Date: April 22, 2019  
Time: 3:30 p.m.  
Location: Classroom A; Law Enforcement Center 320 S. Kansas

Attendance  
Committee members Present: Brendan Jensen, Jeff Coen (Chair)  
Councilmember Tony Emerson was absent  
City Staff Present: Lisa Robertson (City Attorney), Jacque Russell (Human Resources Director), Catherine Walter (Legal), Shawn Maisberger (HR)

1) Call to Order  
Councilmember Jeff Coen called the meeting to order. Councilmembers and staff introduced themselves.

Councilmember Tony Emerson was absent.

2) Approve April 1, 2019 Minutes  
Councilmember Jensen made a motion to approve the minutes. Councilmember Coen accepted the motion. The minutes were approved 2:0:1, with Councilmember Emerson being absent.

3) Introduction of Personnel Code  
Lisa Robertson, City Attorney, referred to the City of Topeka’s Personnel Code, which was provided to the Committee, indicating that Staff started its review going forty (40) years back (to 1980). Over eighteen (18) years ago, in 1991, personnel provisions were moved from the Topeka Municipal Code (TMC) into a stand-alone Personnel Code. In 2004, the form of government changed (from strong-Mayor to Council-Manager). When this happened, the responsibilities of the governing body became focused more on legislative, budgetary and policy matters, with administrative duties and responsibilities being shifted to the City Manager. (Charter Ordinance A2-25(a) states that the governing body “shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government” and that it “shall have no administrative powers.”)
Since the change in the form of government fifteen (15) years ago, there have been very few substantives revisions to the Personnel Code. There are many examples that can be found throughout the document where language does not match up and there are many inconsistencies. Staff believes now is a good time to make these changes. Ms. Robertson, Catherine Walter (Legal), Jacque Russell (HR Director) and Shawn Maisberger (HR Manager) have been meeting over the past year to locate these inconsistencies and discuss proposed resolutions to address the inconsistencies with the Committee.

Ms. Robertson provided further explanation that in the Personnel Code, language is provided to give the Human Resources Director the ability to adopt administrative rules and regulations (Article I, Section 3). Human Resources has engaged in this process over the past fifteen (15) years in an effort to compliment the Personnel Code; however, the list of ARRs has become lengthy and the language was never subsequently codified in either the Personnel Code or the TMC. If a grievance is filed, Staff is required to review the Personnel Code, the TMC, the Polices, the ARRS, the Bargaining Unit Agreements (if applicable), etc. to locate language that touches upon each piece of the equation so that an informed decision can be made. The goal would be to come up with one complete document (or at least fewer documents) that would serve as the main point of reference.

Councilmember Jensen inquired if the compiled document has been organized by staff. Ms. Robertson noted that the Personnel Code is in place, but that each of the policies and administrative rules and regulations that were implemented since 1991 to interpret the provisions of the Personnel Code are all separate documents. [Ms. Robertson also noted that employees have access to viewing the various personnel documents through the City’s intranet.] Each of these separate documents have been reviewed and updated over the course of years in accordance with a series of steps that include department director review and employee public hearings. Shawn Maisberger, Human Resources Manager, noted that the meetings are posted and although some had low attendance, comments (many seeking clarification regarding bargaining units) and feedback had been received and welcomed. Ms. Robertson noted that the vehicle use policy review meetings were well attended with lots of feedback from employees that was ultimately incorporated.

Councilmember Jensen inquired about the language found in the Personnel Code. Ms. Robertson noted that much of the language in the 1991 Personnel
Code has been subsequently updated by a separate administrative rule and regulation (Article I, Section 3). Ms. Robertson provided the example of Workman’s Comp, which is currently in the TMC (Chapter 2.140, Article III), noting that workers' comp issues are more appropriately handled administratively, via an administrative rule or regulation, rather than being a matter handled by the Governing Body.

Councilmember Jensen inquired if the intent of Staff was to get rid of the entire document series and begin a new one, or to have a base document and merge the other items into it. Ms. Robertson noted that part of meeting with the Committee would be to make these type of decisions and begin moving forward. Ms. Robertson suggested that the Committee review a few of the provisions at the next meeting and discuss best practices.

Councilmember Jensen inquired about the pros and cons of each decision and if there are other reasons to review the document other than it just being a task that has not been completed in a number of years. Jacque Russell, Human Resources Director, echoed the issued previous raised by Ms. Robertson. Discussion occurred between Committee and Staff members regarding the Governing Body’s role in personnel matters.

Councilmember Coen inquired about the process of sending the product to the Governing Body for final approval. Ms. Robertson suggested that the Committee decide on a final product and take it to the Governing Body as an action item. The document could also be brought forth as a discussion item; however, if the same level of detailed discussion occurs at the Governing Body meeting as that which occurred at the Committee meetings, it will be very lengthy. Councilmember Jensen stated he would prefer to begin with a founding document to begin with and work through designing a comprehensive final product to present to the Governing Body.

Councilmember Jensen inquired if research had been done to see if other cities had done a process similar to this. Jacque Russell noted she had not completed any research; but that some municipalities do have a personnel-related document. She would just need to verify how many of the provisions contained in such personnel-related documents are codified. Ms. Russell clarified that Staff has been reviewing each of the City’s existing policies, rules and regulations to determine the most appropriate place for them. Ms. Russell stated a decision would need to be made regarding the language currently
contained in the Personnel Code - and what the Governing Body’s position is related to where policy-related provisions should be located, as opposed to where administrative-related provisions should be located. Lisa Robertson noted the reasons brought up by Ms. Russell was the reason for the large packet of information that was provided to the Committee. Ms. Robertson asked that Committee members review the information and begin getting an idea of what questions they may wish to discuss at the next meeting.

Councilmember Jensen inquired with Staff as to how much of the Personnel Code dealt with budgetary oversight, stating that budget oversight is one of the Governing Body’s main functions. Ms. Russell noted that the compensation system presented in 2017 was adopted by the Governing Body. The new management and executive pay plan as that is currently in the Personnel Code; but also has a budgetary impact. One way of looking at it would be if the City Manager is managing those items within the adopted budget and that is the policy or having a policy that the Governing Body makes with regard to those specific items.

4) Other Items Before the Committee
No other items.

5) Adjourn
Councilmember Coen adjourned the meeting.

The Policy and Finance Committee will be meeting on April 29, 2019 at 3:00pm in the 1st Floor Conference Room of the Holliday Building 620 SE Madison to discuss best practices with regard to the City of Topeka’s Personnel Code.

The video of this meeting can be viewed at: https://youtu.be/ZaGkR1lANv4