



Civil Service Board (“CSB”)

**Public Safety Committee Meeting
April 8, 2024**



Overview of steps since passage of CSB legislation

- ◆ The Act establishing the CSB became effective August 17, 2023.
- ◆ Staff met with the attorneys for the cities of Asheville and Greensboro on or about October 3, 2023, to discuss the Act and the necessary steps for implementing the same.
- ◆ Staff presented an overview of the Act to the Public Safety Committee on or about October 9, 2023.
- ◆ Since October 2023, legal staff has engaged in several efforts to have a dialogue with the General Assembly's legislative drafting staff about the differences between the Greensboro and



Overview of steps (continued)

Winston-Salem legislation.

- ◆ On or about October 16, 2023, an internal group with legal, human resources, and the city manager's office commenced meeting monthly about the Act. Staff with budget and the clerk's office joined these monthly meetings shortly thereafter.
- ◆ Greensboro has encountered some internal delays in establishing a regular meeting schedule. Hopefully, they will be able to benefit from CWS' extensive work.



Overview of steps (continued)

- ◆ One point worth noting at the outset is that the CSB is not similar to the Citizen Police Review Board (“CPRB”). The CSB makes final decisions following a hearing with respect to certain actions appealed to the CSB and the CSB overturn a decision of the city manager. The CPRB only makes recommendations to the city manager. Under the CPRB process, the city manager still makes the final decision which is not the case with respect to the CSB process.
- ◆ During a conversation with a city that has a CSB, one of the concerns raised was the ability of the CSB to reinstate an



Overview of steps (continued)

employee in the classified service that has engaged in excessive use of force despite being terminated by the city manager. While the city could appeal such a decision to Forsyth County Superior Court, it is unclear whether the action of the CSB reinstating that employee will be placed on hold, automatically, while the court action is pending.

- ◆ Another concern raised is whether the Act violates Article II, Sec. 24, 1(j) of the North Carolina Constitution, as a prohibited local act regarding labor.
- ◆ Unlike the CSB, the CPRB does not have subpoena power.



Overview of CSB ordinance

- ◆ Unlike the CSB, the CPRB does not have the authority to commence an investigation independent of a complaint appealed to the CPRB.
- ◆ CSB ordinance will be codified in Chapter 2 of the WS city code with other ordinances creating various city boards and commissions. Overview of Chapter 2, Division 18 of the city code creating the CSB:
 - ◆ A. Section 2-311.1

This section contains an extensive list of definitions including but not limited to:



Overview (continued)

“Classified service of the city of Winston-Salem” which has a specific meaning in the Act.

Classified service of the city shall mean all officers and employees of the City Police Department and City Fire Department, except the Chief of Police, the Deputy Chief of Police, Assistant Chiefs of Police, the Fire Chief, the Deputy Fire Chief, and Assistant Fire Chiefs. This term does not include new employees during their probationary period as determined by the rules of procedure adopted by the Winston-Salem City Council pursuant to the Act.



Overview (continued)

◆ B. Section 2-311.1

This section addresses the duties of the CSB extracted from the Act, which duties include, but are not limited to:

1. Conducting a hearing regarding certain actions appealed to the CSB, such as:

When a member of the classified service in the police and fire departments is: discharged, suspended, reduced in rank, transferred against his or her will, or denied any promotion or raise in pay which he or she would be entitled to.



Overview (continued)

2. Undertaking investigations concerning facts with respect to: (a) the operation and enforcement of provisions of the CSB legislation, (b) the rules established pursuant to the authority granted by the Act, and (c) the condition of the classified service of the city.

3. Making and amending substantive rules for promoting efficiency in the classified service as authorized by the Act and procedural rules for the conduct of its official proceedings. Both must be submitted to city council for approval.



Overview (continued)

◆ C. Sections 2-311.4, 2-311.5, 2-311.6, 2-311.15 and 2-311.16 provide the process for electing, selecting, and appointing members of the CSB.

1. That the election process must be substantially as provided in the ordinance and the Act.

2. City manager shall perform such acts in connection with the election as may be necessary to ensure a fair and impartial election, not inconsistent with the ordinance and the Act.



Overview (continued)

◇ 3. An announcement must be published in the local newspaper, or through an alternative means as determined by the city manager, soliciting at least 5 city residents as candidates for the election, selection, or appointment process to the CSB.

4. From the list of eligible candidates, an election ballot shall be prepared. Members of the classified service in the police and fire departments shall elect one CSB member each. Write-in candidates are allowed, provided the candidate is eligible to serve in accordance with the Act and ordinance. From that same list, the fire and police



Overview (continued)

chiefs, by mutual agreement, shall select a candidate.

5. From the list of eligible candidates, city council shall appoint a candidate upon recommendation of the mayor.

6. The four members of the CSB, after taking the oath of office, shall select a candidate from the list. The CSB, police and fire chiefs, and city council may choose to appoint a candidate or person not on the list, provided the candidate or person is eligible to serve in accordance with the Act, the ordinance, and completes all city required documents (application etc.) for consideration.



Overview (continued)

7. If the person(s) or entity designated to make the selection, election, or appointment to the CSB fails to do so, the city council, by default, shall make that appointment by majority vote.

8. The city manager, with the assistance of the human resources director, shall make a list of names of the employees in the classified service (police and fire) for the purpose of electing two members to the CSB or their replacements.



Overview (continued)

9. The city manager has the authority to develop an absentee ballot process.

◆ D. Sections 2-311.7, 2-311.8, and 2-311.9

The city manager shall determine the location of the poll(s) and the hours of operation and notify the employees in the classified service as required by the Act and ordinance.

◆ E. Sections 2-311.10, 2-311.11, and 2-311.12

The city manager shall appoint election supervisors to manage the election, count the ballots, and certify the



Overview (continued)

results of the election to city council. The counting process before the city clerk will be open to the public.

◆ F. Section 2-311.14

The candidates receiving the most votes, one for the fire department and one for the police department, shall be elected as members of the CSB .

◆ G. Section 2-311.17

1. All members are required to take the oath of office.
2. The terms are for 2 years, and CSB members may serve consecutive terms.(No lapse in service requirement)
3. The city council appoints the Chair of CSB annually.



Overview (continued)

4. Once the full board is installed, CSB shall develop and vote on a meeting schedule and select a vice chair by majority vote.

◇ H. Sections 2-311.21, 2-311.22, and 2-311.24

1. The city clerk will serve as secretary to the CSB.

2. The CSB may designate from the roster of attorneys reviewed and approved by the city attorney legal representation for appeal hearings and other matters.



Overview (continued)

3. The CSB has subpoena power for different purposes.

I. Sections 2-311.25.

1. City Council is required to provide funding for the CSB. The proposed FY 25 budget includes funding for the CSB.



Next Steps

- ◆ Present CSB ordinance to City Council for approval. (June 2024)
- ◆ Commence process for election, selection, and appointment of CSB Members. (June/July/August 2024)
- ◆ Legal provide CSB member training. (August/Sept. 2024)



QUESTIONS?