



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

POLICY AND FINANCE COMMITTEE

CITY COUNCIL
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Committee: Policy and Finance

Date: June 3, 2019

Time: 3:00PM

Location: Classroom A; LEC - 320 S. Kansas Ave Ste 100

Attendance: Councilmembers Jeff Coen (Chair), Tony Emerson & Brendan Jensen, Jacque Russell (HR Director), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order

Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve May 15, 2019 Minutes

Councilmember Jensen made a motion to approve the May 15th, 2019 meeting minutes. Councilmember Emerson seconded the motion. Minutes were approved 3:0.

3) Review Article I, Sections 1-5 & Article II, Sections 1-5 of the Personnel Code

Lisa Robertson, City Attorney, noted that the committee has previously reviewed the Personnel Code, with the exception of Article I, Sections 1-5 and Article II, Sections 1-5.

- Personnel Code Article I: Administration.
 - Section 1 Statement of Purpose. Ms. Robertson noted that language found within the first sentence was repealed by Charter Ordinance 94 in 2004 when the form of Government changed. This provision is therefore out of date, and inaccurate. Staff took the Statement of Purpose from the Personnel Code and pasted it into the Personnel Manual. (The Personnel Manual is almost completed and will be sent to all City of Topeka employees on Wednesday, June 5th).
 - Section 2 Definitions. Most of these definitions have been referenced in separate ARR's.

Councilmember Emerson inquired about the "Base Pay" definition, noting that not all definitions have a cross-reference number. Ms. Robertson

noted that each should have a cross-reference. Councilmember Emerson inquired about definitions being placed in the Personnel Manual or the Topeka Municipal Code (TMC). Ms. Robertson confirmed all definitions were placed in the Personnel Manual or the TMC with the exception being “Bumping”, the definition was removed in 2012 through an amendment to the Personnel Code.

Ms. Robertson informed committee members that notes were made on the documents provided to the committee to identify where the items were placed, i.e., the TMC, in an ARR, etc.

- Section 3 Administrative Rules and Regulations. The documents that Human Resources has collected since 1991 (ARRs) have been pasted into the Personnel Manual. Ms. Robertson noted that relevant pieces of the Personnel Code have also been pasted into the new Personnel Manual.
- Section 4 Independent Departmental Regulations. This section covers the Standard Operating Procedures that various departments have in place, which are specific to those departments. This language has been pasted into the Personnel Manual.
- Section 5 Records. This topic is not discussed in the Personnel Manual; however this language is in the TMC.
- Personnel Code Article II Section 1 Scope. This paragraph was divided into two sections in the Personnel Manual as it pertains to two separate subjects: applicability and bargaining unit agreements.
- Personnel Code Article II Section 2 Equal Opportunity. Ms. Robertson noted that although there is only a brief mention of EEO in the Personnel Code & Personnel Manual, the TMC has an entire chapter dedicated to equal opportunity and affirmative action.
- Personnel Code Article II Section 3 Affirmative Action. This topic is also discussed in much greater detail in the TMC.
- Personnel Code Article II Section 4 Compliance with Provisions. This section infers that criminal prosecution available if there is non-compliance with personnel rules and regulations. Ms. Robertson noted that, in practice, employees who do not comply with personnel rules and regulations may be disciplined, but are not sent to jail.

- Personnel Code Article II Section 5 Residency Requirement. This section is not currently addressed in the TMC, and staff is recommending that it be added and codified in the TMC. The Residency Requirement would also be added to the Personnel Manual.

4) Review TMC Title 2: Administration and Personnel

- TMC Chapter 2.05 through 2.150 discusses boards, commissions, employment matters, and administration matters. Staff will be suggesting revisions in conjunction with the overall recodification of the Municipal Code, which is led by the City Clerk's Office. More specifically, the TMC is reviewed and evaluated by a Municipal Code company on a five or ten year basis to sure everything makes sense. Staff approached the selected vendor when the decision was made to conduct Policy & Finance Committee meetings to address personnel provisions. The company conducted an initial review of Chapter 2 of the TMC and provided the following recommendations:
 - Divide Title 2 into divisions. Division 1 would have provisions related to the City, Council, Mayor and other departments; everything that is not covered elsewhere. Division 2 would contain provisions regarding Employees. Division 3 would cover boards and commissions.

Councilmember Emerson inquired about the numbering of divisions. Ms. Robertson noted that items would be re-numbered at a later time. Councilmember Emerson inquired if this re-numbering would change content. Ms. Robertson noted that the company would re-number the TMC once changes were made and approved by the Committee and Governing Body. The entire TMC will be updated online, as well as a printed copy that the Clerk's Office would retain. The City Clerk must retain one printed copy. Councilmember Emerson inquired about the cost. Ms. Robertson was not sure at the time of the meeting as to the cost of the re-codification process; however a RFP process was prepared and multiple responses were received.

Councilmember Emerson inquired if there was a State law requiring the Clerk to maintain an original printed copy. Ms. Robertson replied that a hard copy must be maintained in the Clerk's office. If a KORA request came through requesting printed sections of the TMC, the City could be required to do that; however, most requests have been for electronic copies.

Councilmember Jensen inquired if the chapters would be changed during this process. Ms. Robertson noted that she was not sure what the company would decide to do; however her understanding of the process was that once the language is acceptable to the City, the company would then go through and re-number the titles, sections, and chapters in a way that would make sense.

Ms. Robertson summarized that proposed Division 2 of Title 2 is what the committee will be reviewing. This division consists of five chapters: “Employees”, “Civil Service for Police and Fire”, “Firemen’s Relief Association”, “Affirmative Action Programs”, and “Benefits”.

Ms. Robertson supplied committee members with a color-coded Table of Contents for Chapter 2.135.

- Staff began with the first five chapters of Division 2 and tried to determine which of those would make sense to put first. The decision was made to put the Equal Opportunity/Affirmative Action piece first, as this would be something that would be viewed by individuals seeking employment. Staff made the recommendation to broaden the title of the Affirmative Action chapter to “Equal Employment Opportunity, Diversity, and Inclusion”.

The first section contains a basic policy statement as §(a), related to the City’s affirmative action approach and identifying protected classes. A second section contains definitions related to gender classifications and gender identity. Staff removed these as it seemed odd to define only two categories, as opposed to all protected classes. Councilmember Jensen inquired if a general statement could be made to mention that the City does not discriminate against anyone for any reason. Catherine Walter, Senior Assistant C.A., noted that having an Affirmative Action statement is required by Federal law.

- The General Objectives was previously its own section 2.135.030. Staff incorporated the language into the policy statement to outline what the City’s objectives are:
 - Intensify efforts to recruit applicants of protected classes
 - Develop special training for individuals of protected classes
 - Develop procedures for monitoring the application flow, final hiring and disposition.

Ms. Robertson noted these practices are currently used by the Human Resources Department.

- Administrative Responsibility was previously its own section 2.135.070. Staff incorporated the language into the policy statement as §(c).

Section 2.135.040 covers employment practices that are considered to be unlawful.

Section 2.135.050 discusses the recruitment procedures. This has not changed much and is in line with what the Human Resources Department does now.

- Equal Opportunity Officer (Section 2.135.070). The Human Resources Director is responsible for making sure policies and procedures are put into place. Jacque Russell, HR Director, noted that the primary duty of this officer is reporting and making sure the hiring practices are designed to be non-discriminatory and that the best-qualified candidate is hired regardless of status.
- Ms. Robertson noted that the next section (2.135.100) covers Reports and Records. Ms. Russell noted that interview records are kept for five years after the position has been filled.
- Chapter 2.25 The next chapter contains “first steps” for an upon starting employment. The employee Oath of Office, which occurs during the orientation process, as well as the Residency Requirement would be found in this chapter. The Residency Requirement would be pulled directly from the Personnel Code and placed in this chapter of the TMC as separate subsections.

Councilmember Emerson noted an error in the Residency Requirement section noting it says “00 minutes” but should say “30 minutes” in reference to distance from an employee’s office. Staff made a note to change this typo.

- A new section would be entitled Administrative Policies, Rules, Regulations, and Procedures. The first half is the new addition, carried over from the Personnel Code, giving authority to the HR Director to promulgate rules and regulations. References to the City Manager was included, however, as the City Manager would oversee the HR Director. The second paragraph contains new language related to the Personnel Manual being reviewed not less than every five years.
- Ms. Robertson commented that a provision of the Personnel Code which discusses the employee hearing process related to administrative rule promulgation was not carried over to the TMC, as it is a purely administrative function. It was added to the Personnel Manual.

Councilmember Coen noted that language found under “Scope” states that the Personnel Code is only for employees but not Elected Officials. He inquired about the reasoning behind this. Ms. Robertson noted that there was a

resolution passed by the Governing Body (Resolution Number 7473, 5-18-2004) that established a Code of Ethics. In reference to conflicts of interest, there are some state statutes that elected officials have to adhere to, but nothing else other than the resolution. Councilmember Jensen noted there would be some difficulty with holding elected officials to the same standards as employees, as elected officials cannot be reprimanded or terminated in the way an employee can be.

- Conflicts with Bargaining Unit Agreements. The language was pulled from the Personnel Code and states that if there is a conflict between what is in a bargaining unit agreement versus what is in the Personnel Manual, it will default in favor of the agreement.
- Deviations. The language was pulled from the Personnel Code and provides that the City Manager and HR Director may permit deviations from the Personnel Manual; provided however, that a written explanation must be included.
- Standard Operating Procedures. This language was pulled from the Personnel Code and provides that each department may have a SOP that it will follow.
- Compliance. The language was pulled from the Personnel Code, but staff removed the criminal prosecution language and focused on the discipline piece.
- In the existing TMC, there is a provision specifically discussing the Personnel Code. However, if the Personnel Code is repealed, this section will be removed. If the Personnel Code is not repealed, it will remain in the TMC.
- Personnel Records. This language was pulled from the Personnel Code and mainly deals with accounting of personnel and the corresponding compensation.
- Payroll Records. This language was pulled from the Personnel Code and provides that the administrative and financial services department must keep an accurate record of employees and the inpay scale.
- Authorized Employees. This language was pulled from the Personnel Code and provides that the number of employees is tied to their department budget. Staff feels it is important to add this subsection to the TMC as there is a clear budgetary aspect.

Councilmember Jensen inquired about the reasoning behind tying the section to the budget and not the scope of work. Ms. Robertson noted the position descriptions would cover the scope of work. Ms. Russell described the internal process of the Position Review Committee. Councilmember Jensen noted the current process is to set the budget and then try to fill positions within department budgets. Councilmember Jensen inquired if there was a way to show the number of employees that may be needed to complete a project; followed by a discussion of the financial impact to fund projects at various incremental percentages.

- Protective Insurance Required. This language is currently contained in the TMC (Section 2.25.040), and there have been no additional changes.
- Approval of Employment. This section (2.25.060(a)) states that if there is an employment agreement that the City Manager would like to sign, but the person who will be the subject of the contract has not gone through the HR process, the agreement must be approved by the Governing Body.
- Approval of Severance Pay. This section (2.25.060(b)), new to the TMC related to eligibility to receive severance due to a permanent reduction in force and the payment of severance. These two subsections require prior authorization of the Governing Body. Additional subsections were included, containing language was pulled from the Personnel Code. Staff felt it was important to include in the TMC given the budgetary impact and that the language would be tweaked later.
- Section 2.25.070. Staff suggests that this be deleted as it is a purely administrative function.

Ms. Robertson noted that clean versions of what was discussed has been provided to the committee.

Sections 2.25.010 and 2.25.020 deal with bargaining units. This language was pulled directly from the TMC but staff has not reviewed it yet.

For the next meeting, Ms. Robertson will bring forward revisions to the Severance and Bargaining Unit pieces, and touch upon Civil Service for Police and Fire (Chapter 2.125) and Benefits (Chapter 2.140). Staff does not anticipate many changes. Ms. Robertson noted that following the June 10, 2019 meeting, the committee will decide what they want to recommend to the Governing Body on June 18th. Perhaps waiting until after the budget is completed and to discuss the final changes in August. During that wait time, staff and committee members can have one-on-one conversations to answer questions.

Councilmember Jensen inquired if building the incentive for moving within the city limits would be something worth discussing prior to or during the budget discussions. Councilmember Jensen would be interested in seeing what incentivizing employees to move within the city limits from the County limits would look like. Councilmember Jensen mentioned \$100/per year for five years, for a \$500 total incentive per employee.

Ms. Robertson noted that an email will be sent to employees on Wednesday with the new Personnel Manual. This email will have a corresponding document attached to assist with showing employees the cross-references. Language from Personnel Code Articles VIII through X were taken verbatim from the Personnel Code and added to the Personnel Manual and cross-referencing to the Personnel Code was added.

5) Other Items Before the Committee

No other items.

6) Adjourn

Councilmember Jensen made a motion to adjourn the meeting. Councilmember Emerson seconded the motion. 3:0. Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: <https://youtu.be/uDQexKrS2b0>