

## **CHAPTER FIVE**

### **Personnel Administration**

Many smaller cities still operate under very informal personnel procedures. Few records are kept, and such written policies as exist usually come into play only when it's time to discipline or terminate an employee. The municipal workforce often functions much like a family—with few defined guidelines, and using personal interaction between employees as the basis for maintaining order and accomplishing the city's goals. Although informal approaches to the municipal personnel function may have been adequate in simpler times, current demands call for a fresh look—a look at policies and procedures that can not only provide a framework for employer-employee harmony, but also can withstand legal tests.

#### **A Systematic Approach to Personnel Administration**

There are many important reasons for establishing a sound personnel system. One is that an enormous proportion of city budget is consumed by salaries and other personnel related costs: in fact, for most cities, the payroll comprises 60 to 70 percent of the general fund budget.

To a great extent, then, economy at City Hall is directly tied to effective personnel management. Every city can reap financial benefits by eliminating inflated pay scales, controlling unnecessary overtime and overstaffing, and maintaining a work environment that is conducive to employee productivity.

Additionally, a sound personnel administration program enhances employee morale and rewards good performance. It can ensure proper matching of skills and jobs, help prevent the employment of incompetent workers, and provide salaries that are commensurate with the duties performed.

Finally, a systematic approach to personnel management is important because of federal and state requirements imposed on cities during the past many years. Relying on personnel procedures that do not comply with these requirements will simply invite trouble. Legal journals contain long lists of cities that paid huge awards for back pay and damages because they considered themselves too small or insignificant to be sued for ignoring their obligations under the law.

#### **Scope of the Personnel Function**

The personnel function includes everything that affects municipal employees. It covers a wide variety of activities, including:

- Organizing the personnel function.
- Adhering to state and federal laws regarding employment practices.
- Recruiting and testing job applicants.
- Selecting employees from among job applicants.
- Classifying positions—that is, grouping jobs according to category.
- Preparing and administering a pay plan which provides equitable salaries on the basis of satisfactory performance.

- Administering an employee evaluation system that measures job performance and relates it to pay increases, promotions, or disciplinary actions.
- Developing a grievance and discipline procedure.
- Providing for training for interpersonal relationships as well as training for job performance.
- Providing for a harassment free workplace.
- Providing an environment that emphasizes equal employment opportunity and promotes accommodations for persons with disabilities.
- Promoting health and welfare throughout the organization by providing for a drug free workplace and Employee Assistance Programs (EAP's).
- Provides employees with opportunities for professional development and training.

The remainder of this chapter is divided into sections addressing each of these functions.

### **Organizing the Personnel Function**

Many smaller cities have neither a large enough workforce nor the financial resources to justify having a full-time personnel director. The council, as a whole, decides and votes on personnel policies with one person, preferably the city administrator or city secretary, to handle the day to day problems. Regardless of the organizational structure used, two common-sense principles always apply:

- (1) The city council must decide the scope of personnel activities that will be conducted as part of the city's ongoing operations. Then all personnel-related tasks must be assigned to *specific* persons within the organization.
- (2) All of the city's personnel policies and procedures should be clearly spelled out *in writing* in easily understood language.

### **Establishing Personnel Policies**

All policy matters are decided by the city council, which enacts ordinances setting up the personnel system and establishing recruitment standards, pay scales, conditions of employment, retirement qualifications, and other items. The council also approves the rules by which personnel ordinances are implemented and the procedures for handling administrative matters. Additionally, the council's budgetary powers give it continuing control over the number of employees and the general scope of their duties.

The city's personnel policies and practices must conform to federal and state laws. Also, all policies and procedures must be practicable, which means they need to be carefully thought through prior to adoption and carefully reviewed by the city attorney. Any policy or procedure that fails to accomplish its intended purpose in a simple, direct fashion will multiply, rather than reduce, the city's operating problems.

Assistance in drafting the city's policies and procedural rules should be obtained from the city attorney or, in the alternative, an employment law attorney may be consulted. Should outside legal advice be obtained, the city attorney reviews and approves the final draft of the policies and procedural rules.

Upon completion of the drafting process, the proposed policies and rules are presented to the city council for consideration, possible amendments, and final approval in the form of an ordinance(s). Upon enactment, the policies and rules become binding on both the city and its employees. The city must provide all employees with notice of the new policy.

### **The Employee Handbook**

All personnel-related ordinances, rules, and regulations should be incorporated into a single document or handbook for distribution to members of the city council and the entire municipal workforce. Each employee should be required to sign a form acknowledging that he or she received, read, and understands the handout. Exhibit 16 provides a general guide to the type of information that can be included in an employee handbook.

### **Federal and State Laws Regarding Employment Practices**

Hardly a week goes by without an announcement of a major lawsuit involving employment discrimination or retaliation, either in hiring, management, or operations. Cities must be acutely aware that they must comply with not only state law but also with federal laws dealing with employment matters.

Many city administrators whose personnel practices violate federal laws are not aware that their employment practices are discriminatory. Some city officials in fact believe that discrimination consists only of intentional acts of bias, which result in obvious unequal treatment of minorities. But it's not that simple: under the law, discrimination is determined by the effects or results of employment practices, not just their intent. (In the case of sexual harassment, the discrimination may rest in the mind of the employee.)

The discussion below is a summary of the most important statutes, but should not be considered a complete inventory. Further information on employment laws and the latest developments in the courts is readily available from the Texas Municipal League in Austin. An alternative source of information and guidance is the Local Government Services Section of the Texas Department of Housing and Community Affairs, the Texas Commission on Human Rights, or the United States Department of Labor.

### **Federal Laws**

#### *TITLE VII OF THE CIVIL RIGHTS ACT OF 1964*

*Title VII of the Civil Rights Act of 1964* generally prohibits discrimination in the workplace based on race, sex, color, national origin, religious preference, and pregnancy. Title VII applies to personnel decisions such as hiring, firing, promotions, and all day-to-day conditions with regards to terms, conditions, or privileges of employment. The Act applies to those employers employing fifteen (15) or more employees.

Title VII is enforced by the Equal Employment Opportunity Commission, which conducts investigations of alleged violations both on its own initiative and in response to individual complaints. Charges of discrimination can be filed with the Commission by individuals on their behalf, as representatives of a similarly "affected class," or by

organizations on behalf of such persons. Any employer charged with discrimination must be notified by the EEOC within ten days after a complaint is filed.

Under the Commission's rules, "fact finding conferences" and other informal procedures involving the complainant and his/her employer are used initially to attempt to arrive at a voluntary, negotiated settlement of charges. If a complaint cannot be resolved through these procedures, the EEOC will proceed with a formal investigation, use its legal powers to gain access to the city's personnel records, and then arrive at a decision.

If the Commission determines that discrimination exists, it must first use conciliation to reach an agreement with the employer. A conciliation agreement can include requirements that: (1) the employer will end the discriminatory policy or procedure; (2) the employer will institute nondiscriminatory policies and practices; and/or (3) the employer will compensate the aggrieved employee by providing back pay, a promotion, or such other remedies as are necessary to make the person "whole"—that is, place the person where he/she would have been if the discrimination had not occurred. Also, numerical remedies, such as goals and timetables for hiring, training, and promoting protected person(s), frequently are required to eliminate the effects of past discrimination.

If a discrimination complaint cannot be settled through conciliation, the EEOC will refer the case to the U.S. Justice Department for prosecution in federal court. If the court's decision is favorable to the complainant, the employer can be required to pay court costs and the complainant's attorneys' fees, as well as comply with the remedies outlined above with respect to EEOC conciliation agreements.

#### TITLE 6 OF THE FEDERAL CIVIL RIGHTS ACT OF 1964

*Title VI of the Federal Civil Rights Act of 1964*, as amended, prohibits discrimination based on race, color, or national origin in any program or activity which receives federal financial assistance. Title VI applies to all cities.

#### THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

The *Age Discrimination in Employment Act of 1967* prohibits employment policies or practices that discriminate against persons who are 40 years of age or older. It protects them in such matters as hiring, discharge, compensation, and other terms, conditions and privileges of employment. The Act applies to cities employing twenty (20) or more employees. Elected officials, their appointees, and "immediate advisors" are not covered by the act.

#### THE EQUAL PAY ACT OF 1963

The *Equal Pay Act of 1963*, as amended, requires that men and women receive equal pay and benefits for jobs which involve substantially equal skill, effort, and responsibility, and which are performed under similar working conditions. The work need not be identical, merely substantially equal. Comparison of actual job content—not job titles—determines whether the work is substantially equal.

The Act, which applies to all cities, is concerned solely with wage discrimination based on sex. It does not cover wage differences based on other factors, such as seniority, merit, or systems which base earnings on quantity or quality of production.

#### SECTION 1983 OF THE CIVIL RIGHTS ACT OF 1871

*Section 1983 of the Civil Rights Act of 1871* prohibits municipal employers from engaging in discriminatory employment practices that have the effect of depriving any person of rights secured by the U.S. Constitution. Under Section 1983, which applies to all cities, both municipal governments and city officials can be held liable for monetary damages, attorney fees, and court costs where official action results in discrimination in employment.

#### THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990

Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers and state and local governments from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. The Act applies to employers with fifteen (15) or more employees. Cities must, however, comply with the Act regardless of the number of employees.

Under the ADA, an employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. For further information, you may contact TML, the Texas Commission on Human Rights, or the United States Department of Labor.

#### **Recruitment**

Simply stated, recruitment is the process of attracting qualified applicants for a job opening. Recruitment is not the same as hiring, which is a process described under Selection later in this chapter.

Sound recruitment procedures are important for several reasons, including the following:

- To attract a good field of candidates to choose from when filling a vacancy;
- To ensure that valuable time and resources will not be wasted reviewing the applications of persons who are not qualified for a particular job; and
- To comply with equal employment opportunity (EEO) laws.

The recruitment process begins with the creation of a job opening. This occurs when an employee resigns or is promoted, transferred, or terminated, or when a new position is created. From that point, the recruitment process comprises three steps, each of which is discussed below.

### ***Job Analysis***

If the objectives of recruitment are to be achieved, it is essential that the job for which a vacancy exists be analyzed in detail and that a written job description which summarizes the nature and duties of the position be prepared. A job description usually includes the following:

- A summary of the duties and responsibilities associated with the job;
- Minimum education or special training required;
- Necessary licenses or certifications;
- Requisite prior experience in a related job;
- Requisite working knowledge of the operation of particular equipment or machinery;
- Requisite personal qualifications, such as the ability to react calmly in an emergency situation; and
- Requisite physical abilities, if applicable.

A sample job description is included in Figure 5-2.

### ***Job Announcement***

After an updated job description has been prepared, a job announcement can be written to communicate with potential applicants for the open position. A job announcement usually includes the following:

- The job title;
- The location of the job (city, location in the city, etc.);
- The city department in which the job opening exists;
- A brief description of the duties and responsibilities of the job;
- Minimum qualifications required for eligibility;
- The salary range;
- The method of applying for the job, including answers to these questions: Where are application forms available? Should the applicant include a resume or a sample of writing with the application? Should applicants apply in person? Will further information about the job be provided over the phone? If so, whom should the applicant call? During which hours? Can an applicant apply by mail? Whom should an applicant write for an application blank? What is the address?
- The deadline for applications; and
- An equal employment opportunity statement.

### ***The Application Form***

The job application form used by the city is an integral part of the recruitment process. A job announcement is a device used by the city to communicate with prospective applicants; a job application form is a device used by an applicant to communicate with the city.

Information requested on the application form should be strictly job-related. It should ask for the applicant's name, address, telephone number, previous employment (including a description of job responsibilities and duties), education, personal references, special licenses or registrations, ability to operate specific machinery or equipment, and

any additional information that the applicant believes will demonstrate qualifications. If a resume' and/or a sample of writing is required as a part of the application process, the application form should so state. (A sample application form is included in Figure 5.3).

Information regarding years at given addresses, marital status, date of marriage, ages of children, spouse's employment, religious preference, race, disability, pregnancy status, or color should not be requested. Requests for race or recent photographs are interpreted by some applicants as an attempt to fill positions on the basis of sex, race, or age; therefore, such requests should not be made. Information regarding arrest records must also be deleted from the application form.

### **The Selection Process**

Applications resulting from the recruitment process must be evaluated, or screened, in order to identify the best applicant for the job. The screening process involves a series of steps, each of which is designed to successively narrow the field of candidates, to the point that just one choice, the best one remains. The various screening techniques are described below.

#### ***Application Review***

The first step in the selection process is to review all of the applications gathered as a result of the city's recruitment efforts, and to sort applicants according to those who meet minimum qualifications for the job versus those who do not.

#### ***Interviewing***

The next step is to schedule an interview with each qualified applicant for the purpose of obtaining complete information on his/her job-related skills, to verify or expand on information provided in the application form, and to gain an insight into the applicant's job-related characteristics. Since interviewing is time-consuming and can be expensive, every effort should be made to narrow the field of qualified applicants before the interviewing process is begun.

It is necessary that every interview be "structured," which means that each applicant should be asked the same set of questions relative to his/her job experiences, career objectives, and similar terms. Questions that are not job related should be avoided, as should questions that are illegal. (See Figure 5-4.) Each interview question should be designed to elicit a specific piece of information that will tell the interviewer something about the applicant's qualifications for the job.

#### ***Tests***

Although there are no specific legal prohibitions against the use of tests in the selection process, any testing procedure or device is subject to attack on the basis that it adversely impacts a group protected by antidiscrimination laws. Under federal equal employment opportunity laws, the definition of "test" is very broad. According to the Equal Employment Opportunity Commission, a test is:

...any paper-and-pencil or performance measure used as a basis for any employment decision (including) measures of general intelligence, mental ability

and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or treatment (and) all formal, scored, quantified or standardized techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific education or work history requirements, scored interviews, biographical information blanks, interviewer's rating scales, scored application forms, etc.

Under EEOC standards, any test which adversely affects the selection rates of minorities and other groups protected by federal antidiscrimination laws is illegal unless:

- (1) The test has been validated, and evidence can be provided to positively demonstrate that it is job-related; or
- (2) The city can demonstrate that there is no suitable alternative to the testing procedure or device.

As in the case with other employment matters, rather than trying to justify a test that has an adverse impact, the better approach is to either eliminate it or modify it.

### ***Reference Checks***

References listed by the applicant can be checked to verify previous employment, educational background, and other aspects of his/her job-related skills and work references. The usefulness of contacting these references will vary according to a number of factors, including the length of time the reference persons have known the applicant, and the extent to which their association with the applicant was job-related. Applicants obviously will lean toward listing references whose statements will be favorable toward them; therefore, using references to differentiate between the relative qualifications of one applicant versus another can be of limited value.

### ***Hiring***

Upon completion of the screening process, a decision can be made as to the applicant to whom the job will be offered. A medical examination may only be required after a conditional employment offer has been made by the employer.

Many cities require newly hired employees to work through a probationary period before their employment becomes *regular*. During this period of the employee's first few weeks or months on the job, his/her performance can be closely monitored by an immediate supervisor to ensure that he/she is performing up to expectations.

### **Selection**

As noted above, recruitment is a process for attracting qualified persons to apply for job openings. Selection is the next step toward filling a vacancy: it is the process by which the applicant who is best qualified is selected for appointment to the vacant position.

In fulfilling the basic purpose of the selection process, two goals should be met:

- (1) The best qualified applicant should be identified; and
- (2) Anti-discrimination laws which affect employee selection should be adhered to.

Applications resulting from the recruitment process must be evaluated, or “screened,” in order to identify the best applicant for the job. The screening process involves a series of steps, each of which is designed to successively narrow the field of candidates, to the point that just one choice, the best one, remains. The various screening techniques are described below.

**Figure 5.1**

**Typical Contents of a Personal Policies Manual and/or Employee’s Handbook**

- (1) Equal Employment Opportunity Policy
  - Discrimination prohibited
  - Affirmative action statement may be included
  
- (2) Application for Employment
  - When and where to apply
  - Tests and classification
  - How selection is determined
  
- (3) Salaries and Wages
  - The classification and pay plan
  - Pay periods
  - Pay increases
  - Overtime pay policy
  - Withholding tax
  - Payroll deductions
  - Pension plan
  - Hospitalization plan
  - Credit Union
  - Severance pay
  
- (4) Other Matters Affecting the Status of Employees
  - Probationary Period, if applicable
  - Promotions
  - Transfers
  - Training policy
  - Nepotism
  - Evaluations
  - Counseling
  - Grievance procedures
  - Travel policy

(5) Internal Regulations

- Hours of work
- Paid holidays
- Vacations
- Sick leave
- Emergency leave
- Jury duty
- Military service
- Time clock
- Meal hours
- Personal phone calls
- Political activities
- Outside employment
- Standards of conduct
- Conflicts of interest

(6) Disciplinary Action and Resignation

- Warning and reprimand
- Reduction in pay
- Demotion
- Suspension
- Discharge
- Appeals from disciplinary action
- Resignation

## **Figure 5-2 Sample Job Description**

**Department:** Police

**Title:** Patrol Officer

*Supervisor's Title: Patrol Sergeant*

### **Job Summary**

This is general police work in protecting health and safety and property, and enforcing laws and regulations. The patrol officer makes out daily reports of incidents and accidents; has continuous contact with the public requiring tact and diplomacy; makes decisions requiring mature judgment; has no supervisory responsibilities.

### **Examples of Work Performed**

1. Patrols the streets and assigned areas
2. Responds to radio dispatches, answers calls and complaints from the public
3. Directs and controls the flow of traffic
4. Educates the public on safety and law observance
5. Makes arrests
6. Assists in investigation of accidents, felonies, and misdemeanors
7. Completes all paperwork according to prescribed procedures
8. Performs other work as required.

### ***Equipment/Materials***

Patrol car, radio, typewriter, computer, radar unit.

### ***Working Conditions***

Exposed to hazards which could result in injury or death; on call 24 hours a day.

### ***Physical Demands***

Demands physical strength and agility to make forceful arrests when necessary; requires emotional and mental stability under trying conditions.

### ***Skills***

Must be able to operate standard officer's equipment and prepare records.

**Figure 5-3 Sample Job Application Form**

Name \_\_\_\_\_ Date \_\_\_\_\_  
(Last) (First) (Middle)

Mailing Address \_\_\_\_\_

Home Telephone \_\_\_\_\_ Position Applied For \_\_\_\_\_

List any other names used if different from name given on this application.

\_\_\_\_\_

Other Telephone where you can be reached \_\_\_\_\_

List exact title of position or type of work for which you wish to apply.

\_\_\_\_\_

Driver's License: \_\_\_\_\_ Type of license \_\_\_\_\_  
(State and Number)

Have you ever been convicted of a felony? Yes \_\_\_ No \_\_\_ If your answer is "Yes," explain in concise detail on a separate sheet of paper giving the dates and nature of the offense, the name and location of the court, and disposition of the case. A conviction may not disqualify you, but a false statement will.

Previous Employment: List all employment (including military service) for at least the past 5 years. Begin with your current position and work back. Attach additional sheets or resume' to provide sufficient qualifying experience data.

From \_\_\_\_\_ To \_\_\_\_\_ Job Title \_\_\_\_\_ Annual Salary \$ \_\_\_\_\_

Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Reason for Leaving

\_\_\_\_\_

Description of Work

\_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Job Title \_\_\_\_\_ Annual Salary \$ \_\_\_\_\_

Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Reason for Leaving

\_\_\_\_\_

Description of Work

\_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_ Job Title \_\_\_\_\_ Annual Salary \$ \_\_\_\_\_

Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Reason for Leaving  
\_\_\_\_\_

Description of Work  
\_\_\_\_\_

Education:

Circle highest grade completed: 1 2 3 4 5 6 7 8 9 10 11 12. Did you graduate/achieve GED? Yes \_ No \_

College, Univ. Trade, Business Correspondence	Dates of of Attendance	Major areas of Study	Semester Hours	Degrees Granted	Date Graduated
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

List any licenses, Certification, etc. you may hold: (Do not repeat Driver's License.)

Type \_\_\_\_\_ Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Type \_\_\_\_\_ Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Type \_\_\_\_\_ Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Specify any equipment or office machines that you are qualified to operate:

\_\_\_\_\_

Are you related to any member of the city council or any person now in the employ of the City? Yes\_ No\_

If yes, give the person's name, where employed, and relationship to you.

\_\_\_\_\_

PLEASE READ THE FOLLOWING STATEMENTS CAREFULLY AND INDICATE YOUR UNDERSTANDING AND ACCEPTANCE BY SINGING IN THE SPACE PROVIDED.

1. I certify that all the information provided by me in connection with my application, whether on this document or not, is true and complete, and I understand that any misstatement, falsification, or omission of information shall be grounds for refusal to hire or, if hired, termination.
2. I understand that as a condition of employment, I will be required to provide legal proof of authorization to work in the United States.
3. I understand that the City may check with the Texas Department of Public Safety and/or the Federal Bureau of Investigation for any criminal history in accordance with applicable statutes.
4. I authorize any of the persons or organizations referenced in this application to give you and all information concerning my previous employment, education, or any other information they might have, personal or otherwise, with regard to any of the subjects covered by this application, and I release all such parties from all liability from any damages which may result from furnishing such information to you.

Original Signature is Required: Sign here: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Applicant

**Figure 5-4 Guidelines for Interviews (Questions to Ask and Not to Ask)**

Subject	You may ask	You may not ask
Name and Address	Ask a job applicant his/her name	
Birthplace		Inquire into the birthplace of an applicant, spouse, parents or close relatives, if outside the U.S.
Age	Ask an applicant his/her age only if the information is a bona fide occupational qualification. Or if the applicant's birth is needed to comply with a state or federal law.	Ask an applicant his/her age where it is not relevant to the job.
Sex		"Sex" may not be a question on the application.
Marital Status		Ask if the applicant is married, single, divorced, or engaged or whether the applicant has children at home, what their ages are or whether the applicant has future plans for children
Religion		Ask an applicant his/her religion, the name of his/her church, or religious holidays observed.
Race or color		Ask about an applicant's color or race or require an applicant to submit a photograph with the application.
Citizenship	Ask an applicant if he/she is a U.S. Citizen or intends to become one, and require the applicant to submit an Immigration Service I-9 form.	Inquire whether an applicant, spouse, or parents were naturalized or native-born citizens or ask for the dates they became citizens.
Job-related experience	Ask an applicant about schooling.	
Work experience	Inquire into an applicant's work experience.	

Physical	Explain manual labor, lifting or other requirements of the job or show how it is performed, and require a physical exam after the job is offered.	Ask height and weight if it is not a bona fide job qualification.
Residence	Ask how an applicant can be reached if he/she has no phone.	
Health	This is only allowed should the particular job require certain physical requirements. The inquiry or exam must be related to the job.	

## Position Classification

Position classification is the basic tool used by personnel administrators to ensure that jobs are fairly and efficiently sorted out according to duties and responsibilities. This objective is accomplished by identifying and describing the different kinds of work in an organization, and then grouping similar positions together under common job titles. It is an organized way for a city to proceed with selecting, paying, and otherwise handling its employees.

The first step is to learn the language of the position process. The following terms are not difficult to understand, but it is important to distinguish among them.

- A *position* is a job that involves specific duties and responsibilities assigned to one employee. A position is not a person; rather it is a set of duties and responsibilities that exist regardless of the person performing them at a particular time.
- A *class* is a group of positions that entail similar duties and responsibilities. All of the positions within a group are similar enough that they: (a) carry the same job title, regardless of the city department in which they are located; (b) require the same experience, skills, and other qualifications; (c) can be filled by the same selection methods; and (d) pay approximately the same, regardless of where the position is situated in the city organization. Within the *class* of “clerk-typist,” for example, the *position* of clerk-typist requires the same skills and pays the same salary, regardless of whether it is in the police department, the city secretary’s office, or elsewhere.
- A *job title* is used to designate all positions within a class, such as “Account Clerk,” “Administrative Clerk,” and so on.
- A *classification plan* is a document which organizes and implements the classification system. It includes: (a) an inventory of job classes grouped according to types of tasks and levels of difficulty (See Table 5-1 for a sample inventory of job classes;) (b) class specifications for each class; and (c) rules for administering the classification system.
- A *class specification* is a written description of the duties, qualifications, and other requirements of a class of positions.

In developing the classification plan, all jobs are sorted according to job similarities and grouped into classes according to the following factors:

- *Type of Job.* What kind of work is involved in the job? Is it the type of work performed by a typist? A police officer? A refuse collector?
- *Supervisory Responsibilities.* How much responsibility for planning, assigning, and reviewing the work of other employees is involved in the job? Alternatively, does the job require close supervision?

**Table 5-1**  
**Position Classification Plan:**  
**Inventory of Classes**

Class Pay Number	Title	Group	Category
100	General Administration		
101	City Manager	Exempt	
103	City Secretary	XII	Executive/Admin.
105	Librarian	VII	Professional
107	Secretary, Senior Level	VII	Office and Clerical
109	Accounting Clerk	V	Office and Clerical
110	Custodian	I	Service/Maintenance
200	Public Safety		
201	Chief of Police	XIV	Executive/Admin.
203	Police Officer	VIII	Protective Service
204	Parking Meter Collector	V	Paraprofessional
206	Animal Control Officer	IV	Protective Service
208	Fire Chief	Volunteer	Executive/Admin.
209	Fire Marshall	X	Protective Service
211	Firefighter	VII	Protective Service
213	Municipal Judge	Exempt	Executive/Admin.
300	Public Works		
301	Public Works Director	XIV	Executive/Admin.
303	Foreman	VII	Skilled Craft
304	Heavy Equipment Operator	III	Skilled Craft
305	Utility Service II	III	Skilled Craft
306	Utility Service I	II	Skilled Craft
307	Sanitation Truck Driver	II	Service Maintenance
308	Sanitation Worker	I	Service Maintenance
310	Mini-Bus Driver	II	Service Maintenance
312	Cemetery Caretaker	I	Service Maintenance

- This is just one of many methods of grouping position classes. They can be grouped alphabetically by job title, grouped according to functional categories (“public safety,” “administrative,” etc.), or other ways. It is useful to organize the grouping using the same major headings as used in the city budget document.

## **Figure 5-5 Sample Class Specification: Firefighter/Rescue**

Class 225 Pay Group: 14

**Job Title:** Firefighter/rescue

**Objective:** To protect lives and property in a variety of emergency situations.

### *Organizational Relationships:*

1. **Reports to:** Fire Chief (Also to supervisor when acting as a firefighter.)
2. **Directs:** Other more junior rescue unit operators (when acting as a firefighter, does not regularly supervise any other employees.)
3. **Other:** Must work effectively with other rescue personnel, other firefighters, with hospital personnel, and with the general public; must make presentations to civic groups, schools, etc., on rescue operations.

### *General Statements of Duties:*

This is a supervisory position when operating the rescue unit. Duties include serving as a firefighter and supervising rescue operations in a variety of emergency situations.

### *Examples of Work:*

Responds to alarms and emergencies;

Operates ambulance either as driver or attendant;

May administer first aid to injured or sick, including giving oxygen and administering CPR;

Moves injured or sick persons to and from hospitals or homes;

Transports patients from city to city, homes to hospital, nursing homes to hospital, etc.;

Serves as firefighter when not involved in rescue operations;

Performs duties at the fire station including maintaining vehicles and equipment in good condition; and

Performs such other duties as may be assigned.

### *Minimum Knowledge, Skills, and Abilities:*

Knowledge of all types of first aid and emergency medical treatment; ability to learn technical lifesaving principles and techniques; ability to acquire good knowledge of principles, equipment, technical information, and practices in fighting residential, commercial, and open space fires; knowledge of operation and maintenance of fire-fighting equipment; ability to understand oral and written instructions and directions; ability to keep simple records and prepare reports; ability to establish and maintain cooperative relationships with fellow employees, with hospital personnel, and with the general public; ability to make oral presentations to civic groups, schools, etc., or rescue operations and first aid; and maintenance of excellent physical and mental health.

***Minimum Experience and Training:***

High school graduation or its equivalent, basic certification as a firefighter and certification as an emergency medical technician, with some experience preferred but not required; OR any equivalent combination of experience and training which provides the required knowledge, skills, and abilities and satisfies state statutes.

***Required Licenses and Certificates:***

Basic certification as a firefighter by the Texas Commission on Fire Protection Fire Service Standards and Certification; basic certification as an emergency medical technician; and valid Texas motor vehicle chauffeur's license.

- *Decision-making.* How much decision-making responsibility does the job involve? What are the potential consequences of an incorrect decision in this job?
- *Public Relations.* How much personal contact with citizens is involved? What skills or other qualities are required to deal successfully with the public?
- *Creativity.* How much creativity and individual initiative are required to do the job?
- *Working Conditions.* Does the job involve hazardous duties, physical strain, work in inclement weather, unusual hours, or other factors that deserve consideration in determining the pay scale for the job?

After all positions have been sorted into classes, a specification is prepared for each class of positions. A class specification is simply a summary of the characteristics of the jobs included in a class and consists of:

- A descriptive title for jobs in the class. These titles should be as short as possible, be descriptive of the work performed, and indicate the skill and supervisory levels of the job.
- A summary of primary duties and responsibilities, with emphasis on the important characteristics of the job class, as well as those which distinguish the job from similar jobs.
- A list of typical duties and an explanation of the important details of the job that is so plain that someone who is not familiar with the job can understand it with minimum difficulty.
- A list of skills, licenses, and other qualifications required for the job.

See Exhibit 21 for a sample class specification.

Position classification is a specialized process usually left to trained experts, which explains why many cities hire outside consultants to perform the work. However, if financial or other reasons require that city staff be used to prepare the plan, how-to guide materials should be obtained from the Office of Personnel Management, 1100 Commerce, Dallas, Texas, and the International Personnel Management Association, 1313 East 60<sup>th</sup> Street, Chicago, Illinois, and thoroughly studied before the process is begun.

## **Pay Plan**

A pay plan uses the information provided in the position classification plan, discussed above, to establish equitable relationships between jobs and salaries. In its simplest form, a pay plan is a list of all of the position classes in the city together with a schedule of the pay rates assigned to each class. From a broader view, a pay plan is a system for setting salaries on the basis of (1) the relative worth of the job; and (2) pay scales for similar jobs in the community.

A sound, bona fide pay plan provides the general range of compensation for jobs that are comparable in range of difficulty and responsibility. Properly implemented, a pay plan will assure employees that the relative worth of their jobs is reflected in the pay they receive. Additionally, a sound pay plan:

- Provides a basis for rewarding employees for effective performance while ensuring that the compensation is kept within reasonable limits.
- Eliminates misunderstandings between employers and employees about the proper pay for a given job.
- Facilitates compliance with federal requirements that pay be equal for jobs that require equal skills, effort, and responsibility.
- Provides salary rates that compare favorably with those of other employers, and which are neither too low to attract and retain competent employees, nor so high as to be wasteful of public funds.
- Lets everyone know the range of pay for a given job. City officials don't have to engage in guesswork when hiring new employees or considering salary increases for existing employees; and the employees themselves not only know their beginning pay, but also their prospects for the future.

**Figure 5-6 Portion of a Sample Pay Survey Questionnaire**

Job Title and Description	Hours Per Week	Number of Employees in This Position	Entry-Level Pay-Rates (Hourly)
---------------------------	----------------------	--	--------------------------------------

---

**Water Plant Operator:** Operates and maintains water treatment plant equipment; may supervise unskilled or inexperienced assistants or trainees.

---

**Firefighter:** Fights fire using standard fire-fighting equipment as a member of a fire company; beginning level; no supervisory responsibility.

---

**Fire Engineer (Driver):** Drives various types of fire apparatus; operates hydraulic pumping and pressure regulating equipment.

---

**Fire Lieutenant** (Formerly first officer rank above firefighter): Supervises a small crew of firefighters and drivers on an assigned shift.

---

**Fire Captain:** Normally commands a Fire Company; responsible for small one company fire house.

---

**Fire Alarm (or telephone) Operator:** Operates switchboard; receives, transmits, and records fire alarm and other messages, and assists in dispatching fire companies.

---

**Fire Prevention Inspector:** Inspects buildings and other structures for conformance to codes and ordinances relating to fire hazards; makes recommendations and reports; may supervise a small crew of firefighters in such work.

---

**Fire Chief:** Has overall responsibility for the administration and operation of the Fire Department.

---

**Parking Violation Attendant:** Checks for parking violations in areas where parking meters have been established or where there have been placed time limits on parking.

---

**Jail Guard:** Maintains order and discipline of prisoners in jail.

---

Preparation of a pay plan is a complex technical matter that may require a paid consultant. However, if the pay plan is to be prepared by in-house staff, the process should be conducted in a systematic manner. Though the steps indicated below need not be followed in sequence, it is important that each one be addressed at some point.

### ***The Pay Survey***

Since one of the main objectives of a pay plan is to ensure that municipal employees are paid at rates comparable to those paid by employers other than the city, a pay survey may be conducted to determine what other employers are paying for similar kinds of work.

A questionnaire should be developed to obtain information on what other employers are paying for jobs similar to those in selected job classes within the city organization. (A portion of a sample pay survey questionnaire is shown in Table 5-2.)

The purpose of this questionnaire is not to gather information for every city job. For one thing, many other employers do not have many of the jobs found in the city organization. For another, it is difficult to assemble accurate data for certain kinds of jobs, such as those of an executive or technical nature. Therefore, the city's survey should be limited to collecting pay data just for key, or benchmark, classes of jobs; that is, jobs that have counterparts outside the city workforce, and jobs that can be described concisely and plainly.

For a pay questionnaire that will be distributed to private businesses in the community, examples of key classes might include the following:

- Unskilled labor
- Janitor
- Typist and Clerk Typist
- Secretary
- Accounting Clerk

For a pay questionnaire that will be distributed to other cities in the area, key classes would include, in addition to those listed above, police officers, firefighters, and other jobs commonly found in municipal government. Another source for information on salaries, etc., is the Texas Municipal League.

Ideally, the survey should be conducted through personal interviews or telephone contacts with other employers. For obvious reasons, this approach is rarely feasible; therefore, the usual approach is to use a mail questionnaire form, supplemented by selective personal contacts.

### **Summarizing Pay Survey Data**

Once the basic data has been obtained from other employers, a series of calculations needs to be made. Using a form similar to the one provided in 5-3, the following steps should be completed:

- (1) In column 1, list the employers who participated in the survey.
- (2) Compute the weighted average number of hours worked per week by all of the employees covered in the survey. Moving across the chart, multiply the number of employees for each company (Column 2) times the number of hours in their workweek (Column 3), and enter the product in Column 4. For the ABC Company, the product is 360. Next divide the total at the bottom of column 4 by the total number of all employees shown at the bottom of Column 2. The product is the weighted average workweek of employees covered by the survey: 2,696 divided by 68 equals 39.6 hours.
- (3) Compute the weighted average entry-level pay for employees covered in the survey. Moving across the chart, multiply the number of employees for each company (Column 2) times their hourly pay rates (Column 5) and enter the product in Column 6. For ABC Co., this is 9 times \$4.70=\$42.30. Next, take the total at the bottom of Column 2 to obtain the weighted average covered in the survey. In the example, this calculation is: \$328.20 divided by 68=\$4.82.

Next, the current pay scales of city employees should be compared to the prevailing pay scales (i.e., weighted pay scales) paid by other employers for the same or similar jobs. In the sample worksheet pictured in Table 5-4, all job classes covered in the city's pay survey are listed in Column 1 in descending order of difficulty and responsibility. Column 2 shows current city pay rates for those job classes, and Column 3 shows the prevailing rates paid by other employers for the same job classes.<sup>1</sup>

---

<sup>1</sup> Notice that this discussion is limited to wages and salaries. Comparisons between the city and other employers should include data relative to the total compensation of the employees being compared, which means that information on fringe benefits and any other perks also need to be assembled and analyzed.

**Table 5-2**  
**Sample Pay Survey Worksheet**  
**Job Class: Secretary**

Employer	# of Employees	# of Hours in Workweek	# of Workweek hours for all employees	Entry-level Hourly Pay	Hourly Pay for All Employees
ABC Co.	9	40	360	\$5.50	\$49.50
XYZ Corp.	7	40	280	\$5.90	\$41.30
Goliath, Inc.	12	38	456	\$5.20	\$62.40
3-R	8	40	320	\$5.60	\$44.80
City of Diablos	10	40	400	\$5.60	\$44.80
City of Angelo	8	40	320	\$5.20	\$56.00
Tryon County	14	40	560	\$5.25	\$73.50
Totals	68	39.6	2,696	\$5.43	

Weighted average of hours worked per week: 2,696 Divided by 68 equals 39.6 hours.  
 Weighted average hourly pay: \$369.10 divided by 68 equals \$5.43

**Table 5-3**  
**Sample Worksheet Showing**  
**Current City Pay Rates and**  
**Prevailing Rates Paid by Other Employers**

New Class title	Current City Rate	Prevailing Rates	Proposed New Rate
Steno I	\$5.25	\$5.90	\$5.80
Typist II	\$5.25	\$5.60	\$5.60
Typist I	\$5.20	\$5.40	\$5.50
Library Aid	\$5.15	\$5.15	\$5.35

Please keep in mind that this discussion is limited to wages and salaries. Comparisons between city and other employers should include data relative to the total compensation of the employees being compared, which means that information on fringe benefits also needs to be assembled and analyzed.

The proposed rates in Column 4 will be calculated on the basis of the policy question of whether pay levels for city jobs are to be lower than or higher than, or generally the same as, those paid by other employers for the same or similar work. If it is a matter of policy that city pay rates be comparable to those paid by other employers, then adjustments, whether upward or downward, probably will be required in many instances.

**Table 5-4  
Sample Pay Schedule\***

Pay Group	Step 1	Step2	Step3	Step 4	Step5	Step 6	Step 7
I	\$ 5.15	\$ 5.40	\$ 5.68	\$ 5.96	\$ 6.26	\$ 6.58	\$ 6.90
II	5.40	5.68	5.96	6.26	6.58	6.90	7.25
III	5.68	5.96	6.26	6.58	6.90	7.25	7.61
IV	5.96	6.26	6.58	6.90	7.25	7.61	8.00
V	6.26	6.58	6.90	7.25	7.61	8.00	8.40
VI	6.58	6.90	7.25	7.61	8.00	8.40	8.80
VII	6.90	7.25	7.61	8.00	8.40	8.80	9.25
VIII	7.25	7.61	8.00	8.40	8.80	9.25	9.75
IX	7.61	8.00	8.40	8.80	9.25	9.75	10.20
X	8.00	8.40	8.80	9.25	9.75	10.20	10.70
XI	8.40	8.80	9.25	9.75	10.20	10.70	11.25
XIII	8.80	9.25	9.75	10.20	10.70	11.25	11.80
XIV	9.25	9.75	10.20	10.70	11.25	11.80	12.40

\*This schedule follows the rule-of-thumb of 5 % intervals between steps and groups. Also note that Step 2 of each group is the same as the first step of the next lower group, thus providing an “integrated” pay schedule.

***Preparation of New Pay Schedule***

If the city has no structured compensation plan, it will be necessary to prepare a schedule like the one illustrated in Table 5-4, which includes a pay range, graduated by steps, for each job class. Using multiple pay rates for each range recognizes that there are differences in performance among employees in jobs in the same class. They help distinguish between pay increases that are given to an individual employee because of high performance, versus pay increases given to a job or class of jobs because of changes in the levels of compensation paid by other employers for the same type of work.

***Review and Adoption of Pay Plan***

The city council and the chief executive officer must determine the city’s ability to finance the initial cost of implementing the new pay plan, as well as the continuing cost of future wage increases that will occur under the plan. These decisions cannot be made, though, until the tentative pay plan has been analyzed with regard to its effect on the city’s finances. After the tentative plan has been prepared and evaluated, changes in pay policies may be made that will adjust the cost to fit the city’s ability to pay.

## **Performance Evaluation**

The purpose of a performance evaluation system is the accurate measurement of an employee's job performance. Emphasis is placed on the employee's work, rather than on his or her personality. A performance evaluation system can serve as a tool to achieve effective and efficient use of the city workforce. Accurate and detailed evaluations are critically important in documenting an employee's performance, and are vital in the event of a retaliatory discharge and discrimination lawsuit. It has the following advantages for various levels of municipal organization. For example:

### **City Administrator or City Manager**

- Serves as a means of evaluating supervisor's abilities.
- Identifies employees with supervisory and leadership potential.
- Pinpoints weaknesses in the city's service operations.
- Identifies areas where training is needed.

### **Supervisors**

- Serves as a basis for constructive discussions with employees.
- Helps solve disciplinary problems before they become serious.
- Strengthens the supervisor's role in managing employees.
- Establishes closer communications between supervisors and the employees.

### ***Observing Work and Collecting Data***

Good observation is essential to an employee performance evaluation system. Those who will be rating and evaluating employees must observe the day-to-day activities of each employee before performance evaluation takes place. Supervisors should receive training in the techniques of observing and recording the work of employees. If job descriptions are available, supervisors should use them to compare the assigned duties and responsibilities of the employee with those actually being performed.

### ***Recording Results***

During the entire rating period, the supervisor periodically records his or her observations of actual incidents involving each worker. Making routine notes on a continuing basis can prevent snap judgments when the day arrives to formally complete the employee evaluation form. Thorough documentation is always essential, particularly if an evaluation is negative.

### ***Evaluating Results***

After observing an employee's performance, the supervisor applies his/her own or predetermined standards to evaluate the results. The supervisor's judgment is based on a comparison between: (1) standards, what normally could be expected of the employee; and (2) results, what the employee actually accomplished.

### ***Discussing the Evaluation With the Employee***

Sharing observations and conclusions with the employee is a key element of a performance evaluation program. This exchange tells the employee how the supervisor judges his/her performance and the contributions made (or not made) toward accomplishing the city's objectives.

In preparing for the employee interview, the evaluator should:

- Thoroughly review the employee's work record.
- Plan the discussion so as to: (a) communicate the purpose of the interview, the evaluator's observations, and the evaluation of the employee's performance; and (b) communicate the reasons for the employee evaluation and the need for employee feed-back.
- Compare the current appraisal with previous evaluations, noting improvement or lack of change.
- Conduct the interview in a setting that is free from pressure, discomfort, and interruptions.

### ***Follow-up and Continuity***

A second meeting, after the employee has had time to reflect on the evaluation report, may be helpful. This post-evaluation discussion should deal with specific areas in which a change in employee performance could produce observable results. Problem areas should be noted, and job requirements should be outlined for the next evaluation.

### ***Effective Timing/Scheduling***

Implementation of an employee performance evaluation system is time-consuming. Resistance to the system may be the greatest among management personnel who dislike taking time from a busy work schedule if they do not perceive the program as being productive or job-related.

In many cities, formal performance evaluation periods are scheduled at specific times during the year, such as on the anniversary date of the worker's employment by the city. This scheduling may conflict with high activity work periods (annual budgeting, for example), and supervisors may use scheduling problems as an excuse for postponing evaluations. Exhibit 26 summarizes the important procedural guidelines for an effective performance evaluation system.

## **Evaluating Performance: Procedural Guidelines**

### ***Coverage***

Many cities with employee performance evaluation systems attempt to cover all employees. Some utilize one evaluation method for all groups of municipal employees; others use several evaluation methods to accommodate employee groups and classes at different levels. However, different methods are usually consistent with one another in the basic philosophy and approach.

### ***Frequency***

The maximum time span between formal evaluations should not be more than one year. A greater time span results in postponement of action by supervisors and lessens the perceived importance of the program. A six-month interval between evaluations may be too frequent. Frequent evaluations cost more, and may encourage department heads and supervisors to treat the procedures routinely and mechanically. Some cities have struck a balance by utilizing a six-month interval for the first one or two years, and then extending the period to annual reviews.

### ***Responsibility***

Department heads and supervisors must assume personal responsibility for evaluating employee performance. Evaluation requires continuous observation, analysis of employee actions, and firsthand knowledge of the employee and his/her work habits. In most instances, only an immediate supervisor is in this position.

### ***Scheduling***

Flexibility in scheduling evaluations is important. Scheduling should take into consideration the peak activity periods within each department to avoid resistance to evaluation activities.

## **Grievances and Discipline**

A positive relationship between the city and its employees is based on mutually-satisfactory performances. The employee must be treated fairly and properly compensated for work completed according to prescribed standards. And when an employee fails to carry out his or her work responsibilities or violates the city's personnel rules, the city has the right to exercise disciplinary action.

### ***Disciplinary Action***

A disciplinary action is a city-imposed reduction in employee rewards for cause. Disciplinary actions include, but are not limited to, written reprimands, suspensions, reductions in rank or pay, or terminations. They do not include temporary layoffs or workforce reductions that arise from budget cuts or lack of work. Disciplinary action can result when employees do not complete their assignments, or when they violate the city's personnel rules and regulations.

Personnel rules are established for the purpose of defining the respective rights of the employer and employees, and to assure attainment of the city's objectives through orderly processes. Supervisors responsible for enforcing the city's personnel requirements must:

- Have a thorough knowledge of the rules and regulations.
- Understand the reasons for every rule.
- Make sure that employees know and understand the rules.
- Administer the rules fairly and uniformly for all employees.

### ***Appropriate Penalty Considerations***

Before any disciplinary action is taken against an employee, the following determinations should be made:

- What rule was violated?
- Who was involved?
- When did it occur?
- Where did it happen?
- Who were the witnesses?
- What is the past record of the violating employee? (Length of service, as well as previous violations, should be considered.)

Isolated minor infractions can generally be handled successfully by having a frank discussion with the employee, depending on the type of violation or complaint. For example, if the complaint deals with a sexual harassment charge, the employer must promptly investigate it and take immediate remedial measures in order to avoid greater liability. However, if corrective action cannot be obtained through this method, more drastic action may be required.

### ***Types of Disciplinary Action***

The objective of any disciplinary action is to obtain corrective action. In every instance in which the city acts against an employee, the punishment should be appropriate for the offense. Commonly applied disciplinary actions include, but are not limited to, the following:

- A warning or reprimand is the most frequently used action to alert the employee that his or her performance is not satisfactory or to call attention to the employee's violation of employment rules and regulations. A warning or reprimand puts the employee on notice that his or her behavior must improve or more serious action will be taken. A reprimand should always be given in private, and a record of it should be placed in the employee's work file. If the employee's behavior improves, the written reprimand should be followed with a written memorandum to the file indicating the improvement in conduct.
- A suspension involves the removal of an employee from his or her job with or without pay, depending on the city's policies. Suspension is used when a major rule is violated or when prior disciplinary action has not corrected the situation.
- Firing an employee is the severest disciplinary penalty of all and should be reserved for the most serious offenses or when previous actions have failed. Any previous attempts to rehabilitate the employee should be noted, and, in the event prior disciplinary actions have been taken, the facts leading to the decision to terminate an employee should be carefully documented. It should be noted, however, that Texas is an at-will employment state, which means that an employer may fire an employee for cause, good cause, bad cause, or no cause at all. An employer, however, must be careful and evaluate potential terminations where the employer may have a discrimination or retaliatory discharge against the city. If the latter charges are

foreseeable, the city attorney and human resources director should be contacted prior to the termination.

See Figure 5-7 for examples of disciplinary actions that can be taken to deal with various actions by employees.

### **Taking Disciplinary Action**

The proper handling of a disciplinary problem with an employee is one of the most difficult aspects of personnel administration. A minor infraction or the most serious offense which merits any type of disciplinary action, including a verbal or written warning, suspension, demotion or termination, must be approached with care. The following considerations should be applied to all cases:

(1) Review the Facts

- Determine from personal observations or reports from witnesses what happened.
- Ask the employee, in private, for his or her version of the story.

(2) Determine the appropriate disciplinary action to be taken.

- Review the employee's previous record.
- Find out what actions have been taken against employees involved in similar infractions.
- Make sure that the proposed corrective action fits the violation.

(3) Apply the appropriate disciplinary action.

- Review the decision, if appropriate, with the chief executive officer.
- Explain to the employee why disciplinary action is necessary.
- Note the effects of the violation on the city, fellow employees, and the employee in question.
- Make suggestions as to how the employee may avoid further disciplinary action in the future.
- Follow up on disciplinary action, noting whether the measure has had the desired effect on the employee and fellow employees.

### **Handling Grievances**

The significance of open protest in work situations has been recognized as a fact of life by city administrators. Employees are no longer reluctant to express their dissatisfaction with various aspects of their work, such as unfairness on the part of supervisors, improper job assignments, inadequate training, inequitable disciplinary procedures, or favoritism.

The prevention of grievances is preferable to allowing employee discontent to reach crisis proportions. Generally, grievances can be avoided or kept to a minimum when the city makes a conscious effort to establish and maintain a positive working relationship with its employees. Preventative action includes investigations into conditions within the city organization that have caused past grievances, and follow-up inquiries as to the effectiveness of corrective actions in achieving the desired results. Continuing attention should also be given to personnel practices and procedures that encourage good employee

relations: employee oriented supervision within each city department, and an effective system of two-way communications between management and city employees.

Unfortunately, it is not always possible to prevent grievances entirely. When a grievance does arise, effective machinery should be set into motion to determine the legitimacy and significance of the grievance, what is behind it, how far reaching it is, and what constructive steps can be taken to resolve it. Good grievance procedures generally have several common features:

- They are mutually acceptable to employees and to management. This is possible only when there is employee participation in formulating the procedures.
- The procedures provide for several review steps, including scrutiny by the first-line supervisor, department head, and finally, by a grievance committee consisting of members appointed jointly by management and employees.
- Employees are given the right to be represented by a person of their choosing (normally a member of the employee group) at all stages of the grievance procedure.
- Realistic and reasonable time limits for filing and consideration of a grievance is always provided, and measures are taken to ensure prompt consideration and adjustment of grievances. A backlog of unconsidered, unresolved grievances should be avoided. A sample checklist for handling grievances is included in Exhibit 28. A sample grievance procedure is available from the Texas Municipal League, and also from the Texas Department of Housing and Community Affairs, Local Government Services Section.

**Figure 5-7**  
**Examples of disciplinary Action**

Cause	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3rd Offense
Delay or failure to carry out assigned work or instruction in a reasonable period of time.	Reprimand	5-day suspension	Termination
Insubordinate defiance of authority, refusal to comply with instructions, wanton disregard of personnel policies.	Reprimand	Suspension	Termination
Tardiness of less than one-half hour.	Reprimand	Reprimand	1-day suspension
Unauthorized absence of 8 hours or less, tardiness over one half hour, leaving the job without permission.	Reprimand	5-day suspension	5-day suspension
Unauthorized absence if more than 8 hours.	Reprimand	10-day suspension	Termination
Careless workmanship or Negligence	Reprimand	5-day suspension	Termination
Failure to observe safety practices or use prescribed safety equipment.	Reprimand	5-day suspension	Termination
Theft of city property (Penalty is determined by the value of the property.)	5-day suspension	10-day suspension to termination	Termination

## **Figure 5-8 Checklist for Handling Grievances**

### **Receive the Grievance Well**

Give the person a good hearing.  
Listen – don't interrupt.  
When he/she has finished, ask questions, but take no position.  
Take notes; keep records.  
Then, repeat the story in your own words.

### **Get the facts**

Don't make a snap decision.  
Check the city personnel policy and practices.  
Ask questions requiring more than a "yes" or "no" answer.  
Ask for advice if necessary.  
Check department policy and practices.  
Check previous grievance settlements for guidance.  
Check the experience of others in similar cases.  
Talk to your attorney about the appropriate action.  
Talk to your insurance carrier concerning action. (The Texas Municipal League's insurance advises call before you fire, and I am sure that other carriers will provide similar advice.)

### **Take the necessary action**

Avoid confusion.  
Settle the grievance at the earliest moment that a proper settlement can be reached.  
Announce and explain your decision in writing.  
Make the corrections required by your decision.

### **Follow-up**

Make sure that the required action is carried out.  
Be alert to situations which might bring grievances.  
Correct such situations before a grievance is filed.  
Know your employees and their interests.  
Maintain an atmosphere promoting the highest morale.

### **Equal Employment Opportunity Commission (EEOC)**

The Equal Employment Opportunity Commission (EEOC) is charged with government-wide responsibility for combating discrimination in the workplace. Some of the main laws for which the EEOC has enforcement responsibility are Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972; the Equal Pay Act of 1963; The Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973, which in 1992 was incorporated into Title I of the Americans with Disabilities Act of 1990; and the Civil Rights Act of 1991.

### **EEOC on the Internet**

The Equal Employment Opportunity Commission's home page on the Internet contains a great deal of extremely useful information, including the EEOC regulations, enforcement guidance, and management directives which govern the process of employment discrimination complaints. You can find EEOC's home page at [www.eeoc.gov](http://www.eeoc.gov).

### **The Texas Commission on Human Rights**

The Texas Commission on Human Rights is the State equivalent of the federal EEOC. The Commission was established in 1983 with the passing of the Texas Human Rights Act. Under the Act, Texas was responsible for protecting its citizens against employment discrimination, on the basis of race, color, national origin, sex, religion, familial status, and mental or physical disability. The Commission enforces these Acts by conducting investigations when a complaint is filed. In addition, the Commission has an Alternative Dispute Resolution Unit for employment discrimination cases, which encourages the resolution of the dispute through mediation. The Commission provides a variety of comprehensive interactive training programs to assist employers in complying with EEO laws. You can find the Web site of the TCHR at <http://tchr.state.tx.us/>.

### **Sexual Harassment**

Sexual harassment is one form of discrimination in the workplace. It violates Title VII of the Civil Rights Act of 1964. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which occurs when submission to or rejection of this conduct explicitly or implicitly affects a term or condition of an individual's employment. Sexual harassment occurs when an unwelcome sexual conduct by an individual is made explicitly or implicitly a term or condition of an individual's employment, and that person harassed is made to suffer a tangible employment action, such as demotion, constructive discharge, pay cut, or termination. Sexual harassment may also occur when the employee is subjected to sexual innuendos, remarks, and physical acts so offensive as to alter the conditions of the employee's work environment.

Prevention is the best tool for eliminating sexual harassment in the workplace. Employers are encouraged to prepare sexual harassment policies that prohibit such conduct in the workplace. In addition to developing policies, employers are encouraged to provide training to employees and supervisors. For additional information on sexual harassment in the workplace go the EEOC Web site which is [www.eeoc.gov](http://www.eeoc.gov) or the Texas Commission on Human Rights at [www.tchr.state.tx.us](http://www.tchr.state.tx.us).

### **Drug Free Workplace**

The federal government under Public Law 100-440 states that no department, agency, or instrumentality of the United States receiving appropriated funds could obligate or expend such funds unless it had and was implementing a written policy designed to ensure that all of its workplaces were free from the illegal use, possession, or distribution of controlled substances on the part of its officers and employees. Cities may develop policies and procedures to establish a drug free workplace. Cities are advised to consult with their city attorneys prior to enacting any such policy.

### **Employee Assistance Programs (EAP)**

Cities may establish programs for the appropriate prevention, treatment, and rehabilitation of employees with substance abuse and other personal or financial problems. EAPs are a way in which the employer can help the employee or members of the employee's family resolve substance abuse or personal and/or financial issues. EAPs can also help employers to make referrals to appropriate treatment and rehabilitation facilities and provide follow-up with the employee's progress back into the workplace.

## **Professional Development and Training**

### **Manager Development**

Professional development and training for staff and employees is one of the most important personnel functions. Management development assistance can be obtained from the Texas City Management Association (TCMA). Seminars and workshops are scheduled and listed on the TCMA Web site, which is [www.tcma.org](http://www.tcma.org). Additional management training and development is offered by the International City and County Management Association (ICMA). Training seminars and professional development materials can be found on the ICMA Web site which is [www.icma.org](http://www.icma.org).

### **The Texas Certified Public Manager (CPM) Program**

Texas City Managers and Department Heads can take advantage of the Texas Certified Public Manager (CPM) Program, which is offered by Texas State University – San Marcos at several locations throughout the state of Texas. The CPM Program is offered in the following cities: Amarillo, Austin, San Marcos, Houston, Arlington, and San Antonio, Texas. The Program is offered by Texas State University – San Marcos in cooperation with the University of Texas at Austin, Texas Tech, and the University of Texas at Arlington.

The CPM Program is a series of seven courses, which are offered in a 1- or 1 ½-day-a-month format. Each course runs for 3 days, and the entire program can be completed in less than 2 years. City managers who are members of TCMA can apply for the Barney Knight Scholarship to pay for the registration fees of being certified as a public manager.

For additional information about the Texas CPM Program, please go to the Web site which is [www.swt.edu/cpm](http://www.swt.edu/cpm). For information about the Barney Knight CPM Scholarship go to [www.tcma.org](http://www.tcma.org).

### **Traditional Employee Orientation and Training**

Besides traditional orientation for new employees, there are a number of uses for formal or informal city employee training programs. For example, training can be used to (1) increase employee acceptance of changes in the city's organization or procedures; (2) improve service delivery; (3) decrease the number of grievance and EEO complaints; or (4) enhance career development.

Training need not be a highly formalized series of lectures or series of classroom instructions. In many small cities, training consists of periodic meetings to alert employees and supervisors to changes in city operations, occasional gatherings of employees in a certain department to discuss the operation and maintenance of a new piece of equipment, or short sessions on supervisory skills, public relations, or the like. Much of the success of a city's training program hinges on the support and commitment of the city council and top management. Without their backing, it is highly unlikely that the time, effort, and funding necessary to support a bona fide training program will be forthcoming.

### **Responsibility for Training**

In small cities, the city administrator, or whoever is in charge of personnel matters, may administer the training program personally. Primary training-related duties include the following:

1. Gather information on training opportunities that are provided by colleges, vocational training schools, high schools, and other institutions in the area.
2. Maintain a collection of reference books and source materials on training principles for supervisors.
3. Help supervisors determine training needs, plan a course of action, select employees, and obtain suitable training materials.
4. Determine what training programs cut across departmental lines and are best conducted on a citywide basis (e.g., a public relations/citizen complaint course).
5. Personally lead training sessions on occasion.
6. Publicize and promote the training program.
7. Establish a training budget.
8. Evaluate the training results and recommend corrections or improvements.

### **City Training Programs (In-Service)**

Many of the training needs of city employees can be addressed by on-the-job (OTJ) training, also known as in-service training. Generally, the objective of in-service training is to enhance the employee's abilities to perform current duties, that is, to improve job performance.

The major types of OTJ training are (1) orientation, (2) safety training, (3) communications training, (4) supervisory training, and (5) functional specialized training.

*Orientation:* The purpose of orientation is to familiarize a new employee with the city's general policies and procedures, including those related to employment.

*Safety Training:* The general objectives of safety training are to make employees more safety conscious, teach employees how to prevent accidents, and to familiarize employees with the city's safety policies and requirements.

*Supervisory Training:* The objective of supervisory training is to train both current and prospective supervisors to take charge of their subordinates.

*Functional Specialized Training:* The goal of specialized training is to generally upgrade an employee's skills. Examples of training appropriate for three classes of employees are listed below:

1. Clerical and Office Training
  - Typing and computer techniques
  - Payroll procedures
  - Mail distribution
  - Telephone reception techniques
2. Technical/Professional Training
  - Accounting/auditing procedures
  - Personnel testing
  - Criminal investigation procedures
3. Skilled Trades and Maintenance Training
  - Operation of power equipment
  - Automobile and truck maintenance
  - Map reading and computerized mapping

### **Conducting the Training**

In small cities, usually the personnel director or other staff may be able to help the chief executive officer direct and coordinate the overall employee training program. Some small cities also rely on the in-house training capabilities of the supervisors. It may be possible even in the smaller cities to find outside training sources available in the community, or at least nearby.

### **Outside Training Resources**

Outside training resources normally available to city governments are briefly described below.

Many public schools conduct adult vocational classes in such subjects as stenography, typing, basic computer skills, blueprint reading, drafting, and accounting. These courses will seldom be designed to meet any special requirements of city governments, but it may be possible to work out an arrangement with the school to provide sections for city employees. Even if the city decides it must conduct its own courses, the technical advice of local educators can be helpful in organizing instruction and course material.

Many institutions of higher learning recognize a responsibility to assist in the training of public employees and have developed courses and recruited faculty members for this purpose. While courses for college credit will often meet the training needs of city employees who want to earn college credits, it may be possible for the school to provide a lower level of training that may meet the needs of the city.

Many management consulting firms offer packaged training programs which can be purchased by a city. Also, professional associations such as the International Personnel Management Association or the Municipal Finance Officers Association offer specialized courses. Many state agencies such as the Texas Department of Housing and Community Affairs offer training courses in various subjects.

The Texas Municipal League provides a variety of in-service training programs which are particularly helpful to small cities, including an annual Institute for Mayors, Councilmembers and Commissioners; Annual Texas City Management Association Meetings; Municipal Law Clinics by the City Attorneys Association, etc.