



PUBLIC EMPLOYMENT

Guidelines & Procedures

Understanding Roles & Responsibilities

- **Executive Branch:** The mayor is the chief administrative officer of the city.
 - Supervises city employees.
 - Presides over city council meetings.
 - May call special council meetings, require accounts/reports from officers, & carry out police powers established by ordinance or state law.
 - May break tie votes of council and veto ordinances (veto subject to council override).

Role of the Mayor

- **Directs employees – (dept. heads?)**
- **Determines priorities, subject to council budget priorities**
- **Co-ordinates administrative functions**
- **Make personnel decisions – exceptions:**
 - Appointed positions - shared with the Council
 - Library employees – director and trustees

Appointed Officers

- **Three appointed officers are legally required for each city:**
 - Clerk
 - Treasurer
 - Attorney
- **The city council may designate additional appointed officers by official action – (not by tradition).**

Appointment and Removal

- **Appointment process**
 - Mayor appoints an individual, must have majority confirmation by the full council.
- **Removal of Appointed Officers:**
 - Removal by the mayor, which must be confirmed by a majority of the full council.
 - Removal by the council, which must be by unanimous vote of the full council.

Understanding Roles & Responsibilities

- **Legislative Branch:** The council is the legislative body of the city. Powers are when acting as a body in a meeting.
 - Passes local laws (ordinances) that must not conflict with state or federal law or Constitutional provisions.
 - Adopts policies for the operation of the City.
 - Approves annual budget & property tax levy.
 - Approves payment of city bills.
 - Approval of appointed positions.

Personnel Management

- **Role of the Governing Board**
 - Adopt a personnel policy and keep updated.
 - Adopt other policies such as:
 - Use of vehicles.
 - Purchasing – who, when, how much.
 - Computer policy to include internet, e-mail and use of social media.
 - Adopt the budget to include salary/wage rates.
 - Share concerns regarding employee performance or behavior with the Supervisor or the Mayor.

What Not To Do

- **Roles & Responsibilities**
 - Authority of individual council members.
 - The council sets policy and exercises its authority as a single body, operating in public meetings preceded by notice.
 - An individual governing board member has no authority to supervise, discipline or fire employees.

Personnel Policy

- All supervisors need to familiar with policy.
- Many claims come from failing to follow the policy or not looking deep enough.
- When issues come up don't rely on your memory, look in the policy - it may not read as you remember.
- Contact HR, City Clerk to verify you have correct policy manual and discuss policy.
- **Before** taking serious action CYA and call ICRMP

Common Issues

- **Time cards**
 - Honest
 - Reviewed
 - May be more than one.
- **Supervision re hiring, firing, and management.**
- **Evaluation - daily and periodic.**
- **Approval of leave - sick, vacation etc.**
- **Authorization and review of travel expenses.**
- **Coverage for absent employees if needed.**
- **What policy applies - and when, needs to be clear.**
- **Volunteering.**

Supervisors Create Liability By

- **Hiring the wrong person**
 - Conduct background checks.
 - Contact at least the listed references.
 - Beware of those you know or think you know.
- **Failing to properly train employees**
 - Train on policies (harassment, safety), expectations, and details of the job.
 - Document training received.

Supervisors Create Liability By

- **Failing to properly supervise employees**
 - Help employees succeed.
 - Recognize and document deficiencies.
 - Recognize misconduct and discipline appropriately.
- **Failing to terminate those clearly unfit**
 - When an employee proves they are unfit they are right.
 - Supervisors especially need to recognize employees dangerous to themselves or others.

Personnel Policy

- Have a policy
- Know your policy
- Follow your policy



**If you don't like it - change it,
don't ignore it !**

Before You Start



- Establish and document a process to follow for *this* hire.
- Position is both authorized and available.
- Complete job analysis.
- Update job description.
- Establish minimum qualifications.
- Desired qualifications.

Hiring Procedures

- Advertising - Recruiting
- Job Descriptions
- Potential Problem Areas
- Foreign Language Ability
- Minimum Education
- Arrest - Criminal Record
- Military History

Veterans Preference

The City will accord a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.

Military Preference on Applications For Employment



- Are you a veteran or family member who qualifies for and are claiming preference pursuant to Idaho Code § 65-503 or its successor?
- Have you previously claimed such preference?
- Veteran must provide copy of DD-214.
- Policy, Posting, and Applications



Employing Relatives (General)

Idaho Code 18-1359

No public official may:

(1)(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds ----

Employing Relatives (Specific)

Idaho Code 18-1359

- (3) No person related to a mayor or member of a city council by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.**

Employing Relatives

...continued

If a relative holds a position when the official is elected, that relative retains his/her position and continues getting general and merit pay increases, bonuses and promotions just like all other employees. I.C. § 18-1359(5)

Just don't treat the relative preferentially!

The Interview

- **Consider a two part process.**
 - Short (10-15 minutes) with several candidates.
 - Longer more complete with finalists.
- **Ask only work related questions.**
- **May wish to include a “realistic” test.**
- **Avoid asking about.**
 - Family
 - Religion
 - Health issues

Selection

- **Attitude is important.**
- **Document why.**
- **Let others know that you have made a selection.**
 - “We have selected the candidate that was the best fit for our organization.”

Supervisors

- **One who supervises.**
- **Judged not on what they do but what they get others to do (or not do).**
- **Represent the employer.**
- **Need to (do) set an example.**

Evaluations

- **How often?**
 - Everyday!
- **Who does them?**
- **What about use of notes/documentation?**
- **Who reviews them?**
- **What happens then?**

Evaluations

- **Should always include what has happened with employee since last review:**
 - Good
 - Bad
 - Ugly
- **Need to compare tasks with job description, if they do not match then change one or the other.**

Know Your Purpose

- **Most evaluations are for the express purpose of helping employees improve performance and their value to the City.**
- **Occasionally the objective is to correct either a poor performance or misconduct issue.**
- **And – in a small number of cases to document a likely termination.**

Reasons “To Do”

- **If properly done they:**
 - Help employees improve.
 - Provide a reference point.
 - Identify weaknesses and plan for improvement.
 - Allow employees to have input.
 - Are usually the only time that employees feel there is communication between them and their supervisors.

Reasons “Not To Do”

- They are not honest!
- Employees hate them.
- Supervisors hate them.
- When someone needs to be terminated they “walked on water” two weeks earlier.
- Tend to bring all employees to the middle.
- We often use forms that guarantee failure.

Documenting

- **What we should have told you!**
 - Don't document what the employee did as much as...
 - Document what YOU did to correct the employee's behavior.

Harassment

- **Behavior targeting employees in protected classes.**
- **Steps to protect from liability:**
 - Have a policy and follow it.
 - Provide training for all employees.
 - All allegations must be taken seriously.

Retaliation

- **Any action taken against an employee for using available benefits or process such as:**
 - Vacation, sick leave, or FMLA leave
 - Work Comp benefits
 - Filing complaints of harassment or any other grievances allowed by law or policy
 - Filing a tort claim
 - Filing a lawsuit
 - Participating in political activity
 - Anything else that irritates you other than purely poor performance

Investigations

- **Absolutely needed in allegations of:**
 - Illegal harassment
 - Discrimination
 - Criminal activity
- **Recommended in cases of:**
 - Citizen complaint
 - “Anonymous” tips

Investigations

- **Prompt**
 - Should be within a few days.
- **Thorough**
 - Interview all with information.
- **Impartial**
 - Not anyone in command chain!
 - May need outside investigator.



Discipline Levels

(Commonly includes)

- **Informal discussion**
- **Verbal warning - document**
- **Written reprimand**
- **Final “written” warning**
- **Suspension w/out pay**
- **Demotion**
- **Termination**

Termination

- **The action most likely to lead to claims and litigation.**
- **Always ask for assistance before terminating an employee.**
- **Usually the reason is good – maybe not the process.**
- **Timing is critical, especially for retaliation claims.**
- **Consider options – resignation, reassignment, severance.**
- **ICRMP offer of assistance – defense panel attorneys.**

Related Discipline

- **Notice of proposed action (Paid leave)**
 - Detailed reasons for proposed action
- **Opportunity for hearing**
- **Conduct hearing**
- **Notice of decision**

CYA and let us help!



Thanks for your time!

Please don't hesitate to call ICRMP if you have questions.

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