administrative in nature and shall be conducted in closed session, unless an open session is requested by the employee. Both the employee and the appointing authority may have any person of his choice available to represent him. In the event such person is an attorney, the attorney will be permitted only to represent his client, not plead his case as in a court of law. In this capacity, the hearing board shall gather facts through written and oral testimony from the appellant and the department head and/or witnesses for the appellant and the department head; determine facts derived from such written and oral testimony and submit recommendations and finding of facts in writing to the city manager and the employee. Final action shall be taken by the city manager within 10 days from the time such recommendations and finding of facts are received from the commission (10 working days). Final action taken by the city manager shall be in writing with copies to the appellant, the department head, all members of the hearing board and the personnel file of the appellant.

(b) Shall advise in methods used for recruitment and selection of candidates for appointment and promotion in city employment.

(c) Shall serve as an oral interview board for designated classes of positions.

(d) Shall advise on matters pertaining to the maintenance of the city's classification plan.

(e) Shall advise on matters relating to affirmative action and equal employment opportunity in city employment.

- (f) Shall advise on matters pertaining to the job performance appraisal system of the city.
- (g) Shall advise on policies and procedures governing the city's fringe benefit programs.
- (h) Shall advise concerning methods of improving employee-employer relations.
- (i) Shall advise on matters pertaining to training and safety programs for city employees.
- (j) Shall advise on any other personnel matters as requested by the city manager.

Sec. 3. Article V, Chapter 107 of the 1931 Private Laws of North Carolina, as amended, is hereby rewritten as follows:

**"ARTICLE V.
"CITY MANAGER.**

- (1) Appointment, qualification, term and compensation.
 - (a) The city council shall appoint the city manager who shall be the administrative head of the city government. He shall be chosen by the city council without regard to his political opinions and solely upon the basis of his character, training, experience and administrative qualifications and need not be a resident of the city or State when appointed. No member of the city council, during the term for which elected, shall be appointed as city manager. The city manager shall receive such compensation as shall be provided by the city council. He shall give such bond as may be required by the city council. He shall be appointed for an indefinite period and hold office during the pleasure of the council.
 - (2) The city manager shall:
 - (a) Be administrative head of the city government, shall, except as specifically otherwise provided for herein, subject to the approval of the city council, organize the administrative functions and affairs of the city into various departments, and through such departments efficiently administer the functions and affairs of the city as provided for herein or as authorized by law or by the city council.
 - (b) See that within the jurisdiction of the city the laws of the State and the ordinances, resolutions, and regulations of the city council are faithfully executed.
 - (c) Attend all meetings of the city council with the right to take part in the discussion but with no vote, and recommend for adoption such measures as he shall deem expedient.
 - (d) Make reports to the city council from time to time upon the affairs of the city, and keep the council fully informed and advised of the city's financial condition and its present and future financial needs.
 - (e) Have power and authority, pending action by the city council to revoke licenses issued subject to revocation.
 - (f) Have the sole power to appoint and remove all heads of departments and all subordinate officers and employees of the city, unless otherwise provided in this charter.
 - (3) Other duties and procedures:

(a) Except for the purpose of inquiry, the city council and its members shall deal with the administrative service of the city through the city manager. No member of the city council shall give orders to or attempt to influence the action of any subordinate of the city manager either publicly or privately. Where this charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city, neither the city council nor any of its members shall attempt to in any manner influence the city manager in the appointment or employment of any such person or persons, but the city manager shall be left free to exercise his own judgment in appointing such person or persons and he shall have the power to suspend and dismiss any person appointed and his action in every case shall be final.

(b) The city manager shall, except when clearly inconsistent with the provisions of this charter, exercise supervision and control over all departments and divisions of the city. He shall prepare and submit to the city council for its consideration and action a proposed annual budget and shall keep the council at all times advised as to the conditions and efficiency of the various departments of the city under his direction and control and of the needs and condition of the city. He shall perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the city council.

(c) The city manager shall not engage in electioneering nor take an active part in political campaigns nor attempt to influence the result of State, county or city elections except by exercising his right as a citizen to hold his own political views and to cast his own vote. Electioneering or improper political activities by the city manager or attempts to influence the results of election or primaries shall be cause for his immediate suspension or removal from office, either by the city council or by any judge of the superior court having jurisdiction upon mandamus or other appropriate proceedings instituted by any taxpayer of said city."

Sec. 4. Amendments to the Personnel Ordinance of the City of High Point shall be made only after notice and a public hearing. Such notice shall be published at least twice in a newspaper having general circulation in the City of High Point. The first notice shall be published not less than 20 days prior to the public hearing and the second notice shall be published not more than three days prior to the public hearing. After such public hearing if the amendment be approved, it shall become effective as otherwise provided by law.

Sec. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1977.