

Add info #38

MAY 28 2009



Fw: Response to Action Item #38
Melanie Sala-Friedrichs to: CityClerkDivision

05/28/2009 02:48 PM

From: Melanie Sala-Friedrichs/COC
To: CityClerkDivision

----- Forwarded by Melanie Sala-Friedrichs/COC on 05/28/2009 02:47 PM -----



James Kame/COC
05/28/2009 02:31 PM

To mayorAndcouncil
cc Mark Pentz/COC, Debra Stapleton/COC, Nanette Kahl/COC,
Tanya Keeton/COC, Nick Stankovic/COC,
faith.risolo@seiu5az.org
Subject Response to Action Item #38

Mayor and Council Members,

Approximately two months ago the City Manager gave SEIU draft language on Temporary Procedures and asked for our input. There was no deadline given and therefore with the ongoing negotiations we did not pursue, until recently when impasse was foreseen. SEIU has had some time to look at the language but have not communicated or received notice that these recommendations would be put on the agenda.

I noticed that item #38 was posted very late yesterday and feel that SEIU's good faith involvement has been compromised and therefore feel that you should at least look at what SEIU representatives have requested as equitable language to this item.

The scope of the original procedures effects exempt level positions, but may very easily affect the non-exempt members of our representation. There are employees who have the knowledge and experience to fill some of these appointments and would therefore be overlooked under the recommendations from management. SEIU understands the need for the City Manager to exercise his authority, but feel that overlooking Rule 1 Sec. 9(A) does not allow for a qualified employee to show merit and fitness to qualify for such an appointment.

The variance mentioned in reference to Rules 8, 9, 10, & 11 should at least have some guidance to pursuing a qualified replacement.

Our recommended language is below.

James Kame
President
SEIU Chandler Chapter

RECOMMENDATIONS FOR TEMPORARY PROCEDURES

Purpose: To better facilitate realignment of organization during transition period following implementation of separation programs.

Problem: A competitive process to fill every vacancy may not serve the City well as key positions may remain open longer with lower levels of staffing to cover. The following suggestions are recommended to be implemented to ensure that temporary appointments are in line with the intent of Personnel Rule 1, Section 9 (A), where the temporary appointments shall be based on merit and fitness. ~~on a case-by-case basis as the City Manager sees fit.~~

Scope: Exempt and Nonexempt level and confidential positions as designated by the City Manager

Authority: City Manager may exercise authority under Rule 1; Section 19 which states:

If the City Manager determines that essential public services are being hampered by critical employment needs for a specific class or classes, the City Manager may implement appropriate temporary procedures to satisfy those needs. Such procedures may vary from provisions of Rule 8 (Employment Applications), Rule 9 (Recruitment and Evaluation), Rule 10 (Employment Registers) and Rule 11 (Referral of Eligible Candidates and Appointments); however, candidates appointed to positions through these temporary procedures must meet the qualifications for the position as determined by the Human Resources Manager.

Suggested temporary procedures:

1. Provide the most qualified employees (exempt or nonexempt) opportunities to fill vacancies as a temporary detail. If two or more qualified employees exist, the employee for the most seniority will be assign to fill the position if they choose. Employees can evaluate position while City assesses employee's ability to perform. A provision for temporary detail is included in the City's current Rules and the timeframe may be extended by the City Manager as necessary. A temporary procedure may allow the City Manager to directly appoint the employee permanently to that position ~~without a competitive recruitment~~ after the employee has demonstrated the ability to perform the functions of the position.
2. As direct temporary appointments are made based on the most qualified employee, and lower

level positions become available, these positions may be filled by providing for "non-lateral transfers" which allows employees to fill lower level positions while maintaining current salary. Salary will be capped at current level until the point the salary range exceeds employee's salary. The benefit is that employees may be more open to move into a lower position if their salary remains in tact and it is not listed in their record as a voluntary demotion.

Note: A voluntary demotion allows the employee's salary to remain the same but in practice, it is often capped at the top of the range. In addition, the employee must request the voluntary demotion. The proposed temporary procedure provides for an appointment by the City Manager into a lower level position.

3. City Manager may appoint an employee to a higher-level position without a competitive recruitment under certain conditions that would needs to be clearly defined. For example,

a. For a department or division where a position must be vacated as a result of an approved separation ~~and there is an obvious, qualified-~~ candidate the most qualified candidate would be appointed.

b. A critical position that, if left vacant, will impact essential public services. The employee appointed to a higher-level position must be the most qualified of all available candidates.

c. An approved restructuring of a work group or unit.

d. A merger of job duties that results in a position with greater responsibilities.

4. Lift suspension of reclassifications during this transition, only for positions (exempt and nonexempt) impacted by transition, at the approval of the City Manager.

These procedures do not preclude the City Manager from pursuing an external competitive recruitment process for any position if he deems appropriate.

These procedures ONLY apply to those personnel actions that result from organizational restructuring.

 **Think Green ... Turn off the lights when you leave.**



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