

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING)	RESOLUTION NO. 94-1932
PERSONNEL POLICIES FOR COUNCIL)	
DEPARTMENT EMPLOYEES)	Introduced by Governmental
)	Affairs Committee

WHEREAS, The 1992 Metro Charter provides that staff employed by the Council serve at the pleasure of the council; and

WHEREAS, Ordinance No. 94-523B establishes personnel rules for Metro, codified as Chapter 2.02 of the Metro Code; and

WHEREAS, Section 2.02.025(a) of the Code, as contained in Ordinance No. 94-523B, establishes that, "Notwithstanding any provision of this chapter, Council employees shall be exempt from and shall not be subject to this chapter except as expressly determined by a resolution adopted by the Council, limited however to budgeted funds allocated to the Council Department"; and

WHEREAS, It is beneficial to the Council and the employees of the Council Department to establish a system of personnel administration for those employees; and

WHEREAS, Council Department employees are employees of Metro and should be subject to the same policies as other Metro employees regarding classification, compensation, benefits, and similar agency-wide personnel policies; now, therefore,

BE IT RESOLVED,

By the Metro Council:

1. That Council Department employees are subject to the provisions of the Metro Personnel Code, contained in Chapter 2.02 of the Metro Code.

2. That in the administration of the Personnel Code for the Council Department, the responsibilities and duties assigned in Chapter 2.02 to the Executive Officer, as listed in Exhibit A to this resolution, shall be performed by the Presiding Officer. The responsibilities and duties assigned in Chapter 2.02 to a Department Director shall be performed by the Council Administrator.

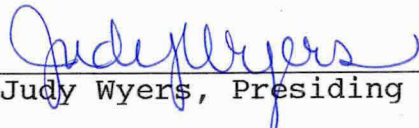
3. That all appointments to permanent positions shall be the responsibility of the Presiding Officer following the normal

recruitment and selection process. The Council may waive that process, as authorized in Section 2.02.080(h) of the Metro Code, by adoption of a resolution.

4. That Council Department employees work for the Council; the Council Administrator shall be responsible for providing day-to-day supervision of the Council Department staff. The Council Administrator shall report to the Presiding Officer, and shall keep the Presiding Officer fully informed on the affairs of the Council Department.

5. That this resolution shall take effect on June 22, 1994, to coincide with the effective date of Ordinance No. 94-523B.

ADOPTED by the Metro Council this 28th day of
April, 1994.



Judy Wyers, Presiding Officer

Metro Code sections assigned to Executive Officer
to be performed by the Council Presiding Officer
in administering personnel policies
for Council Department employees

<u>Code Section</u>	<u>Subject</u>
2.02.005(f) & .305(f)	No contract of employment can be created, nor can an employee's status be modified . . . except by a written agreement signed by the Presiding Officer and the employee, and subject to any approval requirements for contracts established by the Metro Code.
2.02.010(a)(1) & .310(a)	The Presiding Officer shall be responsible for administering or delegating the administration of all provisions of these policies. For non-represented employees, the interpretation given by the Presiding Officer or his/her designee, to a question of the meaning or interpretation of provisions of these policies, shall be final and binding.
2.02.050 & .345	Reclassification of an existing position from one existing classification to another existing classification may be approved by the Presiding Officer provided the reclassification can be accomplished within the limitations of the current budget.
2.02.060(b)(1) & .355(a)	Appointment at or 5% above the beginning salary rate should be the general practice, with appointments above that level being the exception for outstanding qualifications and experience, and subject to departmental personal services budget resources and approval of the Council Administrator with concurrent notification to the Presiding Officer.
2.02.060(b)(2)	When an employee is appointed over the 5% above the beginning salary rate he/she is not eligible for a salary increase for one year, unless the Presiding Officer approves an extra meritorious salary increase based on outstanding performance after successful completion of six consecutive months of probationary service.
2.02.060(c)	The Council Administrator may assign an employee, in writing, to work "out of class". . . If the Council Administrator needs to extend the work out of class period beyond six

months, extenuating circumstances must be given in writing to the Presiding Officer for approval and forwarded to the Personnel Director.

2.02.090(c) The term of temporary employment may not exceed 1044 hours within a fiscal year without approval of the Presiding Officer who may grant up to a 1044 hour extension.

2.02.095
& .385 Any full-time position may be designated as a job share position by the Presiding Officer at the Council Administrator's request.

2.02.135(b) Council Administrator vacations shall be approved by the Presiding Officer.

2.02.145(f)
& .405 Upon written request of a regular employee to the Presiding Officer, the voluntary transfer of sick leave hours may be authorized on a limited, carefully monitored basis as follows: Each request will be reviewed and approval granted or denied on a case by case basis by the Presiding Officer. . . .

2.02.165 All regular (non-represented) employees may be granted leave of absence without pay and without employee benefits for a period not to exceed six months provided such leave can be scheduled without adversely affecting the operations of Metro. Such leave may be extended in writing by the Presiding Officer once up to an additional six months. Requests for leave of absence without pay shall be in writing, shall be directed to the Council Administrator and shall contain reasonable justification for approval. Requests of ten days or more shall require the approval of the Presiding Officer. . . .

2.02.170(d) Any permanent, regular status employee who serves as a volunteer in the Peace Corps or U.S. Public Health Service, or other recognized federal volunteer programs as approved by the Council Administrator and the Presiding Officer, shall be granted approved unpaid leave during the service period.

2.02.170(e) The Council Administrator may be granted administrative leave in recognition of his/her overtime exempt status upon approval by the Presiding Officer.

2.02.185(a)

If there is a reorganization, changes in the organization, lack of work or lack of funds, or other reasons not reflecting discredit on employees, the Presiding Officer may lay off employees.

2.02.200(b)(3,4)

If a grievance remains unresolved after the five calendar day period [at the Council Administrator level], the employee may submit it within another five calendar days to the Presiding Officer.

The Presiding Officer will review and investigate the grievance as necessary. The Presiding Officer will respond to the grievant within fifteen calendar days from the date the grievance was submitted to the Presiding Officer. The decision of the Presiding Officer shall be final and binding.

2.02.225
& .455

Attendance at conferences, conventions or other meetings at Metro's expense shall be authorized by the Presiding Officer. . . . Metro shall pay for professional or trade memberships for employees when deemed appropriate by the Presiding Officer or his/her designee limited, however, to the availability of budgeted funds.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-1932, ESTABLISHING PERSONNEL POLICIES FOR
COUNCIL DEPARTMENT EMPLOYEES

Date: April 13, 1994

Presented by: Councilor Buchanan

COMMITTEE RECOMMENDATION: At its April 12, 1994 meeting the Governmental Affairs Committee voted 4-0 to file Resolution No. 94-1932 with the Clerk of the Council and recommend Council adoption. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short presented the staff report. He noted that this resolution was prepared at the committee's direction, and a draft was considered at the March 22 Governmental Affairs Committee meeting. At that meeting, he said a resolution establishing personnel policies for Council Department employees is necessary because those employees are specifically exempted from the provisions of the Personnel Code as contained in Ordinance No. 94-523B (adopted March 24, 1994).

Mr. Short explained that this resolution would establish that Council staff are subject to the provisions of the Personnel Code, consistent with the rest of Metro's employees. It establishes that the Council Administrator performs the duties outlined in the Code for a Department Director, and that the Presiding Officer performs the relevant duties assigned in the Code to the Executive Officer; those duties are listed in Exhibit A, and are separately stipulated to acknowledge that certain functions need not be duplicated by the Presiding Officer (such as establishment of the annual pay plan, classification plans, and similar agency-wide policies). The resolution calls for hiring of staff to permanent positions to be done through the normal recruitment and selection process, although the Council could waive that process by adoption of a resolution.

At the April 12 meeting, Mr. Short discussed two changes to the draft requested by the committee at the earlier meeting. Those were clarification of the reporting responsibilities, stating that the staff works for the Council, that the Council Administrator supervises the staff on a day-to-day basis, and that the Administrator reports to the Presiding Officer. The resolution establishes an effective date of June 22, 1994, to be coincident with the effective date of Ordinance No. 94-523B.

There was no further committee discussion.