



PUBLIC MEETING AGENDA

REVISED 12/12/08

MERIT SYSTEM BOARD MEETING

Wednesday, December 17, 2008

8:30 a.m.

Tempe Transportation Building
Don Cassano Community Room – Second Floor
200 East Fifth Street
Tempe, AZ 85281

AGENDA

Notice of Meeting and Possible Executive Session

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Merit System Board and the general public that the Board will hold a meeting open to the public on **Wednesday, December 17 at 8:30 a.m.** at the above address for the purpose of discussing matters on this agenda, and whether or not to meet in Executive Session. If authorized by a majority vote of the Board, the Executive Session may be held before, during or after the regular meeting.

- 1. Consideration of Meeting Minutes (from February 6, 2008) for discussion and approval.**
- 2. Discuss and Approve Proposed Revisions to the City of Tempe “Personnel Rules and Regulations” (see attached documents)**
- 3. Hearing** on the appeal of Jason Giardino
- 4. Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §38-431.03(A)(1) and 38-431.03 (A)(3)**
 - A. Legal Advice (A.R.S. § 38-431.03(A)(3))**

The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board’s attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).
 - B. Records Confidential by Law (A.R.S. § 38-431.03(A)(2))**

The Board will consider and discuss records and information exempt by law from public inspection received and considered pursuant to Item 4 below.
- 5. Discussion and consideration of personnel matters arising from the Hearing regarding the appeal of Jason Giardino, pursuant to A.R.S. § 38-431.03(A)(3)**
- 6. Adjourn to Public Meeting (if necessary)**

7. Motion and Board Recommendation to the City Manager on the appeal of Jason Giardino

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance is available at public meetings for sight and/or hearing-impaired persons. Please call 350-2978 (voice) or 350-8400 (TDD) to request an accommodation to participate in a public meeting.

Memorandum

Human Resources



Date: December 8, 2008
To: Members of the Merit Board
From: Renie Broderick, Manager
Subject: Proposed Changes to the Rules and Regulations

The following is suggested language to be added to of the City of Tempe's Personnel Rules and Regulations regarding employee placement options prior to lay-offs.

In the event that the City of Tempe experiences loss of revenues or legal requirements that, if not resolved, would result in the lay-off of City of Tempe employees or the serious curtailment of services provided to the citizens of Tempe, the City Manager may suspend Recruitment (Section 302) and Selection (Section 304) of the Rules and Regulations for a finite period. During such times, the City Manager shall develop a written policy that establishes a system where current employees who are in positions targeted for elimination may, prior to lay-off, be placed in vacant or newly created positions in a fair and equitable manner, as determined by the City Manager.

Attached is an example of a written guideline that may be instituted by the City Manager.

EMPLOYEE PLACEMENT OPTIONS
December 3, 2008

If the determination is made to eliminate positions based on the proposed re-organization, options have been established to make every effort to avoid the lay-off of City of Tempe regular employees by facilitating their movement into other vacant positions for which they can qualify. While the Priority Placement Program is in place, the definition of qualified may be expanded to include a six to twelve month window of opportunity for the displaced employee to work in the new position as a trainee while earning the specific qualifications needed to be regularly assigned the position.

Any employee whose position has been targeted for elimination will be assigned a Human Resources staff member who will meet with them regularly to assist with the following options that are not required to be utilized in sequence.

Option One: Voluntary Transfers

1. Employees whose position is targeted for elimination may voluntarily transfer from that position to a vacant position within the same classification (i.e. Administrative Assistant II in one department to Administrative Assistant II in another department.) The hiring department manager and the Human Resources Manager must approve the transfer.
2. If more than one employee whose position is targeted for elimination is interested in voluntarily transferring to a vacant position within the same classification, the employee with the most city-wide seniority will receive the transfer.
3. The transferred employees retain their base rate of pay. All leave accruals and benefits will remain the same.

Option Two: Priority Placement Program

The Priority Placement Program may be utilized when voluntary transfers do not result in the placement of employees whose positions have been targeted for elimination.

1. The Priority Placement Program is a voluntary program.
2. Only full-time and part-time regular employees whose positions are targeted for elimination are eligible for the Priority Placement Program.

3. The Priority Placement Program will be in effect for a period of time as determined by the City Manager.
4. The opportunity to apply for vacant positions will be offered to employees in the Priority Placement Program prior to other recruitment efforts.
5. Weekly email notifications regarding vacant position opportunities and the deadline to apply will be sent to employees in the Priority Placement Program.
6. A condensed employment application form will be utilized for the Priority Placement Program, and employees interested in a vacant position will be required to submit this application to the Human Resources Department.
7. Employees must meet the minimum qualifications or be within a specified amount of time for meeting the minimum qualifications, based on the qualifications and/or needs of the position as determined by the Human Resources Manager and the hiring department manager.
8. In the event employees whose positions have been targeted for elimination cannot meet the minimum qualifications of a particular vacant position, Human Resources will work with the department to determine if the vacant position can be "under-filled" with an employee as a trainee.
9. However, for positions that require licensure or certifications at time of hire to perform the essential functions of the position (i.e. Equipment Operator requires a CDL), employees may be required to meet, at time of application, that qualification.
10. Human Resources will review applications, and all qualified employee applicants will participate in an expedited selection process.
11. If there are no qualified applicants for a vacant position from the Priority Placement Program, the position may open as a city-wide internal recruitment.
12. If an employee is selected for a vacant position as a result of the Priority Placement Program, the employee will be placed on probation for six months to one year, based on the needs of the position, and will not receive an end of probation increase.
13. Monthly performance reviews will be held with the hiring supervisor during the probationary period. If the employee is not performing at the level necessary for the position at the end of the probationary period, then the employee will move to the lay-off list.
14. Employees selected for a vacant position of a classification with the same salary range maximum will retain their base rate of pay.
15. Employees selected for a vacant position of a classification with a lower salary maximum will retain their base rate of pay if the base rate of pay is still within the new salary range. If the employee's base rate of pay is higher than the salary maximum of the new classification, the employee's base rate of pay will be reduced to the maximum of the new position's salary range.
16. Employees selected for a vacant position of a classification with a higher salary maximum will not receive a promotional increase. The employee will retain their base rate of pay or move to the minimum of the new position's salary range, whichever is higher.

17. Any components of pay currently received by the employee may continue if agreed upon by both the hiring department and Human Resources. Otherwise, the component of pay will discontinue when moved to the new position.
18. An employee already placed through the Priority Placement Program cannot choose to be placed back into the Priority Placement Program. However, the employee can apply for city-wide internal recruitments and/or external recruitments.

Option Three: Administrative Transfer

1. Employees may be administratively transferred from one position targeted for elimination to another vacant position within the same or different classification with the same or lower salary range maximum.
2. Employees selected for a vacant position of a classification with the same salary range maximum will retain their base rate of pay. Employees selected for a vacant position of a classification with a lower salary maximum will retain their base rate of pay if the base rate of pay is still within the new salary range. If the employee's base rate of pay is higher than the salary maximum of the new classification, the employee's base rate of pay will be reduced to the maximum of the new position's salary range.
3. Administratively transferred employees may be assigned to a probationary status. All leave accruals and benefits will remain the same.

Definitions:

Base Rate of Pay: Employee's hourly wage; regular rate of pay upon which overtime and other wage supplements are computed.

Classification: A designation for a particular job based on the nature and level of duties and responsibilities as well as training, education and experience required to perform in that capacity.

Components of Pay: Component of pay is additional compensation associated to a particular program, such as bilingual pay, or an assignment, such as MAX staffing. The component of pay is calculated as either a flat rate or as a percentage of an employee's base salary.

General Classification: Refers to a classification that is not unique to a department or departments and can be utilized citywide (Administrative Assistant I/II, Administrative Support Supervisor, Executive Assistant, Management Assistant I/II, Sr. Management Assistant)

Regular Employees: Part-time or full-time benefited employees.

Seniority: The total number of years of service as a regular City of Tempe employee.
(See City of Tempe Rules and Regulations Section 403: Lay-off, A.)

Temporary: Temporary employees hired to perform a job which is limited in nature are not to exceed twenty-four (24) months of employment except under special circumstances with the approval of the Human Resources.