

# Minutes Tempe Merit System Board November 13, 2023

Minutes of the Tempe Merit System Board Meeting hosted virtually via MS Teams on Monday November 13, 2023 at 9:30 a.m.

**Boardmembers Present:**

Lori Messer  
Bill Munch  
Johnny Tse

**Board Members Absent:**

None

**City Staff Present:**

Rebecca Strisko, Human Resources Director  
De Ana Hand, HR Tech I  
Sarah Jenkins, Management Assistant II

*Chair Tse called the meeting to order at 10:38 a.m.*

**1. Consideration of Meeting Minutes**

Motion by Lori Messer to approve the June 2, 2023 and the November 9, 2023 Merit System Board Meeting Minutes; Second by Johnny Tse. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Tse, Boardmembers Messer and Munch

Nays: None

Absent: None

**2. Motion to Adjourn to Executive Session**

No Executive Session was held.

**3. Discuss and Approve Revisions to the City of Tempe Personnel Rules**

Chair Tse asked Board Secretary to review the proposed changes to the Personnel Rules. Ms. Strisko said that the proposed Personnel Rule revisions were provided in the Board packet. Ms. Strisko said that as she provides explanation of the changes, if Boardmembers have any questions to let her know.

Ms. Strisko reviewed the changes as follows:

**Rule 1**

- Section 103: Unclassified Service – Language cleanup to clarify the process of how regular, benefitted positions are classified as “at-will”.
- Section 104.D: Public Records Requests – Language added to clarify that Human Resources reviews public records related to employee information, along with the City Attorney’s Office. Boardmember Munch asked if there was a public information officer that handles public records requests or if there was another process? Ms. Strisko said that requests are routed through the City Clerk’s Office, and they assign them to the department that holds those records. The Deputy City Attorney will review the records prior to release.

**Rule 2**

- Section 201.E: Flexible Classifications – Language cleanup as there continues to be problematic and contradictory language. The most notable issue was the time frames imposed on flex positions that were not attainable, for example certifications in Municipal Utilities, Water Operations that took more than one year to obtain. The language makes it clear that if an employee is not getting the certifications and the experience they need to flex, they could be held accountable while still allowing the departments to make sure that they're being flexible because there were so many exceptions being made to this rule. Boardmember Messer asked if there were guardrails in place, for example an employee in the Water Division who is going to take two years to obtain the certification, they don't have a Performance Improvement Plan on file. Ms. Strisko said that the proposed changes states *may be* required to flex to the next higher level within the time frame specified by the minimum qualifications as outlined in the job description. For example, during COVID, there was an issue where people couldn't test so all those factors are taken into consideration.
- Section 202.C: Starting Salaries – There should be flexibility in promotional increases to Deputy level and above as the city has found that using the standard 10% increase doesn't allow for parity with other deputies or directors. Additional clarification on the Hire Above the Minimum process to note that all requests are to be routed through Human Resources for consideration of approving a starting salary higher than the minimum. The new City Manager requested that HR provide commentary on requests so she can make an informed decision.
- Section 202.E: Promotional Salary Increases – Language was added to address a situation where an employee returned to their previous lower position and then tried to apply to go back to the higher position thus getting two 10% increases under the Rules.
- Section 203.H: Additional Compensation – Clarification that Temporary Detail Pay cannot exceed the maximum of the salary range of the temp detail position. The employees should not receive more temp detail pay than they would if they were offered the job permanently.
- Section 203.I: Temporary Special Assignment Pay – Language added to clarify that employees cannot receive both Temporary Special Assignment and Temporary Detail Pay at the same time.

**Rule 3**

- Section 301.B: Requirements for Employment, Residency – Updated the language to reflect that an appointee by the City Council may be required to be resident of Tempe. While Council prefers Tempe residency, they understand that the current housing market and the current job market make it especially difficult for someone who is already established in the Valley to uproot and move to Tempe.
- Section 302.A: Recruitments – The proposed change is the removal of the section pertaining to internal recruitments, which states that if there are five or more internal candidates that a recruitment must first go through an internal process. This was first discussed about two years ago due to the concerns with increasing diversity at the city. Additionally, this internal process requirement slows the process considerably and does not allow the department to compare internal and external candidates simultaneously. Departments have the option to either post for an internal recruitment process only or interview only internal candidates once the eligibility list of internals and externals is received. Ms. Strisko said that they city reinstated the Park Ranger program and were hiring 12 Park Rangers, 3 Leads and a supervisor. Every step of each of the processes had to be doubled because they had to go through the internal interview process, the decision process and then to the externals. This shined a light on how inefficient this process is for departments.
- Section 302.C: Suspension of Recruitment & Selection Policies – Addition of language stating that the city may hire an external recruitment firm for senior management or hard to fill positions with the approval and oversight of Human Resources.
- Section 303.D: Orientation & Probation – Language added to memorialize the process of a non-sworn employee who moves to a sworn position, they will serve the full probationary period of the sworn position regardless of whether they completed the initial probation.

- Section 305.A & C: Termination of Employment, Resignation & Involuntary Termination – The proposed changes are cleaning up language and adding a section regarding involuntary termination as that was not previously covered.
- Section 306.B: Re-employment – Rehire – Adding language to ensure compliance with federal laws.
- Section 309.A: Light Duty, Light Duty, Non-Job Related – Clarification that light duty for a non-job-related injury has always been within the employees' department.

**Rule 4**

- Section 401.D: Ethics & Workplace Behavior, Outside Employment, Activity or Enterprise – Updating the process for appealing the denial of an outside employment request. No one can recall the last time, if ever, that a request for outside employment went through an appeal process. However, the process is overly complicated and should be done by the HR Director in speaking with the employee and department and providing a recommendation to the City Manager, who will make the final decision.
- Section E: Strike – updating language for consistency throughout the document.
- Section 402.C & D: Diversity & Inclusion, Safe Haven – Updating the name of the Office. Clarifying that the Safe Haven process is only used for complaints of discrimination, harassment, retaliation, or hostile work environment. Other complaints should go through the Chain of Command or the Grievance process.
- Section 406.C: Grounds for Disciplinary Action – Addition of language to include an employees' refusal to cooperate in a city investigation or official inquiry.
- Section 407.G: Workplace Issues/Complaints Resolution Processes – Clarification of the Safe Haven process to align with Section 402.D.

**Rule 5**

- Section 501: Paid Leave – Addition of language to clarify when exempt leave may be used and that new employees hired into positions of Deputy Director and above may negotiate vacation and sick leave banks upon job offer. Ms. Strisko said that, recently, there have been instances where departments have approved a new employee to take a paid day on their first day of "work" or paid days in combination with unpaid days after working just a couple of days. This language makes it clear that an employee should begin work on their first day or delay their start date.
- Section 501.A: Personal Leaves – Adding a new program which provides service time credit for employees with previous ASRS service time. This program allows an employee to submit their ASRS statement and have their vacation accruals adjusted to reflect their total years of ASRS service. This new program is good for employee retention and for attracting new employees from other cities. Language was added that provides a deadline for an employee to request an extension of the forfeiture date for excess vacation.
- Section 501. A.2 and 4: Personal Day & Exempt Leave – Added language stating that new hires may take their personal day anytime after working a complete pay period and requires supervisory pre-approval. Mirrored the language added to Personal Day usage and addressed a concern that if an employee goes from a position that has a higher exempt leave to less exempt leave and the reverse that the total hours cannot exceed the new job classification's annual exempt leave bank.
- Section 501. A.5: Wellness Leave – Updating the deadline for unused wellness leave.
- Section 501. B.3: Supplemental Family Medical Leave – Ms. Strisko said that the intent of Supplemental Family Leave, when it was implemented, was for new employees that didn't qualify for FMLA, yet could take leave if they had their own personal medical issue. It was never intended for family members. The language was updated to make it clear that an employee must have a leave that mirrors that defined under either FMLA or ADA and that's for your own personal disability.
- Section 501.B.C: Holidays – adding Indigenous People's Day as approved by City Council.

- Section 501.D.1: Bereavement Leave – Recently, some individuals have taken bereavement leave in less than one day increments over a long period of time, which is not the intent of this leave. This change is to put some parameters around the timeframe and increments. An employee may take their initial bereavement leave then may have additional bereavement leave to attend a memorial service or funeral. This is ok but it needs to be done in full day increments and it must be done within six months. Boardmember Messer asked for clarification on the usage of *consecutively*. Ms. Strisko said that word was in the Rules, previously and the default is that an employee would use the leave consecutively in full day increments but with supervisor approval, an employee could split the days. Chair Tse asked whether a stillborn child would qualify under this leave? Ms. Strisko said that yes, it would be covered as would miscarriages as they are the loss of a child.
- Section 502.A.1 & 2: Personal Leaves, Annual Vacation Leave Payout Program and Payout of Vacation Leave on Termination – Language to make it clear that a payout of vacation leave does not include banks of time that were negotiated.
- Section 503.A & B: General Leave & Unpaid Sick Leave – Clarifications in these sections regarding the amount of time a department can approve of unpaid leave and any time above that amount must be approved for the HR director and the City Manager. Regarding unpaid sick time, employees might take two hours of unpaid sick time and the department was asking for documentation, which seems unnecessary. Language was added to make it clear that an employee must take one full day of unpaid sick leave before they must provide documentation.

Chair Tse asked if there are any other questions. There was no further discussion.

Motion by Bill Munch to approve the revisions to the City of Tempe Personnel Rules; Second by Lori Messer. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Tse, Boardmembers Messer and Munch  
Nays: None  
Absent: None

#### **4. Future Agenda Items**

There were no future agenda items discussed.

#### **5. Public Appearances**

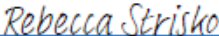
There were no public appearances.

#### **Adjournment**

Motion by Lori Messer to adjourn the meeting; second by Bill Munch. Motion passed unanimously on a voice vote 3-0.

Ayes: Chair Tse, Boardmembers Messer and Munch  
Nays: None  
Absent: None

The meeting adjourned at 11:12 a.m.

  
Rebecca Strisko (Mer 8, 2024 13:46 MST)

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Rebecca Strisko, Local Board Secretary