

**CITY OF TUCUMCARI
CITY COMMISSION**

**Work Session Notes
December 6, 2012**

The Tucumcari City Commission met in a work session on Thursday, December 6, 2012 at 1:00 p.m. in the City Commission Chambers. Members present were Mayor Amiel Curnutt, Robert Lumpkin, Daniel Lopez, Jimmy Sandoval and Ms. Dora Salinas-McTigue.

City staff members present were Doug Powers, City Manager, Vicki Strand, HR Director and Angelica Gray, City Clerk.

City of Tucumcari Personnel Policy

Mr. Powers stated that Virginia Atterman an attorney who has represented the City stated she would charge us approximately \$3,000-\$4,000 to review the personnel manual.

Daniel Lopez asked if we could go page through page instead of line by line.

Dora Salinas McTigue suggested Article 2 Employee Performance Appraisal should read Evaluation and should reference page numbers.

Mr. Powers think that expanding the definitions at the beginning of the manual would be easier.

Mr. Lopez referred to page 3 and stated that for consistency purposes dept. manager 3.4 will be referred to dept. manager or dept. heads.

Mr. Powers said that we do have department head and we also have employees in supervisory positions. He thinks department manager is a good title but they should be expanded as supervisor position is incorporated or listed as a separate title.

Mr. Lopez stated that in conjunction with the ordinance there should be Wage Scale included. The City would need to define dept. head or dept. manager, supervisor and levels of positions.

Mr. Powers stated that we do not have wage scales.

Mr. Dysart stated that other cities have hired a professional to prepare a wage scale.

Mayor Curnutt stated that if we include job descriptions which we probably don't have.

Mayor Curnutt thinks that checking into the cost of a professional would be worth it.

Article 1 – Employment

2.64.030 –Ms. Salinas-McTigue stated that applicants must qualify for position.

Ms. Strand stated that if they can get training they are considered for the position.

2.64.050 – Mr. Sandoval stated that he thinks the hiring should be the board. The way it's stated now the city manager does all the hiring.

Mr. Powers stated that in the past it was allowed but now he asks that Vicki or himself be present in the interviews.

2.64.040 Ineligibility - Ms. Salinas-McTigue thinks that it should all be left in the policy manual. Vicki thought that attorney Virginia Atterman was going to put this information in a separate manual.

Mr. Lopez stated this establishes a base line for policies. For those individual dept. policies (i.e. police department) there will be separate policies that need to be followed. This policy needs to recognize the right of other departments to have other policies or procedures. Mr. Lopez stated that procedures should be presented to the city manager and policies need to come before the commission.

2.64.070 Pre-Employment Screening – Mr. Lopez stated that it should read the City Manager's office or his designee will conduct pre-employment screening.

2.64.080- Introductory Period – Mr. Powers stated that all employees should be placed on 180 day probationary period. Vicki stated that the only exception will be the non certified officer. Mr. Lopez stated that it should be changed to probationary period.

Ms. Salinas-McTigue stated that evaluations are for performance purposes. She also stated that an evaluation is a must before completion of probationary period.

Mr. Lopez stated that department heads need to know how to conduct evaluations.

Mr. Curnutt suggested that Vicki sit in all evaluations for the first time.

Mr. Lopez stated that at will employees have collected a lot of money due to not having grounds for firing.

2.64.100 – Transfers and Promotions – Mr. Powers stated that at one time the City used to hire within internally.

2.64.140 – Reduction Mr. Lopez stated that reduction in force we need to specify what it is based on (i.e. poor evaluations, seniority base, etc.) but it should be in writing.

Mr. Sandoval stated that department heads should be qualified to train their employees.

Mr. Powers stated that when someone leaves that gives the department a chance to reevaluate the position.

Annual Step Increases – Vicki stated that this originally was a cost of living increase. Mr. Lopez stated that it should state if they have a good evaluation and if the increase is available.

Mr. Dysart stated that if the increase is allowed, who gets the increase. Mr. Dysart thinks it would be a lawsuit issue.

Mr. Lopez stated that it should be based on successful performance evaluation.

Performance Based Merit Increase – Mr. Lumpkin suggested merit be changed to certification. He also stated he is against due to it being a morale breaker.

2.64.160-Employee Performance Appraisal – Mr. Lopez stated that Annual Performance Plan needs to be prepared. Mr. Lopez suggested a mid term review.

Mr. Lumpkin suggested pay that department an annual increase with a successful employment.

2.64.170- Work Schedule – Mr. Powers stated that the regular hours should be established by city manger.

Vicki stated that 40 hours worked is overtime. Mr. Lopez stated that if they are accepting compensation time in lieu of pay, the employee should sign a waiver stating that.

2.64.190 On-Call and Call-Back Pay – Mr. Lopez stated that on call employees should be provided some sort of communication (i.e. cell phone.)

2.64.200 – Timekeeping – Mr. Lopez stated that his concern is that we have exempt employees and they decide to take the afternoon off but they are still accruing annual and sick leave. He feels that the employee should use their annual and leave. They need to be made accountable for their timekeeping.

2.64.210 – Overtime – Vicki stated that EMS receives overtime after employees have worked 53 and the police department receives overtime after they have worked 43 hours.

2.64.220 – Compensatory Time-Off – Mr. Powers stated that it used to be that compensatory time was used before annual leave.

2.64.250 - Payroll Deductions – All agreed to take it out all together.

2.64.240- Termination Administration – Mr. Powers needed clarification on the City reserving the right to accelerate the final day of employment when accepting an employee's resignation. Mayor Curnutt thinks it needs to stay in.

2.64.270 – Holidays & Holiday Pay – It was agreed that the employee receive 10 full day and 2 half days. Since there was not a Rotary Show it was suggested by the Mayor that maybe it should read that they are getting 11 days, which will be announced annually.

Holiday pay for part time employees is not included at all. Right now we are paying if you are 20 and lest than 40 you accrue sick, vacation, at half rate and holiday at 4 hours. Mr. Powers

stated that he has been approached by some employees stating that if they are scheduled to work and it was a holiday they should receive that holiday pay.

Sick Leave – Mr. Lopez stated that it's hard to get to the doctor in 3 days. For the most part people are getting their sick leave slips in on time.

Leave Transfer/Payout – Mr. Lopez stated that if you are a department manager you need to make sure that they are claiming sick leave so when they do leave it needs to be at retirement not at termination of employment.

Donated Leave – Mr. Lopez thinks there should be a limit. Mr. Sandoval stated that he thinks it should be 20 hours per employee to donate. City Manager will evaluate each incident and determine the total amount that should be received.

Paid Leaves of Absences

Jury Leave – Mr. Lopez stated that jury fee needs to be returned to the City or if the employee chooses to keep it the employee must use leave to keep it. The employee cannot do both.

Community Leave – Mr. Lopez thinks there should be a 16 hour cap per fiscal year.

Article 4- Discipline and Rules (page 37)

2.64.330 – Mr. Lopez stated that we do not want to leave the impression that we are against progressive or corrective discipline it's just in a separate area. There is a need for progress and the department heads need training. Mr. Lumpkin stated that Doug and Vicki could receive training or could be a part of the training.

Mr. Dysart discussed with the insurance and they talked about risk training and management.

Mr. Lopez stated that what we are lacking in this policy are rules relative to supervisory failures. A broad generic statement that clearly specifies that you will be held accountable for failure to supervise.

Mr. Lopez stated that the other thing that is lacking is an investigative procedure. Every citizen should have a way to complain about an employee and what is the process. If there is no process there is no accountability.

Suspension – Mr. Lopez thinks it should include the documented effort to correct deficiencies.

Discharge – Mr. Lopez stated that discharge can take place but after approval from City Manager.

2.64.340 – Drug & Alcohol-Free Workplace – Mr. Lopez stated that it should read and/or under the influence.

Pre-employment – Mr. Lopez stated that it should be test positive for any illegal drug.

Testing Procedures – Mr. Lopez thinks the first sentence is contradicting threshold of positive results.

Employee Notice of Convictions – Mr. Lopez and Mr. Sandoval believe it should be reported immediately. Also should the City be notified immediately of arrest?

2.64.350 Grievance Resolution Procedure – Clarify with Virginia

Mr. Lopez also stated that we have a requirement to inform the reporting party that they can also report with EEOC

Driving Permits – It should .be striked out.

Safe driving record –Mr. Powers it used to be that City employees were required to take defensive driving course. Vicki stated that there is a form the employees sign to get their permission.

2.64.430 - #5 Mr. Lopez thinks that there should be a time limit to notify human resources.

Sexual Harassment – it was discussed that the City should offer sexual harassment training.

Concealed Weapon – Employees should not be allowed to carry weapons to work even with a concealed weapon.

City-Owned Vehicles – Employees are being charged for taking the vehicles home.

Ms. Salinas-McTigue asked if there is anything in the policy regarding credit cards. Other cities are limiting cards.

2.64.090 General Workplace Rules

Insubordination – Mr. Lopez thinks it should add States the directives and assignments are legal and ethical.

Employee Contribution – Mr. Lopez doesn't think it should outline the percentage. Mr. Lopez thinks that it commits the City to the 9.15%.

The work session ended at 3:39 p.m.

Respectfully Submitted:

Angelica M. Gray, City Clerk