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## **KEIZER PERSONNEL POLICY COMMITTEE** **AGENDA**

**Monday, April 22, 2024, 6:00 PM**  
**Keizer City Council Chambers**

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
  - a. Review & Approval of January 2024 Minutes**
- 3. DISCUSSION**
  - a. Proposed Municipal Court Judge Observation Form**
- 4. OTHER BUSINESS/ STAFF LIAISON REPORT**
  - a. 2024 1st Quarter Staff Liaison Report**
- 5. ADJOURN**

### **Next meeting:**

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*

**Personnel Policy Committee – City Council Chambers – Keizer, Oregon**

**Date:** January 29, 2024

**Time Called to Order:**

6:03 p.m.

Committee Member		Present	Absent	Staff:		Present	Absent
Cathy Clark	Mayor	X		Machell DePina	Human Resources	X	
Shaney Starr	Councilor	X		Adam Brown	City Manager		x
Laura Reid	Councilor	X		Melissa Bisset	City Recorder	X	
				Kristen Meyers	Human Resources		x

*Introduced  
Reviewed  
Discussed*

Agenda Item				Action Taken
Approval of Minutes – October 9, 2024	X	X	X	Minutes approved unanimously.
Other Business/ Staff Liaison Report	X	X	X	<p>Human Resources Director DePina reviewed the 2023 4<sup>th</sup> Quarter Staff Liaison Report.</p> <p>Human Resources (HR) Director Recruitment – Ms. DePina explained that there were funds available to have an overlap with the new HR Director. She shared that she had suggested to the City Manager to begin the recruitment for the HR Director in early February. The overlap would allow for the current HR Director to work on high-priority HR/City projects and be a historical resource to the new HR Director. It was noted that the earliest a new HR Director could begin would be late April and the most of the overlap would be eight months. Discussion ensued regarding an alternative option of contracting with professional consultants and concerns regarding quality, need for oversight and lack of ownership of final products. There was also discussion regarding the use of the previously allotted American Rescue Plan Act funds with the Council. Ms. DePina responded to additional questions about the recruitment process confirming the plan would be to secure an HR Director from a nearby municipality to assist and interest was expressed to move forward sooner rather than waiting until a few months before the end of the year.</p> <p>Policies and Procedures – Ms. DePina reviewed the status of draft Personnel Policy Manual noting that the previously discussed request to Council to designate policies requiring Council approval rather than the entire manual would be brought to the upcoming February City Council Meeting. The Executive Leadership Team (ELT) had</p>

worked together to review the full draft of the Personnel Policy updates in July, 2024 with just a few items requiring additional research or revision.

Work After Retirement Policy – Ms. DePina reminded the Committee that there had recently been a special Work Session on the subject. Council had requested additional financial impact information and the Assistant City Manager was working on gathering the requested information. There would need to be an agreement with the unions for the new Work After Retirement Policy. It was noted that City Employees desired growth and development opportunities. Discussion ensued regarding the accrual caps, paid time off benefits, expectations, roles, and the term of the rehire being in writing.

Salary Survey & Internal Pay Equity Review – Ms. DePina shared that the Salary Survey for the non-represented employees had been reviewed in light of the Pay Equity review. She shared that there were not a lot of classifications that needed to be adjusted. There were funds budgeted to implement the salary survey and there were funds in contingency for the implementation of the Pay Equity results. The topic would be brought before the City Council in February. Ms. DePina shared that with there was a pay adjustment of 1.5 percent for all non-represented employees in October of 2023. Ongoing monitoring since the survey started showed that the average pay increase was 4.6 percent of the 11 comps when the City provided 3 percent. The ELT was proposing a 1 percent increase for non-represented employees to keep them in line with the represented employees. Discussion ensued regarding some of the differences in the Collective Bargaining Agreements compared to non-represented employees.

Classification Review – Ms. DePina shared the chart of potential future classification work to be done. There was consensus that the new City Attorney would make a recommendation for any needed changes to the classifications of the Legal Department. There was a request for the new Police Chief to review the classification needs of the Police Department. There was a request that Staff have cross-departmental discussions regarding sharing expertise and resources. It was recommended that the ELT get back to the fundamentals of what was needed to get quality, relevant information to the community in a timely fashion without being bound by past definitions or expectations.

			<p>Benefits – Oregon Paid Family Medical Leave Act (OPFMLA) – Implementation was still being conducted and forms and processes were being updated. Employees who were qualifying for FMLA/OFLA also applied for OPFMLA. The HR Generalist was currently spending approximately 80 percent of their time on leave.</p> <p>There had been 14 requests for FMLA/OFLA for the fourth quarter of 2023.</p> <p>PERS – Subject Salary Reporting Issue – Ms. DePina explained that she had a conflict of interest related to the PERS topic as she was a retiree-rehire and so all information on the topic would be distributed through the City Manager and City Attorney’s office.</p> <p>Human Resources Information System – The draft Request for Proposals (RFP) for the 3<sup>rd</sup> attempt to secure an HRIS/Payroll vendor has been reviewed by legal and was anticipated to be posted soon.</p> <p>Risk Management – Ms. DePina shared that all quarterly meetings and walk-throughs had been done.</p> <p>Workers Compensation – Ms. DePina shared that there were seven new Incident Reports with no time loss. There were three current open claims, two are with no time loss, and one was close to closing and did include time loss. Ms. DePina explained the relationships regarding Huggins Insurance, CIS and SAIF. There was a request for information on Huggins’ agreement with the City and whether it was reviewed for renewal to ensure best value for the community. Ms. DePina agreed to pass the request on to the appropriate party.</p>
<b>Other Business:</b>			None
<b>Next Meeting: April 22, 2024</b>		<b>Adjourn: 7:33 p.m.</b>	<b>Minutes Approved:</b>



To: Personnel Policy Committee  
From: Joseph Lindsay, City Attorney  
Subject: Court Observation Form

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### **Proposed Motion**

I move to recommend the proposed court observation form to City Council for their approval.

#### **I. Summary**

The City Attorney was asked to create a form to use when city councilors observe the judge in court, so that visiting councilors will know how to make the most out of their observation time.

#### **II. Background**

A. The Municipal Court Judge is a Keizer City Charter officer appointed and removed by a majority of the Keizer City Council. The Council contracts out this position as an independent contractor. In the Municipal Judge Services Contract, Section 3.2, states that the Judge's performance will be evaluated pursuant to the adopted evaluation procedures that are subject to change. Heretofore, part of these procedures have been to have two councilors a year observe court and report their observations to the rest of City Council.

#### **III. Current Situation**

A. Following this year's observations, the Council desired to have a way to approach observations with consistent goals or parameters in mind. The areas of focus for observation were taken mostly from the scope of work for the position as well as a more general view of what one might appreciate in a judicial approach.

#### **IV. Analysis**

A. **Strategic Impact** - NA

B. **Financial** - NA

C. **Timing** - The City Attorney was asked to produce this form, but the timing of implementation is not rushed because the evaluation process was accomplished a few months ago.

D. **Policy/Legal** - An observation form was created because the Judge is an independent contractor. One of the essential, defining features of an independent contractor (versus an employee) is that the employer doesn't get to direct the work. The independent contractor is contracted to accomplish the scope of services under the contract. Any attempt at evaluation should be mindful of this distinction. The approach with an independent contractor is to ask whether or not the independent contractor is performing the scope of work in a satisfactory manner. These observation forms will be used to report if the scope of work isn't satisfactory. If this is the case, because the Judge is a public official, the Council should avail itself of the use of executive session to discuss the matter outside of the public eye.

**V. Alternatives**

A. Approve the form as-is and move to carry it forward to City Council.

B. Amend the form and move to carry it forward to City Council.

C. Move to not recommend the form.

**VI. Recommendation**

Staff recommends making a motion to recommend the court observation form to City Council for their approval.

**Attachments**

1. Municipal Court Judge Evaluation Form (004)

*"Agenda Management Services are being supported, in whole or in part, by federal award number 21.019 awarded to City of Keizer by the U.S. Department of the Treasury."*

# Municipal Court Judge Observation Form

*IMPORTANT: Use this form when observing court. This form is not an actual evaluation. It is to aid an observer in what areas to be mindful of when visiting the court. If any areas are less than satisfactory, then the City Council should hold an executive session to discuss this matter. It is imperative that any evaluative statements about a city official's job performance are conducted after proper, written notice.*

Judge's Name: \_\_\_\_\_

Date of Observation: \_\_\_\_\_

Evaluator's Name: \_\_\_\_\_

SCORING from 1 to 5:

1 Unsatisfactory \_\_\_\_\_ 3 Satisfactory \_\_\_\_\_ 5 Exceeds Expectations

## AREAS OF EVALUATION

## SCORE

- |   |       |
|---|-------|
| 1. Judicial Temperament/Courteous                 | _____ |
| 2. Legal Knowledge/Command of the Law             | _____ |
| 3. Fairness/Objectivity                           | _____ |
| 4. Communication/Explaining                       | _____ |
| 5. Listening/Helping Other Feels Heard            | _____ |
| 6. Case Management/Efficient Courtroom Operations | _____ |
| 7. Appearance of Ethics/Lack of Bias or Conflict  | _____ |
| 8. Decision Making/Creative Solutions             | _____ |
| 9. Professionalism/Respectable                    | _____ |
| 10. Collegiality/Good Working Relations           | _____ |

Additional Comments or Feedback:

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**City of Keizer**  
**Human Resources Department**

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**Date: April 22, 2024**

**To: Personnel Policy Committee (PPC)**  
**Mayor Cathy Clark**  
**Councilor Laura Reid**  
**Council President Shaney Starr**

**From: Machell DePina**  
**Human Resources Director**

**Re: 2024 1st Quarter Staff Liaison Report**

**RECRUITMENT & SELECTION**

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**Human Resources (HR) Director Recruitment**

I have updated the planning process for the HR Director recruitment based on feedback by members of the Personnel Policy Committee & City Manager Adam Brown. While we will not be moving forward with implementing the prior recommendation for dual coverage in the position through the end of the year to complete key projects, we still plan to open the recruitment early to ensure we have the best opportunity to find excellent candidates and to allow time for an extended recruitment if needed. While the written agreement with the current HR Director is departure on December 31, 2024, the amount of time the current HR Director remains to support the needs of the City will be determined by the City Manager based on operational need and available funds.

Below are some previously shared items that are still in play and an update on an additional secured resource:

- Current HR Director to be responsible for planning and beginning the recruitment process including posting the announcement upon review and confirmation by the City Manager and Executive Leadership Team.
- HR Generalist Kristen Meyers and Megan Phelan, Assistant City Manager/Human Resources Director for the City of Lake Oswego will provide professional advice and support to the City Manager and the Executive Leadership Team regarding the review of applicants, selection of candidates for interview, the interview process and the hire of a new HR Director. Megan has more than 24 years of HR experience, a BA in Business Administration & Management, and an MBA in Organizational Behavior Studies. She is also an ICMA Credentialed Manager and on the Board of Directors as a Community Partner for the Lake Oswego Chamber of Commerce.
- Our plan is to post the recruitment announcement on or before May 1, 2024 with interviews, background checks and an offer in late June with an anticipated start date in July.
- Upon hire, the current HR Director will become HR Director Emeritus, will move to the vacant office in HR Department and will be a transition resource to the new HR Director and a short-term team member on the HR Department Team while working on high-priority HR/City projects with the highest priority being the implementation of the new HRIS/Payroll system.

## **POLICIES AND PROCEDURES**

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### **Personnel Policy Manual**

On February 5, 2024, via Resolution 2024-3439, the City Council confirmed the split out of the Personnel Policies which will continue to be adopted by the Council and those that will be adopted by The City Manager. Per the Resolution “Council should adopt only portions of the personnel policy manual that either directly impacts the Council and that Council is required or suggested to adopt pursuant to agreement, law or regulation”.

As a reminder, the Council is to adopt or amend provisions of the personnel policy manual that relate to the following:

- a. Travel;
- b. Equal Employment opportunity;
- c. Classification Review and Reclassification;
- d. Volunteers;
- e. Other Policies – other policies or portions of policies applicable to Council Members shall be approved by Council. These include, but are not limited to electronic mail, social media, and building access policies.

In addition, the Council approval is required for specific changes in other policies as defined below:

- a. Compensation – required for portions concerning change in level of benefits only.
- b. City Faxes, Copiers and Other Office Equipment – required for policies applicable to individual Council Members as well as the fee schedule.
- c. Holiday, Vacation, Other Paid Leave Benefits – required for portions concerning change in level of benefits only.
- d. Sick Leave Eligibility and Accrual – required for portions concerning change in level of benefits only.
- e. Health Insurance Benefits – required for portions concerning change in level of benefits only.
- f. Retirement – required for portions concerning change in level of benefits only.

Due to unanticipated additional workload in the HR Department, work on finalizing the draft update of the Personnel Policy Manual has been on hold for the last few months. It is our hope to be able to accomplish the final updates move forward to implementation by summer.

### **Work After Retirement Policy**

The Work After Retirement Policy was approved by City Council last Monday, April 15, 2024. It is important to note that the City must still work with the Keizer Police Association (KPA) and Laborer’s International Union of North America, Local 737 to agree on Memorandums of Understanding (MOU’s) in order to implement the policy with the members of both unions.

There are still 3 employees out of the 7 initially qualified who chose to work after retirement under the prior Work After Retirement Policy with end dates set at December 31, 2024, one non-represented and 2 KPA sworn officers. There are currently 17 employees who will be eligible at some point during the newly approved 5-year period, 5 of which were previously eligible but chose not to retire to date. The 17 includes 7 non-represented (including 5 sworn officers), 7 KPA represented (including 6 sworn officers) and 3 LIUNA represented employees.

## **City Manager and City Attorney Performance Evaluations**

It is time to send out the SurveyMonkey evaluation tool to the City Council for the City Manager's annual evaluation. We anticipate contacting the City Council within the next couple days and providing 2 weeks turnaround time to complete the evaluation and 1 week for us to tabulate and share the results. If all goes according to plan, we will share results the week prior to the scheduled Executive Session which is set to occur on Monday, May 20 at 6 p.m. Per the City Manager's Contract, the evaluation must be completed on or before June 1, 2024. Therefore it is possible to push the evaluation a bit if needed but we would have to schedule the Executive Session on a night other than a regular Council Meeting.

It will also soon be time to do the same with regard to the City Attorney's 6-month review. That review is to be completed on or before July 22, 2024. We anticipate sending out the evaluation tool in June.

## **CLASSIFICATION AND COMPENSATION**

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### **Salary Survey & Internal Pay Equity Review**

The Non-Represented Salary Survey & City-Wide Internal Pay Equity Review and associated changes were approved by City Council on February 20, 2024. The Salary Survey changes were retroactive to July 1, 2022 and the Pay Equity changes were retroactive to January 1, 2024. Personnel Action Forms (PAFs) have been processed for all impacted employees. It is interesting to note that for most employees, three or more PAFs were necessary to implement all the required changes given each PAF previously processed had to be updated with new compensation data.

With the exception of a few employees who asked questions about exactly how the adjustments were made to ensure they received accurate compensation, adjusting employee pay went fairly smoothly. We have had one employee submit a challenge to the Internal Pay Equity Review. I am researching the subject and working with the associated Department Director, our Labor Attorney and City Manager Brown to determine the City's response.

It is important to note that Internal Pay Equity Review is an ongoing process and also that the next Non-Represented Salary Survey is due to begin in 2025-26 unless there is a change in the City's Personnel Policy regarding such reviews.

### **Additional Pay Adjustment for All Non-Represented Employees**

The City's request to a Cost of Living Increase for Non-Represented employees was approved by the City Council on February 20, 2024. That request included retroactivity back to January 1, 2024 and all associated PAFs have been processed. As previously discussed, it is our hope that this adjustment will help lessen the potential future adjustments required to stay within the ballpark of our comparable municipalities.

### **Classification Review**

Based on PPC's request at the last meeting, we have removed the prior list of "Potential Future Classification Reviews" given the PPC's interest in both letting new Department Directors to determine need without being bound by prior definitions or expectations and encouraging the Executive Leadership Team to work on finding capacity within existing resources. Therefore, from this point forward, we will only share information here on actual classification review activities.

## **LABOR RELATIONS**

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### **Keizer Police Association (KPA)**

We have been notified of selection of KPA Executive Board officers for the KPA through the end of 2025. The current board is as follows:

President—Andrew McCowan  
Vice President—Carrie Anderson  
Secretary—Jeremy Darst  
Treasurer—Jeremy Worledge  
Member At Large—Cody Stupfel

In addition, we have been notified of the retirement of the KPA's long-time attorney, Daryl Garrettson in March. Not yet officially confirmed but the word is KPA is now represented by Mark Makler, a partner at Public Safety Labor Group in Portland. Initial interest appears to be a request to shift back to City assigned cell phones rather than a stipend due to liability concerns. More information to come.

### **Laborer's International Union of North America (LIUNA), Local 737**

The City's collective bargaining agreement (CBA) with LIUNA expires on June 30, 2024. In the past, we have begun bargaining with KPA in January and LIUNA would contact us in April or May to bargain but this year they reached out a bit earlier, likely due to KPA no longer being on the same 3-year bargaining schedule given the 2-year roll-over KPA CBA agreed to for 2021-23.

Bargaining began on March 5, 2024. We have had two meetings so far and expect 1 more before hopefully settling. The meetings have been going well as has historically been the case. Given LIUNA's early contact, we had not yet completed comps and hope to have that handled prior to the next meeting which is scheduled for May 1, 2024. We anticipate providing information on the status or hopefully the Tentative Agreement to the City Council via Executive Session on Monday, May 6, 2024.

## **BENEFITS**

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### **Federal Family and Medical Leave Act (FMLA) / State of Oregon Family Leave Act (OFLA) & Oregon Paid Family Medical Leave Act (OPFMLA)**

You will recall that at our last meeting, we reported that our HR Generalist was spending approximately 80% of her time only on this subject which is consistent with what we've heard from other municipalities who have added a position or a whole unit just to manage this program.

Kristen has been able realize some efficiencies with additional work on template communications for different types of qualifying events but at present, the workload is close to the levels we were dealing with in the midst of the pandemic. We are most concerned with keeping up with this workload, including the ongoing changes being made by the State of Oregon, while addressing the upcoming additional workload of HRIS implementation.

During the first four months of 2024 there were 23 requests for FMLA, OFLA and/or OPFMLA protected leave, which is a significant increase from prior quarters. We have four bonding requests (lots of babies expected soon) 5 requests to take care of family members and the rest specific to employees themselves with the most noticeable change being folks contacting us to request OPFMLA when they previously might not even inform us they were out and we'd find out after the fact that their time away was qualifying as FMLA or OFLA.

## **HUMAN RESOURCES INFORMATION SYSTEM**

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### **Human Resources Information System (HRIS)**

The City's request to enter into agreement with PeopleGuru as the City's HRIS/Payroll software vendor was approved by City Council last Monday, April 15, 2024. Following an initial planning meeting to start the project, we will be able to finalize the Statement of Work with details specific to the City of Keizer. Implementation dates are April 16, 2024 to October 1, 2024, giving us 4.5 months to work with the vendor to design the City of Keizer version of their product and load all the necessary data and one month for final tweaks and test runs. This is a very aggressive timeline given the amount of our data that exists only in paper form and the fact that the many folks involved must also keep up with their full-time regular work but we're eager to take it on and hoping for limited additional unplanned HR workload surprises getting in the way.

## **RISK MANAGEMENT**

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### **Safety Committee Meeting**

Safety Committee Meeting information and site inspection results will be shared in an upcoming Friday update.

### **Worker's Comp**

- Five new Incident Reports to date this quarter – 4 with no time loss.
- 2 current open claims, 1 new claim is a result of employee injuring themselves at home and is now on light duty, 1 is a result of a citizen colliding with a City vehicle last quarter and continues to be out pending additional medical assessments.\*
- The previously reported closed 2021 claim that was appealed, denied and resubmitted with additional claimed injuries was rescheduled to June 26, 2024. Given the facts of this particular claim, the City has no interest in settling and will continue to present data to SAIF attorneys as requested.

\*Regarding this claim, I mentioned the employee had returned to work the day of the meeting but unfortunately that was only for a few hours and they went back out and have remained out ever since.

### **Huggins Insurance**

At last quarter's meeting, information was requested regarding the City's professional relationship with Huggins Insurance and related contractual protocols. Review and research is in progress with the requested information to be provided to the PPC as soon as practicable.

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***Our future potential meeting dates are:***

*Monday, July 22, 2024, 6:00 p.m.*

*Monday, October 28, 2024, 6:00 p.m.*