

# Mastering the Fundamentals ICMA 101 Human Resources & Team Meeting Facilitation



## Who are We?

### Human Resources

- Melissa Stephens, Asst. City Manager, Cedar Hill, TX
- Shelli Siemer, Asst. City Manager, Allen, TX

### Team Meeting Facilitation

- Brian Bosshardt, Dep. County Admin, Los Alamos, NM
- Stephen Seidel, Town Manager, Trophy Club, TX

## Session Agenda

- Introductions
- Human Resources
- Team Meeting Facilitation
- Wrap-up

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## Who Are You?

- What position do you have today?
  - 1<sup>st</sup> time City Manager
  - Seasoned City Manager
  - Assistant City Manager
  - Other

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## Who Are You?

- What size city do you work for?
  - Small Sized
  - Medium Sized
  - Large
  - Other

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## Who Are You?

- Your organization and Human Resources Staff?
  - I am the HR Staff
  - Small Sized - 1-4 HR staff
  - Medium Sized – 5-10 HR staff
  - Large – many HR professionals
  - Other

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## HR 101 - Agenda

- 10 Employment Laws to Know
- Staffing/Recruitment
- Compensation & Benefits
- Employee Relations
  - Performance Feedback
  - Harassment
  - Terminations



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## 10 EMPLOYMENT LAWS TO KNOW

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### 1. Job discrimination

- Title VII of the Civil Rights Act of 1964 prohibits discrimination
- Established the Equal Employment Opportunities Commission (EEOC)
- Includes discrimination related to hiring, firing, or pay based on:
  - Race
  - Religion
  - Sex
  - National Origin
- Prohibits Harassment

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## 2. Overtime/minimum wage

- Fair Labor Standards Act (FLSA) is the main wage law
  - Sets federal minimum wage
  - Requires time and a half for overtime worked
  - Places hour restrictions on teen workers
- What is the current federal minimum wage?



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## 3. Family leave

- Family Medical Leave Act (FMLA)
  - Provides for up to 12 weeks of unpaid leave for qualifying medical event
  - Paid leave may run concurrently
  - Applies to organizations with 50 or more employees
- What is a qualifying event?
- Contact HR!



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## 4. Age discrimination

- Age Discrimination in Employment Act
  - Applicants and employees over 40



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## 5. Disability discrimination

- Americans with Disabilities Act (ADA)
- Expanded definition of disability under the ADAAA
- Reasonable accommodation
- Undue hardship
- Perceived disabilities



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## 6. Military leave

- Uniformed Services Employment and Reemployment Rights Act (USERRA)
  - Illegal to discriminate against employees who volunteer or are called to military duty
  - Reemployment



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## 7. Gender-pay differences

- Equal Pay Act (EPA)
  - Cannot pay female employees less than males for equal work, requiring equal skill
- Review pay scales

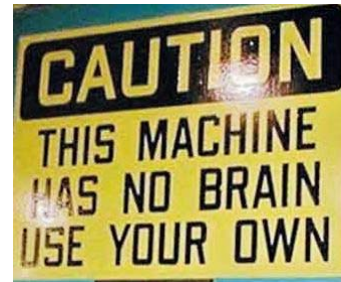


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## 8. Workplace safety

- Do you have a workplace safety program?
  - Safety committees
  - Review claims, suggest training
- Safety is everyone's responsibility



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## 9. Pregnancy discrimination

- Pregnancy Discrimination Act (PDA)
  - Prohibits discrimination on the basis of pregnancy, childbirth, and related medical conditions.
- Cannot fire or force leave
- Cannot deny job or promotion



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## 10. Immigration

- Immigration Reform and Control Act (IRCA)
- I-9 Forms
  - Record keeping requirements
  - Fines
- E-Verify



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## What Area of HR Can Is Most Likely to get you in trouble?

- Staffing/Recruitment
- Compensation
- Inconsistent Practices/Policies
- Employee Discipline
- Terminations

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## HUMAN RESOURCES STAFFING/RECRUITMENT

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### Staffing/Recruitment: Hiring the Right Fit *Human Resources Basics*

- Application process
  - Online vs. paper
  - Pre-screening questionnaires
  - Realistic job previews
- Background screening
  - Ban the box movement
  - Fair Credit Report Act
  - Education/employment verification
- Changing Workforce
  - 10,000 baby boomers retire daily
  - Millennial mindset

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"I pruned a tree once, so technically I'm allowed to put 'branch manager' on my resume."

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## Staffing/Recruitment: Hiring the Right Fit

*Human Resources Basics*

- Establish Procedures on Employee Recruitment
  - Timeframe for job postings & selection process
  - Interview process
  - Established System for Evaluating Candidates
  - Background Checks
  - Conditional Offer

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## Staffing/Recruitment: Hiring the Right Fit

*Legal Perspective*

- Be Aware of Laws that Affect Interview Process
  - Title VII of Civil Rights Act of 1964
  - Age Discrimination in Employment Act
  - Americans with Disabilities Amendment Act
- Make sure Hiring Managers Know Implications of certain types of Questions.

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## Staffing/Recruitment: Hiring the Right Fit

### *Legal Perspective*

#### Interview Questions

#### Don't Ask the following:

- Where were you born?
- Is your name Irish, Italian, Jewish, etc?
- Are you married?
- Do you plan to have children?
- What does your husband/wife/mother/father do for a living?
- Do you live alone?
- Where do you go to church?
- Do you have a sitter?

#### Do Ask the Following:

- ADA – “Can you complete the duties in Job Description with or without reasonable accommodation?”
  - Employers must provide reasonable accommodation
- Explain the hours of work and ask “Are you able to work the hours necessary?”
  - Explain Time Commitment
    - Overtime
    - Priorities
    - Deadlines

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**HUMAN RESOURCES**  
**COMPENSATION & BENEFITS**

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## Classification/Compensation:

### *Human Resources Basics*

- Why Important?
  - Shows plan for Pay Equity
- Classification System
  - Job Titles
  - Job Descriptions
- Compensation System
  - Classification Hierarchy
  - Pay Plans

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## Classification/Compensation:

### *Legal Aspects*

- Most Common Mistakes:
  - Misclassification of workers as Independent Contractors
  - Wage & Hour Violations – FLSA (exempt vs. nonexempt)
  - Misapplication of Overtime

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## Classification/Compensation:

### *Legal Aspects*

- Fair Labor Standards Act
  - Pay employees for their work
    - Overtime vs. Compensatory Time
    - Work time vs. Personal time
  - Exempt vs. Non-exempt
    - Misclassification is biggest source of employer oversights
    - Merely paying on a salary basis doesn't make an employee exempt
  - Contract Employees

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## Classification/Compensation:

### *Human Resources Basics*

- Questions to consider:
  - Do we pay employees more to keep them exempt?
  - Do we pay them less and/or reduce hours to minimize OT costs?



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## Classification/Compensation:

### *Human Resources Basics*

- DOL changes regarding overtime
  - Current salary regulations for OT are below poverty thresholds
- The changes are significant: salary basis and primary duties test.
  - Workers that earn as much as \$50,440/yr may be eligible for OT

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## Classification/Compensation:

### *Policies & Procedures*

- Clear Leave Time Policies
  - Vacation, Sick, other leave
- Consistent Designation of Exempt/Non-Exempt Status
- Established plan for moving employees within Pay Plans

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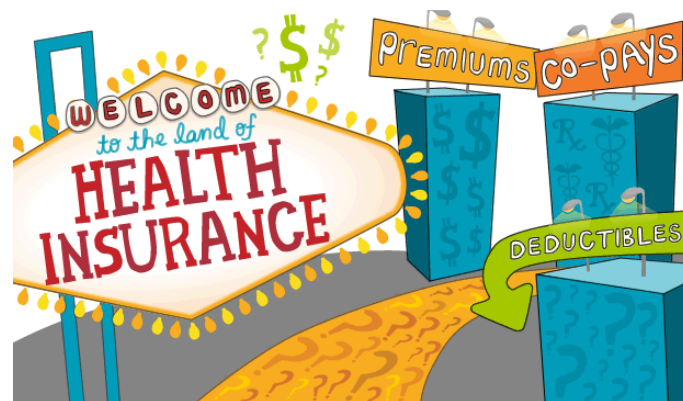
## Classification/Compensation:

### *City Manager Perspective*

- Classification Systems –
  - Not so black & white
  - Organizational sense
- Salary Plans – Balance fair compensation with funding capabilities
  - Public Perception
  - Police/Fire Pay Plans

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## Benefits



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## Benefits: *Human Resources Basics*

- Future trends
  - ACO
  - PPO
  - ACA
  - EPO
  - HSA
  - FSA
  - OH MY!
- Wellness Programs
  - Penalties for non-participants?
  - ROI?

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## Benefits: *Human Resources Basics*

- Healthcare Reform
  - Patient Protection & Affordable Care Act (PPACA)
    - Commonly known as “Obama Care”
  - Employer Mandate –
    - Health insurance to employees - working 30 hours or more consistently

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## Benefits: *Policies & Procedures*

- Health Insurance Portability and Accountability Act (HIPAA)
  - Federal law that imposes portability, non-discrimination on employer health plans
  - Employers must protect employees' medical privacy rights

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- Performance Feedback
- Harassment
- Terminations

## HUMAN RESOURCES EMPLOYEE RELATIONS

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## Employee Relations: Performance Feedback

Progressive discipline –

- Ignoring poor performance costs the organization
- Performance Improvement Plan

Training & Consistent Application of Process

- Have a written EEO Policy

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## Employee Relations: Performance Feedback

### *Disciplinary Policy*

- |                               |                           |
|-------------------------------|---------------------------|
| • Attendance/Tardiness        | • Performance             |
| • Profane/Abusive language    | • Behavior towards others |
| • Alcohol/drug possession/use | • Insubordination         |
| • City property/equipment     | • Honesty                 |
| • Safety                      | • Threats                 |
| • Weapon possession           | • Misconduct              |

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## Employee Relations: Performance Feedback

### *Disciplinary Policy*

Investigate Employee Misconduct before issuing any disciplinary procedures

- Documentation of misconduct
- Talk with witnesses including employee
  - Administrative Order

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## Employee Relations: Performance Feedback

### *Manage Poor Performance*

#### Don't :

- Begin a conversation about the topic in a demeaning or defensive way
- Talk “at” the employee
- Have the conversation in a public realm
- “Sugarcoat” the conversation

#### Do:

- Be clear and firm when addressing your concerns
- Address issues as they occur
- Share specific examples of poor performance
- Explain how to improve poor performance
- Make it a *conversation*

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## Employee Relations: Performance Feedback *Legal Aspects*

- Discipline should be taken for legitimate, nondiscriminatory business reasons.
- Not based on protected status
  - Age, race, color, sex, national origin, disability, veteran status
- Most Common Mistake:
  - Gender & Race Discrimination
  - Hostile work environment

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## Employee Relations: Terminations

### Terminations

- Make sure HR is involved
- Make Well-Informed Decisions
- Prepare Written Documentation
- Allow for Resignation
- Ensure IT Access is Removed Immediately
- Always Work within the Policy

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## Employee Relations: Terminations

### Don't :

- Leave the firing to someone else
- Fire an employee “on the spot”
- Get personal
- Be unprepared
  - Prepare the termination letter
  - Rehearse what you will say
  - How you will say it
  - In what sequence
- Become defensive or debate the merits of the decision

### Do:

- Act quickly
- Involve HR
- Have a Mgt Level Witness
- Be respectful
- Check with Legal
- Moderate Emotion
- Allow Employee to Talk
  - No dialogue!
- Allow employee to resign

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## Employee Relations: Terminations

- Performance Issues shouldn't be a surprise to the employee
  - Performance Reviews & Regular Feedback
- Encourage Employment Separation with Dignity
  - Allow for Employee to resign
- IQ vs EQ

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## Employee Relations: Harassment

- Have Harassment Prevention Policy and complaint procedures in place
- Types of Harassment
- Person complaining of harassment can be **anyone** affected by the conduct

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## Employee Relations: Harassment

### Hostile Environment

Conduct that unreasonably interferes with an individual's work performance or creates an intimidating or offensive working environment.

- The key issues here are frequency and severity.
- "Reasonable person" finds it hostile
- Anyone can commit this type of harassment - a management official, coworker or non-employee.

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## Employee Relations: Harassment

### *Legal Perspective*

An employer must take reasonable steps to prevent discrimination from occurring.

- Develop Written Policies and Procedures.
- Train both supervisors and line employees regarding each person's rights and responsibilities.
- Don't just go through the motions
- Legal Liability- *Known or should have known of conduct*

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Questions?



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# Questions/Comments?

Additional Information...

