



MINUTES OF THE CITY COUNCIL WORK SESSION held Monday, November 18, 2002, for the purpose of discussing policy on non-classified positions.

Mayor Davis started the meeting at 8:10 p.m. It was held in the Multipurpose Room of the Community Center.

PRESENT WERE: Council members Rodney M. Roberts, Edward V. J. Putens, and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael P. McLaughlin, City Manager; Hank Irving, Joe McNeal, and Di Quynn-Reno, Recreation Department; Consuella Harris, Human Resource Officer; and Kathleen Gallagher, City Clerk.

ALSO PRESENT WAS: Hugh D. Jascourt, chairperson, Employee Relations Board.

Mayor Davis announced that in addition to the scheduled topic for this work session, a proposal would be discussed from the Employee Relations Board for an alternative process for handling employee grievances of job classifications resulting from the compensation study.

Policy on Non-Classified Employees

Mr. McLaughlin opened by saying that this topic still needs more work on the part of staff. The policy proposed in his memo of November 13, 2002, works for some categories of positions but not all. He asked for any comments or questions from Council on the direction the policy was taking. Mayor Davis said that the policy as written was acceptable to her as far as it went, as well as to Councilmember Alan Turnbull, who had relayed comments to her.

Mr. Putens asked which positions were problematic. Mr. McLaughlin said there was no problem with positions that were by nature clearly intermittent, seasonal, or part-time but ongoing. The problem is where work is "permanent" but is shared by a number of people, who work varying numbers of hours and some of whom work on an erratic basis. For example, one person in the classification might work essentially half-time on a permanent or at least indefinite basis, while someone else doing the same work in the same classification might work a few hours one week, none the next, and 30 hours the next. Mr. Putens emphasized that whether a job is permanent or temporary should be defined by whether the work itself is permanent, not the employee. Mr. McLaughlin said he appreciated that distinction but that in some of these instances, the problem is that although the work is permanent and the employee has effectively become permanent, the position is not defined in terms of any regular or ongoing hours. Mr. Putens noted that there is a recognized category of term appointments, where individuals work up to 900 hours on contract with no benefits and can then be employed on additional contracts without waiting periods in between.

Proposal for Special Procedure for Grievances of Classifications

Mr. McLaughlin gave an overview of the process of employee internal appeals that was employed following the compensation study. Subsequent to that internal process, eight grievances have been filed, involving 10 employees, with the Employee Relations Board. On behalf of several of the employees, Celia Craze, Planning and Community Development, proposed to the City Manager an alternative to handling the grievances that would permit the Employee Relations Board to make the final decision on these cases, rather than making a recommendation to Council. Mr. McLaughlin asked the board to review the proposal. The board returned a recommendation to Council to consider allowing the alternative method in this instance, in part because of the large number of cases and amount of time that had already passed since the adoption of the new pay plan. Mr. Jascourt explained that the board believed this set of cases to be sufficiently exceptional that adopting an alternative method would not have to set precedent. He also noted that grievants would have a choice of following the regular grievance procedure or the alternative.

Mayor Davis noted that the reason for asking the board to serve in this role is that they are an existing group, not selected or appointed by the City Manager. She said Mr. Turnbull had said, and she agreed, that using any alternative procedure for handling grievances would inevitably set a precedent.

Mr. Putens stated that although he would have supported the board's making the final decision in grievance cases when the procedure was revised last year, in fact the board now cannot do so under the City Code. As it stands, the board's opinion is only advisory to Council. He said it would make more sense to request an organization such as the Classification and Compensation Society or the International Personnel Management Association to provide individuals who could serve as a committee or special appeals board. Mayor Davis suggested perhaps the Employee Relations Board could select the organization or committee to do the independent review, in order to remove that decision from both management and the grievants.

Mr. Roberts asked why so many people were unhappy with the result of the compensation study. He also asked what the history had been of Council overturns of board recommendations. Mayor Davis also asked what was creating the apparent atmosphere of distrust. There was general agreement that Council overturns of the board were very rare. Mr. McLaughlin said it is to be anticipated that a number of people will not be satisfied at the end of a classification process, and he did not believe the number of grievants was disproportionately high. He added that although the consultant was very competent in the work he provided, his personal interactions with employees were not always all they might have been. Mr. Jascourt added that, although it may have been simply fortuitous, the fact that all of the original 30 employees who appealed their classifications internally were turned down also contributed to an atmosphere of distrust.

Mr. Jascourt clarified that the board did not consider itself to have classification expertise and it therefore thought its proper role was to look at issues of unfairness and whether or not all the appropriate information seemed to have been taken into account by the individuals who designed the new plan and reviewed the initial appeals. In discussing this, Council suggested that for those cases the board believed to be purely

classification issues, it would be perfectly appropriate for the board's recommendation to Council to be that the case be remanded for further classification review or that Council set up another group capable of classification review. Council asked Ms. Harris to identify some possibilities for such review, along the lines Mr. Putens suggested earlier, should the board make such recommendations.

In conclusion, it was again stated that the three Council members present and Mr. Turnbull, based upon his comments conveyed to the Mayor, were not in favor of pursuing an alternative approach to that set forth in the City Code. Council thanked Mr. Jascourt and asked him to convey their appreciation to the board for their efforts to be responsive to the concerns of the grievants.

Other Business

Mayor Davis announced that County Councilman-Elect Doug Peters has selected Ric Santos as his administrative aide. She said the state commission to which she was appointed will be convening after all. There was discussion of who will attend the Planning Board hearing on November 21 on Golden Triangle. Mayor Davis also noted that the Mayor of Bowie has already met with the incoming County Executive a couple of times; Council directed staff to pursue setting up a stakeholder meeting with Mr. Johnson. There was also further discussion regarding the Friends Community School's purchase of the Jaeger Tract. It was agreed to hold an executive session prior to the November 20 work session if needed.

The meeting ended at 9:45 p.m.

Respectfully submitted,

Kathleen Gallagher
City Clerk