

PERSONNEL COMMITTEE

10:00 a.m., Wednesday, November 5, 2014

The regular meeting of the Personnel Committee was held at 10:00 a.m., Wednesday, November 5, 2014 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bettelli and Harrington, Chair Ferencz, City Administrator Tucker, Assistant Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Ferencz called the meeting to order and acknowledged that the press and public were duly notified in accordance with the Freedom of Information Act.

2. Approval of Previous Meetings' Minutes

MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of October 8 and the Special Meetings of October 22 and October 23, 2014 as submitted; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – None

4. Old Business

A. Consideration of City Administrator's Evaluation Tool

Chair Ferencz noted that the meeting packets included three (3) versions of an evaluation tool; the Chair explained that she had started with the supervisory evaluation and made it the City Administrator's performance evaluation tool. She commented that the look and the instructions would be the same; only the facts are different. The facts on the Administrator's tool were taken directly from the job description adopted by Council on October 28th. Chair Ferencz thanked the Committee members for their tweaks to the tool. (Copies of all documents discussed are attached to the historical record of the meeting.)

The Committee decided that they would use the Chair's version with twenty-five (25) entries as the model and would work through it line-by-line. After much discussion, language changes were made, additions were inserted and items were deleted from tool until the Committee met a consensus on the evaluation tool for the City Administrator.

One (1) consideration item that generated discussion was #24 that states:

"Degree to which the City Administrator meets the financial goal established by City Council for this evaluation period."

Chair Ferencz explained that she had included this entry as a result of discussions that Council wanted to be more involved with setting goals for the City Administrator; she suggested that the word "financial" be removed from the entry so that it would be more all-encompassing. The Chair suggested that the Committee reach out to Councilmembers asking them to submit goals that each would like to see accomplished and that the Committee review the goals submitted to decide upon one or two (1-2) that would be most important for the next evaluation period.

The Chair explained that, in the past, the Administrator had set her objective goals with input from the Committee and Council; Council did have final approval of the goals.

Administrator Tucker clarified that the Personnel Committee was given ample time to alter the goals or to suggest alternate goals. The Administrator agreed that she was asked to create financial, communication and one (1) other goal; she came up with suggestions for each, and the Committee could have changed or rejected them. It just happened that, in those years, the Committee had approved her suggested goals. When the Personnel Committee put them before Council, each member had an opportunity to tweak, change or reject them.

Chair Ferencz stated that she was trying to change the process by having Council set the goals and present them to the Administrator. She indicated that the Administrator should have two (2) goals each year that are established by Council to be completed in the coming evaluation period. The Chair said that the Committee could offer several goals to Council for approval, or the Committee could solicit goals from each Council member and the Personnel Committee would narrow down the list to present to Council for approval.

Councilmember Harrington added that the goals should be measurable and that the Administrator have input if there was a goal she was passionate about.

Administrator Tucker suggested that, once the Committee received goals from Councilmembers, it should preserve them because among them might be a goal(s) for future years, eliminating the need to reach out to Council every year.

Assistant Dziuban proposed not stipulating a specific number of goals; she commented that she was very conscious of how the Administrator struggles for time during a day, and certain goals may be more time-consuming to accomplish.

Chair Ferencz stated that the statement of the goal needs to be attached to the evaluation tool to remind Councilmembers of the goal set for this evaluation period.

Councilmember Bettelli noted that this process has been done in the past.

In addition, the Chair voiced the opinion that scores given for the accomplishment of the goal should not be weighted more than any other item on the evaluation.

The Committee agreed that the language should state "mutually agreed upon goal" on the evaluation form.

Councilmember Harrington expressed the opinion that the selection of a goal for the City Administrator should be a Council decision, not a Committee decision.

Administrator Tucker cautioned the Committee that, by code, the City has a committee structure, and it is the duty of Council to operate within that committee structure. That does not mean that Council as a body cannot override the recommendation of the committee; she added that as members of the Personnel Committee they have a duty as a committee to make a recommendation to Council.

Chair Ferencz remarked that, if any member of Council wants to know what goals were considered, they will be listed in the minutes of the meeting.

Administrator Tucker suggested that Chair Ferencz compose the email from the Personnel Committee requesting a list of goals and sent it to her. Unlike the Chair, the Administrator can send one (1) email to all of Council, asking that responses be sent to Chair Ferencz. And the Committee can hold a special meeting to select the goals if the members want to complete this task.

Director Pitts referred the Committee to item 9 that states:

“Degree to which the City Administrator manages adherence to all environmental laws related to the City’s being a barrier island community.”

The Director asked that, if he were to replace City Administrator with Department Manager and the City had an illicit discharge that the he did not catch but OCRM did catch it, would he be “dinged” on his evaluation? Another possible situation is that, if the City had a series of tests reporting high fecal counts, but he cannot locate the origin, does the City Administrator get “dinged.”

Chair Ferencz pointed out that the evaluation uses the word manage not prevents.

Director Pitts described a situation where the Public Works Department does not have the right tools to manage compliance with laws, and the problem has been discussed with the Department Manager’s superior, but the proper tools are still not provided to come into compliance, who gets dinged?

Chair Ferencz defined “manages adherence” as both something the Director and the Administrator are doing everything in their ability to do; it does not mean that the manager will be dinged if not given the money to do something.

A department manager would only be dinged if he ignored the problem or was found to be negligent.

MOTION: Councilmember Harrington moved to adopt the evaluation tool for the City Administrator as revised; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

The old evaluation forms that were the basis of the new evaluations would not proceed from one item to the next without a comment inserted; the Committee asked Chief Buckhannon if the new evaluation tools would function the same way. The Chief said that the new forms would not force comments, but he would try to add that feature. The Committee agreed to add to the instructions that any score lower than a three (3) must include a rationale.

MOTION: Councilmember Harrington moved to include the statement “Any score of a 3 or less requires justification in the comments section” to the instructions for the newly approved evaluation tool for the City Administrator; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

B. Consideration of 2015 Appointments to Boards and Commissions

Administrator Tucker suggested re-ordering the *Agenda* to address item C under New Business to release the police personnel from the meeting.

MOTION: Councilmember Bettelli moved to re-order the *Agenda* as stated above; Chair Ferencz seconded and the motion PASSED UNANIMOUSLY.

C. Discussion of Employee Screening and Hiring Practices

Administrator Tucker stated that the Chair had asked that this item be added to the agenda in light of the recent events in Cottageville where the Chief of Police killed the ex-Mayor; the Chair wanted to learn more about the measures the City has in place to avoid the City's involvement in a similar circumstance. The Administrator reminded the Committee that the City has recently gone through a complete review of its hiring processes for all departments to make them consistent with ADA regulations pursuant to an inquiry the City received. Both the City attorney and the firm of Gignilliat Savitz and Bettis, reputed to be the best employment attorneys in the state, reviewed the proposed changes and gave their approval. At this point in time, the City may have the model for its hiring practices. The new hiring policies and practices have also been sent to the Department of Justice for their review; the City has not yet received any feedback from them.

Chief Buckhannon reported that the City has many safeguards in place that other agencies do not have and noted that many smaller agencies struggle with hiring practices. In his opinion the City is very fortunate because the Police Department is an accredited law enforcement agency, and, as such, adheres to best practices; the Chief explained that the City must comply with twenty-two (22) standards in the recruitment and selection process.

Administrator Tucker added that all job applications come to City and staff does some initial screening for anything that might lead to hiring the applicant for any reason other than his qualifications.

The Chief stated that once the Department Manager receives the job application he has five (5) days to respond to the applicant explaining the City's process and the length of time it takes. The Police Department's process typically takes six to eight (6-8) weeks to complete; the process is very detailed; the Department checks references, requires that applicants have a polygraph test, and requires a physical screening. The applicant must complete an agility test within two minutes six seconds; if unsuccessful, he is eliminated from consideration. If he passes the agility, he advances in the process and, the Department contacts the references. They also reach out to the Criminal Justice Academy if the applicant has been certified before to determine whether the person is certifiable; if there are any "red flags," the City is referred to a specific agency, but Chief Buckhannon has made his practice not hire applicants with any negativity in their background.

The Administrator noted that often the background checks make it difficult to fill positions because applicants may have made a mistake in their youth that follows them through life; it

may seem a minor offense at the time, but it eliminates them from consideration with the IOP Police Department.

The Chief stated that the Department has a checklist that it processes through when an opening occurs; this checklist includes the CALEA standards as well as the City's processes and has been reviewed by the City's legal team. The Police Department reviews not only the new applications, but also looks at applications received in the last year.

The next step is a one-hundred question instrument to be completed by the applicant about his background; when the questionnaire is returned, reviewed and found to be satisfactory, a panel-interview is scheduled and references are checked to learn if there have been job-related issues in the past. The panel is usually composed of two (2) supervisors and one (1) road officer, and they score the applicant from the interview. After a successful interview, he is given a written test, the National Police Officers Standardized Test obtained from the SC Police Chiefs Association, that is an indicator of how he will do at the Justice Academy. If he fails at the Academy, he is kicked out and sent home.

Captain Usry added that the IOP Police Department is looking for applicants who are certified and have not spent short periods of time at multiple agencies. The City also performs credit checks to learn if the person is credit worthy or if there have been issues in the past that the person is running from. If something comes up from the credit check, the Chief seeks advice from the City Administrator to decide whether the person should or should not remain under consideration for the open position. The Chief stated that a person cannot be certified in the state of South Carolina if he has defaulted on a student loan.

It is at this point in the process that the applicant is sent for a polygraph test; Chief Buckhannon said that there are polygraph operators in the area who ask detailed questions. The Chief is notified if the applicant answered "Yes" to some of the "No" questions, and the decision must be made as to the value/seriousness of those answers. As an example, the Chief stated that he will not hire someone who has smoked marijuana in the last three (3) years. The Chief noted that several agencies had mutually decided the policy about drug use in the past and came up with criteria on which to make a judgment.

After the polygraph, the Chief meets with the applicant to determine if he likes the applicant, if the applicant will make a good fit in the Department or if he appears to be running away from some issue. If the interview is positive, the Chief will make a conditional offer, contact the applicant's current employer and get drug testing. At this point, another conditional offer is made and the applicant is scheduled for a medical exam that follows the criteria established by the Criminal Justice Academy. When the results of the medical exam indicate that the applicant is in good health, the Department makes a final offer.

Councilmember Carroll asked whether the City required psychological testing, and the Chief confirmed that it is a requirement.

Chief Buckhannon said that City has liability insurance that covers police officers.

Administrator Tucker assured the Committee that the City does all it can to protect itself, but there is still the possibility of a rogue officer despite all of the safeguards that have been established.

Captain Usry commented that the employer does not really know what it is getting from the hiring process; the only way to truly know is to peel back the layers as one works with that person. Another CALEA standard to which the City adheres is referred to as an early warning system; supervisors monitor chronologicals which are done on a monthly basis, any reprimands or complaints and any internal investigations. The situations are monitored and discussed, and staff makes various recommendations to the employee as necessary.

Chief Buckhannon noted that, through the monthly chronologicals, employees are reviewed each month; video of traffic stops an officer made can be viewed, as well as interactions with citizens. Each supervisor is required to look at a minimum of two (2) traffic stops each month to make sure that an officer is not having any problems.

Chair Ferencz stated that she had no idea how detailed the City's screening process is.

Administrator Tucker noted that the process is not as stringent for all departments as it is with the Police Department, but all departments have similar clearances that are necessary for someone to be hired.

If a potential employee contacts the Administrator, she always tells them that full disclosure is best; admit whatever and explain, but never attempt to hide something.

The Chief commented that, in an effort to keep employees "on the straight and narrow," the Department provides a lot of training to its employees; the training is to ensure that they keep up with current laws and keep up with Supreme Court decisions – something new is coming out every day and officers must stay abreast.

B. Consideration of 2015 Appointments to Boards and Commissions

Chair Ferencz and Councilmember Bettelli stated that they had reviewed the applications for the people who are in the candidate pool. The Chair commented that there are only two (2) vacant seats, one on the Code Board of Appeals and another on the Planning Commission, if there is no objection to re-appointing those with expiring terms for second terms.

Councilmember Bettelli asked the Administrator if it was alright for one spouse to be on Council and the other spouse on appointed to Committee; the Administrator responded that the question was whether the Personnel Committee was comfortable with the situation.

The Chair noted that the expiring term on the ATAX Committee were Susan Haynie and Franny Russell.

MOTION: Councilmember Bettelli moved to re-appoint Susan Haynie and Franny Russell to the ATAX Committee; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

Chair Ferencz reminded the Committee that Pete Doherty had only recently been appointed to the Board of Zoning Appeals (BOZA); Councilmember Harrington commented that Mr. Doherty really wanted to be a member of the Planning Commission.

The Chair recommended that the Committee move on and address BOZA later.

On the Code Board of Appeals, there is one (1) vacant seat and one (1) member whose term is expiring, Bob Abel.

Administrator Tucker stated that Bob Abel could be re-appointed if that was the will of the Committee; she also explained that the Code Board of Appeals only meets when necessary and meetings are infrequent.

Councilmember Bettelli commented that the state requires that the City have this committee.

MOTION: Councilmember Bettelli moved to re-appoint Bob Abel to the Code Board of Appeals; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Bettelli moved to appoint Buzzy Bramble to the Code Board of Appeals; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Harrington moved to appoint Vincent DiGangi to the Planning Commission; Chair Ferencz seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Harrington moved to re-appoint Bill Mills to the Planning Commission; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Bettelli moved to re-appoint Bev Ballow to the Planning Commission; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

Councilmember Ferencz recused herself from the discussions relative to re-appointing her husband Rick Ferencz to the Planning Commission.

MOTION: Councilmember Bettelli moved to re-appoint Rick Ferencz to the Planning Commission; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Bettelli moved to re-appoint Pete Doherty to the Board of Zoning Appeals; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker stated that the appointments will be put before Council at the Special Meeting of December 6th.

5. New Business – None

6. Miscellaneous Business

Departmental Staffing Report will be given at City Council.

Next Meeting Date: 10:00 a.m., Tuesday, January 6, 2014

7. Executive Session – unnecessary

8. Adjourn

MOTION: Councilmember Bettelli moved to adjourn the meeting at 12:30 p.m.; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk