

## MINUTES

### MERIT SYSTEM BOARD MEETING

#### MEMBERS PRESENT

Linee Ferguson  
Shelley Reimann  
Jennifer Sandstrom

#### MEMBERS ABSENT

#### OTHERS PRESENT

Mary Dellai – Secretary to the Board  
Tracy Hurt – Human Resources  
Patty King – Human Resources  
Gary Manning – Human Resources


Chair Ferguson called the Merit System Board meeting to order at 1:05 p.m., **Thursday, June 4, 2015**, in Personnel Conference Room #3 at 20 E. Main Street, Suite 130, Mesa.

The first item of business was to review/approve the minutes from the May 4, 2015 and May 28, 2015 meetings. Chair Ferguson asked if there were any comments, questions, or concerns or changes to the minutes or if they could be approved as drafted. No changes were proposed. Board member Reimann proposed the minutes of 5/4/15 and 5/28/15 be approved as drafted. Board member Sandstrom seconded the motion. The vote was unanimous.

The next item of business was to recommend the proposed rules for Council action. Board Member Sandstrom moved that the proposed rules be approved as drafted. Board member Reimann seconded the motion. The vote was unanimous.

There being no further business, it was moved to adjourn by Board member Reimann/Sandstrom and seconded by Board member Sandstrom. The vote to adjourn was affirmative. The meeting adjourned at 1:07 p.m.

XC: Christopher J Brady, City Manager (IMMEDIATELY for next 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  
Personnel Staff (ONLY after Council Approval, if any items of importance)  
Mayor's Office

  
\_\_\_\_\_  
Board Secretary

6/4/15  
\_\_\_\_\_  
Date

  
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Linee Ferguson, Board Chair

June 4, 2015  
\_\_\_\_\_  
Date



## MINUTES

### MERIT SYSTEM BOARD MEETING

A meeting of the Merit System Board was called to order at 4:05 p.m., **Monday, May 4, 2015**, in Personnel Conference Room #3 at 20 E. Main Street, Suite 130, Mesa.

#### MEMBERS PRESENT

Linee Ferguson  
Shelley Reimann  
Jennifer Sandstrom

#### MEMBERS ABSENT

#### OTHERS PRESENT

Mary Dellai – Secretary to the Board  
Tracy Hurt – Human Resources  
Gary Manning – Human Resources  
Patty King – Human Resources

Board Secretary Mary Dellai called the meeting to order as there is currently no Chair. She asked for introductions as Shelley Reimann is a new member of this Board. Each Board member introduced him/herself.

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

Gary Manning gave some background on the role of the Merit System Board and gave an overview of the City's rules and policies. Linee Ferguson asked if Management Policies are approved by Council. Gary Manning replied that Management Policies are internal procedures documents that do not go to Council for approval.

Patty King discussed the proposed rules revisions in detail using the highlighted Rules Changes Recap and reasons for the various changes.

The Board questioned the following items and resolved as follows:

#### **110 Definitions**

- Discussion on removing Part-time employee from the list of definitions but that language is used throughout the rules. Board recommended to fix this reference throughout the rules to detail benefited or non-benefited part-time employee.
- Regular Rate of Pay – Board recommended to check Section reference and link to FLSA update to show exact location.

#### **220 E. Employment Lists**

- Board recommended to clarify if there is a singular or plural employment list.

#### **510 Standards of Conduct**

- Linee Ferguson asked about the time line to inform supervisor for the proposed change. Gary Manning said it was intended for the employee to notify the supervisor at the next work shift but the proposed rule change was silent on that detail. Board recommended to specify the time line to clarify that expectation.
- Shelley Reimann asked if HR benchmarked with other cities and if they use similar language as what is proposed and how they handle this issue. She sees this proposed language with regard to arrests as a potential invasion of privacy issue. Gary Manning explained the City would want to know in advance of arrests of a nature that could impact the City before it appears in the newspaper. Shelley Reimann stated it should be required only if there was a conflict or it was job-related. Discussion on using a specific list of reasons for arrest or if the arrest was in conflict with the employee's job. Board recommended HR find out what other cities do and review for language change.

### 630 Special Assignments

- Linee Ferguson asked if "Acting" assignment is always a higher pay grade. Gary responded that it is not always a higher pay grade but could be invoked if the assignment had higher level duties than employee's regular job.
- Shelley Reimann asked about who can approve the Acting Assignment as the language was not consistent throughout the section. Board recommended to make consistent in the proposed revision.

### 710 Grievances A1 Grievable Issues

Discussion as to options to complain or grieve.

- Board recommended to add "Management Policies" to the list of grievable issues as follows: "The City of Mesa Personnel Rules, **Management Policies**, or the written rules and procedures of any City department have allegedly been misinterpreted or misapplied as to that employee.

Shelley Reimann moved that the proposed rules be revised as recommended. She moved to have Gary and Patty to contact other cities to benchmark language they use regarding disclosing arrests. The intention is to change language in Section 510 to protect employee privacy when the matter has no employment impact. Jennifer Sandstrom seconded the motion. The Board will meet again when this revised proposed language is ready for review. All concurred.

There being no further business, it was moved to adjourn by Linee Ferguson and seconded by Shelley Reimann. The vote to adjourn was affirmative. The meeting adjourned at 5:12 p.m.

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Mary Dellaj, Board Secretary

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Linee Ferguson, Board Chair

  
\_\_\_\_\_  
Date

## MINUTES

### MERIT SYSTEM BOARD MEETING

#### MEMBERS PRESENT

Linee Ferguson  
Shelley Reimann  
Jennifer Sandstrom

#### MEMBERS ABSENT

#### OTHERS PRESENT

Mary Dellai – Secretary to the Board  
Tracy Hurt – Human Resources  
Patty King – Human Resources  
John Pombier – City Manager's Office

Chair Ferguson called the Merit System Board meeting to order at 10:23 a.m., **Thursday, May 28, 2015**, in Personnel Conference Room #3 at 20 E. Main Street, Suite 130, Mesa.

Mary Dellai introduced John Pombier, Deputy City Manager to the Board.

The next item of business was to revisit the proposed rules revisions and proposed changes. Patty King explained each item.

At the previous meeting, the Board questioned the following items and proposed/resolved as follows:

#### **110 DEFINITIONS**

- Discussion on removing Part-time employee from the list of definitions as that language is used throughout the Rules. The Board recommended to change this reference throughout the rules to detail benefited or non-benefited part-time employee.

Proposed to leave the definition for Part-Time Employee but modify the language to make reference when appropriate to the benefited and non-benefited part-time employee definitions; otherwise it applies to both.

- Regular Rate of Pay – Board recommended to check Section reference/link to FLSA update to show exact location. Link has been fixed.

#### **220 EMPLOYMENT LISTS E. Insufficient Candidates**

- The Board recommended clarification if there is a singular or plural employment list. Clarification made.

#### **510 STANDARDS OF CONDUCT**

- The Board asked about the time line to inform supervisor for the proposed change and to specify the time line to clarify that expectation and modify. Clarification made.
- The Board asked to clarify language related to arrests and convictions. John Pombier asked to speak to this proposed Rules change. He asked Board member Reimann to discuss her position regarding this proposed change.

A motion was made by Board member Sandstrom to amend the proposed rule to read as follows:

#### **SECTION 510. STANDARDS OF CONDUCT**

##### **B. Causes for Discipline or Dismissal:**

8. A felony conviction, ~~or~~ failure to report any **felony** conviction ~~or any (felony or conviction of a misdemeanor)~~; or failure to report any **felony** arrest. **Employees are required to report to their chain of command upon the start of the employee's next scheduled work day following the conviction or felony arrest.**

The motion was seconded by Board member Reimann.

The Board discussed privacy issues, arrests, convictions and adding clarifying language to job relatedness, driving, etc. Board member Sandstrom suggested leaving the revised language as proposed in the motion. She recommended to leave out driving and other job-related issues in this proposed Rule change since those items are covered in other Management Policies.

The vote was called to amend the proposed language. Board members Reimann and Sandstrom voted aye, and Board member Ferguson voted nay. The motion carried.

#### **630 SPECIAL ASSIGNMENT D. Compensation**

- Housekeeping to remove the job title of Assistant City Manager since the City no longer uses that job title.

#### **710 GRIEVANCES A1 Grievable Issues**

Discussion as to options to complain or grieve.

- Board recommended to add "Management Policies" to the list of grievable issues as follows: "The City of Mesa Personnel Rules, **Management Policies**, or the written rules and procedures of any City department have allegedly been misinterpreted or misapplied as to that employee.

#### **820. SUSPENSION**

Board Member Reimann questioned if the safety rules of major significance related to FLSA. Patty King acknowledged that it did. Board Member Reimann moved to modify the language to reference the FLSA as follows:

- B. **Duration:** No employee may be suspended for a period of longer than two hundred forty (240) work hours (equivalent to thirty [30] eight [8] hour work days), nor shall any employee be suspended for more than two hundred forty (240) working hours in any twelve (12) month period. Suspension hours shall be based on the employee's normal work schedule. Suspensions for exempt employees may be imposed in one (1) or more full-day increments for workplace conduct rule/policy infractions ~~serious workplace misconduct including, but not limited to, sexual or workplace harassment, workplace violence, drug or alcohol violations, safety rules of major significance or violations of state or federal laws.~~ Suspensions for infractions of safety rules/policies of major significance may be imposed in partial or full day increments ~~other forms of misconduct for exempt employees must be for a minimum of one (1) week, forty (40) consecutive hours in duration.~~ **Safety rules and policies of major significance as defined by the FLSA include those related to the prevention of serious danger in the workplace or to other employees.**

Board member Sandstrom seconded the motion. The vote was unanimous.

The Board will meet again to review/approve the proposed rules and minutes of the meetings once they are prepared.


There being no further business, it was moved to adjourn by Board member Sandstrom and seconded by Board member Reimann. The vote to adjourn was affirmative. The meeting adjourned at 10:55 a.m.

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Linee Ferguson, Board Chair

  
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Date

