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KEIZER PERSONNEL POLICY COMMITTEE **AGENDA**

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

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
 - a. April Minutes**
- 3. DISCUSSION**
 - a. Proposed Municipal Court Judge Observation Form**
- 4. OTHER BUSINESS/ STAFF LIAISON REPORT**
 - a. 2024 Second Quarter**
- 5. ADJOURN**

Next meeting: October 28th

"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."



MINUTES
KEIZER PERSONNEL POLICY COMMITTEE
Monday, April 22, 2024
Keizer City Council Chambers

1. **Call to Order** Mayor Clark called the meeting to order at 6:01 p.m.

Committee Member: Cathy Clark, Mayor Shaney Starr, Council President Laura Reid, Councilor	Staff: Machell DePina, Human Resources Director Joseph Lindsay, City Attorney Melissa Bisset, City Recorder
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2. **Approval of Minutes** Council President Starr moved for approval of the January 2024 Minutes. Councilor Reid seconded. Motion unanimously passed as follows: Clark, Starr and Reid in favor.

- a. **Review & Approval of January 2024 Minutes**

3. **Discussion**

- a. **Proposed Municipal Court Judge Observation Form** City Attorney Joseph Lindsay summarized the staff report. Mayor Clark was interested in having the Municipal Court Judge observation form be more of a narrative rather than numerical scoring. Councilor Reid suggested contacting Judge Myers to see what he would like to see on the observation form and adding a notation of not writing about specific cases. Council President Starr liked the numerical scoring and suggested including a description of the terms in the areas of evaluation, as well as including descriptive information about what the scoring means.

4. **Other Business/ Staff Liaison Report**

- a. **2024 1st Quarter Staff Liaison Report** Human Resource Director Machell DePina summarized the staff report.

Human Resources (HR) Director Recruitment

Ms. DePina shared the plan for the HR Director recruitment, which included working with the HR Generalist Kristen Meyers and Megan Phelan, Assistant City Manager/Human Resources Director for the City of Lake Oswego to provide professional advice and support to the City Manager and the Executive Leadership Team throughout the recruitment process. The plan was to post the recruitment announcement on or before May 1, 2024.

Discussion ensued regarding the recruitment timeline. There would be no fee for Ms. Phelan's time.

Personnel Policy Manual

Ms. DePina explained that the Personnel Policy Manual finalization of the draft has been on hold for the last few months and intended for the work to begin again soon.

Work After Retirement Policy

Ms. DePina stated that the Work After Retirement Policy was approved by the City Council. She noted that the City must still work with the Keizer Police Association (KPA) and the Laborer's International Union of North America, Local 737 (LIUNA) to agree on Memorandums of Understandings (MOU's) in order to implement the policy with the members of both unions.

Ms. DePina reviewed the number of employees that are and will be eligible in the newly approved five-year period.

City Manager and City Attorney Performance Evaluations

Ms. DePina shared that she would be sending out the SurveyMonkey evaluation tool. An Executive Session for the City Manager's Performance Evaluation was set to occur on Monday, May 20, 2024, at 6:00 p.m. The City Attorney's Performance Evaluation was due to be completed on or before July 22, 2024.

Salary Survey and Internal Pay Equity Review

Ms. DePina explained the process for making the changes, which included processing three or more Personnel Action Forms (PAFs) for most employees.

It was noted that there was one employee who submitted a challenge to the Internal Pay Equity Review, and research was in progress regarding their concerns and the City's response.

LABOR RELATIONS

Keizer Police Association (KPA)

Ms. DePina shared that the Keizer Police Association's (KPA) long-time attorney retired in March, and she had heard that KPA would be represented by Mark Makler, a partner at Public Safety Labor Group. There was interest in a shift back to City assigned cell phones rather than a stipend due to liability concerns.

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

Ms. DePina stated that the LIUNA Collective Bargaining Agreement (CBA) expires on June 30, 2024. Bargaining began on March 5, 2024. It was anticipated that there would be a City Council Executive Session on May 6, 2024, to discuss Labor Negotiations.

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

Ms. DePina explained that the HR Generalist had been spending a great amount of time on OPFMLA. She had been able to realize some efficiencies by creating templates.

Discussion ensued regarding the vendor for OPFMLA and the amount of time it was taking to process the applications.

There was discussion about the reasons why there was an increase in the workload to administer OPFMLA. Ms DePina explained that there was an increase in the number of applications and that there are additional options, combinations, and qualifications of the applications under the various leave acts so there's a tremendous educational component with the employees to explain the three acts.

Human Resources Information Systems (HRIS)

Ms. DePina expressed excitement about City Council recently approving an agreement with PeopleGuru for the City's HRIS/Payroll software vendor. Implementation was anticipated to last through October 1, 2024. There was discussion regarding the additional workload to implement the new software.

RISK MANAGEMENT

Safety Committee Meetings

Ms. DePina would be providing information on Safety Committee Meetings in one of the Friday updates. All of the quarterly updates took place, except for Public Works because they didn't get there's done on time, but it would be included in the update.

Worker's Compensation

Ms. DePina reviewed the current open claims and noted that there were five new Incident Reports to date in the quarter, four with no time loss.

Discussion ensued regarding a previously reported closed 2021 claim that the hearing was rescheduled to June 26, 2024.

Higgins Insurance

At the last quarter's meeting, there was a question regarding Higgins Insurance, and Ms. DePina has shared that research was in progress. Ms.

DePina would share the answer with the Committee as soon as she receives it.

5. Adjourn

Meeting adjourned: 7:02 p.m.

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To: Mayor Clark and City Council Members
Thru: Adam J. Brown, City Manager
From: Joseph Lindsay, City Attorney
Subject: Proposed Municipal Court Judge Observation Form

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 annual observation time. At the PPC meeting in August, some further changes to the form were suggested. This latest form incorporates those suggestions.

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.
- B. On April 22, 2024, the PPC met and discussed an earlier version of the observation form. After discussions on the matter, the City Attorney incorporated the suggested changes for consideration at this next PPC meeting.
- C. Following the additional changes to the form, it was sent to the Municipal Judge for feedback. He was fine with the form and did not suggest any further changes.

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. After the April 22, 2024 meeting, the form was changed. The scoring of 1 to 4 in each

category is familiar to the Council because they use that same rubric for their other employees: the City Manager and the City Attorney. The areas of review attempt to use plain language and concepts, so that there is an easier understanding of what is being observed. And there are more lines for comments and real world examples to be logged.

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 - 7-15-24

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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 unsatisfactory, 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 4:

**use dashed line for
any examples*

1 Unsatisfactory

2 Fair

3 Good

4 Exceeds Expectations

AREAS OF EVALUATION

SCORE

- | | |
|---|-------|
| 1. Appropriate Temperament/Courteous | _____ |
| ----- | |
| 2. Legal Knowledge/Command of the Law | _____ |
| ----- | |
| 3. Fairness/Objectivity | _____ |
| ----- | |
| 4. Communication/Explaining | _____ |
| ----- | |
| 5. Listening/Helping Others Feel 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:



City of Keizer

Human Resources Department

Date: July 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 2nd Quarter Staff Liaison Report

RECRUITMENT & SELECTION

Human Resources (HR) Director Recruitment

The HR Director Recruitment was posted on May 10th with a first review date of June 10th. An initial screening interview was offered to three qualified candidates and two of the three will be invited back to interview with the Executive Leadership Team, HR Generalist Kristen Meyers and Megan Phelan, Assistant City Manager/HR Director, City of Lake Oswego within the next few weeks. Meanwhile, the recruitment is still open and if none of the current interviewees is offered the position, a new application review date will be advertised.

Below are some previously shared items that are still in play:

- 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.
- 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

City Manager and City Attorney Performance Evaluations

The City Manager Annual Performance Evaluation was completed on Monday, May 20th and the City Attorney End of Probation Performance Evaluation was completed on Monday, July 15th. There were some difficulties in finalizing the materials for the Executive Session due to issues with the tool currently available for downloading SurveyMonkey data into an editable document. However, it is anticipated the new HR Director will work with the PPC and the City Council to transition the current process into the Performance Management module of the new HRIS.

Temporary Pet Visitation Policy

The Temporary Pet Visitation Policy was implemented by Interim City Manager Wes Hare in 2022 via an email he sent out to all staff along with an agreement/waiver form. As HR has been working on the final draft of the update of the Personnel Policy Manual, this temporary policy came up as something that needed a revisit. Following conversation with both the Safety Committee and the Executive Leadership Team, the following adjustments were made effective July 1, 2024:

Locations Where Pets are Not Allowed

Fitness Room, Event Center, Council Chambers, kitchens, employee break rooms, bathrooms, Quiet/Lactation Room and Zen Room.

Expansion to All Departments

Previously, the Police Department was not participating but KPD employees are now also eligible to request approval for pet visitation.

Temporary vs. Permanent

The Executive Leadership Team supports the temporary policy continuing for now. It is anticipated it will be revisited in another year or two to determine whether it ends or becomes a permanent policy.

Any feedback, questions or concerns regarding this temporary policy are to be addressed to the City Manager. Also, employees requiring the use of legally registered service animals as allowed by law are not bound by the requirements of this policy.

CLASSIFICATION AND COMPENSATION

Nothing to report at this time.

LABOR RELATIONS

Keizer Police Association (KPA)

We have coordinated with the Chief of Police to remind the KPA regarding their current Memorandum of Understanding (MOU) specific to the City's Work After Retirement Policy. The current MOU is effective only until December 31, 2024, and will need to be revised if they are interested in continuing the requirements of that MOU for the length of the updated Work After Retirement Policy which doesn't expire until December 31, 2029. The current MOU directs that those rehired after retirement must go first in the event of a layoff, regardless of their seniority.

Keizer Police Association – Sergeants (KPA-S)

As you will recall, we have previously experienced representation petitions from Sergeants twice in the past but the first time they rescinded their request and the 2nd time we won in arbitration, with the Employee Relations Board determining we had effectively proved they were supervisory employees. On February 19th legislation passed that specifically provided supervising sergeants the capacity to unionize, effectively reversing the prior standard that those who supervise cannot be in a union. The legislation also requires they be in a separate union from "rank-and-file subordinate employees." In other words, they will have their own stand-alone Collective Bargaining Agreement (CBA).

On May 13th the HR Department learned of the Employment Relations Board's communication to the City that the KPD Sergeants had officially filed a Representation Petition for Sergeants to

unionize. On May 15th we notified the ERB and the associated attorneys that we had complied with the requirement to post the required information at the KPD and provide an alpha list of eligible employees. While we were provided a deadline of May 31st to object to the petition, based on the elements of the legislation the only path for objection was to confirm that Sergeants would have the full authority to impose economic sanctions on officers (be able to cut their pay or put them on unpaid leave, hire or terminate without checking first with anyone else), something that no organization that I know of would ever allow. For that reason, the City did not object and on June 4th, we received an “Order Certifying Exclusive Representation” which lists the “Keizer Police Association-Sergeant (KPA-S)” as the exclusive representative of a standalone bargaining unit of all Sergeants employed by the City of Keizer.

On June 12th we were provided notice by the attorney for the newly formed KPA-S bargaining unit and informed of their intent to begin contract negotiations with the City. Upon their request, we have provided substantial information about the benefits the City has been providing the Sergeants to aid in their preparation for bargaining. Our City Attorney will be the lead negotiator for the City and will request assistance for our contracted labor attorneys as may be needed.

Laborer’s International Union of North America (LIUNA), Local 737

The City is waiting for the final signatures by LIUNA representatives on the ratified and Council approved 2024-27 Collective Bargaining Agreement (CBA) with LIUNA. Once received, the new contract will be posted on the City’s website.

BENEFITS

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 two meetings, 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.

One component of the increased work load is being the liaison between the employee and the insurance provider. Kristen keeps in regular communication with the employees during their leave, whether intermittent or consecutive, to assist with changes to leave dates (this has been fairly common with bonding leave), confirming absences and work schedules, pay discrepancies (this is typically due to many of our employees having non-traditional work schedules), etc.

During the 2nd quarter of 2024 there were 11 requests for FMLA, OFLA and/or OPFMLA protected leave. We had one bonding request, (but several more babies expected soon), 3 requests to take care of family members and the rest specific to employees themselves. The trend continues 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

Human Resources and Finance staff have been meeting every Thursday morning with the PeopleGuru Implementation Team and have been working on transfer of data on the days in between. So far, we are on schedule and have not run into any insurmountable issues. On a daily basis, we are reminding each other that it may be the last time we do this or that manually, which helps with keeping a positive attitude about the additional workload.

As a reminder, 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 workload surprises getting in the way.

RISK MANAGEMENT

Safety Committee Meeting

The Safety Committee Meeting for the 4th quarter of FY 2023-24 took place on July 3rd. Items discussed included building security, changes in emergency evacuation procedures and results of a recent CityCounty Insurance Services (CIS) Best Practices Assessment.

On the latter item, following a meeting with the CIS representative on June 12th covering 92 topics city-wide, there were only a couple items for which CIS will provide some recommendations to improve. While we are still waiting for the final report, those items are primarily adding a few things to look for on our regular inspection lists based on claims filed by other municipalities. The representative also confirmed that City of Keizer is certainly in the top 10% statewide.

Quarterly Safety Inspections

The Public Works Shop Inspection took place on July 2nd. Only two items were noted and one was addressed during the inspection (re-securing tanks to the wall) and the other within a few days (straightening up a storage area).

The Parks Shop Inspection took place on June 25th. Again, two items were noted with one addressed during the inspection (ladders not strapped to the wall) and one addressed a couple days later (installing covers over the points of the dock poles).

The Police Department Inspection took place on June 25th. A couple items noted and addressed during the inspection (supply boxes organized, bathroom light replaced, wires hanging down from ceiling stored away) and a couple items were addressed following the inspection (new door latches installed, receptacle cover replaced, vehicle lift fully decommissioned).

The City Hall Inspection took place on June 28th. Only one outstanding issue was the near expiration of the AED pads in City Hall, the Employee Gym and the Lobby. New pads have been ordered and will be installed upon receipt.

Worker's Comp

- Two new Incident Reports to date this quarter, both were sworn officers injured in the line of duty with a short time loss and both are returned to work.
- The previously reported closed 2021 claim that was appealed, denied and resubmitted with additional claimed injuries which was rescheduled to June 26, 2024 has now been submitted by SAIF to the judge for remediation. No new information since June 26th so we are just waiting to find out the results and the cost of the agreement that is reached. Given this is the 2nd time SAIF has taken action to settle a claim without discussion with the City first, we have requested our representative again look for other potential Workers' Comp vendors who may be willing to bid for municipal coverage for next fiscal year.

Huggins Insurance

At the 2023 4th quarter PPC meeting, information was requested regarding the City's professional relationship with Huggins Insurance and related contractual protocols. At the 2024 1st quarter PPC meeting, we reported that review and research was in progress with the requested information to be provided to the PPC as soon as practicable. Below is the requested information:

The City of Keizer began its professional relationship with Huggins Insurance in 1982 after a solicitation for proposals. Since 1982, the City has requested proposals from interested agents at least three times. It appears the last time a formal proposal was solicited was in 1996. The current amount of the contract with Huggins Insurance is \$15,000 per fiscal year. An informal solicitation process is warranted at this time. The City Recorder will initiate the solicitation process this current fiscal year, abiding by the City's newly adopted public contracting ordinance.

Our future potential meeting dates are:

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