

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, TO REVISE SECTION 2-180, “COVERAGE OF THE SYSTEM,” TO PROVIDE THAT CITY COUNCIL AIDES/DISTRICT DIRECTORS DO NOT HAVE RIGHTS TO ADMINISTRATIVE APPEAL FROM ADVERSE EMPLOYMENT ACTIONS AND TO MAKE NON-SUBSTANTIVE CHANGES TO SECTION 2-180 TO ENHANCE CLARITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Fort Worth City Code currently affords certain City employees the right to appeal some adverse employment actions to a neutral third-party hearing officer; and

WHEREAS, individuals holding certain positions, including the City Manager, Assistant City Managers, the Internal Auditor, the City Secretary, and the City Attorney and her assistant city attorneys do not have such appeal rights; and

WHEREAS, the individuals who assist members of the City Council as council aides or district directors historically worked on a less than full time basis; were traditionally hired, disciplined, and fired directly by the Councilmember; and have not been regular full-time employees; and

WHEREAS, in recent years the role of council aide/district director has evolved, with many individuals serving on a full-time basis; and

WHEREAS, the Fort Worth City Council is separately amending the City’s retirement fund ordinance to make council aides/district directors eligible to participate in the retirement fund, which necessitates such positions becoming regular full-time employment positions; and

WHEREAS, because of the unique nature a council aide/district director serves as an assistant and envoy for his or her employing Councilmember, the Fort Worth City Council finds it advisable to clarify that individuals holding such positions would continue to be directly hired, disciplined, and fired by the City Councilmember for each district and would not be subject to appeal rights afforded to most employees who report to the City Manager; and

WHEREAS, in reviewing Section 2-180 to make this clarification, the City Attorney’s Office noted that this provision would benefit from non-substantive restructuring to enhance clarity and recommends making revisions, which the City

Council agrees would be beneficial.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

That Section 2-180, "Coverage of the System," of the Code of the City of Fort Worth is hereby amended to reflect that council aides/district directors are not subject to administrative appeal rights and to make non-substantive revisions to enhance clarity, with such section, as amended, to read as follows:

§ 2-180 COVERAGE OF THE SYSTEM.

This article shall apply to all officers and employees of the city and shall apply to all such positions in the city service now existing or hereafter established, except as provided below.

(a) The mayor, members of the city council and members of appointive boards shall be exempt from the provisions of this article.

(b) ~~The following positions city manager and the assistant city managers shall be exempt from the dismissal, suspension and demotion section of this article:~~

(1) the city manager and the assistant city managers

(2)

~~—(c) The city manager's secretary shall be subject to the dismissal, suspension and demotion section of this article, save and except that, in the event of an appeal by the city manager's secretary of a disciplinary action, all findings and recommendations of the disciplinary appeals board or its designated hearing officer shall be made to the inter/intra governmental affairs committee of the city council for final decision, rather than to the city manager.~~

~~—(d) The heads of departments, assistant heads of departments, and division heads;~~

(3) the judges of the municipal court system;

(4) the city internal auditor and

(5) the city secretary

~~shall be exempt from the dismissal, suspension and demotion section of this article.~~

~~—(e) (6) Persons temporarily appointed to the city service and~~

~~(7) employees in their initial probationary period shall be exempt from the dismissal, suspension and demotion section of this article.~~

~~—(f) T(8) the city attorney and all assistants deputy and assistant city attorneys in the department of law shall be exempt from the dismissal, suspension and demotion section of this article.~~

(9) aides to the city councilmembers/district directors

~~—(g) (c)~~ Employees of the police department and fire department who are subject to the provisions of the Fire and Police Civil Service Law (Tex. Local Government Code Chapter 143) are exempt from the section on dismissal, suspension and demotion, and the section on political activities.

(d) The city manager’s secretary shall be subject to the dismissal, suspension and demotion section of this article, save and except that, in the event of an appeal by the city manager’s secretary of a disciplinary action, all findings and recommendations of the disciplinary appeals board or its designated hearing officer shall be made to the appropriate committee of the city council for final decision, rather than to the city manager.

SECTION 2.

That this ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

That it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

That this ordinance shall take effect upon adoption.

**APPROVED AS TO FORM
AND LEGALITY:**

ATTEST:

Assistant City Attorney

Ronald P. Gonzales, Acting City Secretary

ADOPTED: _____

EFFECTIVE: _____