



Legislation Text

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AN ORDINANCE AMENDING SECTION 13-28 OF THE DULUTH CITY CODE REGARDING DURATION OF SUBSTITUTE APPOINTMENTS WITHIN THE FIRE DEPARTMENT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 13-28 of the Duluth City Code be amended as follows:

Sec. 13-28.1. Temporary vacancies in permanent positions.

- (a) A vacancy created by the absence of the incumbent shall be known as a temporary vacancy in a permanent position, and any person appointed to fill such vacancy shall be known as a substitute in that position;
- (b) Whenever a temporary vacancy in a permanent position occurs, the appointing authority may fill the position through certification in the following order: from the reappointment list, re-employment list, internal-employment list or open-employment list, as provided for in these rules;
- (c) The substitute appointment shall terminate upon the return of the incumbent. Upon termination, one of the following actions shall occur:
 - (1) If the substitute has not completed the probation period, the substitute's name shall be restored to the eligible list from which certification occurred. If that list has expired, the substitute shall be terminated; however, if the appointment was made from an internal-employment list, the substitute shall be returned to the position previously held;
 - (2) If the substitute has completed the probation period, the substitute's name shall be placed on a re-employment list and if hired from an internal employment list, the substitute shall be returned to the position previously held;
- (d) In such cases where it is determined that the incumbent will not return to the position, the substitute shall be appointed to the position as the regular employee if the substitute has successfully completed the probation period;
- (e) If no eligible list exists, or no person certified from such list accepts the appointment, the appointing authority may fill the position with a provisional appointment.

Sec. 13-28.2. Temporary vacancies in permanent positions within the fire department.

- (a) A vacancy created in the fire department by either the absence of the incumbent or work restrictions of the incumbent shall be known as a temporary vacancy in a permanent position, and any person appointed to fill such vacancy shall be known as a substitute in that position;
- (b) Whenever a temporary vacancy in a permanent position occurs within the fire department, the appointing authority may fill the substitute position through certification in the following order: reappointment list, re-employment list, promotional, internal-employment list or open-employment list. As provided for in these rules;
- (c) The substitute appointment shall terminate upon the return of the incumbent to his/her position within the fire department without work restrictions. The appointing authority shall place the name of the employee removed from the substitute position on a re-employment list, and if hired from an internal-employment list, the substitute shall be returned to the position previously held and placed

- on a reappointment list. In no case shall a required probation period be waived;
- (d) In such cases where it is determined that the incumbent will not return to the position, the substitute shall be appointed to the position as the regular employee if the substitute has successfully completed the probation period;
- (e) If no eligible list exists, or no person certified from such list accepts the appointment, the appointing authority may fill the position with a provisional appointment.

Section 2. That this ordinance shall take effect 30 days after passage and publication.

STATEMENT OF PURPOSE: This ordinance applies to the fire department only. This ordinance allows a substitute firefighter to continue working until the firefighter he or she is covering for returns to work without medical restrictions. The current Civil Service Code requires substitute appointments to end upon return of the incumbent to work in any capacity. However, injured firefighters often return to work on light duty for an indefinite period of time before eventually being cleared for full physical duty. Since firefighters on light duty are unable to work on "fire runs", a substitute firefighter is still needed to perform that work. This ordinance was approved by the Fire Chief and IAFF Local 101 President. The Duluth Civil Service Board also approved this ordinance for City Council approval at its August 8, 2017 regular meeting.