

MINUTES OF THE CITY COUNCIL
OF THE CITY OF RUIDOSO DOWNS
CITY COUNCIL CHAMBERS
WORK SESSION
PERSONNEL POLICY MANUAL
AUGUST 4, 2015
4:30 P.M.

The Council of the City of Ruidoso Downs met in a Work Session on August 4, 2015. Mayor Williams called the meeting to order at 4:30 p.m. and asked Bill Dunlap to lead the Pledge of Allegiance. Mayor Williams asked Carol Virden, City Clerk/Treasurer to take roll call. The following were present:

Councilor Miller
Councilor Morales

Councilor Perry
Councilor Ritter

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Also present:

Alexandra Bobbit, City Attorney
Christopher Rupp, Police Chief
Mary Castaneda, Finance Director
Dale Graham, Project Manager
Donna Miller, Payroll/Personnel Clerk

Carol Virden, City Clerk/Treasurer informed Mayor Williams there was a quorum.

Mayor Williams called for a 15 minute break.

Mayor Williams called the meeting back to order at 4:41 p.m.

APPROVAL OF AGENDA

Mayor Williams stated the next item on the agenda was Approval of Agenda

Mayor Williams entertained a motion for Approval of Agenda.

Councilor Miller moved to approve the agenda. Seconded by Councilor Morales.

Roll call votes: Councilor Miller, Aye; Councilor Perry, Aye; Councilor Morales, Aye; Councilor Ritter, Aye. Motion carried.

Mayor Williams stated the next item on the agenda was – Discussion on City of Ruidoso Downs Personnel Policy Manual Updates.

Mayor Williams asked Alexandra Bobbit, City Attorney to review what the changes were that were recommended from the previous meeting.

Alexandra said we started from the beginning. The first change was at Rule 400 Vacancies. We are going to add and Mayor.

Mayor Williams said on Rule 400 I would like for Council to come up with language in reference to that and the reason I ask is that when you're talking about the job responsibility of a particular department or office and in this case the Personnel/Payroll Office I think that everything that should be involved and everything in that should be accomplished through the Personnel/Payroll Office with language to the Mayor approving the vacancy that's been recommended rather than just having the Personnel/Payroll and Mayor. I think the Mayor should be separate not just because of the title but separate to distinguish between the recommendation and the approval.

Councilor Morales said subject to final approval by the Mayor.

Alexandra said do you want it in a separate sentence?

Mayor Williams said yes. It has to be consistent with some of the other language in some of the other Rules that the Mayor has that type of approval.

Alexandra said it will read Requisitions will be subject to Mayor's approval prior to posting.

Alexandra said in Rule 405 References the word extent was not wanted and we didn't come up with any language last night however Ms. Miller has come up with a language for that Rule.

Donna said the recommended language is 'The Personnel/Payroll Office shall determine the extent to which the employee personal references. . Sorry, I was reading the old one. It's going to read The Personnel/Payroll Office shall do standard background checks on all employees and extended background checks on Police Officers and Dispatchers.

Mayor Williams asked Council if that language is where they wanted to go with it?

Councilors agreed.

Alexandra said the next change was in Rule 417 and we're going to add employees new.

Alexandra said the next change was in Rule 422 under Probationary Period and we are going to add with final approval by the Mayor.

Alexandra said the next change was in Rule 527 City Vehicle Usage and we are going to change the fifteen mile radius.

Mayor Williams said if I may at this time have the Chief come up and present something on his behalf concerning this section.

Chief Rupp said the reason we were looking for the forty mile radius was because across the State right now we're having issues with law enforcement in general being low and good candidates are hard to find. I am trying to encourage our officers to stay here. We found out recently that Ruidoso is going to be bringing this to their Council as well because they're having the same problem in keeping people. I understand if Council does not go with this forty mile radius for every employee at the Police Department at least if we can consider for the Director and sometimes I am called out at night or whatever and have to come up here and try to respond to emergency situations. It becomes very difficult for me in my personal car and I'm not covered by the City responding from there with my personal vehicle. The forty miles is a nice encouragement for these officers.

Mayor Williams asked if Council had any comments? I think Council has agreed to the fifteen miles but I'm asking you to consider the request by the Chief.

Councilor Morales said just for the Chief?

Mayor Williams said yes.

Chief Rupp said if you could do the forty for my request you don't need to do the forty for the officers.

Councilor Miller said that's a hundred miles a day extra.

Councilor Morales asked how many miles is it from here to your house?

Chief Rupp said its thirty-six miles and until we get better hand-held radios then I will be able to handle getting the information better.

Councilor Ritter said the Chief is making a valid point especially on the communications side of it. He's going to show up and a.) he's not going to be able to go directly to the situation and b.) he can't communicate and/or be involved if he doesn't have good access to communication.

Councilor Morales said if it's a situation where we expect him to be at we want him here as quickly as possible and we don't want him fighting through traffic in his personal vehicle. I do think he has a valid point also. I don't have a problem with the Police Chief taking a vehicle home and driving it back. There are strict guidelines such as logging your mileage. If we make an exception for Chief Rupp we need to look at the next Chief. I would like to be able to change if for the next Police Chief.

Alexandra said one thing to consider is perhaps instead of it just being for the Police Chief instead on Vehicle Usage would be a provision added at the end of the paragraph that allowed for exceptions made by the Mayor and members of the Council. That would be an option that the employees could ask for it and it would be up to Council to say yes or no.

Councilor Miller said I'm just afraid if we let the Chief do it the others are going to say why can't we? You have a lieutenant now too and they're going to say why can't we? We're in charge also. You're the first Chief that I know of that doesn't live here. All of the other moved here when we hired them. I feel like it's going to cause some problems.

Alexandra said that's not what I said or what I'm saying. I'll explain a little further. We could add in a sentence at the end of the paragraph that what it would do is the Mayor would bring the recommendation and/or possible exception to a City Council meeting and the Mayor and Governing Body votes on whether or not that employee would be able to have an exception to the City's Vehicle Usage. If there would be another Police Chief and he lived in Tucumcari he would have to apply for that exception and it would not be automatic for that position. The Mayor and Governing Body would have the option to say yes or no.

Councilor Miller said that's putting another three thousand miles or more on a vehicle every month.

Councilor Morales said the point is well-taken but this is my thought. The Lieutenant does not get a car. When push comes to shove are we going to expect the Lieutenant to be here or the Chief if we need him? The Chief is on 24/7. If we have a major crisis we are going to be the ones mad at him for not showing up and if he has difficulty getting here it's not his fault. My thought is that nobody else gets a car.

Councilor Ritter said I like Alexandra's verbiage because it leaves us the ability to look at each situation as an individual situation.

Alexandra said with the adoption of the new policy the Chief would then go to you Mayor to be put on the agenda and then present at a Council meeting.

Dale said before you all do that read the IRS rules on driving company vehicles.

Mayor Williams asked Council if that language was acceptable to Council?

There were no objections.

Alexandra said actually you already allow for the exception of firefighters.

Councilor Miller said are you telling me he could move away anywhere he wants and still use the vehicle?

Donna said he has to live within ten minutes.

Alexandra said language we can try is an employee may apply to the Mayor for an exception and if the Mayor approves of the application the Governing Body shall vote on allowing the exception.

Councilor Miller said otherwise the Rule remains the same except for the exception?

If you vote no it would be a non-exception.

Alexandra said in Rule 530 we are deleting the last sentence.

Alexandra said in Rule 535.1 under Vehicle Use Eligibility we are changing may to shall and we are changing annually to monthly.

Alexandra said in Rule 604 Overtime Compensation Authorization we are changing weekly to bi-weekly.

Alexandra said in Rule 605 Overtime the comp time I looked up with the help of Ms. Miller the Fair Labor Standard Act and the issue we have is there are several departments that aren't budgeted for overtime. When a department isn't budgeted for overtime there has to be a sort of avenue for them to go to receive some sort of compensation and that is unfortunately what everyone was wanting yesterday was comp time. I have come up with some language for comp time. The Fair Labor Standard Act doesn't require that you need to have comp time unless you don't provide overtime. We do have to have some sort of allowance for comp time. I was thinking based on what I heard from Council and the Mayor yesterday is basically departments that have budgeted overtime compensation would have to utilize their entire budget for overtime before the employees of that department would be able to go into comp time. Other departments that don't have

budgeted overtime would have to move over to compensatory time that would be approved in the same manner as overtime would be approved. The Department Heads would have to monitor it. I also included the FLSA requirements for what they may accrue up to.

Mary said I was asked to come in and explain comp time as opposed to overtime. I developed a little synopsis here and will go over it with you. Hulamar Jones makes \$10 an hour. He works four hours overtime at a rate of 1.5 is \$15 dollars an hour. His four hours at \$15 an hour is \$60. Hulamar Jones decides that he wants compensatory time so we take the four hours and multiply it by the 1.5 which is 6 hours. This is paid at flat rate of \$10 an hour. He is compensated for \$60 the same as the overtime. The difference is he can take the time off whenever provided it's allowable to the schedule and his Director he can take that time off. The difference is the payroll taxes. When you pay it all out at once in overtime your taxes are higher and it's a higher cost. For budgetary purposes this is a better value to allow compensatory time. We have a means to track it and it is an alternative to departments that don't have overtime pay and even the ones that do have it. I think monetarily speaking it is a better way of compensating someone.

Councilor Miller asked if this was for all employees to choose or just the ones that don't get overtime?

Alexandra said if we went with "E" then any employee could choose comp time or overtime pay. If we went with the language that I have then the only employees that could take comp time would be either those who work in a department that doesn't have budgeted overtime or it would be once a department with budgeted overtime exceeded their limit.

Councilor Miller said if the employee filled up a bunch of it and then they're gone a week and need to be working.

Mary said it's stated in there that they're not allowed to take comp time if it doesn't fit the schedule and needs to be preapproved.

Alexandra said it has to be considered to unduly disrupt the work and based on that language I don't even know if we could ask for a 24 hour notice to take time off.

Councilor Morales said so basically what we are saying is we're putting back in comp time.

Alexandra said yes, one way or another.

Councilor Ritter said and comp time doesn't come into play until budget is ready.

Mary said this flexibility gives the Director the option.

Mayor Williams asked which way the Council wants to go with that?

Councilor Ritter said what about cutting down almost in half the 480 hours and 240 hours?

Dale said it should run in line with like your vacation hours like 40 or 80 hours.

Mary said also if you don't use it by the end of the year you lose it.

Councilor Ritter said I'd be happy with the 80 hours and right now its 480 hours.

Mayor Williams asked Chief what he thought?

Chief Rupp said sometimes we are short on manpower and we have unique situations and aren't the same as other departments.

Mary said maybe there could be some kind of verbiage that is they max out the 80 hours they would have to be paid time and a half.

Dale said I think that's how it should be.

Councilor Miller said I like the idea of it being all the same for all employees.

Councilor Morales said I like the idea of capping it at 80 hours.

Mayor Williams asked which way does Council want to go?

Councilor Morales said I think we were going move the law enforcement and fire protection into "E."

Alexandra said it's actually all going to be crossed out except for all and then that's going to be crossed out again to say employees may accrue up to 80 hours of comp time once 80 hours is reached and then employee must be paid overtime compensation. She asked if we are then getting rid of the three months?

Councilor Ritter said you have to.

Alexandra asked if they would be getting paid at the end of the year or do they have to use it or lose it?

Councilor Ritter said I don't think you have to use it or lose it. I think that's against the law.

Alexandra said in Rule 805.1 under Notification of Disciplinary Action we're going to add in accordance with Personnel Policy.

Alexandra said in Rule 806 Absenteeism we're going to take out advance and put in within 24 hours and that would be everywhere we have advance' under Absenteeism. These are all changes that are in addition to the changes in blue and red in the book.

Alexandra said in Rule 808.4 and 808.5 under Tardiness that was the language especially that Councilor Ritter wasn't too thrilled with so I have attached at the bottom but underneath is language about the insurance policy and it doesn't say anything about revoked or suspended licenses. The only part it really focuses on is second or subsequent DUI's and accumulating six or more points on your license. What I tried to do was take that and put in what Councilor Ritter stated that he wanted immediate demotion. There was also conversation about suspended pay for a max of thirty calendar days if it was really necessary. Since previously the Personnel Policy Manual had a strict and a less strict punishment regarding revoked or suspended licenses I tried to distinguish between that as well. I put in three days of a suspended and I didn't know if that was something that anyone wanted to keep in. I didn't know if we are going to demote regardless or termination at that point or move to a position that doesn't require the employee to be a driver.

Mayor Williams asked Councilor Ritter what he thought of that?

Councilor Ritter said I think its fine but what if we don't have a position at that time?

Alexandra said that's why I said may instead of shall.

Councilor Ritter said maybe it could say the Department Head may return at his/her option the employee to his/her previously held position if there is an opening.

Alexandra said it's what everyone wants to do we should get rid of 808.5 and make it all 808.4. We can also divvy it up and the last two paragraphs are the more severe. So we can leave the last two paragraphs in 808.5 and leave the first two of 808.4 and I made it all one as in 808.4.

Councilor Miller said if they get demoted it says they get a 10% reduction in pay.

Alexandra said for the duration of the demotion.

Mayor Williams said that's what was for discussion on yesterday's Council Work Session. Council needs to give direction on these recommendations.

Councilor Morales said we should do the new one and then continue on with the old one.

Dale said it should have that line in there that you could be discharged because without a driver's license you can't do the job you were hired to do and sometimes we can't just create a job. We need that little safety net.

Alexandra said that concludes the changes through Chapter 8 and now we are into Chapter 9.

Donna said in Chapter 9 Rule 903 Exit Interview we removed 'Personnel Department' and replaced it with 'Personnel/Payroll Office.'

Donna said in 904 Procedure we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office and that was in the second sentence. At the end of the paragraph it reads The results of the exit interview will be forwarded to and here we removed the Mayor's Delegated Official with a copy to and then the Department Head and added and a copy to the Mayor.

Donna said in 907 Post-Approval of Absence it reads Employees who have abandoned their position may be reinstated only if it is demonstrated to the satisfaction of the and here we removed Mayor's Delegated Official and replaced it with Department Head and then that the circumstances of the abandonment made it impossible for the employee to notify the proper persons and request official leave. If the and here we removed Mayor's Delegated Official and replaced it with Department Head and then determines that the employee is to be reinstated, such time missed will be charged as leave without pay. The determination of the and here we removed Mayor's Delegated Official and replaced it with Department Head and added with the Mayor's approval' and then shall be final.

Donna said in Rule 910 Layoff we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 911 we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 915 Discharge During Probationary Period we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Chapter 10 Rule 1001 in Step 3 we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office in two places in the paragraph.

Donna said in Rule 1007 we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Chapter 11 Rule 1101.1 under Authority to Impose Adverse Action in the first sentence at the very beginning we took out supervisors or' In the middle of the

paragraph we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced it with Mayor and then it reads , and not until such time as the affected employee has been afforded the opportunity for a Pre-Determination hearing before the and here we removed Mayor's Delegated Official and 'disciplinary Board' and replaced it with Mayor and the Personnel/Payroll Office. When adverse action is imposed by the Mayor, the Mayor Pro Tem shall take the Mayor's place. At the end of the paragraph and in the last sentence we removed 'of the City.

Donna said in Rule 1102 Institution of Adverse Action it reads A supervisor of the employee or the employee's Department Head completing a Uniform Notice of Disciplinary Action form and submitting it to the and here we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office and then shall initially review the proposed disciplinary action as set forth on the form and make an initial determination as to whether the conduct described in the form merits the proposed discipline. Here we added a sentence to read If the Personnel/Payroll Office determines the action merits the proposed discipline it shall be submitted to the Mayor for approval. Then it reads If the and here we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office and then initially determines the conduct does not merit the discipline, the and here we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced that with Mayor' and then may deny the proposed discipline. If the and here we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced it with Mayor and then determines the conduct described in the notice might merit the proposed discipline, the and here we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office and then shall set a date and time for a Pre-Determination Hearing. The notice of the hearing shall be delivered in writing to both the supervisor or Department Head and to the employee.

Donna said in Rule 1103.1 in the second paragraph we added Mayor and right after that removed Mayor's Delegated Official and added Personnel/Payroll Office and then finishes to read and the employee and then we added a new sentence that reads If the Mayor initiated the action then the Pre-Determination Hearing shall be held with the Mayor Pro Tem, Personnel/Payroll Office, and employee.

Donna said in Rule 1103.3 just before where we removed Mayor's Delegated Official we placed Mayor and' right before that and the Personnel/Payroll Office.

Donna said in Rule 1103.4 in the first sentence we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office followed by adding with the Mayor's approval.

Donna said in Rule 1104.1 under Evidentiary Hearing Procedures in the middle of the paragraph we removed of the City and took out which will make the final decision.

Alexandra said under Hearing Examiner I don't really know about those changes. The reason I put those in is because whenever we hire a Hearing Examiner and go through an Evidentiary Hearing our procedure is very leery when compared to other entities. Most other entities if it goes to an Evidentiary Hearing the Hearing Officer is the one who makes the final decision. Ours is really the only one I've found where the Hearing Examiner makes the decision and then it's still goes to the Governing Body for approval. My concern when we were initially going over this was an Evidentiary Hearing costs the City a lot of money and that the standard practice seems to allow the Hearing Examiner decision to be the final one. I'm almost kind of wanting to redo it and then bring it to Council versus going through each of these changes on the Evidentiary Hearing procedures because compared to others our is just very bizarre.

Councilor Miller asked if the others are city government?

Alexandra said yes like the County and Ruidoso.

Councilor Miller said the Governing Body has always had the say so on firing.

Alexandra said but when it's an Evidentiary Hearing one of the concerns I had in reading through it and comparing it to other counties is that you go through hiring somebody who essentially is reviewing and applying law and then it still goes back to the Governing Body who really wasn't part of any of that for the final say based on a written recommendation by a Hearing Officer without ever having seen any of the evidence that was presented and without having sat in on it like a jury. My concern is that I feel like our process is stepping a fine line when it comes to due process because the employee wants an Evidentiary Hearing so that way they get a record and a decision is made by someone outside of the City that gives them that due process. By then bringing it back to the City who the employee is going up against anyway and the City is the one giving that final decision without being a part of the initial Evidentiary Hearing procedure I feel we are walking a real fine line and not be proper due process. The Governing Body will make the decision whether to proceed with the lawsuit but you're not going to make the decision on what that lawsuit is.

Councilor Ritter said can you give me an example of what a Hearing Examiner is?

Alexandra said a Hearing Examiner is, and let me walk you through a process. First the employee would have to go through a Pre-Determination Hearing and that would be with the Mayor and Personnel/Payroll Office and then the Departments. After that point if it's suspension without pay or discharge then that is brought to Council and Council is going to vote on whether that employee may actually be discharged or suspended without pay. So, that vote has been done. The next process is then the employee is not comfortable with what Council has voted on so then they want to have an Evidentiary Hearing. That is when the City is required to hire someone like a judge or retired judge or typically attorneys are

hired. I believe the last Evidentiary Hearing we had Alan Morel was hired. The City pays him but he is a neutral. At the Evidentiary Hearing that's the point where the employee can actually hire a counsel. Then the employee's attorney is the one who represents the employee and the City attorney will jump in at that point. It's basically like a mini-trial.

Councilor Ritter said so a Hearing Examiner would be an Alan Morel or Dan Bryant and someone who is not employed here or has anything to do with the employee either.

Alexandra said so that person actually makes that decision. In other municipalities or in other counties that's where that stops in local government. The Hearing Examiner makes that decision and then if that employee is not satisfied the employee can take it to District Court. Ruidoso Downs allows the Council to decide whether they are going to adopt the Hearing Examiners findings or not.

Councilor Ritter said what you're saying is its kind of double jeopardy.

Alexandra said those are my concerns and we've already made some changes. I was reading through it and it turned out to be way more confusing with the piece meal changes we tried to do. It is an area that I think you need to come back and revisit at some point. I'd like to look into it more and see what kind of risk we are putting ourselves into.

Councilor Miller said so the Governing Body never actually hears any of the evidence?

Alexandra said no. You are giving the Hearing Examiner findings.

Councilor Miller said but they don't go to court. We are the ones that go to court and end up getting questioned.

Alexandra said if the Hearing Examiner makes a decision that is done and you don't have any say in it. If they decide to appeal the Hearing Examiner decision is the one that is reviewed and yes, you may be called as a witness. My concern is that as it stands now you can override the Hearing Examiner and that puts Council at a risk and you have more of a liability as it is written now.

Councilor Miller said what if the Governing Body wanted to change their mind after what they heard as evidence.

Mayor Williams said you can't change your mind. You've already made your decision.

Alexandra said the Governing Body cannot be part of the Evidentiary Hearing process.

Councilor Miller said then why would it come back to us?

Mayor Williams said that's what is wrong with it.

Councilor Miller said the liability to the City is very high if we don't do this policy right.

Dale said remember the person who initially wrote this policy was someone who wanted to have the final say period no matter what. It was the City Administrator at the time.

Carol said that is incorrect. What he did was bring in Carlsbad's policy. That policy didn't have the due process in place. When all that happened with the previous employee then Mr. Martin with the assistance of the New Mexico Municipal League with another firm reviewed your changes to your Personnel Policy. This is where the due process came in and there is due process here. This was done by someone else and not Mr. Waters because they had to clean it up.

Councilor Miller said now that we are going to make changes I suggest before we ever vote on it that it goes to the Municipal League attorney. Let them go through it with no charge to us to make sure we're right.

Councilor Morales said I disagree with that. For one thing we have a City Attorney that we pay to go through these processes. The other thing is I think when you call the Municipal League they are going to say you have legal counsel. I don't think the Municipal League attorneys are any smarter on Personnel Policies than your own City Attorney. I also think they will say that's why you have legal counsel. We have legal to devote a hundred hours a week to this Personnel Policy and I would disagree with that.

Councilor Miller said I don't because it's a free service and they know what they're doing.

Alexandra said I would like to look further into it and that would be 1104 through the end.

Councilor Ritter said I think it would be time well-spent.

Donna said in Rule 1105.2 under Additional Procedure for Discharge we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1105.3 in the first sentence we removed appeal and appear and replaced it with appear and appeal and then it reads before the Governing Body in' and here we removed either open or and it continues with closed session prior to consideration of the decision of the Hearing Examiner. In order to exercise such right to appeal, the employee must deliver to the and here we removed Head of the Personnel Department and replaced it with Personnel/Payroll Office and then a written notice of appeal at least five (5) days before the date that the matter is scheduled to be heard by the Governing Body. Any such appeal by the employee shall be limited to oral argument subject to reasonable time limitation determined by the Governing Body. The employee may be represented by

counsel or by a representative. The and here we removed Mayor's Delegated Official and replaced it with Mayor' and then and city Attorney may represent the City. Later in the paragraph we removed Mayor's Delegated Official and replaced it with Disciplinary Board.

Mayor Williams called for a ten minute break.

Donna said we are going to go back to Rule 1105.2.

Councilor Ritter said I thought we were going from 1104 to the end?

Alexandra said there is additional procedure for discharge. Oh, never mind, I did say it needs to go all the way to 1105.4.

Donna said under Chapter 12 Holidays in Rule 1200.2 we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced it with Department Head and then at the end of the sentence added and submit it to the Personnel/Payroll Office.

Donna said in Rule 1208 Leave Approval we added a sentence at the end that reads If Department Head does not approve leave then time taken shall be leave without pay.

Donna said in Rule 1212 Probationary Employees we removed but may not use such leave until they have completed one year of service.

Donna said in Rule 1213.1 under Part-Time Employees we removed Mayor's Delegated Official.

Dale asked if they would look at 1217.3? he said it states Employees shall furnish a doctor's release on a form provided by the City before returning to work after having utilized sick leave of 24 hours in any consecutive three-day (3-day) period Isn't a doctor's note on their letterhead sufficient?

Donna said we could change that.

Alexandra said we could say on a form provided by the City or a doctor's note before returning to work.

Councilor Ritter said just scratch out on a form provided by the City.

Donna said in Rule 1219.5 Requesting FMLA Leave Item F) we removed

Donna said in Rule 1219.6 Medical Certification to Support FMLA Leave Item C) we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1222 Sick Leave Subpart we removed Mayor's Delegated Official and replaced it with Department Head.

Donna said in Rule 1225 Voluntary Sick Leave Transfer in the middle of the paragraph we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 1226 in two places we removed Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1228 Termination of Medical Situation we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 1229 Catastrophe Leave in the middle of the paragraph in two places we removed Mayor's Delegated Official and replaced it with 'Personnel/Payroll Office.

Donna said in Rule 1231 Jury Leave in the last sentence we removed Payroll Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1232 Administrative Leave we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced it with 'Mayor.

Donna said in Rule 1234 Request for Personal Leave Without Pay we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 1238 Employee Assistance Program at the end of the paragraph we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1239 Group Insurance in the middle of the paragraph it reads The City pays a portion of the cost of the plan. Specific details of the plan and the cost to the employee are available in the Personnel and here we added 'Payroll' and then finishes with Office.

Donna said in Rule 1241.2 we removed Personnel Department and replaced it with Personnel/Payroll Office.

Donna said we created and added 1242.3 and it states Any part time employee working over 20 hours a week must contribute to PERA. The Personnel/Payroll Office shall notify the employee when over 20 hours a week has been met.

Donna said in Rule 1243 Safety/Longevity Incentive Pay in the second paragraph it reads The safety pay is based on 25% to those employees who maintain a preventable, accident-free record during this period, 255 attendance of required safety training. Here we removed Upon completion and review by the Personnel Department and removed

Personnel/Payroll Office and removed of all accident related investigations and reports and removed and final approval by the Mayor's Designee this pay may be paid and removed Safety pay shall be paid.

Donna said after the changes in Rule 1243 we added another paragraph that reads A Safety committee consisting of one member from every department shall be overseen by the Personnel/Payroll office. The Safety Committee shall meet once a month and review any accidents. The employee that was involved in the accident may attend the meeting and discuss the events of the accident. After review of the accident, the Safety Committee shall determine if the accident warrants the safety pay being removed from the Safety/Longevity Incentive pay at the end of the year. The decision of the Safety Committee shall be put in writing and delivered to the Mayor and the employee. The decision of the Safety Committee shall be the final decision.

Donna said under Chapter 13 Employee Development in Rule 1300 we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 1301.1 we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office. This was done both at the beginning and end of the paragraph.

Donna said in Rule 1301.2 we removed Personnel Department and replaced it with Personnel/Payroll Office in three places.

Donna said in Rule 1302 in the first sentence we removed Personnel Department and replaced it with Personnel/Payroll Office. In the middle of the paragraph it reads In cooperation with Department Heads, the and here we removed Personnel Department Head or designee and replaced it with Personnel/Payroll Office and then shall develop criteria for advancement and shall identify and, whenever possible, provide for such additional training as is necessary to allow employees to advance.

Donna said in Rule 1303 of the heading we removed Personnel Department and replaced it with The Personnel/Payroll Office and then shall:

Donna said under Chapter 14 in Rule 1403 Current Employee Testing, General Standard in Rule 1403.1 we removed Payroll/Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1403.2 in the middle of the paragraph we removed Mayor's Delegated Official and personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1404 Prohibited Activities in Rule 1404.1 we removed Mayor's Delegated Official and Personnel/Payroll Office and replaced it with Mayor and Personnel/Payroll office.

Donna said in Rule 1409.1 we removed Personnel Department and replaced it with Personnel/Payroll Office.

Donna said in Rule 1411 Return to Work Agreement in Item B) we removed Mayor's Delegated Official and replaced it with Personnel/Payroll Office.

Donna said in Rule 1412 Voluntary Participation in Rehabilitation we removed her and Mayor's Delegated Official and replaced that with Personnel/Payroll Office.

Donna said in Rule 1413 Confidentiality in the middle of the paragraph we removed Mayor's Delegated Official and his/her designee and replaced it with Personnel/Payroll Office.

Donna said under Chapter 16 Travel in Rule 1600 Travel Expenses at the end of the paragraph we removed Department and replaced it with Director.

Donna said in Rule 1600.3 we removed Department and replaced it with Director.

Donna said in Chapter 17 Harassment and Sexual Misconduct Policy in Rule 1702 Reporting in Rule 1702.1 we removed Mayor's Delegated Official and replaced it with Mayor and then removed 'or the Personnel Department.

Donna said in Rule 1703 Investigation at the end of the paragraph we removed Mayor's Delegated Official or Personnel Department and replaced it with Personnel/Payroll Office.

Mayor Williams thanked Alexandra and Donna for their hard work in making the appropriate changes and making the manual easier to read. This is only the first process and will be reviewed by the Department Heads and they will come back with their recommendations.

Councilor Morales said when will all these changes be made?

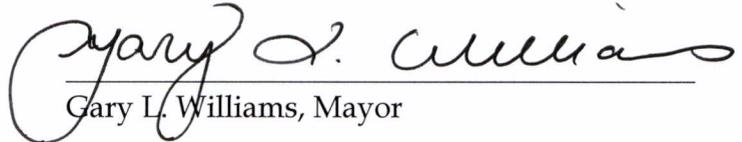
Mayor Williams said I would like all of the input from everyone and whatever we've gone over in the last two days will be brought back together in a package.

Councilor Ritter asked if this will now go to the Department Heads?

Donna said no and I've already met with the Department Heads. What we mostly wanted to do was remove the Mayor's Delegated Official and replace it with something suitable.

ADJOURNMENT

There being no further business to attend to Councilor Ritter moved to adjourn. Seconded by Councilor Perry. The meeting adjourned at 6:58.



Gary L. Williams, Mayor





Carol Virden, City Clerk/Treasurer