

CHARTER OF THE CITY OF SAN DIEGO

Section 30

1. Original Charter section approved by voters April 7, 1931

Section 30. REMOVAL OF OFFICERS AND EMPLOYEES. All officers and employees in the classified service of the City who are appointed by the Manager or under his authorization may be removed by him or by the officer by whom appointed at any time in accordance with the provisions of this Charter, as contained in Section 129 of ARTICLE VIII, relating to Civil Service.

Officers and employees in the unclassified service appointed by the Manager may be removed by him at any time and, in the case of appointees in the unclassified service, the order of the Manager affecting said removal shall be final and conclusive. Any appointee or employee in the unclassified service so removed by the Manager may, however, within five (5) days after receipt of a Notice of Dismissal, demand a written statement of the reasons therefor. Thereupon it shall be the duty of the Manager to forthwith deliver to the dismissed employee a written statement of the reason for such dismissal, a copy of which statement shall be forthwith filed with the Civil Service Commission or with the Council as hereinafter provided. Upon receipt of such written statement so furnished by the Manager, the Commission or Council shall fix a time and place for a public hearing, at which hearing the Civil Service Commission or the Council, as the case may be, shall have authority to investigate the facts set forth in said written communication from the Manager containing the reasons for said dismissal, and determine the truth or falsity of said facts; the Commission or Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of such findings and recommendations to be delivered to the Manager and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Civil Service Commission or Council, as the case may be, a written reply or answer to any charges so filed by the Manager. All written documents, including the Manager's written reasons for such dismissal, the written order of dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Commission or Council, and any documentary evidence used at the hearing shall be filed with the proper officer of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the Manager to remove any appointee or employee in the unclassified service of the City, appointed or employed by him, and all such removals shall be final and conclusive.

In the case of removal by the Manager of the Chief of Police, the Chief of the Fire Department, the City Treasurer, or any official whose appointment is confirmed by the Council, all hearings involving the investigation of the reasons for the removal of such officer shall be conducted by the City Council, and in all other cases the hearings shall be conducted by the Civil Service Commission. In the event of a hearing before the Council, the City Clerk shall act as Clerk for such investigation, and in the event of a hearing before the Civil Service Commission, the Personnel Director shall act as the Clerk at such hearing. All such hearings shall be stenographically recorded and a full record of such hearing kept by the Clerk of the hearing.

2. Amendment voted 11-08-1977; effective 01-20-1978

Section 30: Removal of Unclassified Officers and Employees

Officers and employees in the unclassified service appointed by the Manager or other appointing authority not under control of the Manager may be removed by such appointing authority at any time.

Appropriate rules and regulations shall be promulgated to establish procedures as may be necessary by which the dismissal provided for in this article shall be processed and effectuated.

Nothing contained herein shall be construed as in any way limiting the authority and power of the Manager or such other appointing authority not under the control of the Manager to remove any such unclassified officer or employee appointed or employed by them and any order effecting said removal shall be final and conclusive.

3. Amendment voted 11-02-2010; effective 12-22-2010

See current Charter.