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From: Crownover Shirley
Sent: Tuesday, October 21, 1997 9:06 AM
Subject: 10/20/97

BUDGET AND FINANCE COMMITTEE
October 20, 1997 -- 5:30 P.M.

The meeting of the Budget and Finance Committee was called to order by Councilman Hakeem, with Councilmen Swafford, Pierce, Taylor, Hurley, Crockett, and Lively being present. City Attorney Randy Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Judge Williams, Adm. Boney, Donna Kelley, Daisy Madison, Warren Harrell, and Benton Green.

PAY GRADE/STEP CHANGES FOR COURT OFFICERS

Chairman Hakeem asked Administrative Staff if they would like to give an overview of the proposal on the Court Officers. They declined.

Judge Williams apologized for being late but stated he did not have a lot of control over this. He stated that he did call. He explained that his request was previously made and that he had listened to statements made and read articles in the newspaper that were incorrect because he had never asked that the salaries of the Court Officers be the same as the County; that he had just asked that they be moved to another grade--that making them the same as the County never came into his mind; that he just thought it was right for this adjustment to be made. He stated that he had no knowledge about overtime--that this was news to him; that no one in Finance, Payroll or Personnel had told him that he was obligated to pay overtime. He questioned if these Court Officers had a claim to receive back pay, noting that this was another thorny issue--that he did not know. He stated he wished he had been told about overtime because he would have dealt with it. He reiterated that his request was still the same, and he was aware of the ongoing survey. He stated that Councilwoman Hurley had raised the question of whether these positions should be included in the Study, and he was told initially that they would not be included.

Chairman Hakeem explained that every employee would be included unless it was specifically requested that they be excluded. Judge Williams stated that he thought it was the other way around--that he thought he had to ask that they be included. He stated things kept changing, and he thought we needed to be straightforward and not change from meeting to meeting. He stated this gave the "flavor" that he (Judge Williams) was "switching gears", and he had not maneuvered anything.

Councilman Lively asked if these employees were salaried or hourly; that he did not think we had to give salaried employees overtime.

Judge Williams stated he was told by Donna Kelley that anything under a Grade 13 had to be paid overtime; that it was a City Ordinance.

Ms. Kelley explained that about three years ago they had tried to pay overtime pay uniformly across the City.

Councilman Swafford asked if these positions were in the Pay Scale now and if they worked overtime, could they be paid overtime.

Ms. Kelley stated this situation needs to be resolved; that these positions had been in limbo for a number of years, and this was a good opportunity to resolve this; that elected officials' employees can be excluded from overtime; that we needed to bring them fully within the pay scale or not--that this needed to be set.

Chairman Hakeem stated he understood that this was relevant and needed to be dealt with but questioned if tonight we just needed to address only the question that Judge Williams was proposing about the pay for the Court Officers and not deal with the overtime question at this point.

Councilman Swafford stated that he thought the overtime was part of the reasoning; that initially they were frozen and could not get overtime. Ms. Kelley stated that Judge Williams said he was not paying overtime.

Councilman Pierce stated he thought it was immaterial whether we discussed overtime at this point--that overtime was a different issue; that he questioned whether these officers actually did overtime.

Councilwoman Hurley asked that this committee be refreshed of Judge William's recommendation.

Chairman Hakeem stated he thought it was that we would move these Court Officers to a Pay Grade 12. Ms. Kelley stated that the last she recalled was Pay Grade 10. Chairman Hakeem stated he thought the salary would be just as it is right now, but a different grade would allow some steps above the salary so that it could be increased in the future years, and they would not be at the top of their pay scale. He stated that the Study was going on now to determine if they should stay where they are.

Councilman Swafford asked if the Judge and other elected officials would still have some leeway to move employees up and if these officers could be raised higher if the Judge so desired.

Chairman Hakeem stated this was part of the question--who sets the salary?

Ms. Kelley explained that the Pay Plan is in increments of 12 months for a pay increase. Councilman Swafford stated the salary could go either way. Ms. Kelley stated this was what was happening.

Councilman Pierce stated he thought this would be opening doors and would be discriminating against some employees if you did not do it for all who are frozen at the end of a Pay Grade. He stated this needed to be looked at City-Wide and not for just this one department. It was noted that the top pay for Pay Grade 10 is \$32,777.10. Councilman Pierce stated that Lt. Gamble was frozen at \$32,000.00.

Judge Williams stated that Lt. Gamble was a "different animal"; that his salary was established by Court Order, and he had not been frozen for 8 or 10 years. He asked that Councilman Pierce not say things that are not true. He stated that he could not do a thing about Lt. Gamble--that Lt. Gamble did not work for him.

Chairman Hakeem asked Attorney Nelson if we had two options-(1) That the Council or the Judge had to make a decision on whether these Court Officers worked for Judge Williams or the City. (2) We either set them up in our Pay Scale or put them in a different Pay Scale. He asked Attorney Nelson how we resolved this.

Attorney Nelson stated it would be up to the Mayor's office where Lt. Gamble should be assigned--that this was an administrative matter; that other than that, what Chairman Hakeem said was true; that these two Court Officers report to Judge Williams. Chairman Hakeem stated that they were in "limbo". Attorney Nelson stated that the Council sets the pay.

Councilwoman Hurley stated she would be in favor of accepting the Judge's proposal if a condition could be put in that they be put in the City's Pay Plan and only get raises like everyone else in the System--that they now have the best of two worlds; that they get no other increases other than what the Pay Plan allows; that it be a condition that they agree to come into our Pay Plan.

Councilman Pierce asked if we just moved them one step at a time or two steps. Ms. Kelley explained that the Pay Plan moves employees one step each year on their anniversary date unless something changes. Councilman Pierce stated that this fiscal year we would be giving them a 2% increase plus a \$200.00 bonus; that he would like for the \$200.00

bonus to be included at the anniversary date if they move up. Ms. Kelley verified that Councilman Pierce was asking that the bonus be included in the base rate. Adm. Boney questioned if Councilman Pierce was asking for a credit from a previous payment. Councilman Pierce stated he was just asking that the \$200.00 be incorporated into the step. Chairman Hakeem verified that increases in the future would not be a bonus but a step increase. Councilman Pierce stated they could not get a step increase if they got a bonus. Ms. Kelley stated the anniversary date could be put at July 1st.

Chairman Hakeem asked if this was something we could live with. Councilman Lively stated the Pay Grade would be 10, Step 9 which would be basically the same as they are now. Councilwoman Hurley stated this would put them into our Pay System.

Judge Williams stated this was not doing much quite frankly. He stated there were other associated problems, as Ms. Kelley had mentioned, and we had to put these on the table; that exempt employees' salaries don't necessarily follow the Pay Plan--that they could be moved beyond the Pay Plan, and if the Council wished, he could call names; that he did not want a condition that says he was "tied"--that moving salaries up happened all the time, and he would not sign off on this--that he would not have his hands tied when others can move people wherever they want to. He challenged the Council to pull the Payroll records and see some of the drastic changes that had been made; that the Council needed to review the Budget in detail and analyze, and he thought they would be amazed.

Chairman Hakeem stated that what he was hearing was that Judge Williams wanted to be able to give them whatever he wanted to.

Judge Williams stated he would want a Pay Grade 13 at Step 5--that he would agree to that and let them follow the normal procedures.

Chairman Hakeem stated he needed something from this Committee--did we go with what the Council had proposed (Pay Grade 10, Step 9) or what the Judge was proposing (Pay Grade 13, Step 5).

Councilman Pierce stated this was putting him in a compromising position--going to Pay Grade 13 and paying them overtime.

Chairman Hakeem stated the Judge was not talking about overtime at Pay Grade 13, Step 5.

Councilman Crockett asked if the Judge's staff was in the Pay Plan now. Judge Williams stated they were not in the Pay Plan as such--that they followed certain rules. He stated that the Court Officers are exempt and that Donna Kelley does not screen them. Councilman Crockett asked if there were others on the Staff. Judge Williams stated that his Judicial Assistant was exempt. He explained that the City Court Clerk's office was under the Pay Plan.

Councilwoman Hurley asked the reason for this coming up this year. Judge Williams explained that he put them in the Budget this way; that at Budget time he could have included a pay increase and unless the Council challenged it, it would have gone through. He stated they had been topped out a couple of years.

Councilwoman Hurley stated if they were not in the Pay Plan, they would not get topped out; that employees not in the Pay Plan have not topped out, questioning whether they are not already in the Pay Plan. Judge Williams stated they were "hybrids" and were treated differently; that they were put in the Pay Plan specifically and did build annual leave and sick leave.

Councilwoman Hurley stated we were discussing where they would go--either a Pay Grade 10 or 13. She asked if there could be a compromise. Councilman Taylor suggested Pay Grade 13, Step 3. Councilwoman Hurley stated this would put them in the Pay Plan without overtime and would give them a slight raise. Councilman Lively looked at the Pay Plan and saw that Pay Grade 13 tops out at \$40,152.13.

Chairman Hakeem asked if there was some consideration for Pay Grade 13, Step 3, giving them a \$300 increase minus the bonus. Councilwoman Hurley reiterated that they would get no further increases other than what other City employees get. Adm. Boney stated this would take them to \$28,641.00. Councilwoman Hurley reiterated that this would exempt them from overtime.

Councilman Pierce stated this was moving them "way out"; that no other Court officers have free parking and that these Court officers have fringe benefits no others have. Judge Williams stated Councilman Pierce was making statements that were not true.

Councilwoman Hurley moved, in an effort to come to some agreement, that it be recommended to the full Council Pay Grade 13, Step 3, with the same consideration given to other employees and that these positions be evaluated along with everyone else. She stated otherwise Judge Williams could give them any increase he wanted to. Councilman Swafford seconded the motion to take this to the Council.

Councilman Lively questioned if they have to be evaluated, why we needed to do anything right now. Councilman Crockett asked when the Study would be completed. Ms. Kelley responded February 23, 1998.

Councilwoman Hurley stated this action puts them in the Pay Plan, and they could be taken out.

Judge Williams stated he did not want to get into overtime; that in the spirit of compromise he would go along with this. He asked that

Councilman Pierce stop making wild comments which are not true; that the parking was with a City-County Agreement--that the Court Officers had nothing to do with it. Councilman Pierce still maintained that this was a benefit. Chairman Hakeem stated that Pay Grade 13, Step 3 would be taken to the Council as a whole.

The meeting adjourned at 6:00 P.M.