

## ORDINANCE NO.2426

**AN ORDINANCE CREATING THE CITY CIVIL SERVICE RISK MANAGEMENT COMMITTEE TO REVIEW PENDING DISCIPLINARY ACTIONS BY SUPERVISORS AND DEPARTMENT HEADS OF ANY DEPARTMENT OPERATING UNDER THE CIVIL SERVICE SYSTEM OR LABOR AGREEMENT AGAINST EMPLOYEES; PROVIDING AN EFFECTIVE DATE OF JULY 1, 2009; AND ORDAINING MATTERS RELATED TO THE FOREGOING:**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN BENITO, TEXAS:

### SECTION I: APPOINTMENT AND MEMBERSHIP:

There is hereby created a committee to be known as the Civil Service Risk Management Committee of the City of San Benito, Texas. This committee will consist of four (4) members who oversee and/or work with members of the City Civil Service System. The four (4) members will be: 1) The City Manager, who will serve as the chairman of the committee; 2) The City Attorney; 3) The Civil Service Director; and 4) the department head. Each member shall serve without additional pay or other remuneration for his or her services.

### SECTION III: PURPOSE AND DUTIES:

The objective of this committee will be to assist the City in fulfilling its responsibilities by monitoring and reviewing the City's policies by identifying and managing relevant risks associated with City business and the adequacy of management practices and procedures in implementing those policies. The committee shall be a consultative and review committee. Its purposes shall be as follows:

- (1) To review and advise on pending disciplinary actions by supervisors and department heads and provide recommendations on those pending actions that reduce the risk of the city being involved in extended litigation that can harm the image of the city and cost the taxpayers hefty amounts on legal fees.
- (2) To reduce risk by providing legal and technical advice to department heads and supervisors when they are considering disciplinary action on civil service members. The committee will only review pending disciplinary action that involves suspensions without pay, demotions, and indefinite suspensions; Letters of concern, written warnings, or written reprimands will not be reviewed by the committee.

- (3) The committee does not have the authority to direct department heads on what disciplinary action to take against civil service members, or limit or usher their authority that is authorized under Texas Government Body Code Chapter 143, The City of San Benito Civil Service Rules, or the Labor Agreement between the City of San Benito and the San Benito Police/Employee Association.
- (4) Department heads are not required to refer terminations of probationary civil service employees to this committee.

**SECTION IV: MEETINGS AND CONSULTATIONS:**

This committee will meet informally on a monthly basis at a time set by the chairman to review all pending civil service actions and appeals. This committee will provide advice and guidance to department heads and supervisors prior to any disciplinary action involving suspensions, demotions and indefinite suspensions for all civil service employees. The chairman of the committee must be notified 72 hours in advance of any disciplinary action being taken, to allow them time to setup a meeting with all committee members and the department head prior to any supervisor issuing any disciplinary action to any civil service employee. The recommendations of this board are non-binding on department heads. Civil service employees still have a right to appeal any disciplinary action to the Civil Service Commission, in accordance with City Policy and Civil Service Rules.

**SECTION V: CIRCULATION:**

The City Secretary of the City of San Benito, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance to be published in a newspaper having circulation in the City of San Benito, Cameron County, Texas. This ordinance shall become effective on July 1, 2009.


First Reading on: June 2, 2009

Second Reading on: June 16, 2009

CITY OF SAN BENITO

  
JOE HERNÁNDEZ, MAYOR

ATTEST:

  
LUPITA PASSEMENT, CITY SECRETARY