

BUDGET, FINANCE AND PERSONNEL COMMITTEE
October 27, 2009
2:00 P.M.

Councilwoman Berz, Chairman, called the meeting of the Budget, Finance, and Personnel Committee to order with Councilpersons Ladd, Robinson, Scott, Benson, Gilbert, Murphy and McGary present. Councilman Rico joined the meeting later. City Attorney Valerie Maleug and Shirley Crownover, Assistant Clerk to the Council, were also present. Attorney McMahan joined the meeting later.

Also present were Dan Johnson, Susan DuBose, Firefighter Rozelle, Chief Parker, Paul Page, Madeline Green and Lee Norris. Randy Burns, Daisy Madison, Larry Zehnder, Richard Beeland, and Peggy Townsend joined the meeting later.

PROPOSED CODE CHANGES TO THE PERSONNEL ORDINANCE

Chairman Berz noted that this was the third meeting concerning these Code changes, and there was only one area of disagreement. She directed attention to the last four pages of the handout entitled “**Modify Leave and Other Pay Policies**”, where there was no disagreement, reading the proposed change “*Define by Family and Medical Leave Requirements*”.

Ms. Dubose explained that family includes children, personal illness, and illness of the immediate family, which includes parents, children, and spouse.

The proposed change for Donated Leave is “*Personnel will develop a program that allows for donation of leave in accordance with best accounting practices*”. It was noted that the “Keelie Maynor” situation brought this to light, and there are a variety of ways to handle this and gives us a chance to clean up our act. Councilwoman Robinson asked if this was both sick and personal leave? Ms. DuBose explained that it was usually sick leave. Chairwoman Berz explained that there was an accounting problem with leave “floating” around. Ms. DuBose added that sometimes when there is an employee in need that maybe five employees will donate time and all of this time cannot be used at one time.

Councilman Murphy suggested a Sick Bank for gravely ill people, where people would get help, regardless if they were a popular employee or not. Councilman Benson agreed that this would take the “personal” out of it. Ms. DuBose questioned who would monitor the Bank and was told the Personnel Dept. She explained that a problem would arise if a certain department, say the Police Dept., wanted their time to only go to the Police Dept. Chairman Benson stated that this worked in the School System, where you had various departments. He also added that if you don’t donate, you don’t receive.

Chairwoman Berz went over the current practice where needed positions go unfilled indefinitely due to unclear language regarding allowable time employee can be away from the job. The proposed change is *“Establish uniform policy that contemplates six months leave after all other leave opportunities are exhausted (Military Leave excepted).”*

Councilman Murphy stated that the Police Dept. would always have room for more officers—that they would not be able to fill positions because four might be out.

Ms. Dubose noted that Federal Law provides five years for military. Chief Parker mentioned that when they had a captain gone for four years, they were allowed to go to “vacancy control” and were allowed to “overfill”. Councilman Benson questioned keeping a position unfilled that long and asked if you could not hire on a temporary basis. Ms. Dubose stated that this was part of the problem and nothing in the Code addresses this. Councilman Gilbert questioned if an employee could be out for eight months and still have a job? Ms. Dubose explained they might have six months in compensatory time and family medical leave.

Chairwoman Berz next went over **“Miscellaneous Housekeeping Changes”**, where it states that light duty work is set by department policy. Councilwoman Robinson had questions about light duty, with Ms. DuBose explaining that some departments don’t have work to do for light duty—that the Police Dept. had clerical jobs. Councilwoman Robinson questioned what would happen if there were no light duty? Lee Norris responded that the employee would stay home. Councilman Gilbert suggested putting them in another department, with Chief Parker stating that they do this now. Chairwoman Berz noted that there was no departmental policy concerning this. Madeline Green agreed that some departments don’t have policies. It was also noted that right now it says “all employees working at City Hall have 45 minutes for lunch,” which has never been followed. Chairwoman Berz confirmed that we were not approving any policies right now.

The issue in contention was the Overtime policy with the current practice being overtime paid for hours worked over normal work day; double time paid for work on 7th consecutive day. The proposed change would be pay for hours worked at time and a half over 40 in a defined work week in accordance with FLSA, which would include personal leave hours towards the 40 hours. Councilman Gilbert noted (a) and (b) could be debated. Chairwoman Berz noted the memo from Susan Dubose about one way or the other saving money—that this was the best she could come up with and that Daisy Madison was asked to be here, also.

Councilwoman Scott stated that after reading this memo, that it seemed like a toss-up as far as cost; that the issue seemed to be in terms of managing this—that we had paid for a new system, and it might be cleaner to manage it a certain way. Ms. Dubose noted that it would be easier to manage on “hours worked”—that it could be done differently—that this was an elaborate system that could handle it either way.

Mr. Johnson added that transferring to Oracle is a step process; that Public Works and IS had converted to time clocks and eventually the whole City would do this; that under the Oracle System there was a difficulty in handling payroll because of our convoluted way of doing things. He stated that the first way was easier to handle.

Councilman Benson stated that he could conceptualize this if he knew the lines of departure, questioning if administration was eligible for overtime. Ms. Dubose explained that it was based essentially on the job and usually anything below grade 14 would qualify, with Mr. Norris noting that grade 14 is about \$33,000 or \$43,000 a year. Chairwoman Berz added that supervisors are exempt, as are department heads. Ms. Dubose stated that most professionals are exempt; that policemen, firefighters and crew workers are affected. Councilman Benson wanted to know who makes the decision and was told that we are under FLSA standards. Ms. Madison added that a lot of exempt positions do qualify for straight comp time.

The Union representative asked about the time clock system and was told it is “Time Clock Plus”. He stated that he thought either way would be as easy as the other on a time clock system.

Councilman Gilbert mentioned differentials on shifts. Chairwoman Berz stated that 40 hours is 40 hours—worked or paid and questioned what difference a shift would make. She stated that this had not been discussed. Mr. Norris stated that it had been discussed in Public Works and also with this committee—that the last bullet on the Housekeeping Sheet covered this *“On-call and call-in pay will be addressed administratively”*. Chairwoman Berz stated that we were talking about overtime and questioned if it mattered what shift, stating that the basic principle was hours worked—hours paid. Councilman Gilbert stated that he liked hours worked best. Chairwoman Berz stated that both sides could be argued and asked which way the Council wanted to go?

Councilwoman Ladd stated that she had one suggestion—that she could go along with including holiday pay under hours worked, but she did like excluding recuperative and restorative time off—that she would like to protect chosen time off but go along with holidays being time worked; that she would like to protect people who choose to take time off because they need it—that they deserve time and one-half.

Ms. Madison stated that this was going against the proposed change. Councilwoman Ladd stated that she was proposing (B) across the Board and putting holidays in (A).

Chairwoman Berz stated that we could go with (a); however holidays would not be penalized.

Councilman Murphy felt that (b) would be much more sensible with enforced holidays counting as time worked—that employees would be paid for time worked with the exception of holidays. Chairwoman Berz asked if we were saying holidays would count as days worked but voluntary time would not. Councilwoman Scott asked how many holidays we had, with the answer being nine, but ten was more common.

Councilwoman Ladd stated that she was still for the (B) Plan, even though Administration was not.

Chairwoman Berz attempted to get a consensus relative to (a) and (b).

Councilman Benson stated that he would like to see the cost factors before he made a decision. Ms. Madison stated that she could do a scenario. Councilman Gilbert stated that Fire and Police would be totally different. Chairwoman Berz confirmed that Ms. Madison could now provide a scenario. Councilman McGary still questioned how we could gauge public work employees and police officers? Mr. Norris stated that it would be a representative sample. Councilman Benson stated that we had nothing to go on now as far as cost; that we made a mistake with the DROP Plan, and he needed to get some cost factors on this. Chairwoman Berz stated that after getting cost factors, we could make a decision. Councilman McGary agreed that figures would help us.

Chairwoman Berz noted that the Capital Budget and ISS Budget would be taken up next week—that the meeting was scheduled to have been at 2:30 P.M.; now we would need to meet again next week to get these figures that Daisy would be providing as scenarios; that we would need to meet again at 2:00 p.m. next week.

The meeting adjourned at 2:55 P.M.