

Human Resources Committee December 5, 2012

The **Human Resources Committee** met Tuesday, December 5, 2012, at 12:00 p.m. in the Conference Room at City Hall. Present were Chairperson John Uden, Committee members Dwayne Andrews, Bill Melnik, and John Hollowell. Also present were Mayor C.A. Grenz, Councilpersons Sue Galbraith and Roxanna Brush, City Clerk Becky Stanton, Deputy City Clerk Linda Wildman, Ambulance Billing/Finance Clerk Connie Watts, Auto Cad Technician/Flood Plain Administrator/Asst. to Public Works & Public Utilities Administrator Samantha Malenovsky, Grant Administrator Dawn Colton, Engineering Secretary Dianna Larson, Police Chief Doug Colombik and Recorder HR/Payroll Officer Billie Burkhalter.

1. Roll Call:

- Noted above

2. Discussion on proposed mediation relating to requests for wage/salary enhancements:

Chairperson Uden stated they had conferred with both the City Attorney and Laborer Negotiator and they stated mediation talks are open to the public, as this is not a grievance hearing. The entire City Council can be present and ask questions. Councilperson Galbraith questioned that if this mediation is because of a grievance, then shouldn't it be closed? Chairperson Uden stated this is mediation to avoid a grievance hearing. Committee Member Andrews inquired as to the mediator. Chairperson Uden responded that the Council has agreed to Attorney Jeanette Jones, but if the grievants disagree, then the attorneys would have to figure it out.

Mayor Grenz wanted to bring to the attention of the Committee that even if mediation is completed, it doesn't mean that it has to be accepted; it would still need to be brought in front of the Council. Chairperson Uden further stated that the mediator would not make any decisions, but would be there as a referee, making sure appropriate questions are being asked and witnesses are appropriate. Committee Member Andrews questioned how this mediation would work. Chairperson Uden explained the Attorneys can present questions, as well as the grievants, Committee and Council. Based off of these questions, the responses and the evidence as presented, the Committee will determine whether or not specific raises or changes in benefits requested by the grievants are appropriate. The Committee will then make a recommendation to the Council as a whole.

HR/Payroll Officer Burkhalter stated that the Committee keeps talking about the financial impacts to the City. She pointed out that all the grievants are asking for is to be treated fairly and be recognized by the Wage/Salary Survey Study. This Committee had at one point had made a recommendation to go back to the people who did the survey and have them complete it, and now the City is paying \$200 an hour for the laborer negotiator and other numerous expenses.

Councilperson Galbraith questioned why pay information has been left out of some positions but included in other positions in the Salary Survey. She cited the City Clerk position had missing salary amounts in locations such as Whitefish and other surveyed cities. She stated she called these cities and was able to obtain the figures. Engineering Secretary Larson stated this is exactly what happened in her position, along with incorrect information. HR/Payroll Officer Burkhalter stated the Salary Survey is deeply flawed and incomplete. Councilperson Galbraith stated this needs to be addressed, as they are spending taxpayer money on a \$200 per hour attorney, and she wants to know why those amounts were not included in the study. Chairperson Uden stated this will be addressed at the mediation talks and they will have to decide if the evidence presented supports this. Councilperson Galbraith stated that since this is really a subjective study, why couldn't the Committee or Council get together and discuss this? Chairperson Uden explained it is because a grievance was filed and they have to follow procedure.

Mayor Grenz stated he took a trip to all the surveyed Cities and what he found was that no two cities have the same structure; job descriptions vary so much that there is no way to compare. Councilperson Brush noted that the study was initiated before her term and former Mayor Whalen decided how the study would be administered. HR/Payroll Officer Burkhalter pointed out that this study was adopted by this Council and not one salary survey meeting was held until after Joe Whalen's term had ended. Secretary Larson stated it is unfair that she has worked for the City for 20 years and is frozen for 6 years on incorrect information in the survey.

Deputy City Clerk Wildman clarified that the salary survey was based solely on job titles and nothing else. Chairperson Uden agreed and further explained the survey was supposed to be based on base salary with no consideration to longevity or any other benefit. When that Committee was presented with the survey, they were told that it was based on base salary.

*** Committee Member Hollowell moved to recommend to Council that the mediation be held in Miles City. Motion seconded by Chairperson Uden.*

City Clerk Stanton stated she was fine with the Council and media being present. She stated that the City was spending a tremendous amount of money on attorneys. When the taxpayers find out that all the grievants were asking for was to have their positions looked at for a possible increase and it progressed to this they will not be happy.

Chairperson Uden stated he would have liked to sit down with these individuals before the grievances were filed to see what they could work out, but once it was filed there was nothing they could do. City Clerk Stanton pointed out that this Committee had recommended going back and having MSU complete this study, and that has not been done. Chairperson Uden explained it doesn't matter if that was done or not because once a grievance is filed, they have to follow procedure. HR/Payroll Officer Burkhalter pointed out the City's personnel policy manual does have procedures. Step 1: an informal review was followed and it was denied. Mayor Grenz explained that in

the Letter of Agreement the grievants had a person representing them and he signed off on it. HR/Payroll Officer Burkhalter explained Police Chief Colombik was our representative and he did give his recommendations.

** *On roll call vote the motion passed unanimously.*

3. Review job descriptions of Deputy City Clerk and Finance Clerk and compensation recommendations:

Chairperson Uden informed the Committee they had been provided a revised job description for the Deputy City Clerk position. The words in red represent information that has been deleted and the words in blue represent the words that have been added.

Chairperson Uden explained, for informational purposes that City Clerk Stanton had requested relevant job descriptions from Local Government Commission in Bozeman. City Clerk Stanton corrected Chairperson Uden that she had not made this request and believed Mayor Grenz had. Mayor Grenz responded that it was the City Clerk who had requested this. Chairperson Uden stated the job descriptions were from the Town of Plains and Helena.

Chairperson Uden stated the City's attorneys have reviewed the original and amended job descriptions for the Deputy City Clerk and have made the following recommendations: keep the original and revised edits and combine them into one job description; eliminate, under Education and Experience: "will be preferred" and "Preference will be given to Certified Municipal Clerks".

City Clerk Stanton requested clarification as to who had recommended these changes. Chairperson Uden stated Attorney Huss had. He further explained Attorney Huss stated that having this information in a job description could potentially lead to civil litigation against the City for hiring someone who was not under the preferred designation. Committee Member Hollowell questioned why there was a need to remove certified municipal clerks? Chairperson Uden stated because the "preferred" is in that sentence. Committee Member Hollowell questioned if they could ask for it but not prefer it? He then asked City Clerk Stanton her opinion.

City Clerk Stanton explained that when she had received the packet for this meeting, she had noted the two job descriptions and contacted Betsy Webb from Local Government Center. City Clerk Stanton asked why she had sent two job descriptions that had no relevance to the position in Miles City. One is from Helena, which is a management form of government and is strictly a clerical position, and the other, from the Town of Plains, is a Clerk/Treasurer position. Betsy Webb suggested she go on List Serve and request more relevant descriptions. She reviewed what she had received and all of them had preferred or recommended the clerk training at the MMCT&FO Institute.

Chairperson Uden suggested placing in the description "within the 1st year of employment receive certification". City Clerk Stanton explained it takes 3 years to be certified. Regardless, if they have municipal clerical experience, they should be

preferred. HR/Payroll Officer Burkhalter stated that preference is commonly used in many of the City's job descriptions. If the attorney is having an issue with that phrase being used, the Committee needs to look at all the City's job descriptions. Councilperson Galbraith stated she had made several phone calls to other Government agencies and they all had "preference" in their job descriptions. Committee Member Andrews stated he has seen a lot of job descriptions with preference in it.

*** Committee Member Andrews moved to add the following language to Education and Experience: The above knowledge, skills, and abilities are typically acquired through a combination of education and experience equivalent to: "Certified Municipal Clerk qualifications" and to delete "preference will be given to Certified Municipal Clerks". The motion was seconded by Committee Member Melnik.*

Councilperson Brush questioned whether Committee Member Andrews was taking out everything from Education and Experience. Committee Member Andrews stated he was not taking out anything other than clarifying the Certified Municipal Clerk qualification. He stressed in the job description there is nothing that states a person has to have all this to be hired.

*** On roll call vote, the motion passed unanimously.*

*** Chairperson Uden moved to accept the entire revised Deputy City Clerks job description dated 12/04/12 with retaining both the red and blue subtractions and additions. The motion was seconded by Committee Member Melnik.*

*** Chairperson Uden moved to amend the original motion to eliminate under Essential Functions: "Accounts Receivable", eliminate under Payroll: "15th and last day of each month", eliminate under Job Requirements; "and use" and "pay", eliminate under Areas of Job Accountability and Performance: "the Mayor or". The motion was seconded by Committee Member Hollowell.*

Committee Member Andrews questioned if this position would prepare and distribute checks for payments. Chairperson Uden stated yes. City Clerk Stanton stated this position would not. Committee Member Andrews stated he did not feel the Committee should be putting in job requirements that the position does not do. Chairperson Uden stated as the Finance Clerk, they would do it. Committee Member Andrews clarified this is the Deputy City Clerk position. City Clerk Stanton stated this is the real issue; the City has a Finance Clerk that will do accounts payable and accounts receivable, this process is trying to eliminate that position now, even though the position is budgeted for until July 1st. Chairperson Uden explained that it doesn't hurt to add this into the job description and assured her that it could be changed at any time. City Clerk Stanton stated if and when the Finance Clerk position is cut from her budget then that would be the time to address it. Mayor Grenz stated it would be advantageous to have someone trained for the Finance Clerk position in case they lose that position. If it is in the job description, then they should be learning that position. City Clerk Stanton stated her concern for the new Deputy's work load. She pointed out there will be a lot to learn with the current job functions without adding the accounts receivable/payable responsibilities. Chairperson Uden pointed out that the Deputy Clerk's duties would be

under her direction.

Chairperson Uden stated there wasn't anything in the job description that couldn't be amended at a future meeting if necessary. City Clerk Stanton stated she felt it should be amended now. Chairperson Uden stated he would not accept any of the City Clerk's requested amendments, as the City Attorney recommended they remain.

Councilperson Galbraith asked who had contacted the City Attorney, and, if it was by email, she would like to see it. Chairperson Uden stated she would see it when it goes to Council as a whole, but she does not sit on this Committee and does not have a vote. Councilperson Galbraith responded that she is a Councilperson and therefore entitled to request public records. Chairperson Uden stated he directly spoke with Attorney Huss concerning this job description and he is the one that made the recommendation that the information stays in and that the recommendations he made to Mayor Grenz stand. Committee Member Hollowell stated that if all the duties as stated are kept, then little would be left for the Finance Clerk position.

*** On amended motion and on roll call vote motion passed unanimously.*

*** Committee Member Hollowell moved to amend the original motion to eliminate under Summary of Work: "Information Systems, all Accounts Payable and all Accounts Receivable (excluding utility billing) with Financial and Administrative Services", under General Duties: eliminate "Prepare and distribute the checks for the payment of city procurement. Bill all accounts receivable (licenses, contracts, agreements, leases miscellaneous" eliminate the entire "Accounts Payable", eliminate under Job Performance Standards: "Prepares and distributes checks for payments of City Procurement", eliminate under Personnel Management: "Union Contract" seconded by Andrews and on roll call vote, motion passed unanimously.*

*** On original motion, as amended and, on roll call vote, motion passed unanimously.*

Chairperson Uden stated he did not see anything wrong with the presented Finance Clerk job description.

*** Committee Member Uden moved to approve the presented job description for the Finance Clerk, seconded by Committee Member Melnik and, on roll call vote, motion passed unanimously.*

*** Chairperson Uden moved that the compensation for the Deputy City Clerk be forwarded to the Finance Committee for its recommendation.*

City Clerk Stanton pointed out that the entry wage had already been determined from the Wage Analysis Study. Committee Member Hollowell stated the Study was passed by the Council and needs to be followed. HR/Payroll Burkhalter explained that the Committee had previously advertised the Director of Public Works position with the wage in the Study without the Finance Committee's approval. She questioned why this situation would be different, as this has also been budgeted. City Clerk Stanton stated it has been budgeted for at the Wage Analysis Study rate.

** The motion died without a second

** Committee Member Andrews moved to advertise Deputy City Clerk and Finance Clerk position at the adopted Wage and Analysis Study, seconded by Committee Member Hollowell and, on roll call vote, motion passed unanimously.

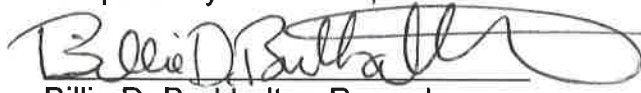
4. Request of Citizens

- None

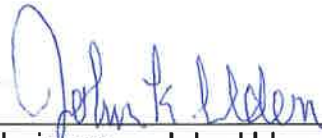
5. Adjournment

** Committee Member Melnik moved to adjourn the meeting. The motion was seconded by Chairperson Uden and passed. The meeting was adjourned at 1:25 p.m.

Respectfully submitted,



Billie D. Burkhalter, Recorder



Chairperson John Uden

HUMAN RESOURCES COMMITTEE AGENDA

DATE: Tuesday, December 4, 2012

TIME: 12:00 Noon

PLACE: City Hall Conference Room

AGENDA:

- 1) Roll Call**
- 2) Address location of mediation talks.**
- 3) Review job descriptions of Deputy City Clerk and Finance Clerk and compensation recommendations.**
- 4) Citizen Request.**
- 5) Adjournment.**

Public comment on any public matter that is not on the agenda of this meeting can be presented under "Request of Citizens" provided it is within the jurisdiction of the City to address. :Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on the matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings.