



COUNCIL COMMITTEE REPORT AUDIT AND FINANCE COMMITTEE

Date: September 23, 2015

Agenda Item #8

Compensation for Municipal Civil Service Commissioners

Vote

3-1 [Committee members are Mayor Pro Tem Tovo (chair), Council Member Troxclair (vice-chair), Council Member Renteria, and Council Member Pool]

Sponsors/Department:

Human Resources

Summary of Discussion

Rebecca Kennedy, Chief Administrative Officer for the Human Resources Department, presented information regarding the compensation for the commissioners and answered questions from the Committee members. Citizens Carol Guthrie, Business Manager for the American Federation of State, County and Municipal Employees (AFSCME), and Municipal Civil Service Commission member Teresa Perez Wisely spoke on the item.

A motion to forward the proposed request to the full Council, with a recommendation to accept and additional information requested, failed on Council Members Pool's motion, Chair Tovo's second on a 2-2 vote (Council Member Troxclair voted against the item and Council Member Renteria abstained). Committee members asked staff to send the budget information to them prior to the Council item.

Direction

The proposed request was forwarded to the full City Council without a recommendation.


Recommendation:

A motion to forward the proposed request to the full Council without a recommendation passed on Chair Tovo's motion, Council Members Pool's second on a 3-1 vote (Council Member Renteria voted in favor and Council Member Troxclair voted against).



MEMORANDUM

TO: Audit and Finance Committee Members

FROM: Joya Hayes, Interim Director, Human Resources and Civil Service 

DATE: November 2, 2015

SUBJECT: Compensation for the Municipal Civil Service Commission

The purpose of this memorandum is to provide information regarding compensation for the Municipal Civil Service (MCS) Commissioners. The Audit and Finance Committee discussed this during their September 23, 2015 meeting and requested staff to provide additional information.

In November 2012, Austin voters approved Proposition 10 to establish a Municipal Civil Service system for most City employees that are not covered by state Civil Service law. This amended Article IX of the Personnel section of the City Code. As part of this amendment, a Municipal Civil Service Commission was created. Included in the section of the charter was the ability to pay the commissioners for services determined in advance by City Council. The Commission began to hear appeals July of 2014.

The MCS Commission holds daylong hearings, twice a month, during regular workday hours. The Commissioners are seeking compensation for meetings in which a hearing was held and a decision was rendered by the Commission.

Staff researched other cities with similar labor commissions and found there are a wide variety of compensation structures for consideration. Compensation ranges anywhere from \$20.00 a hearing to \$400.00 or more. The average amount per person, per hearing is approximately \$180.00.

City	Number of Commissioners	Term	Compensation
Austin	5- member commission	3 years	Commissioners—no compensation
Corpus Christi	3-member board	2 years	\$5/meeting not to exceed \$100/FY
Dallas	3-member trial board or administrative law judge	2 years	Board—no compensation. Administrative Law Judge—\$400 fee split between the City & employee
El Paso	9-member commission assigns appeals to hearing officers	2 years	Commissioners—no compensation. Hearing Officers—\$135/hour (not to exceed 25 hrs/month without prior approval of CS Commission Chair)
Houston	3-member board & hearing examiner	3 years	Commissioners—no compensation. Hearing Examiner—\$350/case
San Antonio	3-member board with 3 alternate members	2 years	\$20/hearing

Should Council seek to support the Commission's request for compensation, the following compensation structures could be considered:

- **A flat amount issued per hearing, that is divided among the Commissioners present**
- **Paying the Commissioners a set amount per hearing, not to exceed a certain amount per fiscal year**

If you have any questions, please do not hesitate to contact me.

**cc: Marc A. Ott, City Manager
Mark Washington, Interim Assistant City Manager
Rebecca Kennedy, Chief Administrative Officer, Human Resources Department
Sylba Everett, Interim Municipal Civil Service Administrator**



Board and Commission Council Committee Agenda Item Request

Name of Board or Commission: **Municipal Civil Service Commission**

Request Number: **20150713-004c**

Description of item: **Request to approve compensation to the Municipal Civil Service Commissioners for their appearance and service at Appeal Hearings. The Commission has met thirty-five times since its inception in 2013. The Commission has also had twenty-seven appeals filed and held seven appeal hearings to date. Six appeals are scheduled to be heard from now through October 2015. Many of the Commissioners have full time employment and are committed to holding full day appeal hearings during the work day. This is a departure from what most other Boards and Commissions practice; meeting for a few hours outside of work hours. Previously Hearing officers that performed similar duties were compensated. It is the Commissions hope that compensation will promote a diverse, qualified and dedicated population to serve as Commissioners.**

Board or Commission Vote to refer item to Council: **Municipal Civil Service Commission approved the request to refer to Council Committee on Commissioner Rubinett's motion, Chair Lancaster's second, on 5-0 vote.**

Date of Approval of Request: **07/13/15**

Attachments: ☒ Yes ☐ No

If yes, please list the attachments: **Previous Commission Recommendations and Memo to Council**

Attest: *Rebecca Kennedy* 8/3/15

Signature of Board/Commission Chair or Staff Liaison

MAYOR'S OFFICE USE ONLY

Council Committee Assigned:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Audit & Finance | <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Planning & Neighborhood |
| <input type="checkbox"/> AE Utility Oversight | <input type="checkbox"/> Mobility | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Economic Opportunity | <input type="checkbox"/> Open Space, Environment & Sustainability | <input type="checkbox"/> Public Utilities |
| <input type="checkbox"/> Health & Human Services | | |

Recommend a Fiscal Analysis be completed?

Recommend a Legal Analysis be completed?

Notes:

Mayor Signature & Date:

[Signature] 8-19-15



Municipal Civil Service Commission

PO Box 1088, Austin, TX 78767

www.austintexas.gov/municipalcivilservice

COMMISSIONERS

Kimberlee Kovach
Chair

Teresa Perez-Wiseley
Vice-Chair

Pamela Lancaster
Commissioner

Lynn Rubinett
Commissioner

Kevin Russell
Commissioner

DATE: March 23, 2015
TO: Mayor and Council Members
FROM: Kimberlee Kovach, Chair, Municipal Civil Service Commission
SUBJECT: Recommendation for Commission Compensation

On behalf of the City of Austin Municipal Civil Service Commissioners, we write this letter to inform the Mayor and Council that, following the adoption of the Commission's proposed rules, we have conducted our first few hearings. We are also writing to ask that Council compensate Commissioners for conducting Appeal Hearings. We do not seek compensation for business meetings, but only for the actual hearings held. The need for such compensation was anticipated and is specifically provided for in Article IX, Section 2(D), City Code.

In accordance with the City Charter and Code sections that established the Commission, our responsibilities include the creation and implementation of a Civil Service System. Since our appointment in May of 2013, we met on numerous occasions to draft, edit and finalize the entire Civil Service System. The Commission has established Rules for all matters concerning employment, ranging from hiring to dismissal. The Rules also contain the provisions for the entire hearing process, serving to guide both the aggrieved employee and the departments through the difficult process of resolving employment disputes.

As we embarked upon conducting the Appeal Hearings, it became apparent that a great deal of time was spent in the hearing process. Considering both prior hearing history and the hearing rules, it is necessary to allocate an entire day for the presentation of each case, including evidence, arguments, deliberations, decision-making then drafting, executing, and announcing the final decision. In addition, the Commission has hearings scheduled through August 2015, which, if this trend continues, will require Commissioners to commit to additional full days for Appeal Hearings.

Unlike other boards and commissions which meet only for a few hours during the evening on a monthly or quarterly basis, the Commissioners will hold daylong hearings several times a month, during typical workday hours. The hearings must be held during the day, given their expected length. As most of the Commissioners are employed full time, days spent in hearings will result in significant lost income. Compensation is a reasonable response to this situation, serving to assure the continued interest and dedication of qualified Commission members both now and for future appointments. It should also be noted that Hearing Officers under the old grievance process were compensated per hearing.

We appreciate your consideration of our request and have attached a Commission approved Recommendation.



COMMISSION RECOMMENDATION

Municipal Civil Service Commission

Recommendation Number: 20150323-005b

Approve compensation to Municipal Civil Service Commissioners for their services

WHEREAS, Article IX, Section 2(D) of the City Charter provides that the City Council may determine in advance that Commissioners will be paid for their services; and

WHEREAS, the Commission met 16 times from November 2013 to May 2014 developing the recommendation to City Council regarding the Municipal Civil Service Rules; and

WHEREAS, the Commissioners are currently scheduled to hold two (2) regular meetings per month where Appeal Hearings are held before the Commission and the Commission's hearing schedule is consistently booked three to four months in advance; and

WHEREAS, the majority of the Commissioners have other full-time employment; and

WHEREAS, the Commissioners have committed to hold full days for Appeal Hearings so the hearings can occur during the work day, which is a departure from the practice of other boards and commissions that meet for a few hours outside the working day; and

WHEREAS, the Commission believes it is necessary to offer compensation to Commissioners to encourage a diverse, qualified, and dedicated population to apply to serve as Commissioners in the future; and

WHEREAS, Hearing Officers were compensated per Hearing in the previous Grievance Process; and

NOW THEREFORE, BE IT RESOLVED, that the Municipal Civil Service Commission recommends that City Council approve compensation for Commissioner appearance and service at Appeal Hearings, not including any other meeting at which an employee appeal is not heard.

Date of Approval: March 23, 2015

Record of the vote: Unanimous on a 4-0 vote

Attest:


Municipal Civil Service Staff Liaison



Municipal Civil Service Commission

PO Box 1088, Austin, TX 78767

www.austintexas.gov/municipalcivilservice

COMMISSIONERS

Kimberlee Kovach
Chair

Teresa Perez-Wiseley
Vice-Chair

Pamela Lancaster
Commissioner

Lynn Rubinett
Commissioner

Kevin Russell
Commissioner

DATE: September 10, 2014
TO: Mayor and Council Members
FROM: Kimberlee Kovach, Chair, Municipal Civil Service Commission
SUBJECT: Recommendation for Commission Compensation

On behalf of the City of Austin Municipal Civil Service Commissioners, we write this letter to inform the Mayor and Council that, following your adoption of the Commission's proposed rules and procedures, we are preparing to conduct our first hearings. We are also writing to ask that Council compensate Commissioners for conducting Appeal Hearings. We do not seek compensation for business meetings, but only for the actual hearings held. The need for such compensation was anticipated and is specifically provided for in Article IX, Section 2(D), City Code.

In accordance with the City Charter and Code sections that established the Commission, our responsibilities include the creation and implementation of a Civil Service System. Since our appointment in May of 2013, we have met on numerous occasions to draft, edit and finalize the entire Civil Service System. The Commission has established Rules for all matters concerning employment, ranging from hiring to dismissal. The Rules also contain the provisions for the entire hearing process, serving to guide both the aggrieved employee and the departments through the difficult process of resolving employment disputes.

As we embark upon conducting the Appeal Hearings, it has become apparent that a great deal of time will be spent in the hearing process. Considering both prior hearing history and the hearing rules, it is necessary to allocate an entire day for the presentation of each case, including evidence, arguments, deliberations, decision-making then drafting, executing, and announcing the final decision. In addition, the Commission staff has received ten hearing requests in two months, which, if this trend continues, will result in many more hearings than were held under the prior system. The number of cases filed to date has exceeded the anticipated schedule for Appeal Hearings per month, requiring Commissioners to commit to additional full days for Appeal Hearings.

Unlike other boards and commissions which meet only for a few hours during the evening on a monthly or quarterly basis, the Commissioners will hold daylong hearings several times a month, during typical workday hours. The hearings must be held during the day, given their expected length. As most of the Commissioners are employed full time, days spent in hearings will result in significant lost income. Compensation is a reasonable response to this situation, serving to assure the continued interest and dedication of qualified Commission members both now and for future appointments. It should also be noted that Hearing Officers under the old grievance process were compensated per hearing.

We appreciate your consideration of our request and have attached a Commission approved Recommendation.



COMMISSION RECOMMENDATION

Municipal Civil Service Commission

Recommendation Number: 20140825-003B

Approve compensation to Municipal Civil Service Commissioners for their services

WHEREAS, Article IX, Section 2(D) of the City Charter provides that the City Council may determine in advance that Commissioners will be paid for their services; and

WHEREAS, the Commissioners have been notified by the Municipal Civil Service Director that the established Hearing schedule will not adequately and efficiently address the number of appeals that were originally estimated and are anticipated to be submitted; and

WHEREAS, the Commission met 16 times from November 2013 to May 2014 developing the recommendation to City Council regarding the Municipal Civil Service Rules; and

WHEREAS, the Commissioners are currently scheduled to hear ten (10) Appeal Hearings before the Municipal Civil Service Commission from September 2014 to December 2014 and had to make additional dates available to schedule hearings; and

WHEREAS, the majority of the Commissioners have other full-time employment; and

WHEREAS, the Commissioners have committed to hold full days for Appeal Hearings so the hearings can occur during the work day, which is a departure from other board and commissions that meet for a few hours outside the working day; and

WHEREAS, the Commission believes it is necessary to offer compensation to Commissioners to encourage a diverse, qualified, and dedicated population to apply to serve as Commissioners in the future; and

WHEREAS, Hearing Officers were compensated per Hearing in the previous Grievance Process; and

NOW THEREFORE, BE IT RESOLVED, that the Municipal Civil Service Commission recommends that City Council approve compensation for Commissioner appearance and service at Appeal Hearings, not including any other meeting at which an employee appeal is not heard.

Date of Approval: August 25, 2014

Record of the vote: Unanimous on a 5-0 vote

Attest: _____

Municipal Civil Service Staff Liaison