

## **ORDINANCE No. 181459**

Authorize changes to the Human Resources Administrative Rules and to the definition of classifications exempt from the classified service to implement Charter reform approved by the voters on May 15, 2007 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On May 15, 2007, the citizens of Portland approved sweeping changes to Chapter 4-Civil Service, of the Charter of the City of Portland, to take effect on January 1, 2008.
2. The voters changed the definition of positions that Council may exempt from the classified service to include employees in a classification with a major role in the formulation of policy that requires the exercise of independent judgment and are hired after the effective date of this ordinance.
3. Exempt classifications will include positions where a critical element is exercising independent judgment in the formulation of policies that have citywide impact or importance. Policies with citywide impact or importance include both policies that impact the City as an employer and policies that impact the citizens of Portland. The list of classifications meeting this criterion is attached as Exhibit A.
4. The position of Fire Marshal should be a premium assignment consistent with the Division Chief and Deputy Chief positions in the Bureau of Fire and Rescue.
5. Voter-approved changes to Chapter 4-Civil Service also includes the elimination of former Article 3-Appointments and Promotions and former Article 4-Rules and Regulations. Implementation of these voter-approved changes requires modification of Human Resources Administrative Rule 3.02-Eligible Lists. Voter-approved changes eliminated the “rule of 5” as the selection criterion for candidates from a ranked eligible list, so that requirement has also been removed from HRAR 3.02. Prior to the selection of candidates, operating bureaus will need to determine, with the assistance of the Bureau of Human Resources, the appropriate selection criteria. The revised rule is attached as Exhibit B.
6. Voter-approved changes eliminated all language in the Charter governing temporary and seasonal appointments. Seasonal Appointments had been limited by City Charter to five months. Human Resources Administrative Rule 3.03-Types of Appointments reflected the Charter limitation. Revising the Rule to increase employment of seasonal employees to up to 1200 hours in a calendar year continues a limit on the employment of seasonals and provides needed flexibility to operating bureaus. The revised rule is attached as Exhibit C.
7. Human Resources Administrative Rule 3.04-Temporary Appointments is revised to eliminate the reference to the outdated Charter section on temporary appointments. The revised rule is attached as Exhibit D.

8. The voters approved one uniform timeline of 21 calendar days for filing appeals to the Civil Service Board. A revised Human Resources Administrative Rule 3.15-Civil Service Board is attached as Exhibit E to reflect the new timeline.

NOW, THEREFORE, the Council directs:

- a. Adoption of the Director of Human Resources' recommendation that the classifications listed in Exhibit A are exempt from civil service.
- b. Adoption of revised Human Resources Administrative Rules 3.02, 3.03, 3.04, and 3.15, as set out in Exhibits B through E, to implement other voter-approved changes to Chapter 4 of the City Charter, while retaining a limit on the employment of seasonal employees.

Passed by the Council, December 5, 2007

Mayor Potter  
Yvonne L. Deckard  
Anna Kanwit  
November 13, 2007

**GARY BLACKMER**  
Auditor of the City of Portland  
By/S/Susan Parsons  
Deputy



BACKING SHEET INFORMATION

AGENDA NO. 1411, 1443-2007

ACTION TAKEN:

NOV 28 2007 PASSED TO SECOND READING DEC 05 2007 9:30 AM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 181459

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	