

§ 100. Civil Service Commission: Discharges, etc.; Reductions in force.

(a) Discharges, suspensions, reductions in pay or position.

(1) No person may be discharged from the Civil Service, reduced in pay or position, or suspended because of political opinions or affiliations, or for refusing to contribute to any political fund or refusing to render any political service. But nothing in this Charter relating to the Civil Service forbids the discharge, reduction in pay or position, or suspension of an officer or employee for any just cause.

(2) Whenever a non-probationary employee is discharged, reduced in pay or position, or suspended for more than 30 days, the appointing officer shall furnish a copy of the order of discharge, reduction, or suspension, together with a statement of the reasons for the action, to the employee and to the Commission.

(3) The employee may contest the action by:

- (i) requesting a hearing before the Commission; or
- (ii) initiating a grievance pursuant to an applicable grievance and arbitration procedure, if any, contained in an applicable collective bargaining agreement.

(4) Once an employee has chosen to contest an action by electing one of the procedures specified in paragraph (3) of this subsection, the employee is bound by that election and may not subsequently choose to follow a different procedure.

(5) In all cases, except one in which an employee elects to contest an action through a grievance and arbitration procedure under paragraph (3)(ii) of this subsection, the Commission may, and on the written request of the employee, the Commission shall investigate the disciplinary action. If the Commission finds that the intent and spirit of the provisions of this Charter have been violated in the discharge, reduction, or suspension, it shall report its findings to the Mayor; and the appointing officer shall take whatever action the Commission directs to rectify the violation.

Editor's Note: Section 2 of Resolution 06-017 states:

[T]his amendment applies only to grievance and arbitration procedures that, after the effective date of this amendment, have been adopted as part of a collective bargaining agreement to apply to employees who have been discharged, reduced in pay or position, or suspended for more than 30 days.

(b) Reductions in force – Reemployment preference.

Each person discharged for the purpose of reducing the force and without fault shall receive a certificate so stating and all persons so discharged shall be placed on the eligible list in the order of the length of their service in their classifications at the time of being laid off and in other classifications the civil service in which they may have served previously. The weight to be given to length of service in their last classification and in prior classifications shall be determined in accordance with the rules of the Commission. Persons so discharged shall have preference in the order of their seniority over others on the eligible list, subject, however, to the terms of the next subsection and to any

priority to which any person may be entitled by virtue of any preference to veterans or their dependents.

Editor's Note: For statutory requirements governing the proposal, adoption, and publication of administrative rules and regulations, see General Provisions Article, Title 4 {"Administrative Procedure Act – Regulations"}.

(c) Reductions in force – Seasonal and part-time employees.

In the case of classes of seasonal or part-time employees the Commission, after notice and a public hearing, may adopt rules excluding them from, or limiting the application to them of, the preference contained in the preceding subsection.

Editor's Note: For statutory requirements governing the proposal, adoption, and publication of administrative rules and regulations, see General Provisions Article, Title 4 {"Administrative Procedure Act – Regulations"}.

(Res. 06-017, ratified Nov. 7, 2006.)

#### (d) Efficiency Committee

(1) There is an Efficiency Committee (the "Committee") composed of:

- (i) The Inspector General, who shall serve as its chair;
- (ii) The President of the Civil Service Commission, who shall serve as its vice-chair;
- (iii) The Director of the Department of Human Resources;
- (iv) The Director of Finance; and
- (v) The City Administrator

(2) Independence

The Committee shall operate independently and have the authority to issue directives binding on all municipal agencies, departments, and offices concerning workforce efficiency and structural reductions.

(3) Powers and Duties

- (i) Conducts comprehensive, regular reviews of municipal staffing levels and classifications to identify redundancies, inefficiencies, and non-essential roles. The Committee shall prioritize evaluations of positions classified as managerial, administrative, or supervisory, as well as non-frontline and non-bargaining employees;
- (ii) Establishes and mandates specific workforce reduction targets for each municipal agency and department, ensuring alignment with fiscal discipline and operational priorities;
- (iii) Issues binding directives to implement reductions in non-frontline and non-bargaining positions, with compliance deadlines set by the Committee;
- (iv) Denies or revokes approval for any proposed position or action that would result in a net increase in non-essential staffing levels;

- (v) Collaborates with the Department of Finance to ensure that workforce reductions are reflected in the Ordinance of Estimates;
- (vi) Recommends adjustments to departmental budgets based on compliance with reduction targets;
- (vii) Monitor compliance with workforce reduction directives and position controls;
- (viii) Imposes penalties for noncompliance; and
- (ix) Submits an annual report to the Mayor, City Council, Inspector General, and Board of Estimates, detailing workforce reductions achieved, compliance by municipal agencies, identified areas for further efficiency improvements, and recommendations for additional workforce reduction measures.

(4) Procedural Safeguards

- (i) The Committee shall maintain records of all directives, approvals, and recommendations, which shall be made available for public review, subject to applicable confidentiality laws.
- (ii) Workforce reduction directives shall be implemented in compliance with Section 100 of this Article, including any applicable grievance or appeals processes.
- (iii) The Committee shall engage in good-faith coordination with collective bargaining representatives to ensure reductions do not violate collective bargaining agreements and prioritize non-bargaining employees for reductions.

(5) Prohibition on Workforce Expansion

- (i) No municipal agency or department shall establish, reclassify, or fill positions in non-frontline or non-bargaining categories without prior approval from the Committee.
- (ii) No municipal agency or department shall establish, reclassify, or fill positions in non-frontline or non-bargaining categories without prior approval from the Committee.

- (6) If any provision of this subsection is deemed invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.