



Administrative Regulations

Office of the Mayor

Title: PERSONNEL BOARD

A.R. Number: 5.20 Effective Date: 7/1/2023 Page: 1 of 6

Supersedes: N/A A.R.: N/A DATED: N/A

I. PURPOSE

Pursuant to the Code of Richmond, Section 2-936, the City of Richmond has established a Personnel Board. This policy outlines the Board's purpose, purview, and procedures.

II. POLICY

A. Personnel Board composition

The Personnel Board shall consist of ten (10) persons appointed by City Council who reside within the city, except that the two (2) Board members who are members of the classified system of the city shall not be subject to this subsection's residency requirement. The term of office shall be for three (3) years, excepting members of the classified service, who shall serve for five (5) years. No person shall serve more than two (2) consecutive terms, except that a person appointed to fill a vacancy shall be eligible for appointment to two (2) complete terms. Vacancies shall be filled by City Council by appointment for the unexpired portion of the term. Two (2) members of the Personnel Board shall be members of the classified service nominated by the members thereof in a manner prescribed by City Council.

The Personnel Board shall choose one of its members to be the Chairperson for a term of two (2) years and one of its members to Vice-Chairperson for a like period, beginning with the first Tuesday in September of each even-numbered year.

Members of the Personnel Board, other than the two (2) persons who are members of the classified system of the city, shall be entitled to receive compensation for attendance at such meetings in accordance with the Code of Richmond.

The Director of Human Resources or designee shall designate an employee of the Department of Human Resources to act as Secretary of the Board who shall advise both employees and supervisors in matters concerning this grievance procedure. The Secretary of the Board shall keep a full and accurate record of the grievance which shall consist of all forms, decisions and exhibits regarding the grievance.

B. General meetings of the Board

The Chairperson of the Personnel Board shall cause meetings of the Personnel Board to occur either upon request of a sufficient number of board members or at the request of the Director of Human Resources or designee for the purpose of discussing any matter relating to the



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human resources of the city's classified service. Such meetings shall normally be open to the public and shall be recorded. All general meetings shall comply with the Commonwealth's laws regarding open meetings and a notice of intent to have such a meeting shall be posted accordingly. During general meetings, six (6) members of the Board shall constitute a quorum.

C. Hearings by the Board

Except for direct appeals, any grievance that is appealable shall be heard by the Personnel Board after all other steps contained in the grievance policy have been properly exhausted. Five (5) members of the Board, to include one (1) member of the classified service, shall constitute a quorum; all determinations shall be determined by majority vote.

While sitting to hear a grievance, the Personnel Board shall not be composed of any persons having direct involvement with such grievance, or with the complaint or dispute, giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Board members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of such an attorney shall serve as a Board member.

Each party shall be entitled to one (1) continuance. Additional continuances may be granted by the Chairperson of the Board, provided good cause is shown.

The Secretary of the Personnel Board shall coordinate the scheduling of all hearings before the Personnel Board in accordance with the grievance policy.

The Secretary of the Board shall provide a copy of the grievance record to the Personnel Board and the parties prior to the hearing.

III. PROCEDURE

A. Documents and grievance materials

A list of all appropriate witnesses who are to testify, the summary statement, and documents shall be submitted to the Department of Human Resources and exchanged between the parties thirty (30) calendar days prior to the hearing date. The Chairperson shall be the judge



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of the relevancy of books and papers sought to be produced, however, they may refer any such matters to the Board for its consideration and determination.

Supplemental documents, exhibits and list of additional witnesses shall be exchanged between the parties within five (5) calendar days before the hearing with a copy provided to the Secretary of the Board.

B. Conduct of hearings

The conduct of the Board grievance hearings shall be as follows:

1. The Board does not have authority to formulate city policies, procedures, or regulations, or to alter existing city policies, procedures, or regulations.
2. The Chairperson shall be responsible for the orderly conduct of the hearing and shall have the authority to limit the introduction of redundant and repetitive evidence.
3. The Chairperson shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.
4. The Board shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
5. The Board may require statements clarifying the issues.
6. The rules of evidence shall not necessarily apply, and hearings are not intended to be conducted like proceedings in court.
7. The Chairperson shall be the judge of the admissibility and relevance of all evidence. The individual members of the Board shall determine for themselves the weight and credibility of the evidence.
8. Both the grievant and the city may call upon appropriate witnesses and be represented by legal counsel or other representative at the hearing. Such representative may examine, cross-examine, question and present evidence on behalf of the grievant or the city before the Board without being in violation of the provisions of § 54.1-3904 of the Code of Virginia.



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9. Opening statements shall be permitted, with the grievant going first.
10. The grievant shall present their evidence and call witnesses first.
11. All witnesses may be examined and cross-examined.
12. The Board may question any witness at the conclusion of questioning by the grievant and the city.
13. All evidence shall be taken in the presence of the Board and of the parties, except by mutual consent of the parties.
14. The Board may require any party or witness to produce such additional evidence, as it deems necessary for an understanding and determination of the issues.
15. A reasonable time shall be allowed for closing arguments, with the employee going first.
16. The Board may, at its discretion, vary this procedure, but shall afford full and equal opportunity to all parties for the presentation of any material and relevant evidence.

C. Remedies

1. The Board shall have the authority to uphold, reverse, or modify the disciplinary action being grieved by imposing a lesser disciplinary action and, in appropriate circumstance, award back pay in an amount the Board believes equitable.
2. Back pay shall not exceed pay for time actually lost due to a suspension or dismissal.
3. The Board does not have the authority to formulate or alter policies or procedures.
4. The Board does not have authority to grant relief greater than that which the grievant has requested in the grievance form.
5. The Board does not have the authority to award the payment of damages or attorney's fees or costs.

D. Board decisions

1. Upon conclusion of deliberations, the Board may orally inform the parties of its decision. However, the Board shall inform the Director of Human Resources or designee of its decision in writing to the Director of Human Resources or designee no later than ten (10)



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calendar days from the conclusion of the hearing. The decision, including findings of fact as to the material issues and the basis for the Board's findings, shall be sent, in writing, to the appointing authority/department head or designee, the grievant, the grievant's attorney or representative, and to the city's legal representative by the Secretary to the Board within ten (10) calendar days of receipt of such decision.

2. The majority decision of the Board, acting within the scope of its authority, shall be final and binding, and shall be consistent with the provisions of law and written policy.
3. The question of whether the relief granted by the Board is consistent with written policy shall be determined by the Chief Administrative Officer or designee unless the Chief Administrative Officer or designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth Attorney for the City of Richmond.
4. Either party may petition the City of Richmond Circuit Court, for an order requiring implementation of the official Personnel Board decision.

IV. RESPONSIBILITY

Department of Human Resources (HR) – HR is responsible for oversight and administration of this policy. HR is the central repository for all personnel files and information. HR shall make available all necessary procedures and forms to departments and employees and provide guidance when questions arise.

Supervisory Staff – All supervisory staff are responsible abiding by the requirements and processes of this policy.

Employees – Employees are responsible for abiding by the requirements and processes of this policy.

V. DEFINITIONS

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.



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VI. REGULATION UPDATE

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

Approval


CHIEF ADMINISTRATIVE OFFICER


MAYOR