

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 09, 2001

Special Meeting

The special meeting of Council was called to order by President Bennett, at 5:30 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Chris Fulton Vaughn Radi Steve Bennett Budd Eversman Maria Klemack

The Chair recognized Mr. Eversman, Chairman of the Finance Committee, for discussion and voting of the first legislative item, and discussion only of the second item, under said committee.

1. Resolution CR-46-01 (Approve the Budget Estimates for Fiscal Year 2002) was given its reading and public hearing.

Mr. Behlen, Dir. of Finance, provided a brief overview of the Budget Estimates. He explained that State Law requires the Auditor to oversee a municipality's millage and we are required to certify our estimated expenditures and revenues on an annual basis. This reviews our Capital Improvement plan for the next 18 months and is a conservative estimate.

President Bennett reviewed the totals on the last page and questioned what would become of the un-funded projects shown for 2001. Mr. Behlen explained that un-funded projects are projects we haven't funded yet this year, but may receive supplemental appropriation in 2001. President Bennett stated that it is a timing issue. Mr. Behlen said yes. President Bennett then asked where the Borror Road Sidewalk project was in the estimates. Mr. Behlen said it was in unexpended funds. However, that project has been picked up by Jackson Township and they will now take the lead on it. President Bennett commented that he has received complaints on traffic and speeding and is anxious to see this project completed. Mr. Bowshier, Jackson Township Trustee, commented that the drawings are done and is in the works now.

There being no additional questions or comments, Mr. Eversman moved it be approved; seconded by Mr. Fulton.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. Ordinance C-47-01 (Amend Various Chapters of Part 1 titled Administrative) was placed on the floor for discussion only. Mr. Eversman announced that it is currently scheduled for a vote on July 16, 2001.

Mr. Stage noted that there were three guests present: Mr. Dan Guttman, Baker and Hostetter; Mr. Marty Jenkins, HR Consultant; and Mr. Steve Bowshier, Civil Service Commission Attorney.

It was explained that these amendments, according to current Code, are to be requested by the Civil Service Commission. They have had one meeting. The next meeting, where they will take action on these recommended amendments, has been scheduled for July 17, 2001. Mr. Bowshier explained that the Commission hasn't changed in operation for the past 11 years. The way it operates versus what is described by Ordinance is not consistent. The suggested changes will update the Code to reflect how things are being handled. Mr. Eversman asked if there was a sense of urgency to get this passed. It was determined that there really wasn't. President Bennett recommended that the Ordinance be postponed on the 16th until after the Civil Service Commission has met. Mr. Bowshier said that is what he recommends. Mr. Fulton agreed and said he would like to have their recommendations before voting. Everyone was in agreement that postponement would be best.

Mr. Dan Guttman, Baker & Hostetter, explained that his firm was hired by the City to review the two Chapters and propose appropriate revisions. He has been a Labor and Employment Consultant for the City for many years. They have had an initial meeting with the Civil Service Commission. He explained that they reviewed these Chapters by looking at three (3) areas: 1. The Internal/External Salary Study that was completed; 2. From a Public Employee's Law standpoint; and 3. From a practical operations of the city standpoint. Many are just clean-up measures and changing titles to reflect what positions are going by now (i.e. City Admin.). The amendments were reviewed, section-by-section, and questions were answered accordingly.

Mr. Stage, City Admin., provided a sheet showing the highlights of the changes being recommended.

President Bennett asked for a definition of Employment At Will. Mr. Guttman said this concept says, for someone operating outside a contract, that the employer has the ability to terminate an employee for any reason that is not discriminatory. Mr. Fulton stated that this does not provide the ability to eliminate employees due to popularity or personality. Mr. Guttman said that is correct. This provision should be used as shield rather than a sword. Mr. Fulton commented that what President Bennett is getting at is that termination should not be based on Employment at Will. There should be something more substantial and documented, and he agrees with that. Mr. Guttman agreed. He said it is much more rare in the public sector, due to the right to due process and a just hearing. Further clarification was provided. Mr. Clark, Dir. of Law, noted that there was a difference between classified and unclassified employees. Mr. Guttman said that was correct. Classified employees have the added layer of a Civil Service Commission hearing. President Bennett commented that he just wanted to make sure that the City employees had assurance that if they are performing reasonably well and meeting expectations, they couldn't be fired on a whim.

Questions regarding shifting responsibility of the Civil Service Commission were addressed. Mr. Guttman said that when these commissions were originally set up, most communities did not have a full-time administrator. This shift has taken place across the State. He said they are not getting rid of the Civil Service Commission, only shifting the day-to-day management of employee personnel issues. Also, with the addition of public employee labor laws, it has watered down the true need for the Civil Service Commission.

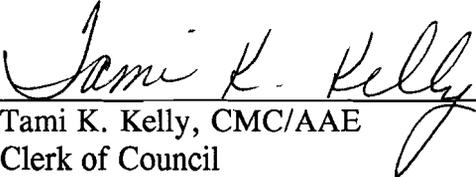
President Bennett asked where the language for these provisions came from. Mr. Guttman said it was derived from two sources. First was the report from the consultants, which

directed the hiring, promotion, & evaluation recommended language. The second source was the best practices – labor and employment law that they see in the public sector. In addition, he looked at other municipalities Code and personnel sections, as well as recent court decisions. President Bennett commented that in past years there has been a trend regarding “political correctness”. He referred to some of the language (“in any form”) in the Harassment Policy that he feels opens the city up to expensive lawsuits or an employee to unjust termination. Mr. Guttman commented that his background is in Management labor and employment attorney. He said he couldn’t agree more with President Bennett on this situation. He explained that the U.S. Supreme Court approved this language two years ago and put in place, something called an Affirmative Defense. Basically, that means if you have a discriminative/harassment policy in place and the employee does not specifically follow the policy, they have waived their rights to bring a complaint – if there was not direct result of harassment. He said he believes that the words “in any form” could be eliminated. There is a definition of what harassment is. President Bennett said he just doesn’t want to see someone burned at the stake. Mr. Guttman said this was a conservative policy and one that is used throughout the State. Mr. Fulton further explained that just because one person makes an accusation, it doesn’t necessarily make it so. He believes a policy is necessary with guidelines for investigations. Discussion took place of the investigation process. President Bennett asked Mr. Stage if he was comfortable administering this policy. Mr. Stage said yes, it is similar to the one they had at the bank. Mr. Jenkins (H.R. Consultant) pointed out that it would also protect the city in not being named as a co-defendant.

Under Chapter 161, Mr. Eversman asked if the salary ranges were the same as they are currently. Mr. Stage said no. They are new ranges based on the low/high figures provided by the H.R. Consultant report. Mr. Eversman asked how much this would cost, assuming everyone got the max. Mr. Stage stated \$38,000.00 for this year, to do equity adjustments. Mr. Eversman asked about automatic increases. Mr. Stages stated that 70% of the staff is already in this plan & the Administration has agreed to live with this for the next year. Mr. Eversman said he would like to know about the buy-out liability. Mr. Stage said they would get that to him. Mr. Eversman said he would like to see the figures for the impact of all the new benefits. Mr. Stage said he would get that to him also. Mr. Fulton asked about the Family Medical Leave Act. President Bennett questioned why we aren’t adopting the Federal Act by reference. Mr. Guttman stated that Federal Law requires that you adopt it in full rather than by reference. Mr. Fulton asked why we are charging leave by the hour rather than the half hour. He also questioned if we were being consistent throughout the Act. Mr. Guttman stated that the Act does allow Municipalities to select the figuring and he will check on the time and the consistency.

3. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 7:12 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Steven M. Bennett
President