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JUN 25 2009



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**DATE:** June 24, 2009  
**TO:** Mayor & Council  
**FROM:** Marla Paddock, City Clerk *mp*

Councilmember Orlando asked that this item be placed on the City Council agenda for June 25, 2009. Also included is a memo from City Manager Pentz.



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**City Manager – Council Memo MC09-048**

**DATE:** JUNE 24, 2009

**TO:** MAYOR AND CITY COUNCIL

**FROM:** W. MARK PENTZ, CITY MANAGER 

**SUBJECT:** RESOLUTION NO. 4310 PROPOSED BY COUNCILMEMBER ORLANDO

Several weeks ago I advised the Mayor and City Council that I would be implementing Rule 1; Section 19 of the Chandler Personnel Rules which enables the City Manager to determine that if essential public services are being hampered by critical employment needs for a specific class or classes of positions then the City Manager may implement temporary procedures to satisfy those needs. I indicated at that time that this authority was being used due to the 27 positions that needed to be filled as a result of early retirements and our efforts to move employees whose positions are being eliminated, into other jobs that maybe vacated as a result of a retirement. I indicated that I anticipated the temporary procedures to be in effect through the end of this calendar year.

Councilmember Orlando is proposing Resolution 4310 which would establish parameters upon the City Manager's authority to implement temporary procedures. As an alternative, I would suggest the following:

1. That the City Manager give the City Council 30 days written notice of his intent to implement Rule 1; Section 19;
2. As part of this written notification the City Manager advise the City Council as to how long the temporary procedures will be in effect;
3. At the end of the period when the temporary procedures are in effect, the City Manager will report to the City Council on what positions were filled.

I look forward to discussing this issue with you further Thursday evening.

## 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 on a case-by-case basis as the City Manager sees fit.

**Scope:** Exempt 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 employees opportunities to fill vacancies as a temporary detail. 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.

2. Provide 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.
  - b. A critical position that, if left vacant, will impact essential public services.
  - 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 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.**

**RESOLUTION NO. 4310**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTION 19 OF RULE 1, CHANDLER PERSONNEL RULES.

BE IT RESOLVED by the City Council of the City of Chandler, Arizona that Section 19 of Rule 1, Chandler Personnel Rules, is amended to read as follows:

19- Critical Employment Needs

If the City Manager determines that essential public services are being hampered by critical employment needs for a specific class or classes, upon approval of the City Council, the City Manager may implement appropriate temporary procedures to satisfy those needs. Such procedures may vary from the provisions of Rules 8, 9, 10 and 11; however, candidates appointed to positions through these temporary procedures must meet the qualifications for the position as determined by the Human Resources Manager. If the temporary procedures vary from Rules 8, 9 10 or 11, the City Manager shall present a briefing to City Council 30 days prior to implementing such temporary Rule changes. The briefing shall include the time period for the beginning and end of the temporary procedures and the overall procedures that will be implemented. At the end of the temporary procedures, the City Manager shall brief the City Council on what positions were affected and how they were affected.

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_ of June, 2009.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4310 duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_ day of June, 2009, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

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*mw*