

**CITY OF LOGAN, UTAH
ORDINANCE NO. 19-01**

**AN ORDINANCE AMENDING SECTIONS 2.52.040 AND 2.52.050 OF THE LOGAN
MUNICIPAL CODE REGULATING LOGAN CITY'S EMPLOYEE APPEALS BOARD:**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property and the City; and

WHEREAS, the City Council has determined that certain amendments to the following ordinance is in the City's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

Section 1. Sections 2.52.040 and 2.52.050 of the Logan Municipal Code are hereby amended as follows:

2.52.040: CREATED; MEMBERS; DUTIES:

An Appeals Board consisting of five (5) members is created. Three (3) of the members shall be chosen by popular ballot by the City employees. ~~who are not s~~Statutory officers, division managers, department heads, and assistant department heads are not eligible to be selected to the Appeals Board by the popular ballot. or administrative assistants or officers. The other two (2) members shall be appointed by the Mayor and may include any ~~City employee, statutory officer, division manager, department head or administrative assistant.~~

The duties of the Appeals Board shall be to review on appeal the discharge; suspension without pay for more than two (2) days; or involuntary transfer to a position with less remuneration of City officers or employees pursuant to the provisions of Utah Code Annotated §10-3-1106, 1953. The Appeals Board may not review or decide any other personnel matters, including the discharge or transfer of employees to positions with less remuneration if the discharge or transfer is the result of a layoff, reorganization, or other non-disciplinary reason.

The Appeals Board does not have jurisdiction to hear an appeal filed by: an employee appointed by the Mayor; an employee in an at-will position; a seasonal or temporary employee; a probationary employee; an employee who has acknowledged in writing that the employee's employment status is appointed or at-will; or an employee covered under the Civil Service Commission.

The Appeals Board shall issue a written decision in response to an employee appeal filed under this Chapter. A decision is final when it is signed and dated by the Appeals Board and certified with the City Recorder. The City Recorder shall distribute the certified decision to the employee or the employee's counsel, the Human Resources Director, the City Attorney, and the appropriate department head.

2.52.050: MEMBERS; TERMS:

Each member of the Appeals Board shall serve a term ~~of two (2) years~~ as prescribed in City policy, except that the Mayor's appointees and one of the regular City employees' appointees shall initially serve a one year term so as to stagger the terms of the Appeals Board members, with some members being newly appointed every year. (Ord. 17-28, 2017)

SECTION 2. Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF
JANUARY _____ 2019, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Jeannie F. Simmonds, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of _____, 2019.

/s/ Jeannie F. Simmonds, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of _____, 2019.

/s/ Holly H. Daines, Mayor