

COUNCIL OF THE TOWN OF LA PLATA
Ordinance 09-1

Introduced By:	Mayor Roy G. Hale
Date Introduced:	January 27, 2009
Planning Commission Public Hearing:	[Not required]
Town Council Public Hearing:	[Not required]
Amendments Adopted:	
Date Adopted:	February 24, 2009
Date Effective:	March 12, 2009

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2 **AN ORDINANCE** concerning

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4 **TOWN PERSONNEL SYSTEM**

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6 **FOR** the purpose of repealing existing Town personnel ordinances and regulations and adopting a
7 new personnel system and new personnel rules and regulations for the Town; providing for
8 the application of this new personnel system and rules and regulations to current Town
9 officials and employees; and all matters generally relating thereto.

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11 **BY** repealing

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13 Chapter 37, PERSONNEL SYSTEM
14 Sections 37-1 through 37-14
15 Code of the Town of La Plata
16 (1998 Edition and Supplements)

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18 **BY** adding

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20 Chapter 37, PERSONNEL SYSTEM
21 Sections 37-1 through 37-6
22 Code of the Town of La Plata
23 (1998 Edition and Supplements)

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26 **BY** repealing

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28 PERSONNEL RULES AND REGULATIONS

29 Previously Codified as Chapter A196

30 Code of the Town of La Plata

31 (1988 Edition and Supplements)

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33 **BY** adopting

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35 TOWN OF LA PLATA PERSONNEL RULES AND REGULATIONS (2009)

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37 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**

38 that Chapter 37, "PERSONNEL SYSTEM", of the Code of the Town of La Plata (1998, as amended)

39 be and it is hereby repealed and new Chapter 37, "PERSONNEL SYSTEM", be and it is hereby added

40 to said Code to stand in the place of the Chapter so repealed, and to read as follows:

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42 **Chapter 37 – PERSONNEL SYSTEM**

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44 **ARTICLE I**
45 **IN GENERAL**

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47 **37-1 CREATION; EFFECT.**

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49 THERE IS A PERSONNEL SYSTEM FOR THE TOWN OF LA PLATA. ALL OFFICES,
50 EMPLOYMENTS AND POSITIONS NOW EXISTING OR HEREAFTER CREATED WITH THE
51 TOWN CIVIL SERVICE ARE PLACED WITHIN THE PERSONNEL SYSTEM. ALL OFFICES,
52 EMPLOYMENTS AND POSITIONS WITHIN THE TOWN CIVIL SERVICE SHALL BE
53 CLASSIFIED AND BE REGULATED BY A PERSONNEL MERIT SYSTEM, EXCEPT THOSE
54 PERSONS WHO HOLD NON-CLASSIFIED POSITIONS AS SET FORTH IN THE TOWN
55 CHARTER.

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57 **37-2 APPLICABILITY.**

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59 ALL CLASSIFIED POSITIONS SHALL BE GOVERNED AND ADMINISTERED UNDER
60 THE PROVISIONS OF THIS CHAPTER AND THE PERSONNEL RULES AND REGULATIONS
61 ADOPTED PURSUANT TO THIS CHAPTER. ADDITIONALLY, THE PROVISIONS OF THIS
62 CHAPTER, AND THE PERSONNEL RULES AND REGULATIONS ADOPTED PURSUANT TO
63 THIS CHAPTER, SHALL APPLY TO ALL NON-CLASSIFIED APPOINTED OFFICES,
64 POSITIONS AND EMPLOYMENTS IN THE TOWN SERVICE, EXCEPT AS OTHERWISE
65 PROVIDED OR EXCEPT TO THE EXTENT THAT SUCH APPLICATION WOULD BE
66 CONTRARY TO THE CHARTER OR LAW.

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ARTICLE II
ADMINISTRATION

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37-3 IMPLEMENTATION.

THE RESPONSIBILITY FOR IMPLEMENTING THIS CHAPTER AND FOR GENERAL SUPERVISION OF THE PERSONNEL SYSTEM IS VESTED IN THE CHIEF EXECUTIVE OFFICER. THE CHIEF EXECUTIVE OFFICER SHALL BE THE TOWN PERSONNEL OFFICER.

37-4 DUTIES OF CHIEF EXECUTIVE OFFICER.

THE CHIEF EXECUTIVE OFFICER SHALL BE RESPONSIBLE FOR THE FOLLOWING:

A. MAKING RECOMMENDATIONS TO THE TOWN COUNCIL WITH REGARD TO THE CLASSIFICATION OF POSITIONS AND COMPENSATION FOR THE DIFFERENT CLASSIFICATIONS, THE ADMINISTRATION OF THE CLASSIFICATION SYSTEM AND THE RATES OF COMPENSATION AND THE INCLUSION OF THESE RECOMMENDATIONS EACH YEAR IN THE BUDGET RECOMMENDATIONS SUBMITTED TO THE TOWN COUNCIL.

B. ESTABLISHING QUALIFICATIONS FOR ALL EMPLOYMENT POSITIONS PRIOR TO THEIR CREATION. THE CHIEF EXECUTIVE OFFICER ALSO SHALL ESTABLISH AND MAINTAIN A JOB DESCRIPTION AND LIST OF ESSENTIAL JOB DUTIES AND FUNCTIONS FOR EACH CLASSIFIED POSITION; FOR ALL DEPARTMENT HEADS, PART-TIME, TEMPORARY AND UNPAID POSITIONS; AND, TO THE EXTENT NOT INCONSISTENT WITH THE CHARTER AND THIS CODE, FOR THE TOWN MANAGER, TOWN CLERK AND TOWN TREASURER.

C. THE APPOINTMENT, TRANSFER, PROMOTION, DEMOTION, SUSPENSION, DISMISSAL OR ANY SUCH CHANGE IN AN EMPLOYEE'S STATUS, SUBJECT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE RULES AND REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER.

D. MAINTENANCE OF SUCH PERSONNEL AND LEAVE RECORDS AS MAY BE REQUIRED.

E. ADMINISTRATION OF THE PERSONNEL SYSTEM AND RULES AND REGULATIONS.

108 F. PROMULGATION OF POLICIES, PROCEDURES AND FORMS NECESSARY TO
109 IMPLEMENT THE PROVISIONS OF THIS CHAPTER AND NOT
110 INCONSISTENT WITH THIS CHAPTER.
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112 G. RECOMMENDING TO THE TOWN COUNCIL PERSONNEL RULES AND
113 REGULATIONS TO IMPLEMENT THIS CHAPTER.

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115 **37-5 DUTIES OF TOWN COUNCIL.**

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117 BY ORDINANCE, THE TOWN COUNCIL SHALL:

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119 A. APPROVE, ESTABLISH, MODIFY OR ABOLISH ALL POSITIONS OR
120 CLASSES OF POSITIONS, PROVIDED THAT, IN CONNECTION WITH THE ADOPTION OR
121 AMENDMENT OF THE ANNUAL BUDGET FOR THE TOWN, THE COUNCIL SHALL
122 APPROVE ALL PROPOSED POSITIONS.

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124 B. APPROVE, ESTABLISH OR MODIFY ALL SALARY SCHEDULES FOR
125 CLASSES OF POSITIONS, PROVIDED THAT, IN CONNECTION WITH THE ADOPTION OR
126 AMENDMENT OF THE ANNUAL BUDGET FOR THE TOWN, THE COUNCIL SHALL
127 APPROVE SALARY SCHEDULES.

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129 C. ADOPT, AND REVISE AS NECESSARY, PERSONNEL RULES AND
130 REGULATIONS TO IMPLEMENT THIS CHAPTER.

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132 **37-6 PERSONNEL RULES AND REGULATIONS.**

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134 A. THE TOWN COUNCIL SHALL ADOPT PERSONNEL RULES AND
135 REGULATIONS TO IMPLEMENT THIS CHAPTER. THE PERSONNEL RULES AND
136 REGULATIONS SHALL INCLUDE, IN ADDITION TO SUCH OTHER MATTERS AS THE
137 TOWN COUNCIL DEEMS APPROPRIATE, PROVISIONS RELATING TO THE FOLLOWING:

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139 1. ADMINISTRATION OF THE PERSONNEL SYSTEM.

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141 2. APPOINTMENT, PROMOTION, TRANSFER, LAYOFF, DISMISSAL,
142 DISCIPLINE, AND OTHER RELATED CONDITIONS OF EMPLOYMENT.

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144 3. ESTABLISHMENT AND ADMINISTRATION OF A POSITION
145 CLASSIFICATION PLAN.

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147 4. ESTABLISHMENT AND ADMINISTRATION OF AN EMPLOYEE
148 COMPENSATION PLAN.

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150 5. HOURS OF WORK AND WORK SCHEDULES.

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152 6. TOWN HOLIDAYS.

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7. EMPLOYEE LEAVE.

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- 8. EMPLOYEE BENEFITS.
- 9. LIMITATIONS ON EMPLOYEE ACTIVITIES
- 10. POLICIES RELATING TO AT LEAST THE FOLLOWING:
 - (I) EQUAL EMPLOYMENT OPPORTUNITY AND UNLAWFUL DISCRIMINATION AND HARASSMENT.
 - (II) ALCOHOL AND SUBSTANCE USE AND ABUSE.
 - (III) WORKPLACE PRIVACY.
 - (IV) EQUIPMENT USE AND MISUSE.
 - (V) WORKPLACE VIOLENCE.

B. THE CHIEF EXECUTIVE OFFICER SHALL DISTRIBUTE THE PERSONNEL RULES AND REGULATIONS TO ALL TOWN OFFICIALS AND EMPLOYEES. HOWEVER, THE PERSONNEL RULES AND REGULATIONS ARE EFFECTIVE EVEN IF THEY ARE NOT PROVIDED TO OR RECEIVED BY AN OFFICIAL OR EMPLOYEE.

SECTION 2: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA that the PERSONNEL RULES AND REGULATIONS of the Town of La Plata, as previously codified in Chapter A196 of the Code of the Town of La Plata (1988, as amended), are repealed.

SECTION 3: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA that the TOWN OF LA PLATA PERSONNEL RULES AND REGULATIONS (2009), a copy of which is attached to this Ordinance, are hereby adopted.

SECTION 4: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA that officials and employees of the Town of La Plata on the effective date of this Ordinance shall be governed thereafter by the terms of the Town Personnel System as adopted by this Ordinance and as may be amended from time to time, except that this Ordinance shall not adversely affect any leave or benefits that have vested before the effective date of this Ordinance.

SECTION 5: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA that if any provision or Section of this Ordinance, or the application thereof to any person or circumstance, is determined by a court to be unconstitutional or invalid, either on its face or as applied, such determination shall not affect any other provision, section or application of this

197 Ordinance which is not determined to be unconstitutional or invalid and, to that extent, the provisions
198 of this Ordinance are declared to be severable.
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