

MINUTES

MERIT SYSTEM BOARD MEETING

A meeting of the Merit System Board was called to order at 8:07 a.m., **Tuesday, May 9, 2017**, in Personnel Conference Room #2 at 20 E. Main Street, Suite 130, Mesa.

MEMBERS PRESENT

Terry Hines
Shelley Reimann
Jennifer Sandstrom

MEMBERS ABSENT

OTHERS PRESENT

Tracy Hurt – Secretary to the Board
Patty King – Human Resources

Board Secretary Tracy Hurt called the meeting to order as there is currently no Chair. She asked for introductions since Terry Hines is a new member of this Board. Each Board member introduced herself.

The next order of business was to elect a Chair for the Board. Jennifer Sandstrom nominated Terry Hines. The nomination was seconded by Shelley Reimann. Terry accepted the nomination. All voted affirmative.

Patty King gave some background on the role of the Merit System Board and gave an overview of the City's rules and the process. Patty then discussed the proposed rules revisions in detail and reasons for the various changes beginning with the changes resulting from Prop 206 "Fair Wages and Healthy Families Act".

The Board questioned the following items and resolved as follows:

250 E. Reinstatement

- Terry asked if we currently pay out sick time to employees who terminate and Patty responded that we do not. Rehires within one year were given a portion back (50%). We are now changing this to rehire within 9 months and the entire sick time balance will be restored in accordance to the new law. We have also modified the vacation reinstatement to be consistent with the 9 months as well.
- Jennifer asked why it is 9 months and Patty stated that the City's decision was to align our practice with what the law minimally required. The law says 9 months so we are being consistent with that timeframe. Jennifer asked why we are choosing to not be generous and make it one year. Patty indicated that we had previously given 50% of the sick time back upon rehire and we will now be required to give 100% based on the criteria in the new law. From a budget perspective, this will result in some fiscal impact. Allowing one year would result in even more. Jennifer was concerned with layoffs and Patty noted that we do give those who are laid off 2 years as the reinstatement timeframe. Patty indicated that she would make note of Jennifer's question regarding one year.. The remaining board members concurred that remaining consistent with the language of the law (the 9 months) would be more acceptable.

410 B. Unexcused Absences

- Shelley asked about notice of 48 hours prior to taking comp time or vacation time. She asked if there was any notice required for sick time. Patty explained that there are different categories of sick time and notification requirements (foreseeable and unforeseeable absences) and that she would get into those details in another section.

423 SICK TIME

- Shelley asked if this was from the state law and not from the Violence Against Women Act. Patty confirmed it is from the state law.
- Shelley asked if the language was taken directly from the state law and Patty confirmed that it was, except for the definition of a committed partner. There was no definition in the statute for committed partner so we are using the broadest definition so as not to exclude anyone.
- Jennifer asked if the committed partner must be documented under the benefits plan as a committed partner? Patty explained that our broad definition includes those committed partners not participating in our medical plan as well. The Board was referred to the paragraph below 423 A-e. which defines a committed partner.

423 B. Accruals

- Shelley asked if vacation time counts as hours worked for accrual purposes. Patty confirmed. Patty indicated that in another section it lists all pay codes (other than dock time) that count as time worked for accruals.
- Patty noted that item 1.d **Non-benefitted and Seasonal** is new and requires one (1) hour of sick time accrued for every thirty (30) hours worked for non-benefitted and seasonal employees. No sick time was previously available to part-time non-benefitted employees. We are capping the accrual to 40 hours in a calendar year, which is compliant with the law.
- Terry asked if we had to purchase a new software package to track all the new requirements. Patty responded that we did not; however, she did mention we are currently in an upgrade process with our timekeeping software and staff are in the process of configuring these changes.
- Jennifer asked if there was a definition of dock status and Patty responded that we define under “Definitions” of the Personnel Rules and Patty read the definition.

423 C. Conversion of Sick Time to Vacation Time

- Patty explained that the new law requires unused accrued sick time to be carried over from year to year with no cap, subject to the limitations on usage. We currently have an automatic conversion of sick time accrual in excess of 1,040 hours to vacation time for full-time employees. We can no longer do this due to the new law which requires sick leave to continue to carry forward, Employees will need to indicate if they want their excess sick leave accrual converted to vacation time via a form.
- Jennifer asked if the employee can change from vacation conversion back to sick time and Patty confirmed they could, but only for future accruals - not past.
- Terry asked if employees could use vacation time when they ran out of sick time. Patty confirmed. Terry stated that she didn't see why anyone would not want to convert to vacation time. Patty explained how keeping sick time may be advantageous for some employees depending on their individual situation.
- Shelley asked if excess vacation payout is pensionable and Patty confirmed.
- Shelley asked if there were concerns regarding abuse of sick time. Patty indicated that under the law it is not be considered “abuse” of sick time if it is earned and used as specified in the law. We are concerned – it is a shift from the way we do things today.
- Shelley noted that although we are not reducing sick time accrual to only 40 hours per year, many companies may choose to do so.
- Patty noted that part-time non-benefitted and seasonal employees do not accrue vacation, so their sick time accrual will roll forward every year with no option to convert to vacation time.

423 F. Use of Sick Time

- Shelley asked if this applied to exempt employees as well or if there is flex for leaving an

hour early for an appointment, etc. Patty confirmed that it applies to exempt employees as well, however, there are some differences between salaried staff across departments where some employees work more hours and others only the normal scheduled hours.

- The board discussed potential “abuse” of sick time as a result of this new law.
- Shelley asked for clarification on “health care professional” and wanted to know if this language is directly from the new law. Patty confirmed.
- Shelley asked for clarification on 423 F. 10. regarding when an employee could be sent to receive an Independent Medical Examination and Patty explained that it would be when the employee has been hurt outside of work and then is obviously struggling at performing work duties and appears to be injured.
- To clarify 423 H. which indicates that sick time cannot be transferred to another employee, Terry asked if employees can donate sick time to other employees and Patty confirmed that we do have a donated leave program to donate sick time, but that employee cannot just “transfer” sick time to another employee of their choice. They must go through the donated leave program.

Patty then moved on to presenting the additional revisions to the rules that were not related to the new sick time law.

140. EQUAL EMPLOYMENT POLICY STATEMENT

- Terry asked why the language said “The City of Mesa is committed to” instead of just saying “We are an Equal Opportunity Employer.” Patty replied that there was no specific reason, that was just the language chosen. The Board confirmed that “is committed to” was fine.

320. C. Entrance Rates

- Shelley asked if we were having a difficult time getting employees because of the entry pay step requirement. Patty indicated that no, we are not; however, it may be because we do have some flexibility with the starting range, it just requires an additional level of approval.
- Terry asked for clarification on C.2. regarding the City Manager designee. She asked that the paragraph be reworded as it was a bit confusing/repetitive regarding the City Manager designee and the Assistant City Manager (or designee). Patty clarified that the Assistant City Manager (or designee) would be applicable.

330. B. Eligibility – Full-Time and Benefited Part-Time Employees

- Terry asked for an explanation of the difference between a full-time classified and a full-time at-will employee. Patty explained that a classified employee is subject to the merit system. They have rights to appeal, to grieve. If you are at-will you are not entitled to appeal or grievance rights.

470. A. General

- Terry asked for consistency in capitalization of “leave” in FMLA Leave references. Patty agreed to make this revision.

620. B. Inter-Department Transfer

- Terry asked for clarification on the wording of “both Assistant City Managers” for approval of

an inter-department transfer. Patty explained that if the transfer is between departments and those two departments don't have the same Assistant City Manager then the approval of both Assistant City Managers would be required. If one Assistant City Manager was over both departments, then only one approval from that Assistant City Manager is required.

- Patty was asked to remove "and/or". Patty agreed to make this revision.

Definitions:

Special Leave

- Terry asked for removal of "or" before Military Leave. Patty agreed to remove and to also remove it from Section 440 – Special Leaves.

The board moved that the proposed rules be revised as recommended following the minor changes listed below.

Items to edit:

Special Leave – consistency in capitalization of Leave and removal of "or" before Military Leave.
620. B. Inter-Department Transfer – remove "and/or"
Definition: Special Leave – remove "or" before Military Leave

The Board was asked if approval of minutes via email to expedite instead of waiting until another meeting is scheduled was acceptable. All concurred.

There being no further business, it was moved to adjourn by Shelley Reimann and seconded by Jennifer Sandstrom. The vote to adjourn was affirmative. The meeting adjourned at 9:58am.

XC: Christopher J Brady, City Manager (IMMEDIATELY for applicable Council Agenda)
e-mail to Jill Kotsur - City Manager's Office receives any rule changes, council report, and ordinance for Council Meeting
DeeAnn Mickelsen, City Clerk
Merit System Board Members
Human Resources Staff (ONLY after Council Approval)
Mayor's Office

Tracy Hurt, Board Secretary

Date

Terry Hines, Board Chair

Date