

Tempe Supervisors Association

Representatives Meeting Minutes

10 a.m., Sept. 8, 2015

City Council Chambers – Garden Level City Hall

1. **Call to Order** – Keith Burke called the meeting to order at 10:05 a.m.

REPS/MEMBERS/ELIGIBLE PRESENT

Jennifer Adams, Vice President
Deborah Bair, Trustee
Keith Burke, President
Mary Fowler, Secretary
Shawn Wagner, Treasurer
Ginny Belousek
Tanya Chavez
Cathy Hollow
Chris Kabala
George Krall
Kerri Logan
Mercedes Payne

Ramon Saiz
Kristen Scharlau
Wendy Springborn

Guests

Kathryn Baille, Napier, Coury & Baillie,
P.C.
Renie Broderick, Internal Services
Director
Wydale Holmes, Sr Learning & OD
Assoc+

2. **Internal Services Director Update – Renie Broderick**

- The Business Enterprise Program is exercising its right under the Randolph-Sheppard Act to take over city vending machines. Tempe is currently negotiating the contract. Council members Granville and Arredondo-Savage have proposed ensuring that vending machines have healthy options in areas where children are prevalent. The city is unsure how or if this will affect the machines operated by the Boys & Girls clubs.
- Renie responded to questions about the Grievance Policy. This policy is not the same as the MOU grievance policy.
- The group discussed the employee survey. Andrew is reviewing the process.
- HR is gearing up for the market study at the end of the year. Renie will share the Fire Department's market study with Keith.
- TOA, TSA and UAFA all have the option for a market study in this fiscal year.
- Renie was asked if the city has heard any more from the Goldwater Institute. Kathryn indicated that Goldwater lost at the Court of Appeals. Michael Napier argued against Goldwater and in favor of collective bargaining groups in relation to time away from the workplace to conduct business.

3. **Education Partnership** – Wydale outlined the partnerships and discussed other programs being offered by TLC.
4. **Approval of August Meeting Minutes**

Jennifer moved to approve the minutes; Shawn seconded the motion. The motion passed.

5. **New Business**

- Grievance Policy – Kathryn explained the different types of grievances and encouraged employees to contact her if they believe they have a grievance as outlined in the TSA MOU, the Personnel Rules or the Equal Employment Opportunity Commission (EEOC).

6. **Old Business**

- Compassionate Leave – the city has changed the rule surrounding the donation of compassionate leave. Employees may now donate sick time for any type of compassionate leave request.

7. **Budget Report**

- Shawn presented a comprehensive budget and reported that there is \$5,825.39 the operating budget and \$37,552.29 in the Franklin-Templeton account. The group discussed raising dues to provide funds for activities and donations. The group decided that if something arises that is not in the budget, the board will come back to the membership and present options for funding.

8. **Committee Reports**

- **Labor Management** – Keith discussed TSA's role in the city's market study.
- **Diversity** – Mercedes reported that UAEA was questioning why Exempt employees get flex time and Non-Exempt employees do not and are sometimes written up for being late or not meeting their work shifts. UAEA also questioned the practice of custodians being sent for polygraph. Kathryn presented the legal aspects of both issues to the group.
Diversity is planning its Challenge Day anti-bullying campaign among Tempe schools. The Diversity Dialogue program begins Sept. 14 and Tempe Tardeada is Oct. 4.
- **Deferred Compensation** – No report.
- **Wellness & Health committee** – No report.

9. **Open Discussion**

- Kathryn indicated that employees whose job descriptions indicate that a valid driver's license is required could be terminated if they are charged with a DUI.
- Debbie announced her approaching retirement and encouraged members to consider becoming a Trustee of the Board.

10. **Adjourn**

The meeting adjourned at 11:20 a.m. The next meeting is scheduled for 10 a.m. on Oct.13 in the City Council Chambers at City Hall.

Minutes submitted by Mary Fowler

Minutes reviewed by Shawn Wagner, Deborah Bair and Keith Burke



August, 2015

Proposed Rule Change:

RULE 501.B.2.

2. Compassionate Leave

Regular employees who have completed probation may participate in the compassionate leave program which allows employees to voluntarily donate their own accrued sick and/or vacation leave to another qualified employee who has exhausted all their paid leave, including all accrued compensatory time, and has requested compassionate leave donations through Human Resources.

Any requesting employee who solicits leave donations from another employee shall forfeit eligibility for this program.

Vacation and sick leave may be donated to eligible employees on leave as defined under the FMLA (see 503.F.) for the employee's own non-job related serious health condition, to care for a spouse, domestic partner, child or parent with a serious health condition or for other extenuating circumstances as approved by the City Manager. ~~Vacation leave only may be donated to eligible employees on leave as defined under the FMLA to care for a spouse, domestic partner, child or parent with a serious health condition.~~

Vacation or sick leave hours that will be or are being forfeited due to requirements of those leave programs cannot be donated. The value of donated leave is based on the donor's hourly rate of pay as it relates to the recipient's hourly rate of pay.

While receiving compassionate leave employees are ineligible to accrue vacation or sick leave. Program guidelines shall be provided on the compassionate leave request form.



HUMAN RESOURCES GUIDELINES

Grievance Procedure

Effective: August 00, 2015

Authority: City of Tempe Personnel Rules, Rule 4 Section 407 Subsection G,
Workplace Issues/Complaints Resolution Processes

Section 1 - Purpose

This Human Resources Guideline establishes the process for initiating and filing a grievance for any alleged violation of any part of the City of Tempe's Personnel Rules or any other City and/or department policy and/or guideline. The grievance procedure is not to be used as a means of collectively bringing about changes in wages, hours or other conditions of employment.

Section 2 - Policy

Refer to Rule 4, Section 407 in the City of Tempe Personnel Rules.

For all police personnel, also reference the City of Tempe Police General Orders.

The appropriate Memorandum of Understanding and Personnel Rule 407, Subsection G regarding workplace issues/complaints resolution processes should also be referenced.

Section 3 - Responsibilities

Human Resources. The Human Resources Department, in conjunction with the City Manager, is responsible for the administration of this guideline.

Employee Responsibility. The aggrieved classified employee is responsible for instituting the first step of the grievance procedure within thirty (30) calendar days of the alleged violation.

Time limits specified in the grievance procedure may be waived at any time by mutual consent of the parties. Failure to submit the grievance in accordance with these time limits, or to appeal a grievance to the next step without such a waiver, constitutes abandonment of the grievance. A grievance may be terminated at any time upon receipt of a signed statement from the employee requesting such a termination.

Supervisor Responsibility. Failure at any level of supervision to respond to a grievance in accordance with the time limits, shall automatically advance the grievance to the next level of supervision. A supervisor's or manager's decision shall be in writing.

Section 4 – Procedures

An employee who believes he or she has been impacted in the workplace through an action that may be a violation of any part of these Personnel Rules or any other City and/or department policy and/or guideline may submit a grievance directly to the Internal Services Director specifying the nature of the violation and the specific rule, policy or guideline that has been violated.

Grievance ‘Filing’ Process

The employee is responsible for instituting the first step of the grievance procedure within thirty (30) calendar days after becoming aware of, or being reasonably expected to be aware of, a violation of the City of Tempe’s Personnel Rules. The employee should make a good faith effort to informally resolve the grievance at Step 1 of the process.

Grievances shall be in writing, signed by the employee, and include the following information:

1. A clear and concise statement of the grievance and the facts upon which it is based;
2. The section(s) of the Tempe “*Personnel Rules and Regulations*” or any other City and/or department policy and/or guideline that was violated; and
3. The remedy requested.

Grievance ‘Response’ Process

Grievance response must be returned to the aggrieved employee within ten (10) business days of receipt.

The response to a grievance shall be in writing, signed by the immediate supervisor, and include the following information:

1. A clear and concise response to the grievance and the facts upon which it is based.
2. The section(s) of the Tempe “*Personnel Rules and Regulations*,” or any other City and/or department policy and/or guideline which apply to the grievance and the section(s) upon which the decision is based; and
3. Denial or acceptance of the proposed remedy or an alternative.

Grievance “Follow-up” Process

Employee grievances are handled as follows:

1. The employee attempts to resolve the grievance informally with the immediate supervisor or the next level of supervision in the employee’s chain of command responsible for the action or decision being grieved.
2. If informal discussions do not resolve the matter, the employee submits a written statement to the supervisor stating the basis of the grievance and the remedy sought. Within ten (10) business days of receipt of the grievance, the supervisor meets with the employee, discusses the grievance, and renders a written decision including the reasons for the decision.

Grievance “Appeal” Process

If the employee chooses to appeal the grievance further, the grievance shall be submitted to the next level of supervision within ten (10) business days (Monday-Friday, 8 a.m. – 5 p.m.) of receipt of the supervisor’s decision. Within ten (10) business days, that supervisor meets with the employee, discusses the grievance, and renders a written decision and the basis for it within ten (10) business days of the meeting. This appeal process continues through the chain of command to the City Manager or designee.

1. At each succeeding step the employee shall state in writing the reason for his or her appeal including why the previous response was unsatisfactory.
2. At each succeeding step the supervisor or manager shall response in writing to the grievance stating the reason(s) and basis for the decision that was rendered.
3. At any step of the process, the employee may be accompanied and/or represented by a representative of the Association or any other regular city employee.
4. For information on filing deadlines imposed by the Arizona Civil Rights Division of the Attorney General’s Office and the EEOC, please see Rule 4, Section 407, Subsection G.

Copies of all completed grievances should be forwarded to the Human Resources department for inclusion in the employee’s personnel file.

Advisory Hearing Committee

Before making a final decision, the City Manager or designee may elect to convene an Advisory Hearing Committee. The Advisory Hearing Committee shall be chosen and conducted as follows:

1. The City Manager chooses two (2) members.

2. The complainant chooses two (2) members.
3. In addition, a chairperson is selected by the four (4) committee members for a list of seven (7) external mediators requested from either the American Arbitration Association (AAA) or the Federal Mediation and Conciliation Service. The chairperson shall not vote except in case of a tie.
4. All members of the Committee, except the chairperson, shall be regular city employees who have not been directly involved in the grievance.
5. The Advisory Hearing Committee conducts an informal hearing without courtroom procedures or formal rules or procedures of evidence. Attorney representation is forbidden. All involved parties are given an opportunity to present their position.
6. The Committee attempts to mediate the grievance and shall vote on the issues by secret ballot. A majority vote determines the Advisory Hearing Committee's recommendation to the City Manager.

The decision of the City Manager is final. The City Manager's written decision shall indicate the basis for the decision and the Advisory Hearing Committee's recommendation.

Section 6 - Approved by:

City Manager

Date

Internal Services Director

Date



**Tempe Learning Center is pleased to announce a
new degree completion partnership with
Northern Arizona University
starting January, 2016!**



The BIS degree program in Public Administration is available for all eligible City of Tempe employees with approximately 60 credit hours previously completed. Northern Arizona University's bachelor's degree program in Public Administration gives you the leadership, management, budgetary, critical thinking, and problem solving skills necessary for success. This degree plan emphasizes experiential learning by linking theory to specific problems and case studies.

The education partnership pre-pays tuition from your Tuition Assistance Benefit. (Employees must also be determined eligible by NAU for participation in the on-site program)

CLASS DAYS/TIME: Tuesday, 6-8:30 pm

LOCATION: TLC Classroom (Lower level of Tempe Public Library)

INFORMATION CHECK LIST			
Step 1	INFORMATION SESSIONS	Wednesday, September 2 Noon – 1 pm	Don Cassano Community Room 200 East Fifth Street Tempe Transportation Center
	All interested employees are encouraged to attend one session. CONTACT TLC X5312	Tuesday, September 8 6-7 pm	TLC Classroom 3500 S. Rural Road Lower level of the Tempe Public Library
		Thursday, September 17 Noon – 1 pm Monday,	TLC Classroom 3500 S. Rural Road Lower level of the Tempe Public Library
Step 2	UNOFFICIAL TRANSCRIPTS DUE TO NAU	Wednesday, September 30	Submit online. Email: glenny.carter@nau.edu
Step 3	TRANSCRIPTS REVIEWED	Friday, October 9	Contact: Glenny Carter 602.776.4645
Step 4	ADMISSIONS APPLICATIONS DUE TO NAU and EMPLOYEE AGREEMENTS DUE TO TLC	Friday, October 23	<ul style="list-style-type: none"> ▪ Apply online for admissions https://www.applyweb.com/northaz/ and ▪ Employee completes COT agreements and sends agreement to TLC
STEP 5	CLASSES START	Tuesday, January 19	TLC Classroom 3500 S. Rural Road Lower level of the Tempe Public Library

FOR ADDITIONAL QUESTIONS, PLEASE CONTACT TLC:

WYDALE K. HOLMES, X5312, wydale_holmes@tempe.gov