

TO: Mike May-City Attorney

FROM: Michael Lipski, Human Resources

DATE: October 27, 2009

SUBJECT: Ordinance revision Chapter 3.32

I am requesting that a number of revisions be made to Chapter 3.32 of the MGO. The purpose of the update is to provide assistance in recruitment of qualified candidates for employment, to provide consistency with collective-bargaining agreements, to accurately reflect the practice of the City operationally, and to provide clarity in the Ordinance and eliminate obsolete language. I will describe the proposed changes and reasons for the changes below.

A number of the proposed changes to Chapter 3.32 relate to the application of certain provisions to limited term employees. The ordinance is inconsistent in whether provisions apply to limited term employees generally or only to those limited term positions funded for at least 12 months. For instance, the Paid Leave Time (3.32(10)(a)), and Death in Employee's Family or Otherwise (3.32(13)(a)) provisions currently apply to employees in limited term positions funded for at least 12 months. However, Chapter 3.32(6)(b)1 (Sick Leave) was recently revised to remove the stipulation that sick leave would only apply to limited term employees in positions funded for at least 12 months. The revision provides sick leave for all limited term employees. In addition, the Designated Holidays provision (3.32(8)) merely refers to its application to limited term employees, with no stipulation as to how the position is funded. The Floating Holiday provision, 3.32(9) is silent on the issue of limited term employees and currently limited term employees do not receive floating holidays. Meanwhile, limited term employees are specifically prohibited from receiving Jury Service benefits. Finally, limited term employees can only receive vacation after completion of 12 months of employment.

Human Resources believes the best policy for the City is to offer the benefits in Chapter 3.32 to limited term employees on the same basis as we offer the benefits to permanent employees. Limited term employees, unless appointed to fill a temporary vacancy anticipated to last longer than 30 days, are recruited for and hired on the same basis as permanent employees. The only difference is that the limited term position has an anticipated end date. However, this end date can be as far as 4 years in the future. Furthermore, limited term employees filling a temporary vacancy are also filling a permanent position. There does not appear to be a reason for the inconsistencies described above. Rather it is logical that limited term employees should receive benefits on the same basis as other permanent employees. In addition, the City's largest labor organization (Local 60) has negotiated language in its collective-bargaining agreements which treats limited term employees on the same basis as permanent employees (the other labor organizations rarely have limited term employees so the contracts are silent on the issue) so fairness dictates that we should do the same for non-represented limited-term employees.

We also propose changes to Chapter 3.32(7), Vacation. First, we added language to define what an interruption in continuous service is. Currently this is undefined in the ordinance, but impacts on whether seasonal/hourly employees who convert to a permanent status receive vacation and

sick leave credit. We propose defining it as a period of time greater than 2 pay periods. Also, in 3.32(7)(c), there is language relating to vacation accrual for library employees employed before January 1, 1985. This language no longer affects any employees so we are deleting the reference in paragraph 1, deleting paragraph 2 entirely, and renumbering the remaining paragraphs to reflect the change.

We propose changes to Chapter 3.32(8), Designated Holidays. In paragraph (e) of this section, we clarify that if a holiday falls on a Saturday, employees will be given an extra vacation day instead of a compensatory day. This is consistent with the current practice in that employees have been receiving this time as vacation and not compensatory time.

We propose to clean up and clarify language in Chapter 3.32(9), Floating Holidays. The current language describes incrementally how employees will ultimately receive 3.5 days of floating holiday. However, there is no need for this language anymore. We propose merely stating that employees will receive 3.5 days with no reference to the effective dates.

We propose minor changes to Chapter 3.32(10), Paid Leave Time. In paragraph (b)2, we confirm the existing practice that when December 24 or December 31 falls on a Saturday or Sunday, employees will receive an extra day of vacation, not floating holiday, for each day during that year.

Finally, in 3.32(13), we propose changing the reference from the Personnel Director to the Human Resources Director, consistent with the proper classification.

cc: Brad Wirtz-Human Resources Director
Pat Skaleski-Accountant 4