

LEGAL AND LEGISLATIVE COMMITTEE
November 20, 2001
3:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Littlefield, Chairman, with Councilpersons Robinson, Benson, Pierce, and Hakeem present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Donna Kelley, Joe Shaw, and Jerry Pace.

REZONING CASE NO. 2001-181 (REGIONAL PLANNING COMM.)

Chairman Littlefield acknowledged the presence of Charles Dupree with the East Brainerd Neighborhood Association, Joe Proctor, and Jim Fitzpatrick, noting that they had had somewhat of an impromptu meeting between the interested parties, and the recommendation had been made that the Ordinance be amended to delete the requested berm and landscaping along the east border adjacent to the railroad and in lieu require that the buildings be backed up to provide sight-obscuring screening and that the color of the building be compatible with the landscaping. Chairman Littlefield stated that that was the recommendation and that he would welcome a motion to accept this. Attorney Nelson added that this had already been to the Planning Commission. Councilman Benson, who attended the Planning meeting, noted that this was contingent upon the berm. Councilwoman Robinson asked how the neighborhood felt about this.

Chairman Littlefield explained that the Electric Power Board would not permit what was requested and required by the City. Councilman Benson reiterated that the neighborhood asked for the berm at the Planning Meeting.

On motion of Councilman Benson, seconded by Councilwoman Robinson, this amended version will be recommended to the full Council.

PROGRESS SUMMAY ON RIF EMPLOYEES

Chairman Littlefield stated that the Personnel Office had asked to give the Council a Report on where we are in filling deleted positions. He called on Donna Kelley.

Ms. Kelley stated that once we went through the downsizing and come out of the freeze that jobs had opened up; that all jobs went with an in-service announcement to current employees for five days, and the applicants were matched to the positions. She stated that in the interim period Mr. Joe Shaw had been going through exercises of additional skill training with resume, referencing and job interview skill coaching.

Ms. Kelley stated that on one hand they had had a lot of participation from RIF employees and on the other hand little or no participation by some employees caught in the downsizing. She stated that some were actively involved with them and that 19 employees had chose not to do anything about this.

Councilwoman Robinson asked if the 19 did not respond, what happens. Ms. Kelley responded that several of the 19 are eligible for retirement; that they would continue to send them letters.

Mr. Shaw went over some of the activities of the RIF employees, mentioning the five-day structure that was started in September and the total positions advertised since September has been 33; the total RIF referraks is 51. He explained the number of 51 when they are only working with 38 employees as being because some of the employees went out for two or three job interviews.

Councilwoman Robinson noted that 10 people had been placed or reassigned.

Chairman Littlefield asked if supervisors were being given a choice to accept one of these employees or waiting and hiring from outside. Ms. Kelley was not aware of a choice being offered. Chairman Littlefield asked about the hiring of two new people in the Parks and Recreation Dept. when they had laid off so many. He questioned if these were specialized positions or if the skills could be acquired by someone who was already in the Parks and Recreation Dept., stating that these employees should be given every opportunity to remain with the City. Ms. Kelley responded that she thought department heads were honestly and sincerely working earnestly with them. Chairman Littlefield stated that some long-term employees were wringing their hands, and he felt we should be able to replace everyone. Ms. Kelley responded that the 10 people already placed reflects two months' work.

Councilman Hakeem noted that 19 of the 38 had not applied for employment. Ms. Kelley stated that they had mailed them announcements and invited them to sessions but had not been successful in getting them to come in and talk with them; that they were not communicating to them where they wanted to be placed. She stated that they would continue to try to work with them; that some are eligible for other avenues in life and some may be waiting until after the first of the year to see what is available.

Councilman Pierce noted that if they chose not to retire, that this would affect their retirement. Chairman Littlefield stated that it was those who did not have the retirement option that he was concerned about.

Mr. Shaw explained that each person had someone in Personnel to talk to; that they had Placement Officers assigned to the RIF people for questions; that each Placement Officer had contacted the RIF employees to find out why they were not putting in applications and what their wishes were.

Councilman Hakeem stated that some would not apply for jobs. He asked if it would be appropriate for these officers, as they talked to these employees, to let them know that Personnel had talked to the Council and the Mayor, and let them know we know about this.

Chairman Littlefield stated that some may not understand that this is what they need to do to get themselves reassigned. He asked that they be encouraged to do what is necessary.

Councilman Benson noted that 59 filled positions were eliminated and these employees were identified as RIF employees. He stated that some of these employees were discharged without taking seniority into consideration, and he thought this was the original premise of the problem; that 59 positions had been eliminated and 10 had already been placed, leaving 49; that three are in limbo awaiting a decision by the hiring supervisor; that nine more had decided to retire, which gives you 37 people out there; that 19 have not told Personnel what their wishes are. Attorney Nelson noted that two had resigned, which makes 35 people. Councilman Benson stated that this was 35 people and whether they came to Personnel or not, he thought that Personnel needed to get with them and let them know we are interested in an exit interview and see if there are other things in the community that are available to them to get rid of any “bad taste” that they might have. Ms. Kelley responded that they had done this several times and would continue to do it; that the entire staff is working on this, and they have someone to identify with in the Personnel office, and they had also gone out in the work force to talk to individuals. Councilman Benson asked if these people did not have to be placed by the end of December. He was told that it is the end of December next year.

Chairman Littlefield stated that they had plenty of time; that the deadline they are facing now is retirement and the end of the year.

Councilman Pierce suggested not saying “re-application”; that we need to update their files and match them with the jobs being applied for; that when jobs come open, we need to match these 35 people and see if they qualify; that they should be requested to come in and update their file but not call it “re-application”. Ms. Kelley stated that she would take this to the 19 people and tell them that she had met with the Council. Councilman Pierce reiterated not to use “re-application”; that this sounded like they had been fired; that this was not a new job—that they already had a job.

Chairman Littlefield asked about the 8 positions that had been re-advertised to the public. Ms. Kelley responded that they were highly technical jobs and jobs that none have applied for. She stated that if the Council wished, they would place them on their distribution list for jobs available. Councilman Hakeem stated that as this gets down to the wire, that they needed to continue their documentation. Mr. Shaw responded that they had this set up with a documentation file and that they keep e-mails.

Attorney Nelson suggested that they could request return-receipt of those they send letters to; that them refusing to sign is as good as getting them.

Mr. Shaw stated that they do active outreach; that initially they had meetings of all of the RIF people to explain the process and asked them to fill out an application, which they used as a master copy; then they could simply make a copy of the application and send it to them when they were interested in a job; that they tried to make it as simple as they could.

Councilman Pierce asked about the 8 jobs advertised to the public and how “technical” they were. Mr. Shaw stated that a number of things were involved; that one was for an Aquatics Coordinator, which was fairly technical in terms of the qualifications they were looking for; that another was for a Crew-Worker Senior, which was not that technical, but they could not find anyone. He added that two RIF people applied for the Crew-Worker Senior position and did not qualify. Ms. Kelley added that it was a semi-skilled position. Councilman Pierce asked if adding Senior to the job title just meant supervisor and if the people who had applied had never supervised before and could not meet the qualifications.

Councilman Hakeem asked if he would be overstepping his bounds to ask to see the qualifications for this position and to also see the names of the two individuals who had applied and were not qualified. Ms. Kelley stated that they were not holding the line “tough” on minimum qualifications; that often getting a concrete worker is a problem—that some are just not desirable jobs and some jobs require a license.

Councilwoman Robinson asked about the two jobs that were filled from the public. Ms. Kelley stated that one was an Aquatics Coordinator and the other a Therapeutic Recreation Specialist. Mr. Shaw added that the person hired for the Therapeutic Recreation Specialist had already resigned. Councilwoman Robinson asked what a Therapeutic Recreation Specialist meant. Ms. Kelley responded that they worked with children with disabilities through Parks and Recreation. Mr. Shaw stated that they would have to readvertise this job.

Chairman Littlefield asked that they look at what Chairman Hakeem wants.

Councilman Pierce asked about Eustace Kigongo. Ms. Kelley stated she had talked to him three or four times. Chairman Littlefield asked if he had put in an application. Ms. Kelley responded that he had another option of a private business.

Councilman Benson asked about Jackie Moore. Ms. Kelley noted that she had been on several interviews.

Chairman Littlefield asked about Madeline Ooten. Ms. Kelley stated that she had excellent skills. Chairman Littlefield stated that we did not want to signal out individuals but people were coming to the Councilmen all of the time.

Ms. Kelley stated that it might be possible to just put out a spread sheet of sorts and the Council could “step off the bench” and walk in and look at it. Chairman Littlefield stated that that would be helpful; that they needed any information they could get because folks were asking their assistance. Ms. Kelley stated that they could set up a shared folder.

Mr. Shaw stated that Councilmembers should let the employees know that they would hear from Personnel; that it is a priority to get them hired.

Councilman Benson clarified that Personnel had nothing to do with the jobs that were eliminated—that they were just the clean-up crew. Mr. Shaw stated that some of the RIF people had been told that Personnel went through their files and decided who should be cut and that that was not true. Chairman Littlefield stated that as he understood it, the department heads made the decision. Councilman Benson added “and without any consideration to seniority”. Chairman Littlefield stated that it was supposed to have been the job that was eliminated and not the individual and because it was a job that never should have been filled in the first place. He stated that there should be a way to place everybody over the next year.

Chairman Littlefield thanked Personnel for volunteering to come to the Committee Meeting. Ms. Kelley stated that she thought this was a good session.

Councilman Pierce stated that he would like to know the names of the 19 people who had not applied for a new position. Mr. Shaw distributed a list of the names of the RIF employees and the positions they had applied for and the ones that had been hired.

Councilwoman Robinson asked what would happen if Personnel keeps going and going and no one hires these people. Ms. Kelley stated that they would leave this up to the policy makers. Councilwoman Robinson stated that this was a good report. Ms. Kelley stated that she appreciated the Council’s concern. Councilman Benson showed appreciation for the information. Ms. Kelley stated that Council could call Personnel at anytime.

2001-176 (P&E PROPERTIES) CAINE LANE

Mr. Pace stated that this Ordinance passed first reading last week and there is a recommendation from Planning that Attorney Nelson has prepared to substitute with a classification of "Class A". Councilman Benson noted that there was no opposition on this at the Planning Commission meeting. **On motion of Councilman Benson, seconded by Councilman Hakeem, this substitution will be recommended to the full Council.** Chairman Littlefield stated that this would be clarified at the Council meeting tonight.

There being no further business, the meeting was adjourned.