

Bill No. 1915-05

No. 23-05-OR

AN ORDINANCE

Ordinance of the County of Allegheny amending Article 1005 of the Allegheny County Administrative Code to provide for the continuation of service of members of the Personnel Board after the expiration of a Board member's term until an expiring member's successor is appointed and confirmed and to provide for the hearing of appeals by the entire Personnel Board or by a member of the Board.

Whereas, Article 1005 of the Allegheny County Administrative Code provides for the creation of a Personnel Board to hear appeals from employees classified either as County Career Service employees or as Civil Service employees hired under the Second Class County Code whenever such employees are discharged, suspended without pay or demoted to a position with a lower wage or salary; and

Whereas, it is the desire of County Council, in cooperation with the Chief Executive, to continue to improve the administration and operation of the Allegheny County Personnel Board.

The Council of the County of Allegheny hereby enacts the following:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Amendment of Paragraph A of §5-1005.03 of the Administrative Code

Paragraph A of § 5-1005.03 of the Allegheny County Administrative Code is amended in part to read as follows:

A. Each appointment to the Board shall be for a period of three years; provided however, that any member of the Board whose appointed term has expired shall continue to hold office until such time as his successor is duly appointed by the Chief Executive and approved by County Council. In making appointments to the first Board under these provisions, the Chief Executive shall designate two members to serve for a term of three years and three members to serve a term of two years. Thereafter, all succeeding appointments to the Board shall be for a period of three years, except where a member whom the new appointee is replacing has held over in office beyond the three year term provided above. Where a member has held over in office, the new appointee shall serve a

term of three years less the length of the time that the former Board member held over in office.

SECTION 3. Amendment of Paragraph B of §5-1005.11 of the Administrative Code

Paragraph B of § 5-1005.11 of the Allegheny County Administrative Code is amended to read as follows:

B. The Personnel Board shall ~~promptly~~ meet as soon as is conveniently possible for all parties and their counsel to hear and render a decision on every appeal properly brought before it to determine whether the ~~appealed action~~ the action taken against the employee was for just cause legally proper and supported by substantial evidence as that term is used in proceedings under the Local Agency Law. At the discretion of the Board, the hearings may be conducted by the Board or the Board may appoint any member as a hearing officer who shall take testimony, receive evidence and make a recommendation to the Board concerning the disposition of the appeal. If an appeal is heard by a hearing officer, the Board shall meet as soon as is conveniently possible after the hearing to review the testimony, evidence and recommendation of the hearing officer and to render a decision on the appeal in accordance with §5-1005.13. All parties shall have the right of further appeal as provided by applicable law.

SECTION 4. Amendment of Paragraph B of §5-1005.13 of the Administrative Code

Paragraph B of § 5-1005.13 of the Allegheny County Administrative Code is amended to read as follows:

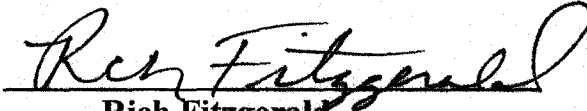
B. The Personnel Board shall render its decision, in writing, within ~~30~~ 45 days of the receipt of the hearing transcript, unless this time limit is waived by all of the parties.

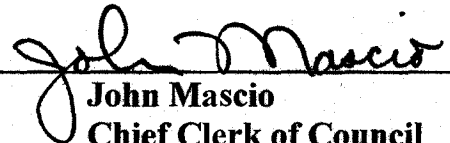
SECTION 5 Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

SECTION 5 - Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

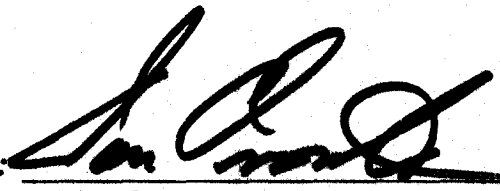
Enacted in Council, this 3RD day of May, 2005,

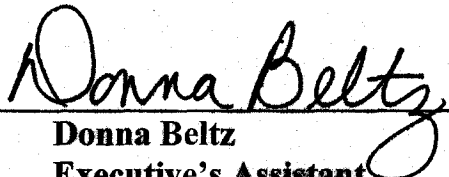
Council Agenda No. 1915-05


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office MAY 9, 2005

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Assistant

SUMMARY OF LEGISLATION

The attached legislation would amend the current provisions of the Administrative Code that control the organization and function of the Personnel Board to provide for more efficient operation of the Board. Included in these amendments are provisions that:


- (a) permit Board members to hold over after the expiration of their term until a replacement member is appointed and confirmed;
- (b) clarify the deadlines for the Board conducting its proceedings;
- (c) clarify the Board's standard of review;
- (d) permit a Board member to be appointed as a Hearing Officer so as to resolve cases before the Board in a quicker, more efficient manner; and
- (e) providing the Board with an additional 15 days to render its opinion.

Both the Human Resources Department and the Law Department believe that these amendments are necessary to correct deficiencies in the Board procedures that have been exposed since the initial formation of the Board and that the amendments will not negatively impact in a material way any parties who bring claims before the Board.

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: March 30, 2005

RE: Proposed Ordinance

2005 MAR 31 AM 11:45

OFFICE OF THE
COUNTY COUNCIL

Attached is a Proposed Ordinance amending Article 1005 of the Administrative Code to improve the administration and operation of the Allegheny County Personnel Board.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.