



# *City of Winston-Salem*

OFFICE OF THE MAYOR

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J. ALLEN JOINES  
MAYOR

April 20, 2023

Representative Jeff Zenger  
300 N. Salisbury Street, Rm. 632  
Raleigh, NC 27603-5925

Representative Kyle Hall  
300 N. Salisbury Street, Rm. 305  
Raleigh, NC 27603-5925

Re: HB 470-Civil Service Board Bill

Dear Representatives Zenger and Hall:

Please accept this letter as an avenue for respectfully expressing concerns regarding HB 470, the Civil Service Board (“Board”) bill which, if enacted, would create a body with authority that may potentially supplant or replace the fundamental employee policies and measures adopted and implemented by the City of Winston-Salem consistent with the long-standing statutes regarding the council-manager form of government. Based upon the policy areas and jurisdiction designated for said Board, it appears that the bill may ultimately result in the creation of two separate processes for the adoption of personnel policies and amendments impacting city employees while transferring authority that falls by statute, city ordinance, or resolution, within the scope of the City Manager, City Council, and the Human Resources Department.

The proposed Board would have the authority, among other things, to effectuate pay and disciplinary guidelines relating to City employees, potentially replacing the existing personnel resolution and amendments thereto adopted by the Winston-Salem City Council following years of hard work and feedback from employees. In several sections of the bill, there is language that appears to run counter to existing policies relating to the structure and organization of City boards and commissions. For example, the bill does not appear to address term limits which currently exist for service on City boards and commissions. As proposed, Board members would serve two-year terms and may serve successive terms without any apparent limitation on the number of successive terms. The City currently has a two-term limitation for most City boards and commissions.

The bill contains a significant expansion of duties for the office of the City Clerk, which already has limited staff, while currently handling significant, and direct responsibilities for City Council and Council committees. While expanding the role of the City Clerk, the bill appears to redirect duties that the City, by ordinance or resolution, has assigned to the Human Resources Department and staff, including but not limited to initiating and generating position classification studies and changes pursuant thereto, which are and should remain, wholly functions within the Human Resources Department. The bill also contains sections that allow employees in certain departments to be consulted and weigh in on designated employee areas of concern while not allowing all employees covered by the Board to have that same opportunity,

thereby creating an appearance that input from other employees may not have value. Such disparity could lead to a feeling of discrimination, although not intended. There are also gaps in the bill which do not address how some of these measures would be implemented, determined, or justified.

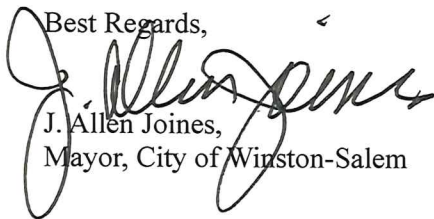
One of the most concerning aspects of the bill is the potential for decisions of the City Manager to be replaced by decisions of the Board, which runs counter to the authority granted by state law to the City Manager, who oversees the daily operations of the City. Most fundamentally, the bill appears to limit, if not eliminate, the City Manager's authority as to personnel matters, which authority is necessary to effectively manage the City's daily operations. The bill appears to be an effort to legislate matters that are currently being regulated, managed, and evaluated for possible changes.

The City's Police, Fire, and Human Resources Departments are already making changes that will significantly impact employees positively and will address some of the issues that the proposed bill seeks to legislate. The Human Resources Department is actively working to streamline and further enhance the City's grievance process, which will yield efficient use of our system and employee time. There is also a move to a pre-disciplinary hearing model. In addition, the City's Code of Conduct is under review to ensure that all employee concerns are being addressed in that regard. The Winston-Salem Fire Department is looking to enhance its internal investigative process and to align it more closely with the City's already established process.

The Winston-Salem Police Department has recently made some changes that address some of these issues. That department has focused many of its efforts on ensuring that employee concerns are addressed in a timely manner. The department has provided templates for internal investigations and Disciplinary Action Reports in an effort to become more consistent with investigations and the documentation of investigations. Staff with the Professional Standards Division are also available to provide assistance on any case and are publishing, internally and externally, an annual statistical report to allow for transparency within the division. The Winston-Salem Police Department has also implemented measures to ensure that employees are provided with an update on their own internal investigation case every thirty (30) days. These changes will directly affect employee relations within their respective departments.

Based upon the foregoing, I respectfully ask that you refrain from advancing the bill further, and that you allow the bill to die in committee. City staff and I welcome the opportunity to share additional thoughts, such as the possibility of an increase in the City's legal fees, regarding the bill if your schedules will allow for such.

Best Regards,



J. Allen Joines,  
Mayor, City of Winston-Salem

pc: Mayor Pro Tempore Denise Adams and Council Members  
Forsyth County Legislative Delegation  
Lee D. Garrity, City Manager  
Johnnie Taylor, Assistant City Manager  
Marquis Barnett, Human Resources Director  
Trey Mayo, Fire Chief  
William Penn, Chief of Police