

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 16, 2009

CALL TO PODIUM:

Angel L. Jones, City Manager

RESPONSIBLE STAFF:

Angel L. Jones, City Manager

Lynn Board, City Attorney

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	11/16/09
Advertised	11/18/09
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:
Introduction of an Ordinance to Repeal and Reenact With Amendments to Chapter 17, Section 17-9 of the City Code, Entitled "Filing An Appeal"

SUPPORTING BACKGROUND:
<p>The recent amendments to the City's Personnel Ordinance, Chapter 17, of the City Code included department heads and assistant city managers hired or appointed prior to June 30, 2009 among the employees who had the right to appeal suspensions, demotions or terminations to the Personnel Board.</p> <p>Generally these types of positions are classified as unclassified employees that are not granted appeal rights. A review of Charter and Code provisions from Annapolis, Frederick, Hagerstown and Rockville shows that none of these jurisdictions gives department heads or assistant city managers (or equivalent positions) the right to appeal disciplinary actions to a personnel board.</p> <p>The rationale for not granting appeal rights to employees in types of high-ranking positions is that retainer of individuals in these positions after disciplinary action is taken by the city manager or chief executive officer has the impact of severely undermining that individual's authority. Also, as these positions are non-classified, there is not an expectation that individuals in these positions would have traditional merit employee appeal rights.</p>

DESIRED OUTCOME:
Introduce Ordinance, Direct Staff to Advertise and Schedule the Proposed Ordinance for Public Hearing on December 7, 2009.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REENACT WITH
AMENDMENTS TO CHAPTER 17, SECTION 17-9 OF THE
CITY CODE, ENTITLED "FILING AN APPEAL"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Section 17-9 of Chapter 17 of the City Code, are hereby amended to read as follows:

Sec. 17- 9. Filing of appeal.

All classified employees, ~~as well as any department head or assistant city manager hired or appointed prior to June 30, 2009,~~ who ~~has~~ have been suspended, demoted, or terminated may file an appeal in writing to the personnel review board and may request a hearing thereon. Such appeal shall state the pertinent facts relative to the action which is being appealed and shall be signed by the employee and filed with the personnel review board within five (5) days after receipt by the employee of the notice of such suspension, demotion or termination.

ADOPTED this ____ day of _____, 2009 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and

President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2009. APPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2009.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2009 and that the same was approved by the Mayor of the city of Gaithersburg on the ____ day of _____, 2009. This ordinance will become effective in accordance with the provisions of this ordinance.

Angel L. Jones, City Manager

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u><u>Double underlining</u></u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>