



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved PERSONNEL BOARD

Wednesday, July 8, 2009

12:00 PM

210 Martin Luther King, Jr. Blvd.
Room 525 (City-County Building)

CALL TO ORDER / ROLL CALL

Others Present: Bill Clingan, Kevin Briski, Eric Kestin, Hillary Kirking, Janet Piraino, Lorie Olsen, Larry O'Brien, Karl Van Lith, Brad Wirtz, Mike Lipski, Gail Glasser

Present: 4 -

Susan M. Vilbrandt; Marcia J. Jezwinski; Eric D. Hands and Gary V. Martinelli

Excused: 1 -

Susan C. Paddock

APPROVAL OF MINUTES

A motion was made by Jezwinski, seconded by Vilbrandt, to Approve the Minutes of June 3, 2009. The motion passed by voice vote/other.

A motion was made by Vilbrandt, seconded by Martinelli, to Approve the Minutes of June 23, 2009. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

- [15212](#) Creating a new position (1.0 FTE) of Community Services Specialist 1 within the Community Development Division, Office of Community Services.
A motion was made by Vilbrandt, seconded by Jezwinski, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.
- [15274](#) Amending Section 3.54(1)(b) of the Madison General Ordinances by moving the classification of "Community Development Grants Supervisor" in Compensation Group 18, Range 15 to Compensation Group 18, Range 13, thereof.
A motion was made by Martinelli, seconded by Vilbrandt, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.
- [15209](#) Moving the Community Development Grants Supervisor classification from CG 18, Range 15 to Range 13 and creating a new vacant position of Community Development Grants Supervisor within the Community

Development Division budget.

A motion was made by Martinelli, seconded by Vilbrandt, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

4. [15275](#) Amending Section 3.54(1)(f) of the Madison General Ordinances by moving the classification of "Mayoral Office Clerk" in Compensation Group 17, Range 9 to Compensation Group 17, Range 10, thereof.

A motion was made by Vilbrandt, seconded by Jezwinski, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

5. [15210](#) Moving the Mayoral Office Clerk classification from CG 17 Range 9 to Range 10 and reallocating the existing position and incumbent to the new pay range.

Martinelli asked whether there are other City positions comparable to the Mayoral Office Clerk position. Mike Lipski said an Information Clerk class has some similarities but employees in the Range 7 class are not expected to answer complex inquiries like those expected of the employee in the Mayor's office. Secretarial duties comparable to Range 10 Secretary positions have been assigned to the incumbent in the class. Hands asked what skill set is required of the position that differs from Secretary classification; Lipski cited requirements for providing information on any City topic as well as dealing with potentially irate people.

A motion was made by Vilbrandt, seconded by Jezwinski, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

6. [15099](#) Accepting the report and recommendations of the Common Council Organizational Committee Subcommittee to Review City Hiring Practices and Policies.

The Board agreed to refer the item to the August agenda.

7. [15133](#) Creation of a new Grants Administrator 1-LTE position in the Community Development Division budget and amending the CDBG operating budget to provide \$30,150 in salary and benefit expense and offsetting federal revenues.

Jezwinski asked whether the proposed LTE position would last longer than two years. Bill Clingan said that the position is related to stimulus money anticipated to last 2 years, but possibly provided for up to three years, and that if the funding is maintained the position might be continued, and not if funding isn't continued.

A motion was made by Vilbrandt, seconded by Martinelli, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

DISCUSSION ITEMS

8. [13378](#) New Personnel Rules - Entire Document

The Board continued review of the New Personnel Rules, beginning with page 21 of the draft.

V. J.1. Notification: Change “preferred” to “selected” (“confirmed eligibility of the final preferred candidate(s),”)

K. Applicant’s right to contest exclusion from the selection process: Change “group of eligible candidates” to “selection process” (“ . . . and determine whether to uphold the initial determination or whether to place the applicant to [in] the group of eligible candidates”)

L. Compensation, 2. Advancement: Confirm change from “after probation period” to “following six months” (“Employees shall advance one (1) salary step following six (6) months of continuous employment in a permanent position”) Atty O’Brien said that fiscal impact will need to be identified for the change of timing of the step increase for positions with a 12-month probation period. Jezwinski asked if other benefits are triggered by the end of probation; Lipski said employees on a 6 month probation may start to use vacation following probation and even employees on a 12 month probation get 5 days of vacation to use during the last 6 months of the probation period. Other benefits are not tied to probation.

Lipski mentioned that he had changed roman numerals to Arabic numerals in the Rules.

M. Disqualification: Jezwinski asked about “who refuses to furnish testimony as required by law” at the end of the section. O’Brien said it is existing ordinance language. Olsen said there have been examples of application falsification; if an applicant had lied about a degree and then was to provide testimony in an arbitration hearing, failure to do so would be covered by this provision. There was discussion about the overlap with ordinances; Hands suggested and the Board agreed to leave existing language unchanged.

Chapter 6, Probation and Trial Period: Language in Chapter 6 will be made consistent with suggested language for Chapter 9. A.2. add “for any nondiscriminatory reason” (“Employees may be terminated at any time [for any nondiscriminatory reason] during the probation period or an extension thereof”) Martinelli pointed out that language about termination for poor performance in the Probation or Trial Period in Ch. 9 A. doesn’t fit, as such removal would not be discipline. It was agreed that the similar language would be removed from Chapter 9. Back to Ch. 6: Discussion of whether reason for dismissal would be discussed with an employee. O’Brien said managers give up some managerial authority if they provide a reason for dismissal when none is required. Jezwinski asked who the appointing authority does discuss such decisions with. Olsen said that departments confer with Brad Wirtz, Mike Deiters or her in that situation. Wirtz said he advocates for providing the reason or reasons to employees. Martinelli said the information is important for application for unemployment benefits. O’Brien said that providing reasons is “OK if HR is sure to include all reasons.” Wirtz said he also believes discussion with an employee is a good idea. Martinelli said that isn’t always possible, and some employees don’t want to have a discussion. Lipski asked if text should be left as written—Vilbrandt said the employee would be sent a letter. Board agreed to leave text unchanged as it is not always possible to

have a discussion with the employee but there should be some notification to the employee in practice.

4. Add “an approved” so that text is “An approved leave of absence without pay”

B. 2. Change “City” to “appointing authority” (“At any time during the trial period, the employee may be returned to his/her former position if either the employee or the City so decides”). Martinelli asked whether the department/appointing authority can extend probation; the answer is yes.

7.A.1. Voluntary demotion, b. Delete “probation”, as it doesn’t apply here. 2. Involuntary demotion, c., add “in Chapter 9” (“ . . . in accordance with the appeal process [described in Chapter 9]”).

4. Exclusions: (a) Change “six (6) month probation” to “probation” with no mention of time, as some probation periods are 12 months.

(c) Jezwinski asked how the City can reduce someone’s salary. Wirtz described a process—position study with recommendation for lower pay range; classification and position remain the same so wouldn’t technically be a demotion. Lipski said provision for that process was in the 1970 Rules. Vilbrandt asked whether the employee’s rate of pay would be red circled; Wirtz said no, an employee would go to Step 5 in the lower range.

B. Transfer 1.Voluntary b. Delete “probation” (“The employee shall not serve a probation or trial period”)

2.c. Change Article X to Chapter 10.

4. Exclusions: Delete “six month” (last sentence).

C. Promotion: change opening paragraph last sentence “...through the selection process outlined above” to outlined in Chapter 5.

1. Change “as described herein” (last sentence) to “in Chapter 8”

2. The employee’s salary shall be set at the step closest to the employee’s salary prior to promotion, but not exceeding the maximum of the new salary range, and that where possible assures a 5% increase in pay.” Martinelli asked whether if the next step doesn’t meet 5% the employee would go to the next step; the answer was that in general, yes.

Kevin Briski, Parks Superintendent, brought to the Board a current recruitment for a recently reclassified position, Parks Administrative/Financial Manager, CG 18 Range 12. An internal applicant, ranked #1, would by Personnel Rules be placed at Step 1 in the new range, while an external applicant ranked #2 could be offered placement at a higher step (and more vacation). If the #1 ranked internal applicant refuses the position because of the modest pay increase the #2 ranked external applicant would be offered a higher rate. Briski would like to see authority for the HR Director to authorize higher levels of pay for internal applicants as provided for external applicants, under the same conditions described in Chapter 5 (...where the candidate selected has exceptional qualifications and/or experience). Martinelli said the State of Wisconsin

formerly had comparable provisions as the current rules; the current broadband pay system the State now has allows for higher placement of internal candidates according to skills. Jezwinski said such a change seems like a major one; she agreed that it would be more practical. Martinelli asked whether ordinance changes would be required; Lipski said the ordinance doesn't address the question, so probably would not need to be changed. Wirtz said language for Initial placement (Chap. 5 L.1.a.) could be applied, deleting "new" describing "employees." However, it was decided to limit the language for existing employees to the promotion scenario so it would be better to place new language at this point in the rules. Jezwinski asked whether "in an exceptional situation" could be added; Briski offered "When a candidate has exceptional qualifications." Lipski said he will draft suggested language. Martinelli and Jezwinski said they would support such changes. Briski asked whether there is a remedy for the current situation he has described; the answer was no. Vilbrandt asked whether hiring above the minimum is available only for nonrepresented employees; the answer was yes. Hands asked Lipski to draft new language to be reviewed at the next meeting.

C. Promotion 2. Increase will be effective at six months, regardless of length of trial period

D. Reinstatement: Eligibility is specific to employee's position, not to other positions in the class. Wirtz explained that the situation occurred where a City employee quit to take a job with the state but then applied for the former City position. In that case, the City wanted to have a method in place to give the employee seniority credits. In addition, O'Brien said the City could request that an employee who had particular expertise but retired be reinstated. Such reinstatement would be optional. Change wording of part 2 of this section to Jezwinski's wording.

Chapter 8: Layoff: Change "least general seniority" to "least City seniority" ("The employee with the least general seniority in the classification being reduced shall be displaced first.")

8.A.4. Employees in a classification series: Change titles (change Personnel Analyst to Human Resources Analyst).

8.A.5.b. A question arose regarding why current City employees would take a temporary appointment if they could be laid off/terminated at any time without the layoff rights. Wirtz explained that current employees could just resign the temporary appointment and return to their regular permanent position so the language really only affects those who fill a temporary appointment from outside of City employment. The Board suggested that language clarifying the rights of permanent employees be inserted.

8.B.5. In the first sentence, change "recalled to her or his former position" to "recalled to a position within the same classification."

Glossary:

Class specification: Add "training and experience" and "necessary special qualification"

Classification study: Add "or abolished" or "or should be deleted" when

classes are no longer needed.

Job analysis: Add "and salary range" at the end of the definition.

Limited term: Expand to be consistent with language in Chapter 3.

Position Description: Add Training and Experience.

Reallocation: Change "undervalued" and "overvalued" to "inappropriately compensated" consistent with language in Chapter 4.

Recall: Change "date placed on list" to "date displaced"

Chapter 4: Discussion of the review process on a position study. At the last meeting, the Board had asked for this section to be reworked for more detail and clarity. Lipski handed out the revised language.

In paragraph 1, it was suggested to change Human Resources Department to Human Resources Director. Vilbrandt asked whether the section had to do with career ladder promotions. Wirtz said it concerns those that require study and normally career ladder is done without a formal study. However, Lipski added that if an employee on a career ladder was not being moved up by the supervisor, the employee could request a study and possibly trigger this review process that way.

Vilbrandt asked about CCOC recommendations, stemming from 2008 questions and comments.

The Board agreed to meet again Monday, July 13, at 4:00 p.m. to review a final draft of the Rules with the intent to vote to recommend the Rules to Council for adoption.

ADJOURNMENT

A motion was made by Vilbrandt, seconded by Martinelli, to Adjourn at 1:30 p.m. The motion passed by voice vote/other.