

CHARTER REVIEW COMMISSION

Municipal Building Conference Room
201 West Gray
Norman, Oklahoma

Thursday - May 2, 2013
5:30 p.m.

1. Call to order and Roll Call
2. Consideration of approval of the Charter Review Commission minutes of April 4, 2013.
3. Continue discussion and possible action regarding Article III, Section 7, of the City Charter regarding creating a requirement that a City employee take a leave of absence to run for partisan political office.
4. Begin review of Article XVI, Section 2 to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote.
5. Adjournment.

CHARTER REVIEW COMMISSION

Thursday – May 2, 2013

Continued Discussion

Article III, Section 7 - City employee's run for partisan political office.

Background:

After the 2005 CRC made its report to Council on whether to amend the Charter in the areas in which it was asked to review, four Councilmembers presented Council with additional Charter changes. One of the proposals would have required City employees running for partisan political office to take a leave of absence upon filing for office with the Oklahoma Ethics Commission. The CRC discussed the proposed language and recommended that it not go forward.

Prior to 2005, the City had a provision in the Personnel Manual that mirrored the Charter language, but in August 2005, that provision was overhauled to set out requirements that ensured City resources or services would not be jeopardized by a run for partisan political office.

During the March CRC meeting, the Commission discussed whether such requirements were more appropriate for partisan or non-partisan offices, or both, and whether such requirements were suitable for placement in the Charter, the Code, and/or the Personnel Manual. Members did express a preference for language similar to that in Lawton's ordinance about employees and political office.

Staff presented language consistent with CRC feedback at its April meeting. The proposed Charter language would set the broader policy and revised personnel manual provisions and/or added Code provisions to set forth the details of how the policy would be implemented. The CRC requested some minor changes to the language presented; the revised language is provided below and in the attached draft ordinance and personnel manual changes.

Language Based on April Discussion

Section 7. – Political activity prohibited.

Any employee of the City may actively engage in political activities. Provided, the political activity in which the employee participates shall be exercised only during off-duty hours and while not in uniform. Any employee seeking elected office may be required to take a leave of absence as prescribed by the Norman Code of Ordinances and/or the City Personnel Manual. Such requirements shall be consistent with applicable state and federal laws. Any federal statutes restricting political activities of City employees shall supersede the provisions of this section as to such employees. The City does hereby reserve the right to establish employment requirements requiring City employees to refrain from filing as a candidate for City office while employed by the City.

Potential Changes to the City of Norman Personnel Manual:

300.7: Political Activity. City governmental service is nonpartisan employment. Care should be taken to ensure the job performed provides the utmost service to the citizens and taxpayers of the City of Norman regardless of political affiliation. It is also recognized that City employees are citizens of the State of Oklahoma, and most City employees are citizens of Cleveland County and the City of Norman. City employees do not give up their political rights merely by virtue of accepting City employment. To accommodate the need to perform the functions of City employment in a timely, response, nonpartisan manner when employees desire to exercise their political rights, the following guidelines should be observed.

- (a) Any employee of the City may actively engage in partisan political activities, provided the political activity in which the employee participates shall be exercised only during off-duty hours and while non in uniform. Care should also be taken not to use City equipment for political activities, including, but not limited to, phones, fax machines, copiers or supplies.
- (b) Any federal statutes restricting political activities of City employees shall supersede the provisions of this section as to such employees.
- (c) ~~The City reserves the right to establish employment requirements requiring City employees to refrain from filing as a candidate for public office while employed by the City. Although such a requirement has not been established, recognizing that the time commitment to run for political office as a candidate can be extensive, the following should be considered:~~
 - ~~1. Time needed away from the employee/candidate's regular job duties for political activity;~~
 - ~~2. Amount of accrued leave time (vacation or compensatory time) available to the employee/candidate for time away from work for political activity;~~
 - ~~3. Whether leave without pay will be needed for the employee/candidate for time away from work for political activity;~~
 - ~~4. Ability of the affected department or division to continue with the City functions in the employee/candidate's absence;~~
 - ~~5. Leave away from work by an employee/candidate for political activity shall be considered for approval by the City Manager upon recommendation from the employee's department director.~~

Any employee desiring to run for county, state or federal elective office with an agency which has a jurisdiction within the geographical city limits of Norman, Oklahoma shall comply with the following provisions:

1. Such employee shall be placed on leave status a minimum of fourteen (14) calendar days prior to any primary, primary runoff or general election;
2. After recommendation of the employee's department director, the City Manager may place employees on leave status in excess of the time

periods indicated in subsection 1 of this subsection in circumstances where the employee's candidacy interferes with official job duties with the municipal service or where said additional leave time would be in the best interests of the municipal service and the City;

3. Paid leave status requested by the employee shall be recorded as vacation time or compensatory time as applicable up to and including the total amount of time accrued by the individual. All additional leave time required and not requested as vacation time or compensatory time, shall be recorded as leave without pay; and
4. The City Manager of the City Manager's designated representative shall be the sole determiner of the individual's leave status consistent with the provisions of this section.

- (d) City employees also have a right to not participate in political activity. It is unlawful for the City Council, any member thereof, any candidate for election to the City Council, or any officer of the City to directly or indirectly coerce or attempt to coerce any City employee to participate or to refrain from participation in municipal political activities or public meetings.
- (e) Neither sick leave nor administrative leave should be used by the employee/candidate for political activity.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADDING CHAPTER 12, ARTICLE IV TO THE CODE OF THE CITY OF NORMAN, OKLAHOMA SETTING FORTH REQUIREMENTS FOR EMPLOYEES THAT RUN FOR POLITICAL OFFICE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article IV of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

ARTICLE IV. POLITICAL ACTIVITY BY CITY EMPLOYEES

§ 2. That Section 12-401 of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

Sec. 12-401. General Regulations Governing City Elective Office and Political Activities by Employees.

- (a) Any employee of the City may actively engage in political activities in as provided in Article IV of this Chapter.
- (b) No employee of the City while on duty or in uniform may work for or against, or attempt to influence, the nomination, election, or defeat of any candidate for Mayor or City Council, the recall of the Mayor or any Councilmember, or municipal initiative or referendum elections.
- (c) Any federal statutes restricting or prohibiting the political activities of employees shall supersede the provisions of this Code and state law if applicable as to such employees; and
- (d) Any employee of the City desiring to seek municipal office shall resign from municipal service immediately following filing for the municipal elective office.

§ 3. That Section 12-402 of Chapter 12 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

Sec. 12-402. County, State Federal or Other Elective Office.

- (a) As to county, state, or federal office, the following apply:
 - (1) Each employee of the City who desires to seek any county, state or federal elective office with an agency which has a jurisdiction which

includes the geographical city limits of Norman, Oklahoma shall be placed on leave status a minimum of fourteen (14) calendar days prior to any primary, primary runoff, or general election;

(2) After recommendation of the employee’s department director, the City Manager may place employees on leave status in excess of the time periods indicated in subsection (1) above in circumstances where the employee’s candidacy interferes with official job duties with the municipal service or where said additional leave time would be in the best interests of the municipal service and the City;

(3) Paid leave status requested by the employee shall be recorded as vacation time or compensatory time as applicable up to and including the total amount of time accrued by the individual. All additional leave time required, and not requested as vacation time or compensatory time, shall be recorded as leave without pay; and

(4) The City Manager or the City Manager’s designated representative shall be the sole determiner of the individual’s leave status consistent with the provisions of this section.

§ 4. That Section 12-403 of Chapter 12 of the Code of the City of Norman, Oklahoma shall be added to read as follows:

Sec. 12-403. Violations.

A violation of the provisions of this section may be grounds for immediate dismissal from the municipal service, at the discretion of the City Manager.

§ 5. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, except, that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2013.

NOT ADOPTED this _____ day
of _____, 2013.

Mayor

Mayor

ATTEST:

City Clerk