

In The Matter Of:

*City Council Meeting
City of Doraville*

*Special Call Meeting
February 25, 2008*

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CITY COUNCIL MEETING
CITY OF DORAVILLE
STATE OF GEORGIA
* * *

Transcript of the SPECIAL CALL MEETING
held in the City Council Room at Doraville
City Hall, 3725 Park Avenue, Doraville,
Georgia, Mayor Ray Jenkins presiding, before
Theresa Bretch, Certified Court Reporter,
commencing at approximately 5:25 p.m. on
Monday, February 25, 2008.
* * *

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[1] PROCEEDINGS
[2] **MAYOR JENKINS:** Meeting come to order.
[3] This is a special call meeting for the sole
[4] purpose of discussion of employees' manual.
[5] I'm going to ask Rhonda to call the
[6] roll.
[7] **MS. BLACKMON:** Councilmember Alexander?
[8] **COUNCILWOMAN ALEXANDER:** Here.
[9] **MS. BLACKMON:** Councilmember Bates is
[10] not going to be here.
[11] Councilmember Fleming?
[12] **COUNCILWOMAN FLEMING:** Here.
[13] **MS. BLACKMON:** Councilmember Pittman?
[14] **COUNCILWOMAN PITTMAN:** Here.
[15] **MS. BLACKMON:** Councilmember Roche?
[16] **COUNCILMAN ROCHE:** Here.
[17] **MS. BLACKMON:** And Councilmember
[18] Spangler?
[19] **COUNCILMAN SPANGLER:** Here.
[20] **MAYOR JENKINS:** Mr. Bates has another
[21] commitment so he won't be here?
[22] **MS. BLACKMON:** Yes, sir.
[23] **MAYOR JENKINS:** Okay. Well, anybody
[24] wants to start it off, go ahead.
[25] We're going to start in the front of

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[1] **APPEARANCES:**
[2] Doraville City Council:
[3] Hon. Ray Jenkins, Mayor
[4] Councilwoman Maria Alexander
[5] Councilman Robert Spangler
[6] Councilwoman Donna Pittman
[7] Councilman Bob Roche
[8] Councilwoman Pam Fleming
[9] Hugh "Rick" Powell, City Attorney
[10] Ms. Priscilla Murphy, Consultant
[11] Ms. Rhonda Blackmon, City of Doraville
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[1] our original employees' manual or how do you
[2] want to do it?
[3] **COUNCILMAN ROCHE:** Well, I was thinking
[4] so much work had been done on --
[5] **MAYOR JENKINS:** Okay.
[6] **COUNCILMAN ROCHE:** -- the version that
[7] the Councilman and Rick -- I would think we
[8] might as well start from there and then make
[9] corrections and changes.
[10] **MAYOR JENKINS:** Very good. That's fine
[11] with me. Go right head.
[12] **COUNCILMAN ROCHE:** The problem's going
[13] to be that not all of us --
[14] **COUNCILWOMAN PITTMAN:** She's getting
[15] copies of it, though, but we haven't had a
[16] chance. I didn't.
[17] **COUNCILMAN ROCHE:** If we start reading
[18] through here, we'll be here all day long. I do
[19] remember a couple times -- a couple of things
[20] from when I first looked at it a long time ago.
[21] **ATTORNEY POWELL:** How many want copies
[22] of the other one?
[23] Do you have the other one?
[24] **COUNCILMAN SPANGLER:** I've got this one
[25] with the changes.

[1] **COUNCILWOMAN PITTMAN:** The Mayor
[2] doesn't have one either, so three.

[3] ---
[4] (Brief discussion off the record.)

[5] ---
[6] **MAYOR JENKINS:** Would you go ahead and
[7] start if off?

[8] **COUNCILMAN ROCHE:** Well, for me, the
[9] first thing I saw that needed to be changed is
[10] Section 1.4 under Equal Employment Opportunity.
[11] I mean Doraville does not discriminate. I think
[12] that we need to --

[13] **MAYOR JENKINS:** Okay. Be sure and tell
[14] what page you're on.

[15] **COUNCILMAN ROCHE:** I'm sorry. Page 1,
[16] Section 1.4.

[17] And like a lot of cities in Georgia
[18] have done already, I think that we need to
[19] extend the equal opportunity protection to
[20] people of different sexual orientations -- gays,
[21] lesbians, bisexuals, transsexuals.

[22] **MAYOR JENKINS:** The red represents
[23] what, now, on that? Is that referring to this
[24] particular article 1.4?

[25] **COUNCILMAN ROCHE:** Yes. Where it says,

[1] policy, that we don't discriminate against it.

[2] **MAYOR JENKINS:** Like we have it stated
[3] here.

[4] **COUNCILMAN ROCHE:** Well, no, it's not
[5] stated here now. It needs to say "sexual
[6] orientation."

[7] **COUNCILWOMAN PITTMAN:** It doesn't say
[8] that.

[9] **MAYOR JENKINS:** Can you put that in it?

[10] **COUNCILMAN ROCHE:** So whoever's taking
[11] notes on all this --

[12] **MAYOR JENKINS:** Anybody have any
[13] objection to that?

[14] **COUNCILMAN ROCHE:** I mean we could make
[15] motions. I make a motion that we do not
[16] discriminate against --

[17] **COUNCILWOMAN ALEXANDER:** We're here to
[18] correct this, so you're fine.

[19] **MAYOR JENKINS:** We'll send it to the
[20] lawyers and then they'll say if it's okay.

[21] **COUNCILMAN ROCHE:** But someone just
[22] needs to be writing down as we go.

[23] **ATTORNEY POWELL:** I've got it.

[24] **COUNCILMAN ROCHE:** Okay. You got that.
[25] Okay.

[1] "The City will, therefore, provide equal
[2] employment opportunities without regard to race,
[3] color, religion, sex, national origin, age and
[4] veteran, disabled or familial status," I would
[5] add "or sexual orientation."

[6] **COUNCILMAN SPANGLER:** Well, that's
[7] covered with the sentence.

[8] **COUNCILMAN ROCHE:** Well, not really,
[9] because in Georgia -- you know, it really needs
[10] to be there.

[11] **MAYOR JENKINS:** You're saying this is
[12] not in our --

[13] **COUNCILMAN ROCHE:** No, it's not.

[14] **MAYOR JENKINS:** Okay.

[15] **COUNCILMAN ROCHE:** I mean it's legal in
[16] Georgia to discriminate against people based on
[17] their sexual orientation, and I don't think
[18] Doraville should continue that. A lot of cities
[19] throughout Georgia have made that their
[20] policies, like Savannah and other cities. Heck,
[21] that was one of the questions they asked during
[22] one of our seminars last weekend.

[23] **MAYOR JENKINS:** Okay.

[24] **COUNCILMAN ROCHE:** But I think we need
[25] to specifically state that as part of our

[1] **MAYOR JENKINS:** Okay. Well, move right
[2] along, then.

[3] **COUNCILMAN ROCHE:** This is on section
[4] -- I'm not sure I understand what this next
[5] paragraph is about.

[6] **ATTORNEY POWELL:** Which one?

[7] **COUNCILMAN ROCHE:** The one on my copy.
[8] It's in --

[9] **ATTORNEY POWELL:** Which one?

[10] **MAYOR JENKINS:** The red? You're
[11] talking about in the red.

[12] **COUNCILMAN ROCHE:** Yes.

[13] **MAYOR JENKINS:** Okay.

[14] **COUNCILWOMAN PITTMAN:** I don't think
[15] that should be --

[16] **COUNCILMAN ROCHE:** I don't know about
[17] that. It doesn't make --

[18] **ATTORNEY POWELL:** Well --

[19] **COUNCILWOMAN PITTMAN:** Mr. Lowe, would
[20] you like to --

[21] **MR. LOWE:** I don't have a copy, either.
[22] I would have to refer to Rick.

[23] **COUNCILWOMAN PITTMAN:** Well, I mean if
[24] we could get him a copy, he might could help us.

[25] **MAYOR JENKINS:** Would you help identify

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[1] some of these things you worked on?
 [2] **MR. LOWE:** Sure.
 [3] **MAYOR JENKINS:** Come on up.
 [4] **MR. LOWE:** It's been a while.
 [5] **COUNCILWOMAN FLEMING:** Give that to
 [6] Mr. Lowe.
 [7] **COUNCILMAN ROCHE:** Page 2, first line,
 [8] which is also in red, I don't think we need that
 [9] either.
 [10] And the rest of it seems okay,
 [11] Americans with Disabilities.
 [12] Section 1.6.2, as we've noted before, I
 [13] think we shouldn't have to review this once a
 [14] year; maybe just review it every two years.
 [15] **COUNCILWOMAN PITTMAN:** That was changed
 [16] already, though; right?
 [17] **COUNCILMAN ROCHE:** Well, somebody
 [18] changed it.
 [19] **COUNCILWOMAN PITTMAN:** It's in red;
 [20] right?
 [21] **COUNCILMAN ROCHE:** Yeah. So we want to
 [22] keep that.
 [23] **COUNCILWOMAN ALEXANDER:** So Mr. Powell
 [24] has already reviewed this and has reviewed the
 [25] Chamblee one. So we don't want to include any

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[1] of the -- I don't want to say "recommendations"
 [2] -- observations that he made?
 [3] **COUNCILMAN ROCHE:** Well, I think that
 [4] this one --
 [5] **COUNCILWOMAN ALEXANDER:** I'm talking
 [6] about this sheet that me and Ms. Fleming have.
 [7] **COUNCILMAN ROCHE:** Well, I thought we
 [8] were just working our way through the document.
 [9] **COUNCILWOMAN ALEXANDER:** That's what
 [10] I'm trying to figure out. Are we not doing what
 [11] we were going to have the lawyers do?
 [12] **COUNCILMAN ROCHE:** Well, again, I mean
 [13] I would just think we'd just make the policy and
 [14] the lawyers can make sure that it's written
 [15] right.
 [16] **COUNCILWOMAN ALEXANDER:** Okay. So
 [17] again, are we not going to address these at the
 [18] same time?
 [19] **COUNCILMAN ROCHE:** Okay. Well, if you
 [20] want.
 [21] When we get to page 15, we can look at
 [22] the vacations, because I'm looking through this
 [23] real quick, I mean unless someone else wants to.
 [24] **COUNCILWOMAN ALEXANDER:** Well, I'm
 [25] talking about page -- Section 4-2, page 27

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[1] through 28. I mean I guess maybe better
 [2] communication should have occurred and we could
 [3] have all known what document we were supposed to
 [4] be reviewing.
 [5] **COUNCILMAN ROCHE:** Okay.
 [6] **COUNCILMAN SPANGLER:** Maria, do you
 [7] want to go back and review any of these?
 [8] **COUNCILWOMAN ALEXANDER:** Yeah. I think
 [9] we need to review all of them. I mean if
 [10] they're worth that he took the time to note
 [11] them, it may be, you know, something that we
 [12] need to include or should look at including.
 [13] **COUNCILMAN ROCHE:** Well, as we reach --
 [14] as we go through that, as we reach these
 [15] sections, like when we start talking about
 [16] vacations --
 [17] **COUNCILWOMAN ALEXANDER:** And then in
 [18] the index, someone circled Section 5.2 and wrote
 [19] "ordinances." What does that mean?
 [20] **COUNCILMAN ROCHE:** I don't know. I
 [21] didn't get that far yet.
 [22] **COUNCILWOMAN ALEXANDER:** No. It's on
 [23] the front. It's page -- the original cover.
 [24] **MAYOR JENKINS:** Page 3.
 [25] **COUNCILMAN ROCHE:** I don't see it.

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[1] **COUNCILWOMAN ALEXANDER:** Right here in
 [2] the index, somebody circled it and put
 [3] "ordinances." I don't know what that means.
 [4] **COUNCILMAN ROCHE:** For 5.2?
 [5] **COUNCILWOMAN PITTMAN:** Can we get 1.3
 [6] real quick? Can we go back to 1.3 and read over
 [7] that?
 [8] **COUNCILWOMAN ALEXANDER:** I mean what
 [9] does that mean? That that is covered in our
 [10] ordinances? I don't know.
 [11] **COUNCILMAN ROCHE:** My version doesn't
 [12] have that.
 [13] **COUNCILWOMAN PITTMAN:** Yeah, that. Is
 [14] that what you're talking about (indicating)?
 [15] **COUNCILWOMAN ALEXANDER:** Yeah.
 [16] **COUNCILMAN ROCHE:** Wait a second.
 [17] Yours has that and mine does not.
 [18] Okay. But anyway, Section 1.3.
 [19] **COUNCILWOMAN PITTMAN:** Employment at
 [20] Will?
 [21] **COUNCILMAN ROCHE:** Okay.
 [22] **MAYOR JENKINS:** John?
 [23] **CHIEF KING:** Sir, I think this is one
 [24] of the questions I think that was discussed
 [25] previously, and I thought you-all would take a

[1] look at maybe perhaps changing the employment-
[2] at-will provision. I know Rick probably would
[3] not recommend that because -- as the attorney
[4] for the City.

[5] But given basically a comparison
[6] between, you know, an offense and a disciplinary
[7] outcome, as you can see in --

[8] **COUNCILWOMAN PITTMAN:** "At any time for
[9] any reason with or without notice."

[10] **CHIEF KING:** Exactly.

[11] **COUNCILWOMAN PITTMAN:** Yeah.

[12] **COUNCILMAN ROCHE:** Well, that's a
[13] change in a policy.

[14] **COUNCILWOMAN PITTMAN:** Yeah.

[15] **COUNCILMAN ROCHE:** But if we don't --
[16] if we can't do that, then --

[17] **CHIEF KING:** It's not an issue of
[18] whether you can't do it or not.

[19] Your attorney's going to tell you it
[20] would put you not in an advantageous position.

[21] **COUNCILMAN ROCHE:** To be a --

[22] **CHIEF KING:** An employment-at-will
[23] versus employment rights, you know, where the
[24] employees have certain rights under a different
[25] policy.

[1] Mr. Powell is making his recommendation as to
[2] whether the City would be in an advantageous
[3] position or not if it came to a court.

[4] **COUNCILWOMAN PITTMAN:** I just have a
[5] question. Does the employees here sign some-
[6] thing stating that they understand that they're
[7] in employment at will?

[8] **CHIEF KING:** Yes, they sign for the
[9] manual.

[10] **ATTORNEY POWELL:** They're supposed to
[11] sign that they've reviewed the manual.

[12] **COUNCILWOMAN PITTMAN:** But separate
[13] from the manual. Just something separate that
[14] says --

[15] **ATTORNEY POWELL:** I'm not aware that
[16] they do.

[17] **COUNCILWOMAN FLEMING:** Mayor --

[18] **MAYOR JENKINS:** Yes, ma'am.

[19] **COUNCILWOMAN FLEMING:** -- while I have
[20] not had an opportunity to go through this
[21] particular version, if we are itemizing
[22] termination clauses and separation clauses and
[23] what we're going to do for the employees if they
[24] are terminated or what we're going to do for the
[25] employees if they resign, then that's spelling

[1] **COUNCILWOMAN PITTMAN:** Legal opinion,
[2] please?

[3] **ATTORNEY POWELL:** The legal opinion is
[4] going to be from most lawyers, I think, is that
[5] it doesn't benefit the City any to change that
[6] from employment at will.

[7] **COUNCILMAN ROCHE:** From the employment
[8] at will.

[9] **ATTORNEY POWELL:** I believe that's what
[10] most anybody --

[11] **CHIEF KING:** I would disagree, although
[12] I'm not an attorney. The city to our south, the
[13] cities around us have employment rights.

[14] **ATTORNEY POWELL:** That's fine if they
[15] do, but the only thing -- the only thing I can
[16] think of that you'd need to do that is if you're
[17] having trouble hiring employees under the
[18] present employment at will, and I don't think
[19] Doraville's had that problem.

[20] What advantage --

[21] **CHIEF KING:** Have you checked my
[22] personnel policy -- I mean my employment
[23] situation lately? I mean you're writing a check
[24] there right now with the department heads.

[25] I mean he's making -- in all fairness,

[1] out what we plan on doing. So we then are not
[2] in an employment at will as far as I'm
[3] concerned, because that gives them their
[4] employee rights of what we're going to do for
[5] them if they resign or if we terminate them, we
[6] are going to do this for them.

[7] And if this personnel manual, that I
[8] have now not read, indicates that, then we are
[9] not an employment-at-will city is the way that
[10] I'm looking at this.

[11] **COUNCILMAN ROCHE:** Well, how does that
[12] work, Rick? I mean can't we be an employment at
[13] will but yet say that, you know, we're not just
[14] going to --

[15] - - -
[16] (Overspeaking)
[17] - - -

[18] **ATTORNEY POWELL:** All you have to do is
[19] give them what's accrued to them to date. They
[20] don't get severance pay.

[21] **COUNCILWOMAN PITTMAN:** See --

[22] **COUNCILWOMAN FLEMING:** But that needs
[23] to be spelled out as far as I'm concerned,
[24] because that's the issue of getting this proper
[25] personnel rights and procedure manual so that

[1] they know what they're going to get and we know
 [2] what we're going to pay for.
 [3] **ATTORNEY POWELL:** Well, I think it
 [4] fairly clearly says what they can -- you may
 [5] want to change that, but it says what is accrued
 [6] vacation. I think the term "sick leave"
 [7] probably ought to change, but you can talk about
 [8] that. It may be "personal leave."
 [9] **COUNCILMAN ROCHE:** I don't think
 [10] there's anything here that says we're not going
 [11] to give someone something they've earned.
 [12] **ATTORNEY POWELL:** Right.
 [13] **CHIEF KING:** That's not accurate, sir,
 [14] and Rick, you know it.
 [15] **COUNCILMAN ROCHE:** I mean how would
 [16] this --
 [17] **ATTORNEY POWELL:** What?
 [18] **CHIEF KING:** The 30 days' vacation or
 [19] their sick leave beyond 30 days. If they've
 [20] built more than that, in the past, some
 [21] employees -- not all of them; some employees --
 [22] we've been very haphazard about how we --
 [23] **ATTORNEY POWELL:** Well --
 [24] **CHIEF KING:** -- we fire some employees,
 [25] we terminate some employees. They give 30 days.

[1] matters, and then come back to us and let us
 [2] critique it? Because this is like our third
 [3] time, the other Council, doing this. And we can
 [4] sit up here all day wondering what the legal
 [5] things would be. It just seems logical to let
 [6] the labor attorneys look at it and then come
 [7] back to us.
 [8] **ATTORNEY POWELL:** But it makes sense to
 [9] address what kind of vacation, when you're going
 [10] to accrue it. That's not a labor-law issue --
 [11] **COUNCILWOMAN PITTMAN:** No, but --
 [12] **ATTORNEY POWELL:** -- unless you're
 [13] misusing --
 [14] **COUNCILWOMAN PITTMAN:** -- to look at
 [15] all of this, it just seems like there's a lot of
 [16] legal issues here that need to be addressed by a
 [17] labor attorney.
 [18] **ATTORNEY POWELL:** They will be.
 [19] **COUNCILMAN ROCHE:** I mean there is not
 [20] -- there is no situation where I would ever vote
 [21] or agree with taking away something. To me, you
 [22] earn vacation. It's an accrued thing. It's
 [23] like -- it would be like not paying someone
 [24] their last paycheck. I mean, to me, that's the
 [25] same thing. So I don't think employment at will

[1] But if they happen to be in the good graces,
 [2] then they get more.
 [3] **ATTORNEY POWELL:** Well, that has
 [4] nothing to do with the manual.
 [5] **CHIEF KING:** It does.
 [6] **ATTORNEY POWELL:** It has to do with who
 [7] enforces.
 [8] **CHIEF KING:** I think that's what the
 [9] City Council wants to discuss. Put it in
 [10] writing, and we don't deviate.
 [11] **MAYOR JENKINS:** How did we get over on
 [12] that? We was employment at will.
 [13] **COUNCILMAN ROCHE:** Right.
 [14] **COUNCILWOMAN PITTMAN:** Right.
 [15] **MAYOR JENKINS:** We will get to that; is
 [16] that correct?
 [17] **COUNCILMAN ROCHE:** Yes.
 [18] **MAYOR JENKINS:** I mean are we finished
 [19] with employment at will?
 [20] **COUNCILWOMAN FLEMING:** No, sir.
 [21] **COUNCILWOMAN PITTMAN:** Do we not think
 [22] that there's a lot of legal things that we
 [23] really just don't know? Do we not think it
 [24] would be better to let a labor attorney look at
 [25] this, put their input, clear up any legal

[1] does that, though.
 [2] Now, as we get down into the accrued
 [3] vacation, obviously we need to look at that and
 [4] it needs to be clearly stated, that on
 [5] termination, whether you quit or are fired,
 [6] whatever, laid off --
 [7] **COUNCILWOMAN PITTMAN:** It seems a
 [8] little contradictory.
 [9] **COUNCILMAN ROCHE:** -- you get your
 [10] vacation. I mean that's --
 [11] **COUNCILWOMAN PITTMAN:** That's some of
 [12] it. I mean --
 [13] **CHIEF KING:** Well, not necessarily,
 [14] sir. You only get 30 days.
 [15] **ATTORNEY POWELL:** Employment at will --
 [16] **COUNCILMAN ROCHE:** Well, we need to get
 [17] that straightened out.
 [18] - - -
 [19] (Overspeaking)
 [20] - - -
 [21] **COUNCILMAN ROCHE:** Personally, I would
 [22] keep it as an employment at will -- I don't know
 [23] if we need to vote on that or what -- and then
 [24] deal with the vacation stuff.
 [25] **MAYOR JENKINS:** Pam?

[1] **COUNCILWOMAN FLEMING:** Sir, I think
[2] that's what got us into the situation that we're
[3] in right now or that we were in, you know, a
[4] couple weeks ago, was that we were, quote, "in
[5] an employment at will."

[6] I personally do not want to be under
[7] the auspices, at my job, of employment at will.
[8] So I'll let you guys take it from there.

[9] **MAYOR JENKINS:** But you're against
[10] employment at will.

[11] **COUNCILWOMAN FLEMING:** I am.

[12] **MAYOR JENKINS:** Okay. Donna?

[13] **COUNCILWOMAN PITTMAN:** Oh, I am
[14] certainly against employment at will.

[15] **COUNCILMAN SPANGLER:** Ask Maria first.

[16] I think we need to look at that very
[17] strongly. Okay. There are some things that
[18] need to be changed. And, you know, we're not
[19] going to get a lot accomplished here tonight.

[20] I think that the best thing to do would
[21] be make a few minor suggestions on some of the
[22] things, send it to the labor attorney, and then
[23] come back and review it before we try to pass
[24] it.

[25] **COUNCILWOMAN PITTMAN:** Absolutely.

[1] do about working off of which document.

[2] Apparently you're going to work off the
[3] one that Mr. Lowe did and I looked at, which
[4] is --

[5] **COUNCILMAN SPANGLER:** Well, didn't you
[6] work on that with Mr. Lowe?

[7] **ATTORNEY POWELL:** I did after he made
[8] the changes. Then he brought it to me, and I
[9] suggested some things, to not make some of the
[10] changes he suggested. So we did massage it
[11] some.

[12] **COUNCILMAN SPANGLER:** Okay. But you
[13] were pretty much in agreement with everything
[14] that we've got here now?

[15] **ATTORNEY POWELL:** Well, there are a few
[16] things there that it's not -- it's not really a
[17] legal issue; for instance, how much vacation.
[18] The only thing that's legal about the way it's
[19] written about accruing is whether or not it's
[20] definite enough -- it says what you want it to
[21] say there. But I mean you can give more
[22] vacation, certainly.

[23] **COUNCILMAN SPANGLER:** Well, I
[24] understand that, yes.

[25] **ATTORNEY POWELL:** Yes.

[1] **MAYOR JENKINS:** Maria?

[2] **COUNCILWOMAN ALEXANDER:** I agree with
[3] everything Mr. Spangler said.

[4] **COUNCILWOMAN PITTMAN:** Absolutely.

[5] **ATTORNEY POWELL:** But on a few things,
[6] that's what I was suggesting, you're going to
[7] have to give whoever does it direction.

[8] **COUNCILMAN SPANGLER:** Right.

[9] **ATTORNEY POWELL:** And that's -- that is
[10] one of them --

[11] **COUNCILMAN SPANGLER:** Well, that's one
[12] of the things, and the vacation. I mean there's
[13] a lot of things that we can go over tonight and
[14] we can make the changes on, like we've already
[15] taken some things out.

[16] But you're right. We do need to make
[17] the changes before we send it to the labor
[18] attorney, then let him check it out.

[19] **COUNCILWOMAN PITTMAN:** These were what
[20] you were talking about, right, these things
[21] right here?

[22] **ATTORNEY POWELL:** Well, actually there
[23] was some comparison of the two documents. I
[24] don't know whether you were going to work off of
[25] -- because I wasn't sure what you were going to

[1] **COUNCILMAN SPANGLER:** Well, Mayor, what
[2] I think we need to do, since Pam and Bob just
[3] need to get a copy of this, I think maybe we --

[4] **MAYOR JENKINS:** She's got a copy.

[5] **COUNCILWOMAN PITTMAN:** I didn't have a
[6] copy.

[7] **MAYOR JENKINS:** You don't?

[8] **COUNCILWOMAN FLEMING:** And neither did
[9] Maria.

[10] **MAYOR JENKINS:** Priscilla, you got --

[11] **COUNCILWOMAN ALEXANDER:** I didn't read
[12] it. I was working on the last one, what I
[13] thought was the last one.

[14] **COUNCILMAN SPANGLER:** I think you need
[15] to give everybody time to go through this and to
[16] make --

[17] One thing I do want to -- you know,
[18] before we do anything else, is the vacation on
[19] 15.

[20] **MAYOR JENKINS:** Wait just a minute,
[21] Bob. I thought we was going through this page
[22] by page.

[23] **COUNCILMAN ROCHE:** That's what I
[24] thought I would do, yeah.

[25] **MAYOR JENKINS:** That was my impression

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[1] when we started this.
 [2] There's some things just like you said,
 [3] employment at will, we'll move on and leave that
 [4] until we let the attorneys look at it. But why
 [5] don't we go on through --
 [6] **COUNCILMAN SPANGLER:** You want to make
 [7] some changes on that, though, maybe, before you
 [8] give it to the attorney.
 [9] **COUNCILMAN ROCHE:** Right. Well, I
 [10] think -- well, for instance, equal opportunity,
 [11] you know, we agreed that we were going to make
 [12] that change.
 [13] **COUNCILMAN SPANGLER:** You're the one
 [14] that skipped over to page 15, so --
 [15] - - -
 [16] (Overspeaking)
 [17] - - -
 [18] **ATTORNEY POWELL:** Well, let me ask you
 [19] something. Why does this need to be recorded?
 [20] **COUNCILMAN ROCHE:** Because it's a
 [21] meeting.
 [22] **COUNCILWOMAN FLEMING:** It's not a work
 [23] session.
 [24] **MS. MURPHY:** Special call meeting.
 [25] **COUNCILMAN ROCHE:** Technically, we can

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[1] pass most of this.
 [2] **ATTORNEY POWELL:** So you-all intended
 [3] to be able to pass things tonight; is that --
 [4] **COUNCILWOMAN ALEXANDER:** I thought we
 [5] were supposed to review it.
 [6] **COUNCILWOMAN PITTMAN:** Yeah. I thought
 [7] that's what we were doing is reviewing it.
 [8] **MAYOR JENKINS:** That's what we need to
 [9] do is review it.
 [10] So why don't we get back to you. Let's
 [11] do page 3 and review it and go on through it.
 [12] **COUNCILMAN ROCHE:** Well, we got rid of
 [13] the paragraph on the bottom of page 1 and the
 [14] line on page 2. And I'm zipping through here,
 [15] so stop me.
 [16] On Section 1.6.2, we said we were going
 [17] to review this every two years instead of every
 [18] one year. All right. And that was about as far
 [19] as I got, and then someone said, let's go back
 [20] to 1.3.
 [21] **MAYOR JENKINS:** Okay. Well, let's go
 [22] right along.
 [23] **COUNCILMAN SPANGLER:** We still haven't
 [24] finished with 1.3.
 [25] **COUNCILWOMAN ALEXANDER:** No.

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[1] **COUNCILMAN ROCHE:** Okay. So do you
 [2] want to go back to 1.3?
 [3] **COUNCILMAN SPANGLER:** Yeah, I think we
 [4] need to. You know, if we're going to go page by
 [5] page, then we need to go ahead and make the
 [6] changes right now.
 [7] **COUNCILWOMAN ALEXANDER:** Because we
 [8] don't have a consensus.
 [9] **COUNCILWOMAN PITTMAN:** But I don't
 [10] think we have --
 [11] **MAYOR JENKINS:** I'm getting the
 [12] impression we don't have the expertise --
 [13] **COUNCILWOMAN PITTMAN:** Exactly.
 [14] **MAYOR JENKINS:** -- to do the changes.
 [15] **COUNCILWOMAN PITTMAN:** We don't.
 [16] **MAYOR JENKINS:** Is that correct?
 [17] **COUNCILWOMAN PITTMAN:** Yes.
 [18] **COUNCILMAN SPANGLER:** Well, Mr. Powell,
 [19] didn't you say we needed to make the changes
 [20] before we send it to the --
 [21] **ATTORNEY POWELL:** If you want to look
 [22] through it and there's things like amount of
 [23] vacation, that would be something you would want
 [24] to direct the lawyer to put in here.
 [25] **COUNCILMAN SPANGLER:** But --

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[1] **ATTORNEY POWELL:** But it's --
 [2] **COUNCILMAN SPANGLER:** -- on 1.3, if
 [3] we're going to make any changes, we need to do
 [4] it before we send it to the --
 [5] **COUNCILWOMAN PITTMAN:** I don't think we
 [6] legally know what to make the changes if --
 [7] The question was whether to leave it in
 [8] or allow the other part that takes the place of
 [9] that.
 [10] **COUNCILMAN SPANGLER:** Well, literally,
 [11] I think we could put whatever we want to put in
 [12] there.
 [13] **COUNCILMAN ROCHE:** Well, not
 [14] necessarily.
 [15] **COUNCILWOMAN PITTMAN:** Well, if you
 [16] want to, but --
 [17] **COUNCILMAN ROCHE:** Remember when we saw
 [18] the cover letter that came from the attorneys
 [19] about the thing that --
 [20] **COUNCILMAN SPANGLER:** We're talking
 [21] about something entirely different. Okay?
 [22] **COUNCILMAN ROCHE:** Now we're talking
 [23] about employment at will.
 [24] **COUNCILMAN SPANGLER:** Employment at
 [25] will. What was suggested by the majority of the

[1] Council here was to do away with the employ-
[2] ment at will and go with other standards.

[3] Am I --

[4] **COUNCILMAN ROCHE:** Okay. What are the
[5] standards? What are the other standards?

[6] **CHIEF KING:** Can I -- just a few
[7] minutes, Mayor, if you'll allow me?

[8] And I know I'm speaking heresy because
[9] my brother Rick here probably is going to start
[10] growing hair, and I -- you know --

[11] All you're doing by changing the
[12] employment at will is that you're setting
[13] standards: If I do this, this will happen. So
[14] it's predictable offense and punishment for
[15] behaviors.

[16] If you look at -- and I've seen the
[17] Chamblee one, and Chamblee's got in the back of
[18] it a code of conduct: If you do this thing,
[19] this is what will happen. It's predictable.

[20] That would be helpful for me as a
[21] manager so my employees know that if they do
[22] something, this is what's going to happen. And
[23] it shows categories: category one, category
[24] two, category three. That will be helpful for
[25] me.

[1] reason, you're not going to support that.

[2] **COUNCILMAN ROCHE:** Any decent manager
[3] of course is going to do all that, and yes, we
[4] definitely need to cover all that in our
[5] employee manual.

[6] **CHIEF KING:** Yes.

[7] **COUNCILMAN ROCHE:** But I've never been
[8] anywhere, particularly in the state of Georgia,
[9] that they can't tell me to go away because they
[10] don't like the way I part my hair.

[11] **CHIEF KING:** But, sir, that is the
[12] private sector.

[13] **COUNCILMAN ROCHE:** And I understand
[14] that when I take the job.

[15] **CHIEF KING:** But see, that's the
[16] difference between the private sector and the
[17] public sector. In the public sector and working
[18] in cities, that is one of the things that
[19] employees choose whether they're going to come
[20] to work for city A or city B.

[21] Dekalb County has employment rights.
[22] They even have a civil service commission that
[23] they can appeal. The City of Atlanta, City of
[24] Alpharetta. The City of Chamblee to our south
[25] has that.

[1] But that is contrary to the legal
[2] advice that you're going to get from the
[3] attorney because it doesn't put you in the most
[4] advantageous position if you ever had to fire
[5] somebody.

[6] **COUNCILMAN SPANGLER:** It still doesn't
[7] hurt you if you've got the progressive steps.

[8] **CHIEF KING:** Exactly.

[9] **COUNCILMAN SPANGLER:** Okay. You've got
[10] them in writing; everybody understands. You do
[11] the steps in order, and you've got it in writing
[12] so there's no recourse.

[13] **CHIEF KING:** Exactly, sir. And that
[14] would help me, to show the progression of
[15] discipline instead of saying, well, we will try
[16] not to be arbitrary and capricious but we can
[17] fire you for whatever reason. That is what we
[18] currently have in the employment at will. And
[19] that is difficult for me.

[20] Before -- the reality is is before I
[21] come to you--all with one -- if I fire or ask one
[22] of my employees to resign, I'm going to have to
[23] have pretty good reason because I know that
[24] employee is entitled to come and appeal his case
[25] to you--all. And unless I have a pretty good

[1] **COUNCILMAN ROCHE:** So we would then
[2] need to know what the alternatives are before we
[3] could then make a decision.

[4] **CHIEF KING:** You have it in front of
[5] you, sir.

[6] **COUNCILWOMAN FLEMING:** We have an
[7] alternative. We have that personnel rights and
[8] procedure manual that indicates --

[9] **CHIEF KING:** It's in there, sir.

[10] **COUNCILWOMAN FLEMING:** -- blank, blank,
[11] blank, blank. This is your firing offense;
[12] termination, immediate termination, and this is
[13] what's going to happen to you.

[14] **COUNCILMAN ROCHE:** And that needs to be
[15] there.

[16] **COUNCILWOMAN FLEMING:** We already have
[17] --

[18] **CHIEF KING:** Sir, if you look at the
[19] other one, the Chamblee, it spells out. If you,
[20] for example, use drugs at the workplace, that is
[21] a fireable offense.

[22] **COUNCILMAN ROCHE:** Absolutely. And
[23] that needs to be there. I'm not saying take
[24] that out.

[25] **CHIEF KING:** We don't have that in our

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[1] current personnel manual.
 [2] **COUNCILMAN ROCHE:** Well, then, we need
 [3] to have that. You know, I thought we had that.
 [4] **COUNCILMAN SPANGLER:** That's what we
 [5] were saying.
 [6] **CHIEF KING:** I think that's what --
 [7] **COUNCILMAN ROCHE:** Okay.
 [8] **COUNCILMAN SPANGLER:** That's what we
 [9] need in this paragraph.
 [10] **CHIEF KING:** Mr. Spangler is trying to
 [11] set up standards.
 [12] **COUNCILMAN SPANGLER:** Right.
 [13] **COUNCILMAN ROCHE:** I agree completely
 [14] with that.
 [15] I just don't think that we necessarily
 [16] need to take out 1.3 also --
 [17] **COUNCILMAN SPANGLER:** Well --
 [18] **COUNCILMAN ROCHE:** -- because we need
 [19] to take care of the people that take care of us.
 [20] I think we should have severance if we
 [21] lay someone off.
 [22] **CHIEF KING:** Well, sir, it's not
 [23] spelled out in the employee manual.
 [24] **COUNCILMAN ROCHE:** I didn't get that
 [25] far.

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[1] **CHIEF KING:** And 1.3 is the foundation
 [2] for everything else that comes in the employment
 [3] manual.
 [4] **COUNCILMAN SPANGLER:** Chief, I agree
 [5] with you. It should be spelled out in black and
 [6] white. It should say, okay, these are
 [7] terminatable --
 [8] **CHIEF KING:** Exactly, sir.
 [9] **COUNCILMAN SPANGLER:** -- offenses.
 [10] Okay? This is what's going to happen. You
 [11] know, if you're late for work one time, I'm
 [12] going to talk to you. If you're late for work
 [13] twice, I'm going to give you an oral warning,
 [14] whatever.
 [15] **CHIEF KING:** Yes.
 [16] **COUNCILMAN SPANGLER:** So that's what
 [17] needs to be in here.
 [18] **CHIEF KING:** If you look at the other
 [19] one, sir, the one that came from Chamblee, it's
 [20] got category one. It's got the range of type of
 [21] offenses and what happens. Then it's got
 [22] category two and the range of things that can
 [23] happen to you. And then category three are
 [24] basically all the fireable offenses.
 [25] **COUNCILMAN SPANGLER:** Terminatable.

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[1] **MR. LOWE:** Bob, look at Section 6 on
 [2] your index and Section 7. Maybe that'll --
 [3] **COUNCILMAN ROCHE:** Yeah, that's what I
 [4] thought.
 [5] **CHIEF KING:** Section what, Mr. Lowe?
 [6] **COUNCILWOMAN PITTMAN:** 6 and 7.
 [7] **MR. LOWE:** 6 and 7 on your index.
 [8] **ATTORNEY POWELL:** By the way, the
 [9] reason Section 5.2 is circled and said
 [10] "ordinance," there is a special ordinance that
 [11] was passed many years ago that provides for
 [12] medical insurance to continue for employees
 [13] after retirement. Now, I don't know whether you
 [14] want to consider passing an ordinance to do away
 [15] with that ordinance, but it would appear --
 [16] since none of you-all were there at the time, I
 [17] can say it without offending any of you -- it
 [18] would appear like it was a boondoggle to
 [19] somebody.
 [20] **CHIEF KING:** You're right, Mr. Lowe.
 [21] The only problem is with Section 6 it doesn't
 [22] say what happens --
 [23] **COUNCILMAN ROCHE:** I understand.
 [24] **CHIEF KING:** -- if you do. It does
 [25] spell out what misconduct would be.

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[1] **COUNCILMAN SPANGLER:** This could be --
 [2] **CHIEF KING:** Open to interpretation?
 [3] ---
 [4] (Overspeaking)
 [5] ---
 [6] **COUNCILMAN SPANGLER:** -- out into that
 [7] 1.3.
 [8] **CHIEF KING:** Yes.
 [9] **COUNCILMAN SPANGLER:** And I mean it
 [10] could be consolidated a little bit, but we need
 [11] to let everybody --
 [12] And it's good. I mean, you know, it
 [13] covers everything.
 [14] ---
 [15] (Overspeaking)
 [16] ---
 [17] **MAYOR JENKINS:** Wait just a minute.
 [18] Talk one at a time, please.
 [19] **COUNCILMAN SPANGLER:** Well, it's
 [20] probably going to -- it'll still override
 [21] anything else even in the government. I mean it
 [22] does in the private sector. But at least we're
 [23] covering ourselves and we've got the progressive
 [24] steps or disciplinary steps or whatever in
 [25] writing.

[1] **MR. LOWE:** Well, a lot of this stuff is
[2] spelled out. I'm just giving you the area to
[3] look at.

[4] **COUNCILMAN SPANGLER:** Right, right.
[5] And that's good. These are the things that we
[6] need to incorporate in that.

[7] **MR. LOWE:** It's in there.

[8] **COUNCILMAN SPANGLER:** No. I mean in
[9] that section on that 1.3, okay, along with --

[10] **MR. LOWE:** It can be moved around.

[11] **COUNCILMAN SPANGLER:** Right, right.

[12] **ATTORNEY POWELL:** You know, it's hard
[13] to make it work the way we have it now because
[14] we have somewhat of a conflict even now about
[15] whether it's employment at will or not because
[16] we have this appeal process.

[17] **CHIEF KING:** Exactly.

[18] **ATTORNEY POWELL:** So it really is a
[19] balancing act for me to try to make the present
[20] system work because we have this appeal process
[21] in effect even though we say it's employment at
[22] will. So we don't truly have true employment at
[23] will now.

[24] **COUNCILWOMAN PITTMAN:** That's what I
[25] say. It's contradictory.

[1] exactly what type of offense --

[2] **CHIEF KING:** Exactly.

[3] **COUNCILMAN ROCHE:** -- and what's going
[4] to happen, and that's perfect.

[5] **CHIEF KING:** As a manager, it helps me.

[6] **COUNCILMAN ROCHE:** Of course.

[7] **CHIEF KING:** Before I even come to you,

[8] I --

[9] - - -

[10] (Overspeaking)

[11] - - -

[12] **CHIEF KING:** -- category 3, you can go
[13] and fight for your job at the City Council,
[14] but --

[15] **COUNCILMAN SPANGLER:** But if you've got
[16] the documentation --

[17] **CHIEF KING:** Exactly.

[18] **COUNCILMAN SPANGLER:** -- with the
[19] progressive steps, then you're covered. I don't
[20] care what kind of an attorney you get, you're
[21] covered.

[22] **CHIEF KING:** Exactly, sir.

[23] But the problem is it puts you-all in a
[24] really tough position, especially when you have
[25] wives and you have children coming in before

[1] **COUNCILMAN ROCHE:** No. I understand.
[2] It's like when we let someone go, we need to
[3] hand them some business cards of some attorneys
[4] so they can --

[5] I agree very much, though, that we saw
[6] on page 44 and 45, this is what needs to be
[7] added to this regardless of 1.3, regardless of
[8] any of that.

[9] **ATTORNEY POWELL:** Right.

[10] **COUNCILMAN ROCHE:** If you don't treat
[11] people fairly, then of course I agree with that.
[12] I agree with that completely.

[13] **CHIEF KING:** Don't get me wrong. It
[14] doesn't change anything that Mr. Lowe has
[15] pointed out on Section 6.

[16] **COUNCILMAN ROCHE:** No.

[17] **CHIEF KING:** There are still standards
[18] of conduct.

[19] **COUNCILMAN ROCHE:** Right.

[20] **CHIEF KING:** You still can get fired
[21] from employment with the City --

[22] **COUNCILMAN ROCHE:** Right.

[23] **CHIEF KING:** -- if you commit certain
[24] type of offenses.

[25] **COUNCILMAN ROCHE:** And this lays out

[1] you, and it makes it an emotionally very tough
[2] decision for you-all to decide to sustain the
[3] firing or -- you know, because a lot of times
[4] these are very tough, emotionally.

[5] I mean, Mr. Spangler, you've sat on
[6] several of them, and I know that they're tough.
[7] It's tough for the department head to come in
[8] front of you to tell you that you have to fire
[9] somebody.

[10] **COUNCILMAN ROCHE:** Well, the other way
[11] to go, then, would be to lay out specifically
[12] what happens here, and document, document,
[13] document, like they say. And I know -- I
[14] realize there are differences between the
[15] private sector, but then take away the appeal
[16] process.

[17] **COUNCILMAN SPANGLER:** Well, you can
[18] still have the appeal process, but as long as
[19] the department head has the documentation where
[20] he went through the progressive steps.

[21] And you know, the thing that a lot of
[22] people don't understand, if that guy comes in
[23] late, you know, he may have a good excuse.
[24] Okay? You give him a verbal. Okay? You don't
[25] have to document that. You don't have to. Or

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[1] you can document it; you can put it in his file.
[2] You can give him 10 verbals. Okay? You don't
[3] do a written until what point that you decide
[4] that, hey, enough's enough, or he's pulling my
[5] chain or -- or whatever. Okay? So it's still,
[6] with the proper procedures and progressive-
[7] discipline steps. It's not about terminating
[8] somebody. It's trying to turn someone around.
[9] **CHIEF KING:** Exactly.
[10] **COUNCILMAN SPANGLER:** And so many times
[11] -- I mean I know what you're saying -- I've had
[12] to terminate people before. It's not a pleasant
[13] thing to do. It's just something that you have
[14] to do.
[15] But any time that you can turn someone
[16] around, you've made a better employee.
[17] **CHIEF KING:** You've invested as a city
[18] in their training, in their hiring, in their
[19] background, you've invested a great deal of
[20] money. It's in our interest to try to save that
[21] employee.
[22] **COUNCILMAN SPANGLER:** You know, I'd
[23] like to know, Chief, just what kind of figures
[24] you have on what it costs to train a new
[25] employee, a new police officer.

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[1] **CHIEF KING:** A new police officer, sir,
[2] we are looking -- by the time they get out of
[3] field training, sir, you're looking at \$25,000
[4] to \$35,000.
[5] **COUNCILMAN SPANGLER:** And what period
[6] of time?
[7] **CHIEF KING:** Sir, that's their academy,
[8] four weeks, and then 10 weeks of field training,
[9] being supervised by a senior officer. That's
[10] before they are turned loose to still be watched
[11] for a period of time.
[12] And sir, you know, we try to save some
[13] employees; sometimes it hurts us.
[14] **COUNCILMAN ROCHE:** I would always tend
[15] towards empowering the department head, though.
[16] I mean if we got a department head that's just
[17] firing people, you know, for whatever, that's
[18] fine. Then we need to look at the department
[19] head, obviously.
[20] But if I'm a department head -- I mean
[21] I'm trying to put myself in the department
[22] head's -- you know -- if someone, you know,
[23] their conduct is such that I terminate them and
[24] then they go to the Council, and now I've got
[25] them working for me again, do I want to be in

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[1] that situation?
[2] **CHIEF KING:** Sir, potentially, that
[3] could happen.
[4] **COUNCILMAN ROCHE:** Well, exactly,
[5] and --
[6] **CHIEF KING:** What I like about these
[7] standards, it's predictable.
[8] **COUNCILMAN ROCHE:** The standards --
[9] **CHIEF KING:** This is what happens.
[10] This is the range of --
[11] **COUNCILMAN ROCHE:** I'm good with the
[12] standards. I'm good with the progression, the
[13] steps and all that, and I'm good with
[14] documenting everything. I mean that's --
[15] - - -
[16] (Overspeaking)
[17] - - -
[18] **COUNCILMAN SPANGLER:** And again, they
[19] can still appeal. Okay? But providing the
[20] department head has the documentation, okay,
[21] that's all you've got to look at, and you see it
[22] in black-and-white where he took the corrective
[23] steps.
[24] **COUNCILMAN ROCHE:** No. I got that.
[25] **COUNCILMAN SPANGLER:** Maybe he went

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[1] over and above. Like we say, any time you can
[2] turn an employee around, you're saving 25/30/40
[3] thousand dollars.
[4] **COUNCILWOMAN FLEMING:** Mr. Spangler, I
[5] think there's one other thing that goes along
[6] with all of this. Any time there's any type of
[7] documentation, that employee needs to be signing
[8] that document stating that they were reviewed,
[9] that this was the discipline they received, or
[10] that they received an appraisal review or what-
[11] ever. They need to be signing their name, so
[12] like Mr. Roche said, if they come before us with
[13] the appeal, all we need to do is say, "Well, did
[14] you not sign your disciplinary action?"
[15] You know, so I truly feel that --
[16] **CHIEF KING:** You don't want to be
[17] ambushed.
[18] **COUNCILWOMAN FLEMING:** Yes.
[19] So I feel like the employee must sign
[20] the disciplinary action as well.
[21] **COUNCILMAN SPANGLER:** Well, I don't
[22] think we can force them to sign.
[23] **CHIEF KING:** You can't, sir. But I
[24] think what Ms. Fleming is saying, the employee
[25] ought to be aware.

[1] **COUNCILMAN SPANGLER:** You're right.
[2] **CHIEF KING:** When the employee is
[3] written up, he ought to get a copy.
[4] **COUNCILMAN SPANGLER:** Well, you're
[5] going to do that. Any discipline you do or
[6] corrective discipline you do, you have to have a
[7] one-on-one with that employee.
[8] **CHIEF KING:** Sir, the problem is is
[9] that we've had problems, and I know I've had
[10] problems in my department where I've had super-
[11] visors, first-line supervisors, usually, who are
[12] not very experienced, who basically try to hang
[13] paper on the employee but they don't want to sit
[14] down with that employee and say, "Look, man.
[15] You messed this up." And when it comes to my
[16] captains and they say, "Hey, the employee
[17] received a copy of this letter," if he didn't,
[18] then that letter is not valid.
[19] **COUNCILMAN ROCHE:** Right.
[20] **CHIEF KING:** Because in all fairness,
[21] to try to rehabilitate that employee, that
[22] employee ought to get a copy of that letter.
[23] And that way he has the option, if he disagrees,
[24] to write a letter and appeal it to the captain;
[25] and if he doesn't get his redress, appeal it to

[1] to look at it like "I'm agreeing with this," so
[2] they're not going to --
[3] **CHIEF KING:** Typically, sir, you're
[4] right. And the supervisors have to say, on this
[5] date and time --
[6] **COUNCILMAN ROCHE:** It's like getting a
[7] ticket. You're just saying I acknowledge that I
[8] got the ticket.
[9] **COUNCILWOMAN FLEMING:** I acknowledge
[10] that I received this review, and that's all.
[11] **CHIEF KING:** But this spells it out.
[12] And that's what conflicts with 1.3, because if
[13] you do have these standards, you're not really
[14] employment at will. You're setting employment
[15] rights; as long as you don't violate these
[16] rules, you can continue to be employed with the
[17] City. That's basically what you're saying.
[18] **COUNCILMAN ROCHE:** Well, what if we
[19] eliminate someone's department or if we have a
[20] budgetary cutback?
[21] **CHIEF KING:** That is beyond
[22] disciplinary. That is a budgetary issue.
[23] **COUNCILMAN ROCHE:** Well, that's what
[24] protects us in the employment-at-will thing.
[25] **ATTORNEY POWELL:** That's the issue:

[1] the chief. And eventually, if I were giving the
[2] redress, they ought to be able to come and
[3] appeal the decision to the City Council.
[4] **COUNCILMAN SPANGLER:** Right, right.
[5] **COUNCILWOMAN PITTMAN:** And no, they
[6] don't have to sign legally, but that's when you
[7] refuse.
[8] **COUNCILMAN SPANGLER:** I mean you would
[9] like -- yeah, you can put on there, employee was
[10] offered the opportunity to sign, and refused.
[11] So I mean --
[12] **CHIEF KING:** This helps standardize
[13] things.
[14] **COUNCILMAN ROCHE:** Well, typically in
[15] those situations, they're not signing -- the
[16] employee is not signing that they agree with
[17] you; they're just signing --
[18] **COUNCILWOMAN PITTMAN:** That they've
[19] been reprimanded.
[20] **COUNCILMAN ROCHE:** -- that they've
[21] received it.
[22] **COUNCILMAN SPANGLER:** Well, the way
[23] they look at it, though --
[24] **COUNCILMAN ROCHE:** Well, I know.
[25] **COUNCILMAN SPANGLER:** -- they're going

[1] whether they've got some contractual right to
[2] the job.
[3] **COUNCILMAN ROCHE:** Exactly.
[4] And let me hasten to say that
[5] personally I think that if we lay someone off
[6] for whatever reason, for reasons not related to
[7] their thing, we should pay them a severance.
[8] **CHIEF KING:** That's spelled out in the
[9] -- that is spelled out in an employment manual.
[10] **COUNCILMAN ROCHE:** Well, exactly. But
[11] it's still employment at will.
[12] **CHIEF KING:** Well, as long -- I would
[13] disagree, sir, because I think you're spelling
[14] out what -- if the City cannot afford to fund
[15] this position, this is the mechanism to deal
[16] with it; you will get severance or whatever,
[17] whatever mechanism the City decides.
[18] **COUNCILMAN ROCHE:** But we don't --
[19] **CHIEF KING:** What we're trying --
[20] **COUNCILMAN ROCHE:** -- have to keep your
[21] job.
[22] **CHIEF KING:** -- to change is the
[23] arbitrariness of decisions. We're basically
[24] spelling out what will happen if an employee
[25] breaks a rule. That would be the point that I

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[1] would --

[2] **COUNCILMAN ROCHE:** I guess I --

[3] **COUNCILWOMAN PITTMAN:** You see, the

[4] employment at will, at the S.O., when you sign

[5] that, it doesn't list a whole 'nother thing. It

[6] means if --

[7] **CHIEF KING:** If the sheriff comes in

[8] and says, "You know what?"

[9] **COUNCILWOMAN PITTMAN:** And says, "Gotta

[10] go."

[11] **CHIEF KING:** "I don't like the color of

[12] your socks."

[13] **COUNCILWOMAN PITTMAN:** That's right.

[14] And that's what we sign there, and that means

[15] exactly what you said, "I'm sorry. I don't need

[16] you any more. See you." And it's happened over

[17] and over again. So there's a big difference in

[18] employment at will here and what we've got, so

[19] it contradicts each other.

[20] **CHIEF KING:** It doesn't make for a

[21] stable place to work --

[22] **COUNCILWOMAN PITTMAN:** No.

[23] **CHIEF KING:** -- because everybody is

[24] walking on eggshells.

[25] **COUNCILMAN ROCHE:** Well, wouldn't the -

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[1] - you know, if we ever, for instance, go to a

[2] city manager, you know, city manager has the

[3] right to hire and fire the department heads.

[4] **CHIEF KING:** That's correct.

[5] **COUNCILMAN ROCHE:** And department heads

[6] have the right to hire and fire their people.

[7] **CHIEF KING:** Not necessarily, sir.

[8] **COUNCILWOMAN ALEXANDER:** Not in some

[9] cities, they do not have that right.

[10] **COUNCILMAN ROCHE:** That's what I'm

[11] saying.

[12] **COUNCILWOMAN ALEXANDER:** And in one

[13] personnel manual I was studying, the department

[14] heads did not appeal to the city manager. They

[15] appealed to council and mayor. The department

[16] heads' employees appealed to the city manager.

[17] So they even had two different types of appeal

[18] processes based on the employee.

[19] **COUNCILMAN ROCHE:** The last time I took

[20] a job, I was I.T. director, and part of the --

[21] you know, it was understood that when I took

[22] that job that I could bring in my own staff if I

[23] needed to, because, otherwise, I was responsible

[24] to upper management just like a department head

[25] is responsible to the City of Doraville to get

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[1] X-number of things done. And if they can't

[2] choose their people, how can they be expected to

[3] take responsibility? Because then you just say,

[4] "Well, gees. I'm sorry I didn't meet your

[5] objectives, but, you know, I'm working with the

[6] people you gave me."

[7] **CHIEF KING:** In public work, in govern-

[8] ment work, we don't have those advantages. When

[9] I came in as the chief of police, sir, the

[10] department was already here. I couldn't do what

[11] the sheriff does, comes and fires everybody and

[12] starts from scratch. We didn't have that right,

[13] sir. You've got to work with the ones that

[14] you've got.

[15] **COUNCILMAN ROCHE:** I know. We're going

[16] around and around. Sorry.

[17] **CHIEF KING:** Sorry.

[18] **COUNCILMAN SPANGLER:** In a short

[19] summary, we could go back and revisit that, that

[20] paragraph, and put in something to the effect

[21] that the -- the progressive steps, you know,

[22] oral or verbal, written, final written,

[23] suspension, whatever, and then we can attach or

[24] add the standards of conduct --

[25] **CHIEF KING:** Yes, sir.

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[1] **COUNCILMAN SPANGLER:** -- to those

[2] offenses that are going to be --

[3] **CHIEF KING:** -- fireable.

[4] **COUNCILMAN SPANGLER:** Right, right,

[5] immediately, without form of -- of --

[6] **CHIEF KING:** Mr. Spangler, it still

[7] does not take the right of that employee to come

[8] and appeal the decision of the department.

[9] **COUNCILMAN SPANGLER:** No, no. I mean,

[10] like I said, we're covered as long as you've got

[11] your -- the department head has their documen-

[12] tation, regardless of how many or how little.

[13] Preferably, they'll have a little more than they

[14] probably should before they come before us, and

[15] then we can make, you know --

[16] **CHIEF KING:** I will tell you most of

[17] the -- speaking for the other department heads,

[18] most of the time, the department heads will be

[19] absolutely exhausted before they come before --

[20] before we will terminate somebody.

[21] **COUNCILMAN SPANGLER:** Well, I'm not --

[22] I'm not saying or suggesting that we go to that

[23] point --

[24] **CHIEF KING:** No, but --

[25] **COUNCILMAN SPANGLER:** -- but I do think

[1] we need to make a little extra effort.
[2] **CHIEF KING:** You're probably right,
[3] sir.
[4] **COUNCILMAN ROCHE:** Absolutely.
[5] **COUNCILMAN SPANGLER:** And by redoing
[6] that paragraph and putting in there the
[7] progressive steps, that's a huge advantage to
[8] the employee to know that --
[9] **CHIEF KING:** That would help me, sir,
[10] in my competitive process of recruiting new
[11] employees. It would be something that I can
[12] use.
[13] **COUNCILMAN SPANGLER:** But we're still
[14] going to be at-will employment. I mean that's
[15] still going to -- I mean it's statewide, so --
[16] **COUNCILMAN ROCHE:** Right.
[17] **COUNCILMAN SPANGLER:** But this at least
[18] gives us some --
[19] **COUNCILWOMAN FLEMING:** Why do we have
[20] to include it in our general provisions? If
[21] City Council indicates that our personnel rights
[22] and procedure manual dictates how we're going to
[23] hire and fire and lay off and so forth, then
[24] that should override what the State of Georgia
[25] is stating of employment at all.

[1] **ATTORNEY POWELL:** -- advise you.
[2] **COUNCILMAN ROCHE:** I think that would
[3] probably --
[4] -- --
[5] (Overspeaking)
[6] -- --
[7] **COUNCILMAN ROCHE:** -- based on the
[8] labor attorney.
[9] **ATTORNEY POWELL:** -- on that particular
[10] paragraph. But you are going to put the
[11] standards in --
[12] **COUNCILMAN ROCHE:** Absolutely.
[13] **ATTORNEY POWELL:** -- and then maybe how
[14] that paragraph should -- maybe it should be
[15] reworded a little bit.
[16] **COUNCILWOMAN FLEMING:** Right.
[17] **ATTORNEY POWELL:** Okay.
[18] **COUNCILMAN SPANGLER:** And again, we --
[19] yes.
[20] **MAYOR JENKINS:** Pam, did you have
[21] something?
[22] **COUNCILWOMAN FLEMING:** Mr. Powell
[23] indicated maybe we should reword that. Rather
[24] than "employment at will," it should be
[25] employment determined by our procedures manual

[1] **COUNCILWOMAN PITTMAN:** It would address
[2] the issue he was speaking of in a different
[3] section because it's almost contradictory, I
[4] think.
[5] **COUNCILMAN SPANGLER:** Well, it is a
[6] little bit contradictory, but we still, by
[7] putting in the steps and the standards of
[8] conduct on what they can be terminated for,
[9] we're still giving them a better idea of what
[10] their accountabilities are, and if --
[11] **COUNCILMAN ROCHE:** And what Bob's
[12] saying, I mean, to me, that's good management
[13] practice. I mean you don't just fire people
[14] just for fun.
[15] **COUNCILWOMAN PITTMAN:** So we're going
[16] to leave employment at will in there and the
[17] steps?
[18] **COUNCILMAN SPANGLER:** No. We'll take
[19] the employment --
[20] **ATTORNEY POWELL:** Well, why don't you
[21] -- why --
[22] **COUNCILMAN SPANGLER:** -- at will out.
[23] **ATTORNEY POWELL:** Why don't you let the
[24] labor attorney --
[25] **COUNCILMAN ROCHE:** Yeah.

[1] or whatever.
[2] **ATTORNEY POWELL:** But you still may
[3] want to save some of your rights of an employer
[4] at will, so --
[5] **COUNCILMAN SPANGLER:** Uh-huh.
[6] **ATTORNEY POWELL:** -- let's let them --
[7] **COUNCILWOMAN FLEMING:** Okay.
[8] **ATTORNEY POWELL:** -- look at that.
[9] **COUNCILMAN SPANGLER:** But see, you're
[10] actually covered if you go with these standards
[11] of conduct. I mean there are certain steps in
[12] here or certain offenses that are going to be
[13] termination immediately without any --
[14] I mean yeah, you're going to have
[15] documentation, but it's spelled out a lot
[16] better. Like if I was a department head, I
[17] certainly would rather, you know, have something
[18] like that than just the employment at will.
[19] We could probably even strike the
[20] employment at will altogether and just put
[21] everything --
[22] **COUNCILMAN ROCHE:** I'd rather get legal
[23] advice on that.
[24] **COUNCILMAN SPANGLER:** We can get legal
[25] advice if you want. But you still -- you still

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[1] need to have something to go in there with the
 [2] steps and everything --
 [3] **COUNCILMAN ROCHE:** Absolutely.
 [4] **COUNCILMAN SPANGLER:** -- before you
 [5] send it to that labor attorney.
 [6] **COUNCILWOMAN PITTMAN:** Well, you said
 [7] we could possibly reword it on the advice of the
 [8] labor attorney.
 [9] **COUNCILMAN SPANGLER:** So do we want to
 [10] send them these pages, Mr. Powell?
 [11] **COUNCILMAN ROCHE:** Well, I think we
 [12] should include those pages in our --
 [13] **COUNCILWOMAN PITTMAN:** Most definitely.
 [14] **COUNCILMAN SPANGLER:** Chief, what do
 [15] you think?
 [16] **CHIEF KING:** I can work with some
 [17] standards, sir. Just the only thing is just
 [18] that one little paragraph that says you're fired
 [19] for -- you know, for reason or without any
 [20] reason. That's what makes my employees nervous.
 [21] I think once we have standards -- and I think
 [22] those can be massaged into that paragraph where
 [23] the labor attorney gives us a happy medium in
 [24] what we're trying to reach.
 [25] **COUNCILMAN SPANGLER:** Well, when we get

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[1] the draft back, we can relook at it and change
 [2] it --
 [3] **CHIEF KING:** Sir, I appreciate it.
 [4] **COUNCILMAN SPANGLER:** -- change it
 [5] again if we need to.
 [6] Mr. Powell, did you get that, these
 [7] pages?
 [8] **ATTORNEY POWELL:** I've got that and
 [9] notes to -- Okay.
 [10] **COUNCILWOMAN ALEXANDER:** Okay. All
 [11] right.
 [12] **COUNCILMAN SPANGLER:** And Mr. Roche,
 [13] what was next?
 [14] **COUNCILMAN ROCHE:** Page 2.
 [15] **COUNCILWOMAN FLEMING:** Can I interrupt
 [16] one second, though? Mr. Powell, pages 44
 [17] through 46 would be then inserted into Section
 [18] 6.9? Is that where you were inserting it?
 [19] **ATTORNEY POWELL:** With permission, I'm
 [20] going to give them this that we did and with the
 [21] note on those three pages in there and the other
 [22] things. Sometimes you wanted something deleted.
 [23] And I will do a memo to the lawyers and let
 [24] y'all look at it before I send it down. I'll
 [25] e-mail it to you. Is that fair?

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[1] **MAYOR JENKINS:** That's good.
 [2] **COUNCILMAN ROCHE:** Page 2, again, we've
 [3] said we were going to review this every two
 [4] years rather than one year.
 [5] **ATTORNEY POWELL:** Yeah. Isn't that
 [6] changed in there?
 [7] **COUNCILMAN SPANGLER:** It is.
 [8] **COUNCILWOMAN FLEMING:** Yes.
 [9] **COUNCILMAN ROCHE:** Okay. There's
 [10] another change we took out, remember, on page 1,
 [11] the bottom paragraph.
 [12] Personnel Policies and Manuals . . .
 [13] I'm just kind of skimming here or else we'll
 [14] never go home.
 [15] Well, looking at page 3, and I see
 [16] throughout apparently they've changed
 [17] "Department Directors" and et cetera to
 [18] "Department Heads." And I guess that makes
 [19] sense.
 [20] And part of the problem we have here is
 [21] we don't have an H.R. director, really. I'm
 [22] looking at these subsequent sections.
 [23] **COUNCILWOMAN ALEXANDER:** So Section
 [24] 2.1, does that need to be more finite as to
 [25] exactly what policy it's referring to?

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[1] **COUNCILMAN ROCHE:** Equal opportunity,
 [2] equal employment policy? Well, I think it's
 [3] stated once. I think that's all we need, isn't
 [4] it? as long as it refers back to that.
 [5] **COUNCILMAN SPANGLER:** Which --
 [6] **COUNCILWOMAN ALEXANDER:** I'm on page 4,
 [7] 2.1. It refers to the Police Department's
 [8] policy. Does that need to be more finite
 [9] exactly which policy the Police Department's
 [10] referring?
 [11] **COUNCILMAN ROCHE:** Oh, I'm sorry. I
 [12] didn't see that. Where?
 [13] **COUNCILWOMAN ALEXANDER:** It's in
 [14] yellow.
 [15] **ATTORNEY POWELL:** They have a separate
 [16] policy manual that includes certain things that
 [17] they're required to follow by the State.
 [18] **CHIEF KING:** It's for State certifica-
 [19] tion, state law and policies and procedures of
 [20] the department. It covers a few things that are
 [21] different, they're more detailed.
 [22] **COUNCILWOMAN ALEXANDER:** So it's not
 [23] one section?
 [24] **CHIEF KING:** No, ma'am. I think the
 [25] policies of the Police Department's manual would

[1] just be more detailed using this as the
[2] foundation of it. So basically we can make it
[3] more restrictive; we just could not in the
[4] Police Department give more -- more benefits
[5] than what the City manual provides.

[6] **COUNCILMAN SPANGLER:** So you would
[7] still -- with the new employee manual, you would
[8] still be using --

[9] **CHIEF KING:** Once the new employee
[10] manual of the City's passed, I'm going to have
[11] to go redo my policy manual to make sure that
[12] none of my policies conflict with the policy
[13] that you-all pass. It will require just a few
[14] adjustments.

[15] **COUNCILMAN SPANGLER:** How large is your
[16] --

[17] **CHIEF KING:** Mine is massive, sir.
[18] It's about three to four inches. It's actually
[19] on a DVD.

[20] **COUNCILMAN ROCHE:** Well, would that
[21] need to go out with the attorneys as they
[22] review?

[23] **CHIEF KING:** Sir, the labor attorneys
[24] would not understand the restrictions and the
[25] languages that we have because it covers -- it

[1] **COUNCILMAN ROCHE:** I've got more paper
[2] than I know what to do with.

[3] **CHIEF KING:** Do you want a DVD, a CD?
[4] Ma'am, what would you --

[5] **COUNCILWOMAN FLEMING:** That's fine.

[6] **CHIEF KING:** Ms. Alexander, what would
[7] you like?

[8] **COUNCILWOMAN ALEXANDER:** CD's fine.

[9] **CHIEF KING:** We'll have it in -- Mr.

[10] Spangler, we'll give -- I have an extra one
[11] that's already printed, so don't worry, you
[12] know, the whole -- I'll get it. We can get the
[13] formats. And probably if y'all will give me
[14] maybe two days, we can get those CDs burned, and
[15] I'll have --

[16] Sir, it won't fit in your box, so I'll
[17] leave it with the clerk. At your leisure, if
[18] you can come and pick it up, or if you want to,
[19] we can have somebody drop it off at your house.

[20] **COUNCILMAN SPANGLER:** No. You can
[21] leave it here and I'll pick it up.

[22] **CHIEF KING:** Okay, sir.

[23] **COUNCILMAN SPANGLER:** Thanks.

[24] **COUNCILMAN ROCHE:** Again, just to make
[25] sure there's no conflicts.

[1] covers our standard operating procedures; for
[2] example, what do we do in case of a barricaded
[3] gunman, how do you --

[4] **COUNCILMAN ROCHE:** Well, I got that
[5] part. But as far as the part that relates to
[6] personnel policies, personnel manual, do you
[7] have your own disciplinary process, for
[8] instance?

[9] **CHIEF KING:** We have standards of
[10] conduct. We have the standards -- we have, you
[11] know, a code of ethics that's more restrictive
[12] than what the City has.

[13] **COUNCILMAN SPANGLER:** Chief, could you
[14] get us a copy --

[15] **CHIEF KING:** Yes, sir.

[16] **COUNCILMAN SPANGLER:** -- all the
[17] Council? Not on a disc but --

[18] **COUNCILMAN ROCHE:** I'm good with DVD.

[19] **CHIEF KING:** Okay, sir.

[20] Can the members of the Council tell me
[21] what format y'all want?

[22] You want it on paper, sir?

[23] **COUNCILMAN SPANGLER:** If everybody else
[24] wants a disc, a disc is fine with me.

[25] **CHIEF KING:** It's pretty --

[1] **CHIEF KING:** That's not a problem, sir.
[2] And it might not be a bad idea to send it to the
[3] labor attorney.

[4] **COUNCILMAN ROCHE:** Just to make sure
[5] there's not a conflict.

[6] **CHIEF KING:** Not a problem.

[7] **COUNCILMAN SPANGLER:** But the only
[8] thing you would really keep in that after we
[9] agree on the new employee manual would be the
[10] State and Federal guidelines.

[11] **CHIEF KING:** Yes, sir. And I would
[12] probably put -- to reinforce your standards of
[13] conduct and the penalties for violations, I
[14] would probably add that to my policy manual just
[15] to reinforce it even -- even more. That way,
[16] they -- because they have to sign for the
[17] policy. They have to be trained on the policy
[18] manual constantly. And this would just be
[19] another way to reinforce what you-all are
[20] passing.

[21] **COUNCILMAN SPANGLER:** Okay. But, now,
[22] will the Police Department -- will all the
[23] employees of the Police Department also get a
[24] copy of the employee manual --

[25] **CHIEF KING:** Yes.

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[1] **COUNCILMAN SPANGLER:** -- along with --
[2] **CHIEF KING:** Yes. They're required --
[3] even every new employee when they get employed,
[4] they have to receive it and sign it and they
[5] also have to be trained on it. You have to sit
[6] down and go over it. Because in the past,
[7] people were getting the personnel manual but
[8] they weren't trained. So when we disciplined
[9] those individuals, "I didn't have time to read
[10] it," or people say, "Well, I'm not going to read
[11] it all off duty. You're going to have to train
[12] me on duty." People get kind of silly
[13] sometimes, but I'm trying to prevent any kind of
[14] situation where people did not understand the
[15] rules.
[16] **COUNCILWOMAN PITTMAN:** You know, Dekalb
[17] County actually has a class now to eliminate
[18] that, that you actually have to go to. It's
[19] mandatory that you go through the policy. You
[20] sit through that. It's a really good thing,
[21] actually, and you get paid for it.
[22] **COUNCILMAN ROCHE:** On 5, the second
[23] paragraph there, there's a question about
[24] whether or not job descriptions should be
[25] reviewed by the City Council.

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[1] **COUNCILWOMAN PITTMAN:** Where?
[2] **COUNCILMAN ROCHE:** The second section,
[3] paragraph number 2 --
[4] **COUNCILWOMAN PITTMAN:** Oh, okay.
[5] **COUNCILMAN ROCHE:** -- on the red one.
[6] You see where it says "and City Council?"
[7] **COUNCILWOMAN FLEMING:** Well, these are
[8] the job descriptions for the employees that the
[9] department heads are writing.
[10] **COUNCILMAN ROCHE:** Right, exactly.
[11] **COUNCILWOMAN FLEMING:** I think that the
[12] Council might have influence on the job
[13] descriptions for the department heads.
[14] **COUNCILMAN ROCHE:** Right.
[15] **COUNCILWOMAN FLEMING:** But when we get
[16] down to what does our janitor do or, you know,
[17] the individual employees, I don't think I
[18] necessarily would want to be involved in that.
[19] **COUNCILMAN ROCHE:** No.
[20] **COUNCILWOMAN FLEMING:** Right. We
[21] would not want to be involved with that.
[22] **COUNCILWOMAN FLEMING:** Right, exactly.
[23] **COUNCILMAN ROCHE:** I agree.
[24] **CHIEF KING:** You would be doing a lot
[25] of reading, a lot of reading, especially once

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[1] you look at all the job classifications.
[2] **COUNCILMAN ROCHE:** Well, shouldn't we,
[3] then, say here, though, that the department head
[4] -- job descriptions for department heads should
[5] be reviewed by the Council?
[6] Because otherwise, it's silent on the
[7] department heads' job descriptions; isn't it,
[8] Rick?
[9] **ATTORNEY POWELL:** Let me see.
[10] **CHIEF KING:** Who would write the job
[11] description? Normally, you know, the Mayor
[12] would write the job description and the City
[13] Council would review it.
[14] **COUNCILMAN ROCHE:** Right.
[15] **CHIEF KING:** But I guess I kind of
[16] wanted to look at which direction y'all want to
[17] go.
[18] **COUNCILMAN SPANGLER:** Well, the
[19] department head should have a job description
[20] for every employee regardless. I mean --
[21] **MR. LOWE:** That's what this says: "Job
[22] descriptions should be written by the Department
[23] Heads for their employees."
[24] **COUNCILMAN ROCHE:** That's fine.
[25] **CHIEF KING:** What I'm asking is for the

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[1] department heads.
[2] **MR. LOWE:** In the next sentence, it
[3] says, "These descriptions will be subject to
[4] review by the Mayor (and City Council?)."
[5] You've got your choice. Do you want just the
[6] Mayor to review it or do you want both the Mayor
[7] and the City Council? That's why the question
[8] mark. It's you-all's decision.
[9] **COUNCILMAN ROCHE:** Yeah. And I guess I
[10] mean the Mayor as the executive officer would
[11] be, but not the City Council.
[12] **MR. LOWE:** Right.
[13] **COUNCILMAN ROCHE:** But the question is
[14] when we hire a city planner, who sets -- who's
[15] the department head? What is that job descrip-
[16] tion? I would think that the Council would
[17] review that job description and decide on it.
[18] **MR. LOWE:** City planner wasn't even
[19] considered in this.
[20] **COUNCILMAN ROCHE:** Well, right, but a
[21] department head, any department head.
[22] **COUNCILMAN SPANGLER:** Well, I think if
[23] a department head's job description changes, it
[24] should come before the Mayor and Council.
[25] **COUNCILMAN ROCHE:** Right. That's all

[1] I'm saying.

[2] **COUNCILMAN SPANGLER:** It shouldn't be

[3] just one or the other.

[4] **COUNCILMAN ROCHE:** At the department

[5] head level, yes.

[6] **MR. LOWE:** And this is only suggestions

[7] that Rick and I came up with for the Council to

[8] look at. It's nothing written in stone.

[9] They're only suggestions.

[10] **COUNCILMAN ROCHE:** Well, I would

[11] recommend, then, that we leave this in here and

[12] take out -- leave paragraph 2 as it is except

[13] for taking out where it says "and City Council,"

[14] and then have paragraph 3 or whichever that just

[15] says in the case of department heads, job

[16] descriptions will be subject to review by the

[17] Mayor and Council.

[18] **COUNCILWOMAN ALEXANDER:** I guess I'm

[19] confused by number 6. Does that mean we have to

[20] review every person that's chosen to be hired?

[21] **COUNCILMAN SPANGLER:** Interviewed?

[22] **COUNCILWOMAN ALEXANDER:** Reviewed.

[23] Is that how I'm reading that?

[24] **COUNCILMAN ROCHE:** No, I hope not.

[25] **COUNCILWOMAN ALEXANDER:** Is that how

[1] **CHIEF KING:** And what we do is we bring

[2] them to introduce them to members of the

[3] Council.

[4] **ATTORNEY POWELL:** But that's really

[5] just the officers.

[6] **CHIEF KING:** Yes, it's just the

[7] officers.

[8] **ATTORNEY POWELL:** Not like a jailer or

[9] a clerk or a radio person, right?

[10] **CHIEF KING:** And the Mayor has to swear

[11] them in, so he meets everybody.

[12] **COUNCILMAN ROCHE:** Yeah.

[13] Okay. Well, I would change paragraph 6

[14] or 7, whatever it turns out to be, to just say

[15] for department heads, yes. But otherwise,

[16] that's the whole point of hiring department

[17] heads, so we don't have to worry about their

[18] department except how they spend their money.

[19] **COUNCILWOMAN FLEMING:** But, see,

[20] Procedure, D., is talking about the department

[21] head doing this, not -- it doesn't incorporate

[22] us into it. So I'm reading this as the

[23] department head will examine the applications

[24] and they're going to submit their approval of

[25] who they think is best qualified to the Mayor

[1] I'm reading that?

[2] **COUNCILMAN ROCHE:** I think City Hall

[3] positions. Maybe that was talking about

[4] department heads?

[5] Well, first of all, can we agree that

[6] department heads, we should all review their job

[7] descriptions?

[8] **MAYOR JENKINS:** Yeah.

[9] **ATTORNEY POWELL:** Yeah, I've got a note

[10] of that.

[11] **COUNCILMAN ROCHE:** Okay. So good.

[12] Examine, blah-blah-blah, test

[13] applicants.

[14] But yeah, I agree completely. Unless

[15] it's a department head, we shouldn't be

[16] interviewing a department.

[17] **CHIEF KING:** Thank you, sir. You don't

[18] have enough meetings.

[19] **ATTORNEY POWELL:** You brought most of

[20] your new employees over here.

[21] **CHIEF KING:** We brought them to

[22] introduce them to the members of the Council,

[23] but the decision to offer them employment had

[24] already been made.

[25] **ATTORNEY POWELL:** Right.

[1] and/or City Council for their, you know, stamp

[2] of approval.

[3] **COUNCILWOMAN ALEXANDER:** We don't

[4] approve who the hire.

[5] **COUNCILMAN SPANGLER:** No. We don't

[6] have to.

[7] **COUNCILMAN ROCHE:** No, but I think

[8] that's a good point, that as the chief

[9] executive, the Mayor would have to give his

[10] blessing before we hire someone.

[11] **COUNCILWOMAN FLEMING:** But I was just

[12] reading as it --

[13] - - -

[14] (Overspeaking)

[15] - - -

[16] **ATTORNEY POWELL:** So you'd delete

[17] number 6 or are you changing that to the Mayor?

[18] **COUNCILMAN ROCHE:** I would almost

[19] delete it, yeah. I would just delete it because

[20] I think it's department head. But I would think

[21] that the Mayor should have final say as the

[22] executive of the town.

[23] **CHIEF KING:** A good example, sir, what

[24] I would envision, is, say, for example, the

[25] Mayor says, "Look. We're running tight on the

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[1] budget. Hey, John, don't hire that jail
[2] position you have open. Let's not hire so we
[3] can save money so we can make the budget." He
[4] can potentially do that.
[5] Yes, sir?
[6] **ATTORNEY POWELL:** Then we'd delete
[7] number 6 and just change City Council to Mayor?
[8] **COUNCILWOMAN FLEMING:** I would.
[9] **COUNCILMAN ROCHE:** Yes.
[10] **COUNCILWOMAN FLEMING:** How about you,
[11] Maria?
[12] **COUNCILWOMAN ALEXANDER:** I guess I'm
[13] just reading that --
[14] **COUNCILWOMAN FLEMING:** Reading that as
[15] the department head selecting the most quali-
[16] fied.
[17] **COUNCILMAN ROCHE:** I'm not saying the
[18] Mayor would exercise it, even. I just think
[19] that as the chief executive officer, it would be
[20] his prerogative as far as --
[21] ---
[22] (Overspeaking)
[23] ---
[24] **MAYOR JENKINS:** Moving right along.
[25] What are you on? Number 7?

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[1] **COUNCILMAN ROCHE:** I think we're on E
[2] now, E on page 5.
[3] **MAYOR JENKINS:** Okay.
[4] **COUNCILWOMAN PITTMAN:** I hate to go
[5] back, but on Vacancies, did not want to --
[6] because I think we had talked about putting in
[7] there, and it may not even be relevant, but
[8] being posted for employees in-house?
[9] **MAYOR JENKINS:** Where are you?
[10] **COUNCILWOMAN PITTMAN:** Right here on
[11] page 4 at B.
[12] **COUNCILMAN ROCHE:** 4 B.
[13] **COUNCILWOMAN PITTMAN:** 4 B. To be
[14] posted in-house for the employees who are
[15] already employed here to have the opportunity to
[16] apply for those positions as well?
[17] **CHIEF KING:** We normally don't do that,
[18] but you're probably right. We ought to be
[19] giving our employees in-house first shot at a
[20] job where they can get --
[21] **COUNCILWOMAN PITTMAN:** Right.
[22] **CHIEF KING:** -- a pay raise or more
[23] education.
[24] **COUNCILWOMAN PITTMAN:** Right.
[25] **CHIEF KING:** I mean folks in the

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[1] Maintenance Department might want to be police
[2] officers and they ought to get a shot at it.
[3] **COUNCILWOMAN PITTMAN:** Right.
[4] **ATTORNEY POWELL:** So what do you want
[5] to change?
[6] **COUNCILWOMAN PITTMAN:** Page 4 B, maybe
[7] add for it to be posted.
[8] **COUNCILMAN ROCHE:** Internally.
[9] **COUNCILWOMAN PITTMAN:** Internally,
[10] yeah, internally.
[11] **MAYOR JENKINS:** Posted internally?
[12] **COUNCILWOMAN PITTMAN:** Internally.
[13] **MAYOR JENKINS:** But not on the Georgia
[14] Municipal Association?
[15] **COUNCILWOMAN PITTMAN:** No. That is --
[16] **COUNCILWOMAN FLEMING:** Yeah. Available
[17] position will be posted.
[18] **COUNCILWOMAN PITTMAN:** But I think that
[19] we should be giving our employees opportunity
[20] before we go to that point to do that, and then
[21] if they're not qualified, then we go to the
[22] other.
[23] **MR. LOWE:** Well, it states that. It
[24] states the Mayor shall ensure the proper
[25] selection criteria . . . in order to prohibit

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[1] discrimination against any and all qualified
[2] applicants.
[3] **COUNCILWOMAN PITTMAN:** Right, but that
[4] doesn't specify.
[5] **ATTORNEY POWELL:** But do you want to
[6] post it on GMA --
[7] **COUNCILWOMAN PITTMAN:** Yeah. That --
[8] **ATTORNEY POWELL:** -- a certain number
[9] of days before you do? I mean --
[10] **COUNCILWOMAN PITTMAN:** I think it needs
[11] to be --
[12] **ATTORNEY POWELL:** -- post it internally
[13] before you post it?
[14] **COUNCILWOMAN PITTMAN:** Yeah. We should
[15] set a certain number of days to be --
[16] **COUNCILWOMAN ALEXANDER:** Just do it at
[17] the same time.
[18] **COUNCILMAN SPANGLER:** No, no.
[19] **COUNCILWOMAN PITTMAN:** No. We need to
[20] give them the opportunity first.
[21] **COUNCILMAN SPANGLER:** Give them the
[22] opportunity first, Maria.
[23] **COUNCILWOMAN PITTMAN:** Yeah. That's
[24] the way they -- I'm just going by the County.
[25] Then you get the opportunity first. They post

[1] it there. Then if qualified applicants do not
[2] come forward or they're not qualified or for
[3] whatever reason don't get the position, then
[4] they go a step further and put it out wherever.
[5] **COUNCILMAN SPANGLER:** You could
[6] potentially have four or five positions filled
[7] one right after the other, so there's no point
[8] in putting an ad --
[9] **COUNCILWOMAN ALEXANDER:** So are we
[10] going to put a policy in there specifying the
[11] time lapse?
[12] **COUNCILMAN ROCHE:** Say five days
[13] internal and then two weeks external?
[14] **COUNCILWOMAN PITTMAN:** That's good.
[15] That's reasonable. I mean in five days, if you
[16] don't know --
[17] **CHIEF KING:** But some positions will
[18] stay open all the time.
[19] **COUNCILMAN ROCHE:** Right.
[20] **COUNCILWOMAN PITTMAN:** Yeah.
[21] **CHIEF KING:** That's just the way, you
[22] know, reality is.
[23] **COUNCILMAN ROCHE:** But the point is if
[24] we have multiple applicants, we can cut it off
[25] after two weeks --

[1] thing here --
[2] **MAYOR JENKINS:** Where are you, Pam?
[3] **COUNCILWOMAN FLEMING:** This is the
[4] revised July 7th [sic], and I really like this
[5] comment in --
[6] **MAYOR JENKINS:** Excuse me, Pam. Where
[7] are you? What page?
[8] **COUNCILWOMAN FLEMING:** It was the
[9] revised July 6th [sic].
[10] I really like item number C, and I'll
[11] let Donna show it to you, sir.
[12] **ATTORNEY POWELL:** What page is that?
[13] **COUNCILWOMAN FLEMING:** It's on the
[14] revised one.
[15] **COUNCILMAN ROCHE:** Page 10.
[16] **COUNCILWOMAN PITTMAN:** It's on page 10,
[17] the revised Recruitment and Selection, Roman
[18] numeral II.
[19] **COUNCILWOMAN FLEMING:** Did you not want
[20] to -- I mean I think that statement in here is a
[21] very good one.
[22] **MAYOR JENKINS:** Okay. Where do you
[23] want to put it?
[24] **COUNCILWOMAN FLEMING:** Where we were
[25] talking about Vacancies and Recruitment about

[1] **COUNCILWOMAN FLEMING:** Uh-huh.
[2] **COUNCILMAN ROCHE:** -- is what I'm
[3] saying, if we needed to.
[4] **COUNCILWOMAN PITTMAN:** Well, did you
[5] not agree with that?
[6] **COUNCILWOMAN ALEXANDER:** No. I mean
[7] that's fine. I'm just thinking about who's
[8] going to keep up with this; I posted it Tuesday,
[9] I can't put it on the web site for another five
[10] days and --
[11] **COUNCILWOMAN PITTMAN:** Well, whoever
[12] does the posting, anyway.
[13] **CHIEF KING:** I think what you can
[14] potentially do on the web site, put a starting
[15] date --
[16] **COUNCILMAN ROCHE:** Right.
[17] **CHIEF KING:** -- that is five days
[18] removed, and then a closing date.
[19] **COUNCILMAN ROCHE:** Yes.
[20] **COUNCILWOMAN PITTMAN:** Yes.
[21] **COUNCILWOMAN FLEMING:** Mayor?
[22] **MAYOR JENKINS:** Qualifications?
[23] **COUNCILMAN ROCHE:** Yeah. Well, we're
[24] going to do Qualifications at this time.
[25] **COUNCILWOMAN FLEMING:** This Recruitment

[1] the Mayor and so forth.
[2] **MAYOR JENKINS:** Okay. We're back on
[3] page what?
[4] **COUNCILWOMAN PITTMAN:** Back on page 4.
[5] **COUNCILWOMAN FLEMING:** I believe so.
[6] **MAYOR JENKINS:** Okay.
[7] **COUNCILMAN ROCHE:** Yeah, I think it
[8] would be worthwhile to put a comment on there.
[9] I mean it'll probably end up later, too, that
[10] you can't lie on the application, you know.
[11] **MAYOR JENKINS:** That's fine.
[12] **COUNCILWOMAN FLEMING:** I'm sorry. It
[13] is there. My apologies. It is. I just over-
[14] looked it. It is on our current one. I
[15] apologize. Disregard my comment, please.
[16] **MAYOR JENKINS:** That's all right. No
[17] problem.
[18] **COUNCILMAN ROCHE:** Is there anything
[19] about Qualifications? I'm reading through it.
[20] Physical examination for all
[21] applicants, drug tests --
[22] **MAYOR JENKINS:** The part in red, is
[23] that what we're adding to that?
[24] **ATTORNEY POWELL:** Those were the
[25] suggested changes --

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[1] **MAYOR JENKINS:** Okay.
 [2] **ATTORNEY POWELL:** -- yes, sir.
 [3] **COUNCILWOMAN PITTMAN:** Is this for
 [4] everyone?
 [5] **CHIEF KING:** The question is, sir, is
 [6] that you cannot give somebody a physical until
 [7] you've tentatively offered them a tentative
 [8] offer of employment because of the A.D.A.
 [9] **COUNCILMAN ROCHE:** We run a background
 [10] check. Is that in here?
 [11] **COUNCILWOMAN ALEXANDER:** Yeah. Under
 [12] -- looking at E, Qualifications --
 [13] **MAYOR JENKINS:** Yes.
 [14] **COUNCILWOMAN ALEXANDER:** -- I am going
 [15] to interview someone and ask them for their
 [16] driving history?
 [17] I'm just asking if I'm hiring. I
 [18] thought that all of that was covered on the
 [19] umbrella of the background check that we do.
 [20] **COUNCILMAN SPANGLER:** Well, certain
 [21] jobs that you apply for or, you know, they'll
 [22] state that before you interview, you bring a
 [23] copy of your --
 [24] **CHIEF KING:** The job description would
 [25] cover a lot of these, ma'am.

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[1] **COUNCILWOMAN PITTMAN:** Bobby might want
 [2] someone that will, you know --
 [3] **ATTORNEY POWELL:** Under this, I think
 [4] that the oral interviews, reference checks,
 [5] driving and criminal history has been stricken.
 [6] **COUNCILMAN ROCHE:** That's what I'm
 [7] saying.
 [8] **COUNCILMAN SPANGLER:** Not -- yeah, that
 [9] has. But under a full background check, all
 [10] this would be covered, anyway.
 [11] But you know, if you were hiring
 [12] someone, like the Maintenance department, for
 [13] somebody to drive, you'd want a copy of their
 [14] driving record.
 [15] **COUNCILMAN ROCHE:** Yeah. We could just
 [16] say --
 [17] **COUNCILMAN SPANGLER:** And I'm sure --
 [18] **COUNCILMAN ROCHE:** -- as appropriate to
 [19] the position.
 [20] **COUNCILMAN SPANGLER:** -- he would have
 [21] to do the same thing.
 [22] **CHIEF KING:** Usually what we do, sir,
 [23] is that, for example, the department, the
 [24] Maintenance department probably will tell me,
 [25] "John, I need you to do a criminal history and a

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[1] driver's history." He's still doing his
 [2] interviews.
 [3] **COUNCILMAN SPANGLER:** But as far as the
 [4] DMV report, the interviewee should furnish that
 [5] or could furnish that during an interview.
 [6] **CHIEF KING:** Sometimes, sir. We
 [7] usually do it for the other department heads for
 [8] convenience so they can get through the
 [9] background quickly, sir. We provide it. We
 [10] have that capability.
 [11] **COUNCILMAN ROCHE:** And maybe I'm
 [12] splitting hairs, but wouldn't it have to be
 [13] germane to the -- I mean if someone wants to
 [14] work in the back office as a clerk and you ask
 [15] them for their driving history and they just,
 [16] for whatever reason, don't have a car, could you
 [17] --
 [18] **COUNCILMAN SPANGLER:** Well, how are
 [19] they going to get to work?
 [20] **COUNCILMAN ROCHE:** You know, they can
 [21] take the bus. But the point is wouldn't we be
 [22] saying -- could someone say we're discriminating
 [23] against someone for not having a car?
 [24] **COUNCILMAN SPANGLER:** No. But I mean
 [25] you --

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[1] **CHIEF KING:** I think we've had this
 [2] dialog a couple times. It's that certain jobs
 [3] require a higher level of scrutiny because of
 [4] their access to public taxpayers' funds.
 [5] **COUNCILMAN ROCHE:** I got all that.
 [6] **CHIEF KING:** And you determine what
 [7] level of background you want to do based on the
 [8] job description.
 [9] Does that make sense?
 [10] **COUNCILWOMAN FLEMING:** Depending on
 [11] specific requirements --
 [12] **COUNCILMAN ROCHE:** The specific
 [13] requirements --
 [14] **COUNCILWOMAN FLEMING:** -- of the job --
 [15] **COUNCILMAN ROCHE:** -- of the job.
 [16] **COUNCILWOMAN FLEMING:** -- one of the
 [17] following will --
 [18] **COUNCILWOMAN PITTMAN:** Is there just a
 [19] basic maybe one page where it just asks the
 [20] basic questions that might eliminate even having
 [21] to go for a driving history? You know, to
 [22] drive, you've got to have a CDL or whatever.
 [23] **CHIEF KING:** The problem is we've been
 [24] burned. You know, jobs have been given, and
 [25] then, for example, the person's duty changes and

[1] they find themselves driving a City vehicle and
[2] it turns out that they had a --
[3] **COUNCILWOMAN PITTMAN:** I guess what I'm
[4] saying is -- again, I hate to refer to the
[5] sheriff's department, but that's what they do.
[6] They give you a basic, and if you answer like
[7] I've had 20 tickets in the last -- then there's
[8] no need to even go forward because you know that
[9] you're not going to get that job, anyway.
[10] **CHIEF KING:** We do that, but the
[11] problem is you need to help the other depart-
[12] ments. For example, one time, there was a
[13] decision at the parks, and it required an
[14] employee to have exposure to small children.
[15] You wanted --
[16] **COUNCILWOMAN PITTMAN:** Yes.
[17] **CHIEF KING:** -- a detailed criminal
[18] history.
[19] **COUNCILMAN ROCHE:** Yeah. But we've
[20] stricken criminal history from here. That needs
[21] to be in there.
[22] **ATTORNEY POWELL:** No, no, it's --
[23] **COUNCILWOMAN PITTMAN:** It's --
[24] **CHIEF KING:** It's in the top there.
[25] **ATTORNEY POWELL:** The wording, the

[1] here? What are we now doing today that's
[2] causing us problems that we need to modify and
[3] list?
[4] - - -
[5] (Whereupon, there was a brief recess.)
[6] - - -
[7] **MAYOR JENKINS:** Okay.
[8] **COUNCILMAN ROCHE:** We're in page 6,
[9] Initial Probationary Period. Now, this is
[10] assuming the orientation. That looks normal.
[11] Licenses and Certification.
[12] And then now we're just looking at
[13] Section 2.2 on page 6 about the Initial
[14] Probationary Period of Employment.
[15] **MAYOR JENKINS:** That's the way we have
[16] it now, yeah.
[17] **COUNCILMAN ROCHE:** Yeah.
[18] **MAYOR JENKINS:** That's good.
[19] **COUNCILWOMAN FLEMING:** Moving right
[20] along.
[21] **COUNCILMAN ROCHE:** Well, this is the
[22] one, though, I mean with that period, within
[23] that six months, you're basically -- that's your
[24] at-will thing, I mean; right?
[25] **CHIEF KING:** Yes, sir.

[1] first sentence. It's not --
[2] **COUNCILMAN ROCHE:** Okay. All right.
[3] **ATTORNEY POWELL:** It was taken out of
[4] depending on the specific job --
[5] **COUNCILMAN ROCHE:** I understand.
[6] **ATTORNEY POWELL:** -- and it was put in
[7] there for everybody.
[8] **COUNCILMAN SPANGLER:** Well, there's no
[9] reason you can't do something as far as a form
[10] or some kind of procedure for each.
[11] - - -
[12] (Overspeaking)
[13] - - -
[14] **CHIEF KING:** I don't know if you have
[15] to spell it out on the employee manual for the
[16] department head.
[17] I think if the City provides a
[18] department a -- this is the questionnaire that
[19] you need to -- what you need is to look at the
[20] people you give a job. I think you've probably
[21] covered that. But when you spell it out to the
[22] department head, you must do this, this, this, I
[23] don't know if that's necessary.
[24] **COUNCILMAN ROCHE:** Well, let me ask the
[25] question this way. What problem are we solving

[1] **MAYOR JENKINS:** (Nods head)
[2] **COUNCILMAN ROCHE:** Oh, there we go.
[3] It's on the next page. "During the probationary
[4] period, a Department Head may remove --" Okay.
[5] Okay. Definition of relatives.
[6] **MAYOR JENKINS:** The last paragraph?
[7] Are you on that?
[8] **COUNCILMAN ROCHE:** No. That's fine.
[9] That was exactly what I was saying was missing,
[10] but I just hadn't looked at the next page.
[11] **MAYOR JENKINS:** Okay.
[12] **COUNCILMAN ROCHE:** I don't know if I
[13] want to go there now, this whole concept of
[14] domestic partnership.
[15] **MAYOR JENKINS:** Okay. Where are you?
[16] **COUNCILMAN ROCHE:** I'm sorry. I'm on
[17] page 7 under Relatives; 2.3.1.A, Relative, the
[18] definition of relative.
[19] **MAYOR JENKINS:** Relatives. Okay.
[20] **COUNCILMAN ROCHE:** Yes.
[21] **COUNCILWOMAN ALEXANDER:** So that would
[22] be construed as nepotism, the nepotism policy or
[23] no?
[24] **COUNCILMAN ROCHE:** Yeah, I think that's
[25] what it's leading up to here, saying this is

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[1] what a relative is, so if you're not a relative
 [2] --
 [3] Personnel Actions.
 [4] **COUNCILWOMAN FLEMING:** You're at 2.3.2?
 [5] Is that what you're saying?
 [6] **COUNCILMAN ROCHE:** Yes. We see Non-
 [7] Supervisory Employees, Employee Transfers. I
 [8] mean do we -- do we have an issue with any of
 [9] the methods in the policy, I guess, in the
 [10] employment of relatives? I'm looking at page 8
 [11] now. Employees Who Become Related Subsequent to
 [12] Employment. "If an appropriate transfer cannot
 [13] be arranged, the less senior employee shall be
 [14] terminated."
 [15] **COUNCILWOMAN FLEMING:** I need to ask a
 [16] question.
 [17] **COUNCILMAN ROCHE:** Sure.
 [18] **COUNCILWOMAN FLEMING:** Is a domestic
 [19] partner a relative?
 [20] **CHIEF KING:** That's a good question.
 [21] **COUNCILMAN ROCHE:** Well, apparently --
 [22] that was my question. According to this, they
 [23] are, yeah.
 [24] **COUNCILWOMAN FLEMING:** Where do they
 [25] say it?

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[1] **CHIEF KING:** I think that's what
 [2] Mr. Roche added at the beginning, ma'am.
 [3] **COUNCILMAN ROCHE:** Right at the --
 [4] **COUNCILWOMAN FLEMING:** I'm sorry.
 [5] **COUNCILMAN ROCHE:** Shall also be
 [6] considered --
 [7] **COUNCILWOMAN FLEMING:** I didn't see
 [8] that. I'm sorry. I asked about 2.3.2.
 [9] **COUNCILMAN ROCHE:** Then, I guess the
 [10] only thing I wanted to mention -- and I hope
 [11] this doesn't turn into another 20 minutes --
 [12] apparently, under our definition of domestic
 [13] partnership, it can be people of opposite sex.
 [14] **CHIEF KING:** Yes.
 [15] **MAYOR JENKINS:** Uh-huh.
 [16] **COUNCILMAN ROCHE:** So -- okay.
 [17] **CHIEF KING:** You can't discriminate
 [18] against heterosexuals.
 [19] **COUNCILWOMAN ALEXANDER:** A domestic
 [20] partnership is not observed under HIPAA laws.
 [21] **COUNCILMAN ROCHE:** Right.
 [22] **CHIEF KING:** That's correct.
 [23] Our insurance -- the conflict you will
 [24] get is the insurance policy, sir, whether they
 [25] will be covered or not.

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[1] **COUNCILWOMAN PITTMAN:** We went through
 [2] this a while back.
 [3] **ATTORNEY POWELL:** We are covering them.
 [4] **MS. MURPHY:** Yes, we are.
 [5] **COUNCILWOMAN ALEXANDER:** But I mean you
 [6] can't release any medical information to the
 [7] person.
 [8] **ATTORNEY POWELL:** Right.
 [9] **COUNCILMAN ROCHE:** And again, I could
 [10] spend 20 minutes on that, but --
 [11] **CHIEF KING:** Well, we have not been
 [12] covering them when they're heterosexuals, a
 [13] girlfriend.
 [14] - - -
 [15] (Overspeaking)
 [16] - - -
 [17] **ATTORNEY POWELL:** Well, if they want to
 [18] declare themselves a partner, you can.
 [19] **CHIEF KING:** They have to come and
 [20] declare themselves to the Mayor to be declared.
 [21] **MS. MURPHY:** An affidavit.
 [22] **ATTORNEY POWELL:** Right.
 [23] **COUNCILMAN ROCHE:** But that's for dual-
 [24] sex couples.
 [25] **CHIEF KING:** No, sir.

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[1] **COUNCILWOMAN PITTMAN:** No.
 [2] **COUNCILMAN ROCHE:** No. I thought I --
 [3] didn't you tell us that as long as we have an
 [4] affidavit, I could have my girlfriend move into
 [5] my house --
 [6] **MS. MURPHY:** That's right.
 [7] **COUNCILMAN ROCHE:** -- to get her
 [8] benefits?
 [9] **CHIEF KING:** They can be a heterosexual
 [10] couple, sir.
 [11] **MAYOR JENKINS:** Right.
 [12] **COUNCILMAN ROCHE:** Okay. I guess I
 [13] could go into that for awhile, but --
 [14] **COUNCILWOMAN ALEXANDER:** I want to
 [15] insure my cat.
 [16] **COUNCILMAN ROCHE:** -- because, to me,
 [17] the whole concept of --
 [18] **COUNCILWOMAN ALEXANDER:** I mean what's
 [19] up with that?
 [20] **COUNCILMAN ROCHE:** -- a domestic
 [21] partnership is to right a wrong.
 [22] **COUNCILWOMAN ALEXANDER:** Her vet bills
 [23] are high.
 [24] **MAYOR JENKINS:** Move right along.
 [25] **COUNCILMAN ROCHE:** Okay. Subsequent

[1] Elections or Appointments.
 [2] **COUNCILWOMAN PITTMAN:** Where are you?
 [3] **COUNCILMAN ROCHE:** I'm on --
 [4] **MAYOR JENKINS:** Page 8.
 [5] **COUNCILMAN ROCHE:** -- page 8.
 [6] "Employees who are related at the time
 [7] of the adoption . . . "appointment of a relative
 [8] to an elected or appointed supervisory position
 [9] may continue their employment subject to the
 [10] following . . ." Okay. "Elected officials may
 [11] not participate in or vote upon any --
 [12] "No employee shall directly supervise a
 [13] relative nor . . . "
 [14] And I guess my only question is do we
 [15] need to consider things like the commissions,
 [16] like the Planning Commission or Ethics
 [17] Commission in this?
 [18] **COUNCILWOMAN ALEXANDER:** The question
 [19] in our class?
 [20] **COUNCILMAN ROCHE:** No, I didn't know.
 [21] I just --
 [22] **COUNCILWOMAN FLEMING:** Absolutely.
 [23] **COUNCILMAN ROCHE:** Well, then, we
 [24] probably need to add that, then.
 [25] **COUNCILWOMAN FLEMING:** But I just -- I

[1] Administration. "Each regular full-time . . .
 [2] assigned pay ranges." Do we have pay ranges for
 [3] all of our jobs?
 [4] **MS. MURPHY:** Yes, starting; and we have
 [5] some for the Police Department that have a
 [6] range.
 [7] **COUNCILMAN ROCHE:** Okay. "Any
 [8] exceptions must be specifically approved..."
 [9] Okay. "Classification and job status
 [10] of each regular employee are matters of
 [11] importance to the employee and the City, and any
 [12] change must be made with approval of the Mayor,"
 [13] versus today it's the City Council that makes
 [14] those changes?
 [15] **MAYOR JENKINS:** That's to be --
 [16] **COUNCILMAN ROCHE:** So I guess I would
 [17] ask the same question we talked about before for
 [18] department heads. Wouldn't it come to the
 [19] Council and anyone other than a department head
 [20] be approved by the Mayor? Would that make
 [21] sense?
 [22] **MAYOR JENKINS:** Yes.
 [23] **COUNCILMAN ROCHE:** Do you want to add
 [24] that? Are we okay?
 [25] **COUNCILWOMAN PITTMAN:** Logical.

[1] thought that's what I just read.
 [2] **COUNCILMAN ROCHE:** (Inaudible)
 [3] **COUNCILWOMAN FLEMING:** I'm sorry?
 [4] **CHIEF KING:** You have special boards or
 [5] commissions.
 [6] **COUNCILWOMAN PITTMAN:** No, that's
 [7] different.
 [8] **ATTORNEY POWELL:** Where are you, Bob?
 [9] **COUNCILMAN ROCHE:** I'm looking at
 [10] letter F on page 8.
 [11] **CHIEF KING:** We're on page 7.
 [12] **COUNCILWOMAN PITTMAN:** Page 8.
 [13] **MAYOR JENKINS:** Page 8, John.
 [14] **CHIEF KING:** I think Ms. Fleming had
 [15] asked (inaudible).
 [16] **COUNCILMAN ROCHE:** You're right. Okay.
 [17] So if someone's husband suddenly gets elected or
 [18] wife gets elected to the City Council, then --
 [19] okay, not like -- like your husband, Bobby
 [20] Pittman.
 [21] **COUNCILWOMAN PITTMAN:** Yeah, Bobby
 [22] Pittman. Oh, how many times I've been told,
 [23] "Isn't that a conflict of interest?"
 [24] I don't think so.
 [25] **COUNCILMAN ROCHE:** Okay. Compensation

[1] **COUNCILMAN ROCHE:** Good.
 [2] **ATTORNEY POWELL:** Add where, now?
 [3] **COUNCILMAN ROCHE:** 2.4.1, the second
 [4] paragraph. We just need to make a paragraph
 [5] that says for the department heads it comes to
 [6] the Council but anything below the department
 [7] head would be the Mayor as the chief executive
 [8] officer.
 [9] 2.4.2, Hiring Range.
 [10] **CHIEF KING:** Sir, that came up because
 [11] some job classifications -- for example, in the
 [12] Police Department, we have a starting pay and a
 [13] maximum --
 [14] **COUNCILMAN ROCHE:** Right.
 [15] **CHIEF KING:** -- but not all the
 [16] departments have those. But I mean we have
 [17] them, and, you know, basically we have step pay
 [18] ranges in between those. That's where the --
 [19] the salary increases. We envisioned at the time
 [20] that the Council will approve at the mid-year
 [21] point and authorize the department head to
 [22] exercise the step program depending on the
 [23] budgetary status of the City.
 [24] **COUNCILMAN ROCHE:** Right, I understand.
 [25] Salary Increases "will be set," Change

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[1] of Status, Promotions.

[2] **MAYOR JENKINS:** Why we change these

[3] department heads, that's just a matter of

[4] wording, isn't it?

[5] **COUNCILMAN ROCHE:** Yes. But I have a

[6] question about paragraph 1 on page 9, the last

[7] line there.

[8] **MAYOR JENKINS:** Yes.

[9] **COUNCILMAN ROCHE:** I mean if I'm a

[10] well-paid street sweeper driver and I'm at the

[11] top of my range and I get promoted to supervisor

[12] of street sweepers and the low range is less

[13] than what I'm making now, obviously, you're not

[14] going to cut my pay; right?

[15] **CHIEF KING:** Yes, sir.

[16] **MAYOR JENKINS:** Yes.

[17] **COUNCILWOMAN PITTMAN:** Well, we --

[18] **COUNCILMAN ROCHE:** How do we do that?

[19] **CHIEF KING:** You adjust it.

[20] **COUNCILWOMAN PITTMAN:** We had someone

[21] that moved from here to there and -- yeah, well.

[22] **MAYOR JENKINS:** I'll answer that one

[23] for you. The Council voted for it.

[24] **COUNCILMAN ROCHE:** So if we promote

[25] someone, they can make less money as a result of

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[1] the promotion? According to this, they receive

[2] a pay increase to the minimum of the grade

[3] promoted to.

[4] The minimum of the grade promoted to

[5] could be less than what they're currently

[6] making.

[7] **COUNCILWOMAN FLEMING:** Well, that

[8] employee knows what they're doing, don't they,

[9] Bob?

[10] **MAYOR JENKINS:** That would be the

[11] decision they'd have to make.

[12] **COUNCILMAN ROCHE:** That looks like a

[13] disincentive to me.

[14] **COUNCILWOMAN PITTMAN:** Sure does.

[15] **COUNCILMAN ROCHE:** Do we want to leave

[16] it that way?

[17] **MAYOR JENKINS:** Well, it wouldn't be

[18] right to the person working beside them.

[19] **COUNCILMAN ROCHE:** No. But if you're

[20] going to promote someone, you don't cut their

[21] pay usually.

[22] That's what this says. This says that

[23] you could potentially -- if you're a highly-paid

[24] street sweeper driver and you get promoted to

[25] the supervisor, the low end of the supervisor

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[1] may be less than the high end of what you're

[2] making today.

[3] **COUNCILMAN SPANGLER:** Well, you may

[4] have other benefits, though, Bob.

[5] **COUNCILMAN ROCHE:** We'll leave that if

[6] that's the sense of the Council.

[7] **COUNCILMAN SPANGLER:** There may be

[8] other benefits that would outweigh the salary

[9] increase.

[10] **MAYOR JENKINS:** Anybody have any

[11] objection to --

[12] **COUNCILWOMAN PITTMAN:** I disagree.

[13] **COUNCILMAN ROCHE:** I can't --

[14] **MAYOR JENKINS:** Leave it in or not?

[15] **COUNCILMAN ROCHE:** I think we should

[16] take it out. I think it should be within the --

[17] to at least. "Shall receive a pay increase to

[18] at least the minimum of the grade promoted to."

[19] But I don't think you can cut someone's pay when

[20] you give them a promotion.

[21] **CHIEF KING:** Normally -- may I offer

[22] this, Mayor, and I'll make it very quick, sir.

[23] Normally, for example, if I have a very senior

[24] patrol officer that competes and wants to be a

[25] sergeant and the starting salary for a sergeant

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[1] is less than what he currently makes, what I do

[2] is I promote him to sergeant. I don't cut his

[3] pay. I leave his pay --

[4] **COUNCILMAN ROCHE:** Exactly.

[5] **CHIEF KING:** -- at that level.

[6] **COUNCILMAN ROCHE:** Right.

[7] **CHIEF KING:** Where he will make his

[8] increases is on the step program based on his

[9] performance.

[10] **MAYOR JENKINS:** Right.

[11] **CHIEF KING:** He will be earning at the

[12] rate of sergeant.

[13] **COUNCILMAN ROCHE:** But if this goes

[14] into effect, we would have to cut his pay.

[15] **CHIEF KING:** That's correct, sir.

[16] **COUNCILMAN ROCHE:** And that's what I'm

[17] saying. We need to take that out.

[18] **CHIEF KING:** I leave him at the same

[19] pay that --

[20] **COUNCILWOMAN PITTMAN:** Leave him at the

[21] same. I agree with that. Leave him at the

[22] same. I don't think their pay should be -- a

[23] big morale buster right there.

[24] **CHIEF KING:** Nobody'd want to be a

[25] supervisor.

[1] **COUNCILWOMAN PITTMAN:** Exactly.
 [2] Nobody'd want to better themselves.
 [3] **COUNCILMAN ROCHE:** And it may never
 [4] actually happen in the real world, but --
 [5] **COUNCILWOMAN PITTMAN:** Well, it kind of
 [6] sort of did happen several times.
 [7] **COUNCILMAN ROCHE:** Okay. So I think we
 [8] should take out that last paragraph. I'm sorry.
 [9] That last sentence.
 [10] **MR. LOWE:** That's one of the things
 [11] that was in the old employee manual.
 [12] **COUNCILMAN ROCHE:** Okay. So we're
 [13] going to take that out?
 [14] **MAYOR JENKINS:** You say starting at
 [15] "When?"
 [16] **COUNCILMAN ROCHE:** Yes.
 [17] **MAYOR JENKINS:** Okay. Move right
 [18] along.
 [19] **COUNCILMAN ROCHE:** Yeah. Transfers.
 [20] **ATTORNEY POWELL:** You want it to say
 [21] they will either be promoted -- either they
 [22] retain the same or be promoted to the --
 [23] **COUNCILMAN ROCHE:** Or get the minimum
 [24] of the range.
 [25] **ATTORNEY POWELL:** -- minimum rate,

[1] transfer and you're going from step five down to
 [2] a step four, then I think you should adjust down
 [3] in the pay. We had some problems --
 [4] **COUNCILMAN ROCHE:** Right.
 [5] **COUNCILMAN SPANGLER:** -- last year with
 [6] that.
 [7] I think we do need to probably put in
 [8] here the reference to the demotion.
 [9] **COUNCILMAN ROCHE:** Right.
 [10] **COUNCILMAN SPANGLER:** But as far as the
 [11] transfer --
 [12] **CHIEF KING:** That's probably worth
 [13] spelling out, sir.
 [14] **COUNCILMAN ROCHE:** You know what we're
 [15] saying, Rick?
 [16] **CHIEF KING:** If an employee is demoted,
 [17] the salary would be adjusted to that lower
 [18] salary range.
 [19] **COUNCILMAN ROCHE:** Other, ". . .
 [20] reasons to grant a salary increase for reasons
 [21] other than performance or promotion . . . labor
 [22] market . . . or to correct identified salary
 [23] inequities." I think that needs to be there.
 [24] Effective Date. Before we get into the
 [25] effective date, I don't really think we have a

[1] whichever is greater.
 [2] **COUNCILMAN ROCHE:** Right.
 [3] **ATTORNEY POWELL:** Okay.
 [4] **COUNCILMAN ROCHE:** Something like that.
 [5] **COUNCILMAN SPANGLER:** Now, what
 [6] happens, Chief, when they take a step down?
 [7] **CHIEF KING:** They get their salary
 [8] adjusted. In the past, we were not very good at
 [9] that, either. We were bad about that.
 [10] **COUNCILMAN ROCHE:** And that's coming up
 [11] in Section 2.
 [12] **CHIEF KING:** Yes, sir. If they get
 [13] demoted, their salary gets adjusted usually to
 [14] the last pay that they had at that rank. That's
 [15] what we try to . . .
 [16] **COUNCILMAN ROCHE:** Yeah. That would be
 [17] under maybe transfers.
 [18] Do we need another paragraph for that,
 [19] then? Because I know we've had situations where
 [20] people have been -- I remember sitting through
 [21] the budget hearings last year, and someone had
 [22] been transferred over to someplace else and they
 [23] were making a whole bunch of money versus
 [24] everyone else and --
 [25] **COUNCILMAN SPANGLER:** If you do a

[1] way of measuring it today. I know some towns,
 [2] they pay bonuses under certain situations, but I
 [3] don't think we really have an accurate way of
 [4] measuring that objectively, so I don't know if
 [5] we want to go there.
 [6] **COUNCILWOMAN ALEXANDER:** You're
 [7] thinking about the grant thing we heard about?
 [8] **COUNCILMAN ROCHE:** Yeah, something like
 [9] that. But then everyone else -- you know, that
 [10] can be a big mess.
 [11] Okay. Effective Date of Change of
 [12] Status, "should coincide with the beginning of a
 [13] payroll period."
 [14] And then Changes to Job Grades Due to
 [15] Job-enrichment, Enlargement, "...job
 [16] reevaluations . . . approve or deny."
 [17] Okay. Would 5 need to say anything
 [18] about salary? I guess not because it would be
 [19] covered under the first, 1, 2 or 2A.
 [20] Yes, ma'am.
 [21] **MAYOR JENKINS:** Priscilla's got a
 [22] question.
 [23] **MS. MURPHY:** Under 5, can we change
 [24] that where it says "in May" to some date
 [25] earlier, please, for the budget purposes?

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[1] Because if you're going to do it at mid-year
 [2] review, we really need them in, say, January.
 [3] **COUNCILMAN ROCHE:** Right. That's a
 [4] good point.
 [5] **CHIEF KING:** By then, we will have had
 [6] two performance evaluations of those employees,
 [7] one at budget time and one at mid-year, and
 [8] that's what -- you need two evaluations, and
 [9] that's what makes you eligible for a performance
 [10] appraisal.
 [11] **COUNCILMAN ROCHE:** Okay. January?
 [12] **MS. MURPHY:** Could that same evaluation
 [13] handle any mid-year adjustments and/or cost of
 [14] living raises?
 [15] **CHIEF KING:** Well, we originally had
 [16] the cost of living adjustment was at the budget
 [17] but the performance appraisal was at the mid-
 [18] year point.
 [19] **ATTORNEY POWELL:** So what do you want?
 [20] A change made to what?
 [21] **MS. MURPHY:** December or January.
 [22] **CHIEF KING:** December/January for the
 [23] step adjustment or the step increase.
 [24] ---
 [25] (Brief, inaudible conversation at Council

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[1] table.)
 [2] ---
 [3] **COUNCILMAN ROCHE:** Cost of living
 [4] raises is not mentioned here at all.
 [5] **MS. MURPHY:** We've done it.
 [6] **CHIEF KING:** Normally we try to come
 [7] before the Council as we do those or we ask for
 [8] the Council to consider those at budget time
 [9] based on the financial status of the City. But
 [10] performance appraisals, based on the performance
 [11] of those employees, we recommend it be done at
 [12] mid-year.
 [13] **COUNCILMAN ROCHE:** I'm just saying do
 [14] we need to add something to the employee manual
 [15] about cost of living raises saying that we don't
 [16] necessarily have to give cost of living raises?
 [17] **MAYOR JENKINS:** It's not mentioned
 [18] anywhere in there at all?
 [19] **COUNCILWOMAN FLEMING:** No, it's not.
 [20] **ATTORNEY POWELL:** I don't know why --
 [21] **COUNCILMAN ROCHE:** Do we need to bring
 [22] it up?
 [23] **ATTORNEY POWELL:** -- you would need to
 [24] even mention it.
 [25] **COUNCILMAN ROCHE:** Okay. I bow to your

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[1] wisdom.
 [2] **COUNCILWOMAN FLEMING:** Unless you put
 [3] in there cost of living increases are subject to
 [4] --
 [5] **CHIEF KING:** Status.
 [6] **COUNCILWOMAN FLEMING:** -- you know, the
 [7] decision of the Council dependent upon our
 [8] budget or something.
 [9] **COUNCILMAN ROCHE:** No. We don't
 [10] mention Christmas bonuses either. It's just not
 [11] -- you know, I mean, that way, we're not
 [12] obligated to do it, so --
 [13] **ATTORNEY POWELL:** Right.
 [14] **MS. MURPHY:** That's because we don't
 [15] give out Christmas bonuses. It's part of their
 [16] salary. Cities don't give out bonus.
 [17] **COUNCILMAN ROCHE:** No. We gave them a
 [18] bonus at the end of the year.
 [19] **MS. MURPHY:** I know.
 [20] **COUNCILMAN ROCHE:** Okay. Sorry. The
 [21] Ramadan bonus.
 [22] **MS. MURPHY:** It's part of their salary
 [23] is that benefit that we give them in December.
 [24] **COUNCILMAN ROCHE:** Okay. That's fine.
 [25] It's better to leave it out, then.

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[1] Change in Status. Responsibility,
 [2] 2.4.3. "Promotions . . . layoffs, resignations
 [3] . . . must be approved by the Department Heads
 [4] and are subject to prior . . ."
 [5] Again, do we need to talk about
 [6] department heads would be subject to the City
 [7] Council and Mayor? I mean obviously the
 [8] department head has to be able to have the right
 [9] to hire and fire.
 [10] **MAYOR JENKINS:** It just says approved
 [11] by the department head.
 [12] **COUNCILMAN ROCHE:** Right, because --
 [13] I'm not sure I understand this paragraph.
 [14] **COUNCILWOMAN PITTMAN:** Which one are
 [15] you talking about?
 [16] **COUNCILMAN ROCHE:** A. I'm sorry.
 [17] 2.4.3.A on page 9.
 [18] Change in Status, "...layoffs
 [19] resignations, salary changes . . . must be
 [20] approved by the Department heads." Well, yeah,
 [21] I think they would initiate these.
 [22] **MAYOR JENKINS:** That would be the first
 [23] step. Department heads approve it. Then it'll
 [24] go to the next step --
 [25] **COUNCILMAN ROCHE:** Yeah, but it --

[1] **MAYOR JENKINS:** -- whether it be the
[2] Council or Mayor.

[3] **COUNCILMAN ROCHE:** Yeah, but it doesn't
[4] -- they struck out City Council. I mean the
[5] City Council shouldn't have to approve every
[6] raise for everyone, you know, below a department
[7] head.

[8] **MAYOR JENKINS:** But it wouldn't be
[9] subject of approval of the Council because it's
[10] a money matter.

[11] **COUNCILMAN ROCHE:** Well, I agree. But
[12] as far as giving an individual person that's
[13] below a department head a raise --

[14] Now, last year during the budget
[15] process, I know you guys did that, because
[16] remember you made some adjustments for the
[17] people up on the hill.

[18] **MAYOR JENKINS:** Yes, we did, but it was
[19] put in the budget to do that.

[20] **COUNCILMAN ROCHE:** Okay.

[21] **MAYOR JENKINS:** Okay?

[22] **CHIEF KING:** The way we've looked at
[23] it, sir, is that when you-all approve the
[24] budget, that's basically when you're turning it
[25] over to the department heads to make those

[1] **COUNCILWOMAN FLEMING:** Forwarded on.
[2] **COUNCILMAN SPANGLER:** -- to the City
[3] Clerk.

[4] **COUNCILMAN ROCHE:** That's fine.

[5] **COUNCILMAN SPANGLER:** You may want to
[6] add that to that sentence, that paragraph.

[7] **MAYOR JENKINS:** You mean then to the
[8] City Clerk? Rick?

[9] **COUNCILMAN ROCHE:** Okay. Never mind.

[10] **ATTORNEY POWELL:** I don't really think
[11] it --

[12] **COUNCILMAN ROCHE:** Okay. Periodic
[13] Review, "The Mayor shall review overall pay
[14] ranges . . . and make recommendations." Okay.
[15] I don't see anything there.

[16] Section 3, page 11. Now, were there
[17] any -- let me ask you this: in section 3, were
[18] there a lot of changes, Ed, Rick, Terms of
[19] Employment as far as like the work week and
[20] hours worked?

[21] **MAYOR JENKINS:** Looks like it's about
[22] the same to me.

[23] **COUNCILMAN ROCHE:** Yeah. Rest periods.

[24] **MAYOR JENKINS:** Yes, ma'am.

[25] **COUNCILWOMAN PITTMAN:** Direct Deposit.

[1] decisions on the individual step -- in the step
[2] process.

[3] **MAYOR JENKINS:** And then we approved
[4] the budget, didn't we.

[5] **COUNCILMAN ROCHE:** So what it's saying
[6] is the department heads can make the decision
[7] based subject to the budget.

[8] Okay. Now I understand how it reads.

[9] Okay. Disciplinary Actions, " . . .
[10] must be imposed in accordance with procedures
[11] established in these . . .," and we're going to
[12] establish those procedures.

[13] Communications . . . "delegated by the
[14] Mayor to the Department Heads."

[15] The next-to-the-last sentence, wouldn't
[16] the department heads provide it to the City
[17] Clerk instead of the Mayor?

[18] **MAYOR JENKINS:** Do what, now?

[19] **COUNCILMAN ROCHE:** It's just talking
[20] about recordkeeping. I mean should they make
[21] you file away all these records, Mayor, or
[22] wouldn't that go to the City Clerk?

[23] **COUNCILMAN SPANGLER:** Well, if they
[24] come to the Mayor, the Mayor could give his
[25] approval and then they could be forwarded --

[1] **COUNCILMAN ROCHE:** Yeah, I think we
[2] should add direct deposit.

[3] **COUNCILWOMAN PITTMAN:** I mean it's got
[4] direct deposit, but that would be wonderful.

[5] **MAYOR JENKINS:** Where are you going to
[6] put it?

[7] **MR. LOWE:** That's the one Priscilla
[8] suggested that we put in there.

[9] **COUNCILMAN ROCHE:** It's on page 13,
[10] paragraph E.

[11] **MS. MURPHY:** Okay.

[12] **COUNCILMAN ROCHE:** So obviously, we
[13] should leave that change in.

[14] **MAYOR JENKINS:** So that's page 11. Is
[15] that okay?

[16] **COUNCILMAN ROCHE:** Page 13.

[17] **MAYOR JENKINS:** Oh, we're on 13 now?

[18] **COUNCILMAN ROCHE:** Yes.

[19] **MAYOR JENKINS:** Okay.

[20] **COUNCILMAN ROCHE:** I'm just zipping
[21] through this. I'm sorry. We'll leave that on
[22] page 13, paragraph E on page 13 about Direct
[23] Deposit.

[24] **COUNCILWOMAN ALEXANDER:** Are you going
[25] to limit the number of accounts they can deposit

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[1] to?

[2] **MAYOR JENKINS:** Priscilla?

[3] **MS. MURPHY:** That's up to y'all.

[4] **COUNCILWOMAN ALEXANDER:** Because I'm

[5] allowed to put money in savings, savings bond

[6] and my payroll account.

[7] **COUNCILMAN ROCHE:** I've never done it

[8] in more than one.

[9] **ATTORNEY POWELL:** We've got it limited

[10] to one now, to the bank of their choice.

[11] **MS. MURPHY:** There's more than one in

[12] the software. It's not a problem.

[13] **ATTORNEY POWELL:** Well, the way it's

[14] written now, it would be one. It says bank of

[15] their choice.

[16] **COUNCILWOMAN PITTMAN:** So are we

[17] working toward direct deposit, Priscilla?

[18] **MS. MURPHY:** Yes.

[19] **COUNCILMAN ROCHE:** Yes. The question

[20] is do we want to allow them to direct deposit

[21] into multiple accounts. I mean I'm fine with

[22] that as long as it's not an undue burden.

[23] **MS. MURPHY:** How many? Two? Three?

[24] Five?

[25] **COUNCILMAN ROCHE:** Well, multiple

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[1] accounts. Like my direct deposits all go into

[2] one account. If I wanted to have one for me and

[3] one for my savings --

[4] **COUNCILWOMAN ALEXANDER:** I'd put no

[5] more than probably three. That would be a

[6] typical savings, a checking account and maybe an

[7] IRA, something like that.

[8] **COUNCILMAN ROCHE:** With the same bank?

[9] **COUNCILWOMAN ALEXANDER:** You could put

[10] it with the same bank.

[11] **COUNCILMAN ROCHE:** Or does it matter to

[12] you?

[13] **MS. MURPHY:** It doesn't matter.

[14] **COUNCILMAN ROCHE:** Whatever Priscilla

[15] says on that one. If it's no big deal, it's no

[16] big deal.

[17] **MS. FLEMING:** Did you say the system

[18] that we have now accommodates two?

[19] **MS. MURPHY:** No. It accommodates maybe

[20] up to five or more.

[21] **COUNCILMAN ROCHE:** Because my girl-

[22] friend's going to want mine to go right to her.

[23] **MS. MURPHY:** And we may come with just

[24] a little separate policy about it along with

[25] some other policies.

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[1] **COUNCILMAN ROCHE:** Okay.

[2] **CHIEF KING:** I think the biggest thing

[3] is Priscilla needed something to basically tell

[4] the employees we are going to direct deposit.

[5] **MS. MURPHY:** And these are the --

[6] **CHIEF KING:** You have no choice.

[7] **COUNCILMAN ROCHE:** Well, it definitely

[8] needs to be there, yeah.

[9] Okay. Section 3.2 on page 14.

[10] **ATTORNEY POWELL:** Are you going to

[11] require direct deposit?

[12] **MS. MURPHY:** I don't think so.

[13] **ATTORNEY POWELL:** I don't think you

[14] can.

[15] **COUNCILWOMAN ALEXANDER:** I don't think

[16] you can. It's against the law.

[17] **COUNCILMAN ROCHE:** No, you can't.

[18] **ATTORNEY POWELL:** Somebody might not

[19] have a bank account.

[20] **COUNCILMAN ROCHE:** Right. No, we can't

[21] require it but --

[22] **CHIEF KING:** You can't require it.

[23] **MS. MURPHY:** A lot of places require

[24] it.

[25] **CHIEF KING:** You can't require it. The

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[1] Army requires it.

[2] **COUNCILMAN ROCHE:** Okay. We're on

[3] section -- wait a minute -- "shall be

[4] responsible for completion of an attendance

[5] report ..." Now, that's actually a good point,

[6] the last paragraph on page 13, "Each Department

[7] Head shall be responsible for completion of an

[8] attendance report ..." Is that the same as time

[9] sheets?

[10] **CHIEF KING:** Yes.

[11] **COUNCILWOMAN PITTMAN:** ". . . which

[12] includes time sheets."

[13] **COUNCILMAN ROCHE:** All right. So "no

[14] later than 9:00 a.m. on the day following the

[15] end of the regular pay period."

[16] **MS. MURPHY:** I think that's 12:00 noon.

[17] **CHIEF KING:** 12:00 noon is what we got.

[18] **COUNCILMAN ROCHE:** You want to change

[19] that to 12:00 noon?

[20] **ATTORNEY POWELL:** Where are we?

[21] **COUNCILWOMAN PITTMAN:** Page 14 at the

[22] top.

[23] **MAYOR JENKINS:** 14, first paragraph.

[24] **COUNCILMAN ROCHE:** Instead of 9:00

[25] a.m., we'll change that to noon.

[1] **MS. MURPHY:** One o'clock?
 [2] **COUNCILWOMAN PITTMAN:** Is 1:00 easier
 [3] than noon?
 [4] **MS. MURPHY:** It doesn't matter.
 [5] They're doing a lot better.
 [6] **COUNCILMAN ROCHE:** Overtime.
 [7] **COUNCILWOMAN PITTMAN:** So are we
 [8] changing it? Yes or no?
 [9] **ATTORNEY POWELL:** 1:00 p.m.
 [10] **COUNCILMAN ROCHE:** 1:00 p.m.
 [11] **ATTORNEY POWELL:** Yes, that's what she
 [12] said.
 [13] **MS. MURPHY:** To give them time to get
 [14] in and work on it.
 [15] **COUNCILMAN ROCHE:** Okay. Are there
 [16] going to be any changes as far as overtime?
 [17] Again, I think this looks pretty
 [18] normal, Non-Exempt and Exempt Employees.
 [19] Obviously, City Council members don't get
 [20] overtime; right?
 [21] **CHIEF KING:** Salaried employee.
 [22] **MAYOR JENKINS:** Any problem with the
 [23] next one, Non-Exempt Employees?
 [24] **COUNCILMAN ROCHE:** I think we're okay.
 [25] Vacation, page 15. Okay. Definition,

[1] not allowed to accrue more than 30 days of
 [2] vacation. And if you read the very first
 [3] paragraph, it talks about it's for "extended
 [4] time with pay away from the routine . . . to
 [5] participate in recreational . . . This is
 [6] intended to help employees maintain the physical
 [7] health and mental outlook . . ." It's cost-
 [8] effective for people to take vacations, and we
 [9] shouldn't let them accumulate more than 30 days'
 [10] vacation.
 [11] Everyone okay with that? I'm talking
 [12] about general ideas so far.
 [13] And the only last thing I'd want to say
 [14] is that we can't take away accrued vacation that
 [15] someone already has. I mean if we change our
 [16] policy --
 [17] This appears to go from what used to be
 [18] two weeks was two years. According to this, the
 [19] old way was once you got a year, you got two
 [20] weeks of vacation, and now we're saying we need
 [21] two years to get two weeks of va- -- I'm sorry,
 [22] three years?
 [23] **COUNCILMAN SPANGLER:** My recommendation
 [24] is from one to three or one to five, two weeks;
 [25] and from three to twelve or five to twelve,

[1] vacation day. Eligibility, "All full-time
 [2] regular employees shall accrue at the applicable
 [3] rate for their length of service and normal work
 [4] schedule."
 [5] **MS. MURPHY:** Mayor? I'm sorry, Bob.
 [6] Can you all break now? This vacation is a big
 [7] deal.
 [8] **COUNCILMAN ROCHE:** Oh, yeah.
 [9] **MAYOR JENKINS:** Yes. I was going to
 [10] ask the Council, will this be a good time to
 [11] stop?
 [12] **COUNCILMAN ROCHE:** Yes.
 [13] **MAYOR JENKINS:** Okay. We'll take about
 [14] a 15-minute break.
 [15] ---
 [16] (Brief recess.)
 [17] ---
 [18] **COUNCILMAN ROCHE:** All right. On
 [19] Vacation, the only general things I want to say
 [20] about vacations is that, first of all, if
 [21] someone leaves, we have to pay them every minute
 [22] of vacation. I mean there's no two ways about
 [23] that.
 [24] The second thing is that one way a lot
 [25] of places get around that is what they -- you're

[1] three weeks; and then after thirteen, four
 [2] weeks. And I don't think anybody should carry
 [3] vacation over. I think it should be used within
 [4] the calendar -- or not the calendar year, but
 [5] the year.
 [6] **ATTORNEY POWELL:** Are you saying no
 [7] carryover?
 [8] **COUNCILMAN SPANGLER:** I don't think it
 [9] should be.
 [10] **ATTORNEY POWELL:** Is that your thought?
 [11] **COUNCILMAN SPANGLER:** I don't think
 [12] that's fair.
 [13] **ATTORNEY POWELL:** Would you go back
 [14] through what you just said so I can write it?
 [15] They may change it, but one to --
 [16] **COUNCILMAN SPANGLER:** One to three or
 [17] one to five, two weeks. Okay? Three to twelve
 [18] or five to twelve, three weeks. And after --
 [19] well, thirteen years on, four weeks. You don't
 [20] get any more than four weeks vacation, which is
 [21] the way that it is now.
 [22] **CHIEF KING:** Sir, what's your vision as
 [23] far as, for example, you have an employee that
 [24] only got a chance to take a week off or two
 [25] weeks off, for example?

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[1] **COUNCILMAN SPANGLER:** Then he can sell
[2] -- he can take the money for that. I don't --
[3] **CHIEF KING:** Yes.
[4] **COUNCILMAN SPANGLER:** I don't think --
[5] you know, I don't think you should be able to
[6] carry it over, Chief. It's not fair to you,
[7] it's not fair to the --
[8] **CHIEF KING:** Sir, an alternative
[9] perhaps that you might want to consider probably
[10] tonight is perhaps doing it, and instead of just
[11] cutting them a check, I really like the idea
[12] Ms. Fleming just came up with the sick leave,
[13] potentially, allowing that employee -- if he
[14] doesn't take his vacation, instead of cutting
[15] him a check, work out a way where he can get a
[16] 401, invest it into a pre-tax 401K and roll that
[17] money into that.
[18] **COUNCILMAN SPANGLER:** It would be the
[19] same thing. I mean he's still --
[20] **CHIEF KING:** He would save on taxes.
[21] **COUNCILMAN SPANGLER:** -- he still --
[22] that employee would still --
[23] Well, that's fine.
[24] But that employee would still be paid
[25] for the vacation time, okay,

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[1] **CHIEF KING:** Yes, sir.
[2] **COUNCILMAN SPANGLER:** -- regardless of
[3] how you do it.
[4] **CHIEF KING:** But that would give them a
[5] way to match it, investment in their own
[6] retirement. Just something for you to consider.
[7] Not a decision that y'all need to --
[8] **COUNCILWOMAN ALEXANDER:** There's no
[9] problem with an employee potentially getting
[10] paid for more than 52 weeks in a year?
[11] **MS. MURPHY:** We do that now, because we
[12] allow them to cash in their vacation now if they
[13] don't want to carry it over.
[14] **COUNCILWOMAN ALEXANDER:** Okay. Because
[15] that's a benefit that the corporate world
[16] doesn't allow. If I don't take it, I'll lose
[17] it.
[18] **COUNCILMAN ROCHE:** Right, exactly.
[19] **COUNCILWOMAN ALEXANDER:** And I can't
[20] sell it back.
[21] **COUNCILMAN ROCHE:** And that kind of
[22] defeats the purpose of Section 3.3.1 that we
[23] just talked about. We don't want to burn people
[24] out. It's better to just --
[25] The only time I've ever seen in the

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[1] real world -- in our world, I guess, was one
[2] place a long time ago, someone got real sick,
[3] and we were allowed to donate our days of
[4] vacation and give them to someone else, but I've
[5] never seen anyplace where they've given you
[6] cash.
[7] **COUNCILMAN SPANGLER:** I think we do
[8] that.
[9] **CHIEF KING:** We have an option right
[10] now. We haven't worked out the details of how
[11] to donate time, the sick time, to a sick
[12] employee.
[13] **COUNCILMAN ROCHE:** That's fine. All
[14] I'm saying is that I've never seen a situation
[15] where you can cash in your vacation. It's good
[16] to have -- I think it's good for the
[17] organization if people take their vacation.
[18] **COUNCILMAN SPANGLER:** But again, if
[19] they don't want four weeks vacation, they should
[20] be able to be reimbursed for the additional time
[21] instead of losing it, okay, or carrying it over.
[22] If you carry it over, it gets into a budget
[23] issue and --
[24] **CHIEF KING:** It became a problem with
[25] people who had a lot of years ended up quitting,

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[1] or resigning or retiring. Then the City had to
[2] cut a tremendous check for all that time that
[3] they had. And that's what caused the initial
[4] decision just to pay them at the end of the year
[5] if they built more than four weeks.
[6] **COUNCILMAN ROCHE:** Well, a general
[7] policy would be to say you cannot carry over
[8] more than 30 days of vacation.
[9] **COUNCILMAN SPANGLER:** No, I don't think
[10] we need to do that, Bob.
[11] **COUNCILWOMAN ALEXANDER:** So how do you
[12] budget if you budget an employee based on 52
[13] weeks of salary and you're paying more than
[14] those 52 weeks? So how does that work into your
[15] budget?
[16] **COUNCILMAN ROCHE:** Exactly.
[17] **MS. MURPHY:** I budget the 52 weeks and
[18] then I add a certain percentage more, hoping to
[19] cover extra weeks overtime.
[20] **CHIEF KING:** We have to turn in an
[21] inventory of all our carried vacation to the
[22] City Clerk at mid-year review, so that way, she
[23] can predict how much time potential.
[24] **COUNCILMAN ROCHE:** How about just
[25] saying you can't carry over two weeks?

[1] **MS. MURPHY:** Well, let me throw this
[2] out. We've had employees that used their 12
[3] weeks Family Medical Leave Act sometimes for
[4] their maternity leave, because we don't have
[5] maternity leave, and they save up their vacation
[6] time and their sick time and they use it during
[7] that time that they're out. So if you could
[8] keep that in mind while y'all are determining
[9] how much you can carry over or not.

[10] **COUNCILMAN ROCHE:** I guess what I'm
[11] getting at is the more complicated it is, the
[12] longer we'll be here tonight and the longer --
[13] the more complicated it is for people to just
[14] manage. You know, you can't have everybody go
[15] on vacation in January, but, on the other hand,
[16] if someone says, "I want to take a three-week
[17] vacation next July and go to Shanghai," or
[18] something like that --

[19] **MS. MURPHY:** All the department heads
[20] have pretty much managed who goes on vacation
[21] when --

[22] **COUNCILMAN ROCHE:** Right.

[23] **MS. MURPHY:** -- and they do, you know,
[24] a good job.

[25] **COUNCILMAN ROCHE:** But if you set up

[1] **MS. MURPHY:** I just bring it up because
[2] several employees have done it that way over the
[3] last few years.

[4] **COUNCILMAN SPANGLER:** Well, they
[5] shouldn't have to do that. We should have a
[6] policy in place saying that you've got this many
[7] weeks.

[8] **MS. MURPHY:** Well, let me throw this
[9] wrench into it: If you're going to do it for
[10] the mothers, you're going to do it for the
[11] fathers also?

[12] **CHIEF KING:** Yes. Maternity leave
[13] applies to both.

[14] **COUNCILWOMAN PITTMAN:** Applies to both,
[15] yes, most definitely.

[16] **CHIEF KING:** Yes, sir. Don't look at
[17] me that way. Don't worry, sir. I will not be
[18] taking maternity leave. I took care of that
[19] years ago.

[20] **COUNCILMAN ROCHE:** So did I.

[21] **MAYOR JENKINS:** I'm not going to touch
[22] that. I'll guarantee you.

[23] **CHIEF KING:** But Mr. Spangler brings an
[24] issue that, for example, in the summertime and
[25] in the winter time -- December is the busiest

[1] some basic rules that say like, for instance,
[2] "This is your scheduled vacation. Can't carry
[3] over more than two weeks. You have to take it,"
[4] because like I said, we don't want to burn
[5] people out, and some general rules like that,
[6] then it's very simple to manage because you're
[7] not reading four pages of vacation policy. You
[8] have your basic three rules or whatever that
[9] always applies.

[10] **COUNCILMAN SPANGLER:** Again, I wouldn't
[11] want to force anybody to take the time off if
[12] they don't feel like they need the time off. If
[13] they feel like they need the money, pay them for
[14] it.

[15] And as far as maternity leave, why do
[16] we not have maternity leave for our employees?

[17] **MS. MURPHY:** That's up to you-all.

[18] **COUNCILMAN SPANGLER:** That's something
[19] you should have.

[20] **COUNCILWOMAN PITTMAN:** That's something
[21] I had brought up the last time when we were
[22] talking about it.

[23] **COUNCILMAN SPANGLER:** You know, we
[24] shouldn't be worried about saving vacation time
[25] or whatever for --

[1] time for the Police Department -- I am sometimes
[2] in the position I have to tell people, "I can't
[3] let you take off because --"

[4] **COUNCILMAN SPANGLER:** Well, that
[5] shouldn't be a problem. You know, in the
[6] private sector and, I'm sure, other government
[7] agencies or whatever, state, federal, they block
[8] out specific times. I mean it may be the week
[9] of Thanksgiving. It may be the whole month of
[10] December. It may be, you know, the holiday
[11] weeks like 4th of July or whatever. So you
[12] know, that shouldn't be a -- that's probably
[13] something we need to have.

[14] **CHIEF KING:** Somebody always gets
[15] stuck, sir, taking, you know, January. And you
[16] have to then do it by seniority and who has a
[17] family. But as much freedom as you can give the
[18] department heads to manage that, I would greatly
[19] appreciate it.

[20] **COUNCILWOMAN PITTMAN:** And they also
[21] don't like -- with the S.O., they don't allow
[22] you to take Christmas and Thanksgiving or
[23] whatever. One or the other, not both.

[24] **COUNCILMAN SPANGLER:** Well, you know,
[25] it should be up to -- I'm sure you've got a

[1] method you use.
 [2] **CHIEF KING:** Seniority and family, if
 [3] they have a family.
 [4] **COUNCILMAN SPANGLER:** Right. And I
 [5] mean, you know, if you got four weeks' vacation,
 [6] you're not going to let that person choose four
 [7] weeks all at one time. You're going to let him
 [8] have his first pick and then run on down the
 [9] line.
 [10] So I mean it should be up to the
 [11] department heads. They should have some kind of
 [12] system in place and all the employees would be
 [13] in agreement to it.
 [14] **CHIEF KING:** I like the option that you
 [15] mentioned, sir, as far as being able to get --
 [16] if they cannot take their vacation, they can
 [17] cash it in or do something with it.
 [18] I like Ms. Fleming's idea of being able
 [19] to roll it into some kind of retirement type.
 [20] **COUNCILMAN SPANGLER:** That's fine. I
 [21] mean that could be worked out between you and
 [22] the Mayor, the department heads and the Mayor or
 [23] whatever.
 [24] **COUNCILWOMAN PITTMAN:** Yeah. But use
 [25] it or lose it is not -- you need somehow to be

[1] \$425 in.
 [2] **COUNCILMAN ROCHE:** Okay. So we're not
 [3] carrying over anything. We're going to allow
 [4] any extra to be cashed in.
 [5] Now, when can it be cashed in? Any
 [6] time they want to, or can they just accumulate
 [7] months and months, or does it have to be cashed
 [8] in at a certain time?
 [9] **COUNCILMAN SPANGLER:** Okay. First of
 [10] all, the department head is going to schedule
 [11] all his employees' vacations. Okay.
 [12] Now, if that employee chooses to sell a
 [13] particular week, then they need to get with that
 [14] department head in time that he can make what-
 [15] ever changes he needs to make or can reschedule
 [16] someone else to go, and then at that time, they
 [17] could get their money. They can't get it before
 [18] they've earned it and they can't get it before
 [19] giving the department head at least a 30-day.
 [20] **CHIEF KING:** Yes, sir, because you've
 [21] got to look at the budget.
 [22] **COUNCILMAN ROCHE:** Yes, yes. And I
 [23] guess I got all that. We're just trying to
 [24] build a simple policy here so that people know
 [25] automatically the --

[1] able to give them something to --
 [2] **COUNCILMAN SPANGLER:** Well, we're not
 [3] doing that, though, Donna.
 [4] **COUNCILWOMAN PITTMAN:** That's what I'm
 [5] saying.
 [6] **COUNCILMAN SPANGLER:** Yeah.
 [7] **COUNCILWOMAN PITTMAN:** I was agreeing
 [8] with you.
 [9] **MAYOR JENKINS:** Why couldn't we,
 [10] instead of dealing with their 401K, give them
 [11] the money and they can put it where they want
 [12] it?
 [13] **COUNCILMAN SPANGLER:** Well, there's the
 [14] benefits.
 [15] **MS. MURPHY:** It would be after tax,
 [16] then.
 [17] **CHIEF KING:** They are some tax
 [18] benefits, sir.
 [19] **MS. MURPHY:** It would be after tax,
 [20] then, Mayor.
 [21] **MAYOR JENKINS:** It would be what?
 [22] **COUNCILMAN SPANGLER:** It would be after
 [23] tax. The benefit would be that they would be
 [24] able to put the full \$500, if that's what it
 [25] happened to be, in the 401K, instead of putting

[1] **COUNCILMAN SPANGLER:** Well, it's pretty
 [2] simple.
 [3] **CHIEF KING:** Date of employment.
 [4] **MS. MURPHY:** In practice, they've been
 [5] doing it as a department head approves it
 [6] throughout the year, not at one certain time.
 [7] **COUNCILMAN ROCHE:** No. But isn't the
 [8] concern that someone can accumulate a whole
 [9] bunch of -- I mean shouldn't we say, then, if
 [10] you accumulate more than, say, two weeks of
 [11] vacation, you have to buy it or do something
 [12] with it? Wasn't the concern that people were
 [13] walking around with eight weeks of vacation?
 [14] **COUNCILMAN SPANGLER:** We're not going
 [15] to let that happen.
 [16] **COUNCILMAN ROCHE:** Well, that's what
 [17] I'm saying. It will happen if we don't build a
 [18] policy.
 [19] **ATTORNEY POWELL:** Right now they can't
 [20] accumulate but four weeks.
 [21] **COUNCILWOMAN PITTMAN:** Four weeks, yes.
 [22] **COUNCILMAN ROCHE:** So what happens
 [23] after that?
 [24] **ATTORNEY POWELL:** That's in the past,
 [25] before that got put in place is what he was

[1] referring to.
[2] **COUNCILMAN ROCHE:** Okay.
[3] **MS. MURPHY:** But they can carry over.
[4] **COUNCILMAN SPANGLER:** Also we need to
[5] put in here, too -- and we need to go back and
[6] revisit the weeks per years, but it's going to
[7] be from employment date, not from January 1st.
[8] Okay. So example, like I said before, if you
[9] start June 15th, you don't get your first week
[10] until your nine months --
[11] **COUNCILWOMAN PITTMAN:** So your
[12] anniversary date.
[13] **COUNCILMAN SPANGLER:** -- nine months
[14] from your hiring date.
[15] Your second week, you will get after
[16] your anniversary date.
[17] **ATTORNEY POWELL:** Yeah, because this
[18] one says that -- the one that's in place right
[19] now says beginning January 1 --
[20] **COUNCILMAN SPANGLER:** Yeah. We
[21] don't --
[22] **ATTORNEY POWELL:** -- they get nine
[23] months, then a year.
[24] **MS. MURPHY:** And so does this one,
[25] Rick.

[1] you're working, technically, if you needed a day
[2] off and you've already accrued it. Then you
[3] can't take more than you've accrued.
[4] **COUNCILMAN SPANGLER:** I think we need
[5] to stick with the week after nine months. And,
[6] you know, most places don't let you do that,
[7] Mr. Roche. I mean --
[8] **COUNCILMAN ROCHE:** Every place I have,
[9] has, actually.
[10] **COUNCILMAN SPANGLER:** -- most places
[11] make you work a full year before you even take a
[12] vacation.
[13] **CHIEF KING:** You got to evaluate them.
[14] **COUNCILMAN ROCHE:** Sir?
[15] **CHIEF KING:** You got to evaluate the
[16] employees, and that's your six weeks'
[17] probationary period initially.
[18] **COUNCILMAN ROCHE:** Six months.
[19] **CHIEF KING:** Six months.
[20] **COUNCILMAN ROCHE:** Right.
[21] But you're right. 3 and B don't --
[22] **CHIEF KING:** That's caused us a lot of
[23] problems with the interpretation of it.
[24] **MS. MURPHY:** Yes.
[25] **COUNCILWOMAN PITTMAN:** Yes.

[1] **ATTORNEY POWELL:** Years of service.
[2] **COUNCILWOMAN ALEXANDER:** So does the
[3] new one that we're reviewing. It's the same
[4] contradictory terminology.
[5] **COUNCILWOMAN PITTMAN:** Yes.
[6] **COUNCILMAN SPANGLER:** So it needs to be
[7] changed.
[8] **MS. MURPHY:** Because in practice,
[9] that's what we have done.
[10] **COUNCILWOMAN ALEXANDER:** Because if you
[11] read number 3 and compare it to B, they're
[12] contradicting each other.
[13] **COUNCILMAN ROCHE:** Well, I mean didn't
[14] we just -- you just accrue X-number of days per
[15] month.
[16] **MS. MURPHY:** Per pay period.
[17] **COUNCILMAN ROCHE:** That's not what
[18] we're saying here, but, you know, that's what we
[19] should. That's the way normally you approve
[20] vacation. That way, you don't have to worry
[21] about whether it's five days or six days.
[22] **MS. MURPHY:** And you can accrue so much
[23] per pay cycle.
[24] **COUNCILMAN ROCHE:** Right. That way,
[25] you can take a day off the first few months

[1] **COUNCILMAN ROCHE:** And then again, what
[2] I've seen over and over and over again is you
[3] just start accruing them when you start working,
[4] and you accrue X-number of days per month or per
[5] pay period. And that's straightforward and
[6] everyone understands it.
[7] **COUNCILMAN SPANGLER:** It's all the
[8] same. It's just additional work for the City
[9] Clerk or the bookkeeper.
[10] **MS. MURPHY:** Not after we get started.
[11] It's the same.
[12] **COUNCILMAN SPANGLER:** But you're still
[13] not going to let anybody take a day or two.
[14] Maybe -- I guess it would be up to the
[15] department head.
[16] **COUNCILMAN ROCHE:** Why not?
[17] **MS. MURPHY:** It's up to the department
[18] heads.
[19] **COUNCILMAN ROCHE:** Yes. The department
[20] head may think it's a good idea to let them take
[21] a vacation day.
[22] **ATTORNEY POWELL:** Well, how does it
[23] accrue?
[24] **COUNCILMAN SPANGLER:** How does it
[25] accrue?

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[1] **ATTORNEY POWELL:** Yes. So much a
[2] month? So much a pay period?
[3] **COUNCILMAN ROCHE:** Starting December
[4] and (inaudible)?
[5] **MAYOR JENKINS:** That's the way it is no
[6] matter when you start it.
[7] **COUNCILMAN SPANGLER:** Well, okay.
[8] First of all, you know, you should keep it
[9] simple. Simple is two weeks a year for the
[10] first year. Okay? Doesn't matter. I mean you
[11] can say you're going to get so many hours a week
[12] or so many days a month, but just make it a
[13] straight two weeks. Just make it simple. Okay?
[14] **MS. FLEMING:** For the first week? I
[15] mean for the first year?
[16] **COUNCILMAN SPANGLER:** First year.
[17] **MS. FLEMING:** Well, they're on
[18] probation for six months.
[19] **COUNCILMAN SPANGLER:** Doesn't matter.
[20] Doesn't matter. They still need --
[21] First of all, six months is a long time
[22] to have anybody on probation or a probationary
[23] period. Okay?
[24] **MAYOR JENKINS:** I don't -- it should be
[25] more than that.

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[1] **COUNCILMAN SPANGLER:** No, it shouldn't.
[2] I mean --
[3] **MS. FLEMING:** Mr. Spangler, you don't
[4] think that just one week for the first year and
[5] then two through five would be a two-week
[6] vacation?
[7] **COUNCILMAN SPANGLER:** Pam, I think
[8] that's -- that's the way it's been forever and a
[9] day, one week for the first year. But I think
[10] if you look out at the private sector or you
[11] look at some of the other municipalities,
[12] they're probably getting two weeks for the first
[13] year.
[14] **MS. FLEMING:** Okay.
[15] **COUNCILMAN SPANGLER:** And you know, we
[16] want to keep the people we have and entice some
[17] other people to come on board. I think the
[18] Chief said he had about five or six vacancies.
[19] **CHIEF KING:** We have five openings,
[20] sir. I think you made a major impact tonight
[21] just allowing -- being able to help me recruit.
[22] **COUNCILMAN SPANGLER:** Well, and again,
[23] in the private sector, there's not very many
[24] places that are worth working at that you don't
[25] start out with two weeks.

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[1] **COUNCILMAN ROCHE:** No. I agree with
[2] that. Should start with two weeks.
[3] **ATTORNEY POWELL:** But would it be after
[4] a year or nine months?
[5] **COUNCILMAN SPANGLER:** Nine months, you
[6] can take your first week. Okay. After the
[7] year, you get your second.
[8] **COUNCILWOMAN PITTMAN:** Second week?
[9] **COUNCILMAN SPANGLER:** After your
[10] anniversary date, you get your second week, you
[11] know, depending on the department head and when
[12] he can schedule it. You can't take that last
[13] week until you've worked a year and one day.
[14] **MS. MURPHY:** So that last three months
[15] or your first year, you can accrue a whole week.
[16] **COUNCILMAN SPANGLER:** Well, you're not
[17] accruing anything. You're just getting two
[18] weeks.
[19] **CHIEF KING:** You just can't take them.
[20] **COUNCILMAN SPANGLER:** Okay. So it's
[21] not an accrual. Okay.
[22] **CHIEF KING:** I mean you can accrue it.
[23] **MS. MURPHY:** You just can't take it.
[24] **CHIEF KING:** I mean two weeks divided
[25] by 52 weeks or whatever pay period, but you just

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[1] can't take it.
[2] **COUNCILMAN SPANGLER:** Well --
[3] **ATTORNEY POWELL:** All right. What
[4] happens here? You work a year, and you've taken
[5] two weeks vacation, and you work three more
[6] months and then you're terminated.
[7] **COUNCILMAN SPANGLER:** Then you don't
[8] get anything.
[9] **ATTORNEY POWELL:** So nothing is
[10] accrued.
[11] **COUNCILMAN SPANGLER:** No.
[12] **ATTORNEY POWELL:** We're not accruing.
[13] **MS. MURPHY:** Three months have. No.
[14] Three months have.
[15] **CHIEF KING:** You accrue three months'
[16] worth of vacation.
[17] **COUNCILMAN SPANGLER:** No, no, you
[18] shouldn't.
[19] **CHIEF KING:** You accrue that by the day
[20] at point something, sir.
[21] **MS. MURPHY:** Yeah.
[22] **ATTORNEY POWELL:** That's the whole --
[23] What I'm trying --
[24] **COUNCILMAN SPANGLER:** Private sector
[25] doesn't happen like that. If you --

[1] **ATTORNEY POWELL:** Nobody's agreeing on
[2] that.

[3] **COUNCILWOMAN FLEMING:** Right. See,
[4] that's part of way back here when I was going to
[5] -- when we were going to finally get into resig-
[6] nations, terminations, so forth and so on, we
[7] sort of needed to spell out what would happen at
[8] that point to those employees.

[9] **CHIEF KING:** I think what -- and
[10] Priscilla, hopefully I'm not saying anything --
[11] for Priscilla's, if you give them, say, two
[12] weeks beyond the first year of employment, she
[13] would calculate it by pay period: you earn 1.2
[14] days per pay period of vacation. You can track
[15] it on your pay stub.

[16] So if you only work three months, you
[17] only earned whatever, two days or three days
[18] worth of vacation --

[19] **ATTORNEY POWELL:** Right.

[20] **CHIEF KING:** -- for that pay period.

[21] So if you're terminated or you resign, that's
[22] all you're going to get --

[23] **MS. MURPHY:** Right.

[24] **CHIEF KING:** -- is what you have
[25] accrued.

[1] whether it be one day or two days, you know. I
[2] mean we're increasing -- first of all, we're
[3] increasing their vacation time as it is, okay.
[4] So I think just to keep it --

[5] **CHIEF KING:** I guess you'd have to
[6] determine, sir, what is the threshold? At what
[7] time during that second year of employment have
[8] you gotten through the threshold of you will get
[9] paid for that one week if you leave?

[10] **COUNCILMAN SPANGLER:** Well, okay.
[11] Let's say if you work a year and a half, okay,
[12] you got your two weeks' vacation. Then you've
[13] built up another --

[14] **MS. FLEMING:** A week.

[15] **COUNCILMAN SPANGLER:** -- week. Okay.
[16] Anything less than a week, I don't think that we
[17] should do it. Okay? I think it would be much
[18] easier for them to understand and much easier
[19] for accounting.

[20] **CHIEF KING:** The only thing you might
[21] get into, sir, is, for example, people that are
[22] going to leave us. What they'll end up doing is
[23] they'll take vacation and then give you notice.
[24] That's what has happened to me in the past.

[25] **COUNCILMAN SPANGLER:** Well, you can't

[1] **COUNCILMAN ROCHE:** Right.

[2] **MS. MURPHY:** Right.

[3] **COUNCILMAN SPANGLER:** But legally, you
[4] don't have to give them anything if they quit
[5] because actually --

[6] **COUNCILMAN ROCHE:** Well, they've earned
[7] it, though, Bob.

[8] **COUNCILMAN SPANGLER:** Pardon me?

[9] **COUNCILMAN ROCHE:** They've earned it.

[10] **MS. FLEMING:** If we've got it in our
[11] personnel and procedure manual, I wouldn't say
[12] that we would not have to, if we've agreed on
[13] it.

[14] **COUNCILMAN SPANGLER:** Well, if we agree
[15] on it, we have to do it, but I'm just saying I
[16] can't --

[17] **ATTORNEY POWELL:** She's saying if you
[18] had it in there that you didn't get it, you
[19] wouldn't get it.

[20] **MS. FLEMING:** That's right.

[21] **COUNCILMAN SPANGLER:** Yes. I don't
[22] think if somebody terminates a year and three
[23] months, they've taken their two weeks vacation
[24] or got paid for the two weeks vacation, I don't
[25] think from that point on, that they should,

[1] stop that. You can't do anything about that.

[2] **CHIEF KING:** Right.

[3] **COUNCILMAN ROCHE:** Well, still, if our
[4] goal here is to make it simple -- I mean, you
[5] see, all this talk, you know, that we're doing
[6] here would be, like John said and I think what I
[7] was saying, is that part of your salary is you
[8] accrue vacation time and you accrue that
[9] vacation time from the very first day you work.
[10] And you get X-number, and, like you say, you
[11] accrue it; it shows up on your pay stub, and
[12] then you can take it whenever your department
[13] head says you can take it. You can accrue a day
[14] and take a day, accrue a day and take a day if
[15] your department head -- that way, the department
[16] head has the flexibility to do whatever she
[17] wants to do, and our policy is a lot simpler and
[18] we don't spend hours and hours trying to figure
[19] out, "You know, except on Tuesdays when the
[20] wind's blowing from the east, if you got three
[21] months minus four days, then we pay you, but we
[22] don't pay you at da-da-da-da."

[23] **ATTORNEY POWELL:** Okay. And I'm not
[24] advocating one thing or another. I'm trying to
[25] get it straight so we can put it down in words.

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[1] You're here nine months and then you
[2] take a week.
[3] **COUNCILMAN SPANGLER:** You can take a
[4] week.
[5] **ATTORNEY POWELL:** All right, but wait a
[6] minute. You're here eight months; what can you
[7] take?
[8] **COUNCILMAN SPANGLER:** Nothing.
[9] **COUNCILMAN ROCHE:** That's the point.
[10] I'm just trying to simplify it, Bob.
[11] **MS. MURPHY:** I've been thinking about
[12] setting it up in the computer because I'm not
[13] going to figure this up every week for
[14] everybody.
[15] **COUNCILMAN ROCHE:** Right.
[16] **MS. MURPHY:** The way we have it now is
[17] if you've been here one year, you get two weeks.
[18] So that means that it's 80 hours divided by 52
[19] weeks of pay is so much per week.
[20] **COUNCILMAN ROCHE:** Right.
[21] **MS. MURPHY:** And it has what I call a
[22] nine-month wait. So you've got 270 days if you
[23] have a wait time before you're eligible to take
[24] it, but you're accruing it so much each pay
[25] period, and then as it gets past and you keep

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[1] accruing depending on the number of years since
[2] your hire date, and you set up the parameters in
[3] the software that automatically accrues it.
[4] **COUNCILMAN ROCHE:** Then I guess my
[5] question would be --
[6] **COUNCILMAN SPANGLER:** Unless you keep
[7] it week to week, it's going to make it a lot
[8] more difficult for a department head, especially
[9] with the amount of employees that you have.
[10] **CHIEF KING:** That's why I like that
[11] being displayed on their pay stub, sir.
[12] **COUNCILMAN ROCHE:** Right.
[13] **COUNCILMAN SPANGLER:** Well, as far as
[14] scheduling, you know, I understand this, and she
[15] can keep up with it. But what about your
[16] scheduling if somebody comes up and says, "Okay.
[17] I've been here for, you know --"
[18] **MS. MURPHY:** I'll be able to give
[19] reports.
[20] **CHIEF KING:** I'm having to do that
[21] right now, sir. If somebody comes in and says,
[22] "I want to go to Disney," if we don't have the
[23] manpower coverage, I say, "Sorry, you can't do
[24] it that week. I've got other people that have
[25] more seniority and they signed up for vacation

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[1] before you did. You've got to take your turn at
[2] bat."
[3] **COUNCILMAN ROCHE:** I guess my only
[4] concern would be if someone's been working for
[5] six months and says, "I want to take a long
[6] weekend and I want to take a Friday off," and
[7] it's no problem with the department head, are
[8] you going to say no? Nine months is a long time
[9] to work without a vacation.
[10] **COUNCILMAN SPANGLER:** Well, some
[11] places, you work a full year without getting a
[12] vacation.
[13] **CHIEF KING:** We tend to manage that,
[14] sir, because our employees make, you know, comp
[15] time because they're exempt employees.
[16] **COUNCILMAN ROCHE:** No. I got that.
[17] I'm just saying that I think we should give as
[18] much flexibility to the department heads as
[19] possible on this. That's all.
[20] **ATTORNEY POWELL:** You worked six
[21] months, and that's your probation period; you're
[22] terminated. Have you accrued any vacation?
[23] **COUNCILMAN ROCHE:** Yes.
[24] **MS. FLEMING:** No.
[25] **COUNCILWOMAN PITTMAN:** No.

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[1] **MS. FLEMING:** It states right in there,
[2] you don't accrue anything on vacation.
[3] **COUNCILMAN SPANGLER:** That's still not
[4] right. You've still accrued a week's vacation.
[5] If you get terminated, you're owed a week's
[6] vacation.
[7] **ATTORNEY POWELL:** Then in the next
[8] three months, what do you accrue?
[9] **MS. FLEMING:** I guess your one week.
[10] **COUNCILMAN ROCHE:** So now you've got a
[11] different accrual rate.
[12] **MS. FLEMING:** But see, it states
[13] earlier in here that --
[14] ---
[15] (Overspeaking)
[16] ---
[17] **MS. FLEMING:** -- during the proba-
[18] tionary period, they will not be accruing any-
[19] thing.
[20] **ATTORNEY POWELL:** Well, in the current
[21] manual or even the revised one that we did, it
[22] did contemplate pay period accrual.
[23] **MAYOR JENKINS:** How do you get nine
[24] months?
[25] **COUNCILMAN SPANGLER:** Well, that's what

[1] you-all had.
 [2] ---
 [3] (Overspeaking)
 [4] ---
 [5] **ATTORNEY POWELL:** You didn't accrue it
 [6] until you'd worked for nine months.
 [7] **COUNCILMAN ROCHE:** That's for
 [8] simplicity.
 [9] **COUNCILMAN SPANGLER:** The Mayor wants
 [10] to take out the nine months, and then after six
 [11] months, he wants to be able to give the week's
 [12] vacation.
 [13] **MS. MURPHY:** Well, I'm fine with that,
 [14] but I can hear some employees that are currently
 [15] on our roster now that are saying, "Hey, you
 [16] people get more than I got." I mean I'm going
 [17] to hear that tomorrow morning.
 [18] **COUNCILMAN SPANGLER:** You're going to
 [19] hear that, Priscilla, but, overall, they're
 [20] still coming out. Everybody's coming out.
 [21] You know the thing about sales and
 [22] commission, okay, it's an equal opportunity for
 [23] anybody and everybody. I don't care how -- what
 [24] kind of degree you have. It's how lazy you are
 [25] or how disciplined you are and how much you want

[1] pass it as a separate policy, the better for us,
 [2] because we're accruing it a different --
 [3] **COUNCILMAN ROCHE:** Right.
 [4] **MS. MURPHY:** -- way now. So the better
 [5] for City Hall, so to speak, and the employees,
 [6] that we don't have to wait for this new employee
 [7] manual to be fully adopted.
 [8] **COUNCILMAN SPANGLER:** I'd like to
 [9] implement this right away. I honestly would.
 [10] And we can vote on that tonight.
 [11] **MS. MURPHY:** Because we're about to
 [12] load up their accrual. Methods, how they
 [13] accrue, if they're going to get more, we might
 [14] as well do that now and not have to go back and
 [15] recalculate anybody.
 [16] **ATTORNEY POWELL:** Would it make some
 [17] sense for two or three of us to work on the
 [18] wording and circulate it and then try to adopt
 [19] it next -- on the third?
 [20] I don't know that you-all have agreed
 [21] on anything tonight.
 [22] **COUNCILMAN SPANGLER:** Well, no, not
 [23] yet. We needed to make a motion and we didn't
 [24] vote.
 [25] **MS. MURPHY:** And if we can't do it in a

[1] to make, you know. It's the same difference.
 [2] **CHIEF KING:** As a department head, it
 [3] doesn't matter to me whether it's nine months or
 [4] six months. The key is just getting them
 [5] through the probationary period.
 [6] **MS. FLEMING:** I want to make a comment,
 [7] and this was a statement that I made in the
 [8] Mayor's office -- and Mr. Spangler, I think you
 [9] were there as well -- when we adopt and put into
 [10] play an approved personnel manual, we should be
 [11] writing a letter, a benefits statement, to every
 [12] single one of our employees before we start this
 [13] manual, stating this is how much vacation time
 [14] you have accrued and invested. It remains the
 [15] same. This is how much sick time you have, how
 [16] much comp time. Whatever we're giving them,
 [17] that remains the same, and from this date
 [18] forward, whatever date this manual is, then
 [19] that's what's going to be applicable to every
 [20] single employee.
 [21] **CHIEF KING:** It will cut down on some
 [22] of the panic and some of the rumoring. I think
 [23] that will be helpful.
 [24] **MS. MURPHY:** And the sooner that we can
 [25] get this part in place even if y'all have to

[1] hurry, at least we could do it by July 1 when
 [2] we're normally used to making changes and it
 [3] splits the year, splits the calendar year?
 [4] **COUNCILMAN SPANGLER:** I'd like to do it
 [5] more --
 [6] **COUNCILMAN ROCHE:** Fiscal year?
 [7] **COUNCILMAN SPANGLER:** -- more quickly.
 [8] I think that the department heads will benefit
 [9] from it and I think all the employees will
 [10] benefit from it. So if we could do it more
 [11] quickly than July --
 [12] **COUNCILMAN ROCHE:** Well, the simpler it
 [13] is, the quicker we can adopt it.
 [14] **COUNCILMAN SPANGLER:** If it was very
 [15] simple, you wouldn't understand it.
 [16] But we need to be in agreement on the
 [17] service and the weeks. Okay.
 [18] **COUNCILMAN ROCHE:** Personally, this is
 [19] up for -- you know, I think that if everyone
 [20] starts with two weeks until they get five years,
 [21] and then from five years to ten years they get
 [22] three weeks, and then after ten years they get
 [23] four weeks, that's what I would -- that's what
 [24] I'm used to seeing.
 [25] **COUNCILMAN SPANGLER:** I would go with

[1] twelve for four.

[2] **COUNCILMAN ROCHE:** That way, I think

[3] we're promoting and we're giving people more

[4] than they have now, so we're not taking away

[5] anything from anybody.

[6] **MS. MURPHY:** Well, since you-all think

[7] that you-all can adopt it soon, can we make it

[8] effective 1/1 of 2008, then, since I've got good

[9] numbers for 12/31/2007?

[10] **COUNCILMAN ROCHE:** Good. Sure.

[11] **ATTORNEY POWELL:** That's probably a

[12] good idea. That's what I was hoping, to get the

[13] employee manual done by the start of this year.

[14] **COUNCILWOMAN PITTMAN:** That's a good

[15] idea.

[16] **COUNCILMAN ROCHE:** Now you're retro-

[17] active.

[18] **COUNCILWOMAN PITTMAN:** Yes, retro-

[19] active.

[20] **COUNCILMAN SPANGLER:** We'll be lucky to

[21] get it by the end of the year, but at least it's

[22] better than what it has been.

[23] **CHIEF KING:** You-all have done an

[24] amazing job just tonight, sir, so I give you big

[25] compliments. I think you've accomplished more

[1] no nine-month wait?

[2] **COUNCILMAN ROCHE:** That's what I would

[3] ask for.

[4] **MS. MURPHY:** Six months' wait? No

[5] wait?

[6] **COUNCILMAN ROCHE:** No, no wait.

[7] **ATTORNEY POWELL:** The Mayor said

[8] something about six months, and I didn't

[9] understand that.

[10] **COUNCILMAN SPANGLER:** The Mayor said,

[11] why wait nine months?

[12] I mean I really think -- you know, at

[13] any rate, at six months, you've got a week's

[14] vacation, okay, whether you stay or whether you

[15] -- I mean if you don't work out in that six-

[16] month probationary period, you've still got a

[17] week's vacation.

[18] **COUNCILMAN ROCHE:** The nice thing

[19] there, though, is that everybody's accruing at

[20] the same rate.

[21] **MS. FLEMING:** Six-month probationary

[22] period, and we decided, you know, you really

[23] aren't working out; you're terminated, goodbye.

[24] **COUNCILMAN SPANGLER:** And we still

[25] should give them --

[1] than . . .

[2] **ATTORNEY POWELL:** So one through five

[3] is two weeks, five through -- you said ten, you

[4] said twelve.

[5] **COUNCILMAN SPANGLER:** I think you ought

[6] to go to twelve and then after that --

[7] **COUNCILWOMAN PITTMAN:** Tell me what you

[8] said again.

[9] **COUNCILMAN ROCHE:** I said you start off

[10] with two weeks vacation -- I mean assuming

[11] you've accrued it -- and once you get five

[12] years, that's three weeks.

[13] **COUNCILWOMAN PITTMAN:** Five to --

[14] **COUNCILMAN ROCHE:** And then once you

[15] get ten years, it goes to four weeks.

[16] **MS. MURPHY:** That's easy.

[17] **COUNCILMAN ROCHE:** Easy to remember.

[18] It's simple.

[19] **COUNCILMAN SPANGLER:** I'll go with

[20] that.

[21] **COUNCILWOMAN PITTMAN:** That sounds

[22] great.

[23] **MS. MURPHY:** Okay. Is there a wait

[24] period on the first year? You accrue, but do

[25] you have -- you can take it any time? There's

[1] **COUNCILMAN ROCHE:** We have to give them

[2] what they accrued.

[3] **MS. FLEMING:** But during the proba-

[4] tionary period, they have no rights. They are

[5] under our scrutiny --

[6] **COUNCILMAN ROCHE:** No. I understand

[7] what you're saying.

[8] **MS. FLEMING:** -- to determine whether

[9] they're going to be a full-time employee for the

[10] City of Doraville.

[11] So I don't know. I'm just making that

[12] statement. I don't know how other companies do

[13] it, but I would think that during your proba-

[14] tionary period, if you are terminated during

[15] that period of time, you're not entitled to any

[16] benefits.

[17] **COUNCILMAN SPANGLER:** Well, most

[18] companies only do a 90-day probationary period.

[19] I can't understand why we would do six months.

[20] **COUNCILMAN ROCHE:** Well, we --

[21] **MS. FLEMING:** Okay. You're absolutely

[22] correct, because even during that period of time

[23] on 90 days, they are not entitled to medical

[24] benefits as well.

[25] **MAYOR JENKINS:** Right.

[1] **COUNCILMAN SPANGLER:** Well, some
[2] companies, you start medical benefits day one,
[3] you know.

[4] **ATTORNEY POWELL:** And under ours, you
[5] have to be here 30 days to be eligible for
[6] medical.

[7] **MS. FLEMING:** It should coincide with
[8] each other on our probationary period. So it's
[9] entirely up to the Council. I don't mind doing
[10] whatever.

[11] **COUNCILMAN SPANGLER:** Well, I would
[12] like to see the probationary period at 90 days.

[13] **COUNCILWOMAN ALEXANDER:** But I don't
[14] think that's suitable for the Police Department.

[15] **COUNCILMAN SPANGLER:** Chief, would it
[16] be or would it not?

[17] **CHIEF KING:** I'm sorry, sir. I --

[18] **COUNCILWOMAN ALEXANDER:** 90 days
[19] probationary period for the Police Department?

[20] **CHIEF KING:** Probably need six months,
[21] sir, because our folks are -- the Academy only
[22] teaches them 30 percent of what they're supposed
[23] to. They have to be under observation for at
[24] least ten weeks.

[25] **COUNCILMAN SPANGLER:** Okay. So he

[1] **COUNCILMAN ROCHE:** Right. That could
[2] be why what's her name, you know, when we
[3] wouldn't give her a contract.

[4] **MS. MURPHY:** This provides for a way to
[5] extend their probationary period.

[6] **COUNCILMAN ROCHE:** Uh-huh.

[7] **MS. MURPHY:** So if 90 days doesn't
[8] work, you can extend it a little bit.

[9] **COUNCILMAN ROCHE:** Excellent.

[10] **COUNCILWOMAN PITTMAN:** Well, you know,
[11] you could extend it with additional training.

[12] **COUNCILWOMAN ALEXANDER:** So you need to
[13] got back to that section and change it from six
[14] months?

[15] **COUNCILMAN SPANGLER:** Except for --

[16] **MS. FLEMING:** -- page 6.

[17] **ATTORNEY POWELL:** Yes, I'll get it.

[18] **COUNCILWOMAN PITTMAN:** Except for the
[19] Police Department, who would be six months.

[20] **CHIEF KING:** Exactly. They could just
[21] put minimum. Then I can have a standard
[22] operating procedure.

[23] **COUNCILMAN ROCHE:** If we take away that
[24] whole thing about having to wait a certain
[25] number of months for vacation, that simplifies

[1] could keep his --

[2] **CHIEF KING:** You can make --

[3] **COUNCILMAN SPANGLER:** -- six months.

[4] **CHIEF KING:** -- my probationary period
[5] six months and not affect anybody else.

[6] - - -
[7] (Overspeaking)

[8] - - -

[9] **MAYOR JENKINS:** Why would you want to
[10] change the other? What's why I went with six
[11] months on the others.

[12] **CHIEF KING:** You don't have to have the
[13] standards that I have for the rest of the City.

[14] **COUNCILMAN SPANGLER:** I just think that
[15] at 90 days, we should know. We should be able
[16] to tell in 90 days whether or not we're going to
[17] keep somebody or whether they want to stay.

[18] **COUNCILWOMAN PITTMAN:** I think so. I
[19] think if you don't know in 90 days, I mean three
[20] months --

[21] **COUNCILMAN ROCHE:** If not, we have our
[22] process for getting rid of the --

[23] **ATTORNEY POWELL:** Yeah. It also
[24] probably hurts you on your hires to have six
[25] months.

[1] it. And that way, the department heads can
[2] schedule any way they want to schedule.

[3] **ATTORNEY POWELL:** I'm going to take a
[4] shot at it and then circulate it.

[5] **COUNCILMAN ROCHE:** Okay.

[6] **ATTORNEY POWELL:** I'm sure I'm not
[7] going to have the wording exactly right the
[8] first time on this.

[9] **MAYOR JENKINS:** Why couldn't you have a
[10] policy --

[11] **COUNCILMAN ROCHE:** This vacation
[12] policy, we may --

[13] **MAYOR JENKINS:** Excuse me, sir.

[14] **COUNCILMAN ROCHE:** Sorry.

[15] **MAYOR JENKINS:** I said why can't we
[16] have a policy same as our sick leave? If you'll
[17] read it, it's very simple.

[18] **COUNCILMAN ROCHE:** I haven't read that
[19] far yet.

[20] **MAYOR JENKINS:** I have no problem with
[21] what they're talking about, but if you'll look a
[22] the sick leave policy, it's strictly accumulated
[23] so much each month. No waiting periods on that.

[24] **COUNCILMAN ROCHE:** Right.

[25] **MAYOR JENKINS:** Half a day every month,

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[1] I believe it is. It's on page --
[2] **COUNCILWOMAN PITTMAN:** How many sick
[3] days do we get?
[4] **MAYOR JENKINS:** -- page 20. It's on
[5] page 20, 20 and 21.
[6] **COUNCILMAN SPANGLER:** It's six days a
[7] year?
[8] **MS. MURPHY:** Six, yes.
[9] **COUNCILMAN SPANGLER:** Can you accrue
[10] that?
[11] **MS. MURPHY:** Half a day a month.
[12] **COUNCILMAN SPANGLER:** And carry it
[13] over?
[14] **CHIEF KING:** Up to 30, sir.
[15] **MS. MURPHY:** Up to 30 days.
[16] **COUNCILWOMAN PITTMAN:** Six days?
[17] That's kind of a small amount of time, six days,
[18] isn't it? I do that with one child.
[19] **MS. BLACKMON:** I was just going to say,
[20] if you have children.
[21] **COUNCILMAN ROCHE:** No. You're exactly
[22] right, Mayor. I think that that's exactly --
[23] **MAYOR JENKINS:** Just a suggestion. Why
[24] wouldn't you do it the same way on your vacation
[25] as on your sick leave?

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[1] **COUNCILMAN ROCHE:** You're exactly
[2] right. Just the only thing different is the
[3] accrual amount.
[4] - - -
[5] (Overspeaking)
[6] - - -
[7] **ATTORNEY POWELL:** All right. Are you
[8] going to do it on a monthly basis or a pay-
[9] period basis?
[10] **MAYOR JENKINS:** Sick days, you get a
[11] half a day each month.
[12] **COUNCILMAN ROCHE:** Your pay periods are
[13] weekly, aren't they?
[14] **MS. MURPHY:** It doesn't matter, I mean.
[15] **MAYOR JENKINS:** I don't really know why
[16] they're different.
[17] **MS. MURPHY:** Doing it by the pay period
[18] is easy.
[19] **MAYOR JENKINS:** They're both accrued or
[20] accumulated or whatever you want to call it.
[21] **ATTORNEY POWELL:** Yes, sir. I just was
[22] asking is since we had been discussing it on a
[23] pay-period basis, I asked is it pay period or
[24] monthly?
[25] **MS. MURPHY:** And another thing is are

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[1] you going to allow them to take like so many
[2] hours like eight hours -- or four hours or eight
[3] hours? Sometimes they take a half a day rather
[4] than a whole day. So if you're going to do
[5] something like that, you might as well accrue it
[6] by pay period.
[7] **COUNCILMAN ROCHE:** Right.
[8] **MAYOR JENKINS:** That's right. Pay
[9] period or by the month. What's the difference?
[10] **MS. MURPHY:** And I wanted to ask again,
[11] are you-all going to allow any carryover; yes or
[12] no?
[13] **COUNCILMAN ROCHE:** Of vacation.
[14] **COUNCILMAN SPANGLER:** No.
[15] Didn't we say no carryover on vacation?
[16] **CHIEF KING:** I think you were going to
[17] pay out.
[18] **COUNCILMAN SPANGLER:** We would pay. If
[19] they had four weeks and they only wanted to take
[20] two, then they could take the money for the
[21] other two.
[22] **MS. MURPHY:** Take the money, and we --
[23] **CHIEF KING:** But you can't bank it.
[24] You can't bank the vacation.
[25] **COUNCILMAN SPANGLER:** Right.

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[1] **COUNCILMAN ROCHE:** January 1, you have
[2] no vacation accrued.
[3] **COUNCILMAN SPANGLER:** Anniversary date.
[4] **CHIEF KING:** Anniversary.
[5] **COUNCILMAN ROCHE:** Oh, okay. Right.
[6] **MS. MURPHY:** We got some that's going
[7] to have some now, so we got to deal with the
[8] ones that we have now.
[9] **ATTORNEY POWELL:** Well, it stays in the
[10] bank till they leave. We don't need to be
[11] paying everybody out at one time, I wouldn't
[12] think.
[13] **COUNCILMAN ROCHE:** Well, the point is
[14] you have to take the -- we want people to take
[15] vacation.
[16] **ATTORNEY POWELL:** Yes. I'm talking
[17] about what's in the bank now.
[18] **COUNCILMAN SPANGLER:** We're not going
[19] to take anything away from those people that
[20] have accrued vacations now that were allowed to
[21] carry them over. We're not going to take that
[22] from them.
[23] **ATTORNEY POWELL:** And it can remain in
[24] the bank. They don't have to cash it in right
[25] now.

[1] **COUNCILMAN SPANGLER:** I think the
 [2] sooner they cash it in, the better off we are
 [3] and the better off the department heads are.
 [4] **CHIEF KING:** Nobody's got more than
 [5] four weeks.
 [6] **COUNCILMAN SPANGLER:** Okay. So I see
 [7] what you're getting at, Mr. Powell. I think we
 [8] need to talk with Ms. Murphy and find out, you
 [9] know, when we can do that and have the money in
 [10] the budget to make sure that we cover it.
 [11] You know, first of all, I guess what we
 [12] need to do is look and see how many -- how much
 [13] vacation time that we're going to have.
 [14] **CHIEF KING:** We have to turn in to the
 [15] City Clerk or the auditor every year how much we
 [16] have so it's calculated into the next year's
 [17] budget. That way, you don't have any unfunded.
 [18] **COUNCILMAN SPANGLER:** But you've
 [19] already put in the budget for these that the
 [20] people have got in the bank.
 [21] **CHIEF KING:** Yes.
 [22] **COUNCILMAN SPANGLER:** Okay. So those
 [23] have already been budgeted.
 [24] **CHIEF KING:** Absolutely.
 [25] **COUNCILMAN SPANGLER:** So if we do cut

[1] **MS. FLEMING:** And then I need to ask a
 [2] question regarding if they -- you know, five
 [3] years down the road and they have these hours
 [4] banked, is that correct?, if that five years
 [5] later, they've had a real major pay increase.
 [6] **MS. MURPHY:** They're recalculated every
 [7] year, and it's increased to their new pay rate.
 [8] **COUNCILWOMAN PITTMAN:** And by the way,
 [9] we haven't got to that point yet, but I see it
 [10] has been changed to 12 days for sick leave.
 [11] **COUNCILMAN SPANGLER:** Yeah.
 [12] **MS. MURPHY:** Well, I think that was the
 [13] recommended.
 [14] **COUNCILWOMAN PITTMAN:** Yes.
 [15] **CHIEF KING:** That was the recommended.
 [16] That has not been approved.
 [17] **COUNCILWOMAN PITTMAN:** Yes, but I mean
 [18] it's in here. They didn't leave it at six, but
 [19] yeah, they recommended 12 days.
 [20] **COUNCILMAN ROCHE:** 12 days --
 [21] **CHIEF KING:** I thought it was six.
 [22] **MS. MURPHY:** Well, it's six now. I
 [23] think they're going to want to recommend 12
 [24] days.
 [25] - - -

[1] checks for them, the money's in the budget.
 [2] Okay. I got you.
 [3] **CHIEF KING:** We're not allowed to
 [4] carry, for example, comp time. I have to turn
 [5] in the number of potential hours of comp time
 [6] each week before they can go into the next
 [7] fiscal year, because the auditor, you know, has
 [8] to account for all of those un- -- you know, all
 [9] of that committed money from one budget.
 [10] **MS. MURPHY:** It's a liability, yes.
 [11] **COUNCILMAN SPANGLER:** So what happens
 [12] at the end of the budget when your people
 [13] haven't all taken their vacations?
 [14] **MS. MURPHY:** We accrue it as a
 [15] liability.
 [16] **CHIEF KING:** It's calculated in the
 [17] next year's budget.
 [18] **MS. MURPHY:** Well, we actually accrue
 [19] it in the year that we're working on it, as a
 [20] liability that we potentially will have to pay
 [21] out that money.
 [22] **COUNCILMAN SPANGLER:** Okay.
 [23] **CHIEF KING:** That way, you keep no
 [24] surprises, sir, coming into the next budget
 [25] year.

[1] (Overspeaking)
 [2] - - -
 [3] **MS. MURPHY:** In here, it's recommending
 [4] 12.
 [5] **COUNCILMAN ROCHE:** I want to work here.
 [6] **MAYOR JENKINS:** It's on page 12.
 [7] **COUNCILWOMAN PITTMAN:** 12 is pretty
 [8] reasonable, I think --
 [9] **COUNCILMAN ROCHE:** Just seems like a
 [10] lot.
 [11] **MAYOR JENKINS:** That's twice what we're
 [12] getting.
 [13] **COUNCILWOMAN PITTMAN:** -- but six is
 [14] like low.
 [15] **COUNCILMAN SPANGLER:** I really think 10
 [16] days, you know, on sick leave days. You know, I
 [17] can't see accruing those, especially for the new
 [18] employees that we bring on from this point on.
 [19] Ten days a year, if you don't use them, you lose
 [20] them. Okay. No more accrual.
 [21] **MAYOR JENKINS:** Unless you get paid --
 [22] - - -
 [23] (Overspeaking)
 [24] - - -
 [25] **COUNCILWOMAN PITTMAN:** I don't know

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[1] about that.

[2] **COUNCILMAN SPANGLER:** The people that

[3] have them already, okay, or that have been under

[4] that system, then their accrual will continue

[5] on. But any new hires that we bring on, 10

[6] days, and then if they don't use it, they lose

[7] it.

[8] **COUNCILWOMAN PITTMAN:** No, I disagree

[9] with that. I'm sorry.

[10] **CHIEF KING:** We've got to be cautious,

[11] sir, because what will happen is that some

[12] employees are going to start taking time at the

[13] first time they have a cold, even though we can

[14] require them to bring a doctor's excuse after

[15] three days, potentially.

[16] We haven't had a problem, I think,

[17] throughout the City. There's a few departments

[18] that have people abusing sick leave, but the

[19] department managers have been managing that

[20] pretty tightly.

[21] **COUNCILWOMAN PITTMAN:** Well, what

[22] happens if you go out on a serious illness and

[23] you haven't -- I mean you'd lose all your days.

[24] **CHIEF KING:** So you got to use

[25] vacation.

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[1] **COUNCILWOMAN PITTMAN:** Well, I disagree

[2] with that. I think we need to be able to keep

[3] our sick days.

[4] **MAYOR JENKINS:** Somebody brought up the

[5] point a few minutes ago about if you didn't have

[6] any sick leave or vacation and you came down

[7] ill.

[8] **CHIEF KING:** You take a zero, sir.

[9] **MAYOR JENKINS:** Is there any way that

[10] we could put in this policy that they could

[11] borrow or somebody could donate?

[12] **CHIEF KING:** I would probably stay away

[13] from borrowing time, sir, but if we could have

[14] the capability --

[15] **MAYOR JENKINS:** To donate.

[16] **CHIEF KING:** -- of having other

[17] employees donate their excess.

[18] **COUNCILWOMAN PITTMAN:** Well, I brought

[19] that up.

[20] **MS. MURPHY:** Anonymously.

[21] **CHIEF KING:** It's got to be anonymous,

[22] and you've got to be careful that you don't have

[23] especially a supervisor asking their subordi-

[24] nates or --

[25] **COUNCILWOMAN PITTMAN:** Right.

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[1] **CHIEF KING:** -- that kind of thing.

[2] It's got to be, you know, a policy. And other

[3] agencies do that.

[4] **COUNCILWOMAN PITTMAN:** It's handled

[5] through --

[6] **CHIEF KING:** -- H.R.

[7] **COUNCILMAN ROCHE:** -- their H.R.

[8] department, but we don't have one.

[9] **COUNCILWOMAN PITTMAN:** Exactly; H.R.

[10] department. They post it, and then they donate

[11] their hours, and the H.R. department does handle

[12] it, and it becomes anonymous, which is a great

[13] idea if we could come up with a solution to

[14] that, because I actually had that on the agenda

[15] one time before -- twice, actually.

[16] **COUNCILMAN ROCHE:** That's right.

[17] **MS. MURPHY:** Yes, you have.

[18] **CHIEF KING:** Again, it just -- you

[19] know, if you have a long-term serious illness,

[20] you can get devastated very quickly.

[21] **COUNCILWOMAN PITTMAN:** I think that we

[22] need to --

[23] **COUNCILWOMAN ALEXANDER:** Well, it's in

[24] here under Accruals, B., on page 21.

[25] **COUNCILMAN SPANGLER:** And it's also, if

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[1] you look under 4.2.1, Sick Leave, it says, "An

[2] employee found to be abusing sick leave will be

[3] subject to severe disciplinary action."

[4] **CHIEF KING:** Sir, our standard has been

[5] so far throughout the City is that if you take

[6] -- well, you can take one day without getting a

[7] doctor's excuse. If you take three days, that's

[8] when you're required to get a doctor's excuse.

[9] But potentially what you're going to

[10] have is if you're going to lose it, you'll have

[11] people --

[12] Your good employees are not going to

[13] use it.

[14] **COUNCILMAN SPANGLER:** That's the whole

[15] thing, Chief. You know, your good employees

[16] will never use that day unless it's an absolute

[17] necessity. Okay? And that's what it's there

[18] for. It's not there -- it shouldn't be there --

[19] and again, you can check with the private

[20] sector. It's a given. You know, they don't

[21] have to give you sick-leave days, but it's there

[22] in case you do need it.

[23] And I like what Ms. Pittman had talked

[24] about. I do remember, and I don't know why we

[25] didn't move forward with the donating of the --

[1] **MS. MURPHY:** -- hours.
 [2] **COUNCILMAN SPANGLER:** Hours, right.
 [3] Days.
 [4] **COUNCILWOMAN ALEXANDER:** It's on page
 [5] 21.
 [6] **COUNCILMAN ROCHE:** Page 21, paragraph
 [7] 3.
 [8] **MS. MURPHY:** Yes.
 [9] **COUNCILWOMAN PITTMAN:** I think maybe it
 [10] would be great if we could figure out a way to
 [11] allow that to happen anonymously. Just go
 [12] through the department heads and --
 [13] **MS. MURPHY:** Maybe just bank some.
 [14] **MAYOR JENKINS:** Rick, can we add that
 [15] in?
 [16] **MS. MURPHY:** Or if we got someone, then
 [17] we can just ask if people can donate.
 [18] **COUNCILMAN ROCHE:** Well, it's already
 [19] here. It's been added into this version.
 [20] Paragraph 3, page 21.
 [21] **ATTORNEY POWELL:** It's been added.
 [22] **CHIEF KING:** But it has not been
 [23] approved.
 [24] **COUNCILWOMAN PITTMAN:** Right.
 [25] **COUNCILMAN ROCHE:** Okay. Well, getting

[1] you.
 [2] **MS. MURPHY:** We need to also clarify
 [3] how many hours a week determines a part-time
 [4] employee and if those part-time employees are
 [5] going to be eligible to accrue anything or
 [6] nothing.
 [7] **MAYOR JENKINS:** Nothing. Part-time
 [8] employees don't get --
 [9] **COUNCILMAN ROCHE:** Yeah. It says so on
 [10] page 16, paragraph 2.
 [11] **MAYOR JENKINS:** Yes. They do not
 [12] accrue anything.
 [13] **MS. MURPHY:** But how many -- what makes
 [14] you part-time?
 [15] **COUNCILMAN SPANGLER:** What makes you
 [16] full-time?
 [17] **MS. MURPHY:** Forty hours.
 [18] **COUNCILMAN SPANGLER:** It should be less
 [19] than 40. It should be 37, you know.
 [20] **MAYOR JENKINS:** I think it is 37, isn't
 [21] it, 34 or 37?
 [22] **MS. MURPHY:** Because I think it's 20
 [23] hours a week to be eligible for our retirement
 [24] even if you are part-time.
 [25] **CHIEF KING:** It's 32 hours.

[1] back to vacations, I like what the Mayor said
 [2] about, you know, can we just get that part and
 [3] we can get that together and then pass it.
 [4] **MS. FLEMING:** Well, this -- I'd like to
 [5] take out the word "department" that's in here.
 [6] It may be that the Police Department may want to
 [7] donate some of their hours to somebody that's
 [8] definitely ill in some other department
 [9] citywide.
 [10] **COUNCILMAN ROCHE:** Good point.
 [11] **COUNCILWOMAN PITTMAN:** It's citywide.
 [12] It has to be citywide, yeah.
 [13] **MS. FLEMING:** So I think we ought to
 [14] take that "within their department" out of
 [15] there.
 [16] **COUNCILWOMAN PITTMAN:** Yes, because I
 [17] donated some of my time to a sanitation worker
 [18] one time, so that should be for everybody.
 [19] **MAYOR JENKINS:** What is it? Citywide?
 [20] **MS. MURPHY:** Citywide.
 [21] **MAYOR JENKINS:** Rather than --
 [22] **COUNCILMAN ROCHE:** Just take out
 [23] "within their department."
 [24] **COUNCILWOMAN PITTMAN:** Yes, very good.
 [25] **MAYOR JENKINS:** That's good. Thank

[1] **COUNCILMAN SPANGLER:** Thirty-two hours
 [2] for part-time? I mean for full-time?
 [3] **CHIEF KING:** Yes, sir.
 [4] **COUNCILMAN SPANGLER:** I think if it is
 [5] a part-time person doing 20 hours a week, that
 [6] they should accrue some kind of benefits.
 [7] **MS. MURPHY:** Like half or nothing?
 [8] **COUNCILWOMAN PITTMAN:** Yeah. Part-time
 [9] where I work, I only get vacation based on the
 [10] last so many months that I work.
 [11] **CHIEF KING:** It's accrued by your
 [12] hourly work.
 [13] **COUNCILWOMAN PITTMAN:** Exactly. Of
 [14] course I don't work the same amount of hours
 [15] each week, either, so --
 [16] **COUNCILMAN SPANGLER:** But they should
 [17] be -- if they're sort of like a permanent part-
 [18] time, shouldn't they be able to get benefits?
 [19] **MS. MURPHY:** That's what I'm asking.
 [20] **COUNCILMAN SPANGLER:** Yeah.
 [21] **MS. MURPHY:** It's occurring in the
 [22] library is why I'm asking. And technically,
 [23] you-all are part-time when it comes to our
 [24] insurance and our retirement.
 [25] **COUNCILMAN SPANGLER:** Well, I feel like

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[1] anybody that we've got that's been here for a
 [2] while and they're considered part-time and
 [3] they've got a good work record, that they should
 [4] be made available the benefits -- insurance and
 [5] retirement.
 [6] **COUNCILWOMAN PITTMAN:** I have no
 [7] problem with that.
 [8] **COUNCILMAN ROCHE:** And vacation, just
 [9] accrue half as much --
 [10] **MS. FLEMING:** Exactly.
 [11] **COUNCILMAN ROCHE:** -- as a full-time.
 [12] **COUNCILWOMAN PITTMAN:** I don't have a
 [13] problem with that.
 [14] **COUNCILWOMAN ALEXANDER:** You don't want
 [15] them to misconstrue that if you give them
 [16] benefits, they're also subject to severance pay
 [17] and unemployment benefits.
 [18] **MS. MURPHY:** And are you going to pay
 [19] half their insurance if they're going to be on
 [20] the insurance?
 [21] **COUNCILMAN ROCHE:** They don't get
 [22] medical?
 [23] **COUNCILWOMAN ALEXANDER:** It's not a
 [24] requirement to give --
 [25] **COUNCILMAN ROCHE:** Except us.

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[1] **COUNCILWOMAN ALEXANDER:** -- part-time.
 [2] **COUNCILMAN SPANGLER:** I think they
 [3] should. I really do. If they're -- if they
 [4] come on like Chief --
 [5] **CHIEF KING:** I got reserve officers.
 [6] **COUNCILMAN SPANGLER:** -- brings -- you
 [7] bring somebody on part-time and they work 25
 [8] hours a week, they should be allowed to have the
 [9] benefits.
 [10] **COUNCILWOMAN ALEXANDER:** Wal-Mart
 [11] lawyers are cringing as we speak.
 [12] **CHIEF KING:** I got a reserve officer.
 [13] Right now, I've probably got one. And they come
 [14] in and work 20 hours, 20 hours a month. They
 [15] get zero benefits.
 [16] **COUNCILMAN SPANGLER:** Well, 20 hours a
 [17] month, now. But if they work 20 hours a week,
 [18] then they should.
 [19] **ATTORNEY POWELL:** All right. What's
 [20] the definition, then? That's what I need to
 [21] know.
 [22] **CHIEF KING:** They don't get paid any,
 [23] either, our reserve officers.
 [24] **COUNCILMAN SPANGLER:** We don't have
 [25] that many people, but it may be somebody that we

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[1] want to bring on part-time and we're going to
 [2] work them for six months without actually
 [3] bringing them on and putting them through a
 [4] probationary period.
 [5] **COUNCILWOMAN PITTMAN:** So you're
 [6] talking about a part-time full-time --
 [7] **COUNCILMAN SPANGLER:** A part-time/
 [8] potential full-time.
 [9] **CHIEF KING:** Part-time permanent
 [10] employee.
 [11] **COUNCILWOMAN PITTMAN:** That's the word.
 [12] **MS. MURPHY:** I think that's wanted in
 [13] the library department, and it's going to come
 [14] up in some budget revisions -- full-time part-
 [15] time.
 [16] **COUNCILWOMAN PITTMAN:** So a part-time
 [17] permanent position.
 [18] **MAYOR JENKINS:** He's not going to get
 [19] benefits, though. He'll just get his pay.
 [20] **MS. MURPHY:** Well, that's what I'm
 [21] asking.
 [22] **COUNCILMAN SPANGLER:** Well, we should
 [23] give him benefits.
 [24] **COUNCILMAN ROCHE:** We need to know what
 [25] the benefits are --

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[1] **MAYOR JENKINS:** No.
 [2] **COUNCILMAN ROCHE:** -- to know how much
 [3] it costs.
 [4] **COUNCILMAN SPANGLER:** There's not that
 [5] many people that we've got that are in that
 [6] situation, and it could possibly work into a
 [7] permanent full-time person.
 [8] **MAYOR JENKINS:** At that time, they'll
 [9] get the benefits.
 [10] **COUNCILMAN ROCHE:** Can we get back to
 [11] the vacation?
 [12] **MAYOR JENKINS:** Yes.
 [13] **COUNCILMAN SPANGLER:** I thought we were
 [14] finished with that.
 [15] **COUNCILWOMAN PITTMAN:** But we never --
 [16] we never --
 [17] **MS. MURPHY:** That's right.
 [18] **COUNCILMAN ROCHE:** Because if not, we
 [19] need a separate document for just the vacation.
 [20] And I think what the Mayor said was using
 [21] something that looks very much like page 21,
 [22] paragraph B.
 [23] **MAYOR JENKINS:** Vacation, as well. I
 [24] just made the suggestion, but --
 [25] **COUNCILMAN ROCHE:** And I think it's an

[1] excellent suggestion.
[2] **MAYOR JENKINS:** -- it sure would
[3] simplify it.
[4] **COUNCILMAN ROCHE:** You just accrue
[5] vacation by X-number of days per month of
[6] employment or pay period, whatever works.
[7] **COUNCILWOMAN PITTMAN:** Starting at
[8] what, January, or starting at the anniversary
[9] date?
[10] **COUNCILMAN ROCHE:** Well, the day you
[11] start working.
[12] **COUNCILWOMAN PITTMAN:** The anniversary
[13] date.
[14] **COUNCILMAN ROCHE:** Yes.
[15] **MAYOR JENKINS:** Yes.
[16] **COUNCILMAN ROCHE:** You can't accrue a
[17] vacation --
[18] **COUNCILMAN SPANGLER:** Can't do it in
[19] January because if you started -- if you started
[20] in February --
[21] **COUNCILWOMAN PITTMAN:** Right.
[22] **MS. MURPHY:** It's by hire date, but we
[23] want the policy to become effective 1/1/2008.
[24] **COUNCILMAN ROCHE:** Exactly.
[25] **COUNCILWOMAN ALEXANDER:** Do you want

[1] just trying to do vacation.
[2] **MS. MURPHY:** Okay.
[3] **COUNCILMAN ROCHE:** And then the Mayor
[4] made an excellent suggestion which, to me,
[5] typifies things -- I like it -- that paragraph
[6] 1, that will be your schedule. Let's say two
[7] weeks up to give years accrued by pay period or
[8] month depending on how you pay.
[9] Does everybody get paid weekly except
[10] us?
[11] **MS. MURPHY:** Yes.
[12] **COUNCILMAN ROCHE:** Okay. So accrued by
[13] pay period.
[14] **MS. MURPHY:** Yeah, but you-all don't
[15] get benefits, do you, so we don't have to worry
[16] about you-all.
[17] **COUNCILMAN ROCHE:** Of course we do, but
[18] the point is we don't get vacation.
[19] So you take 10 days divided by 52, so
[20] that would be -- your schedule would go there.
[21] Do you understand, Rick, what we're
[22] saying?
[23] **ATTORNEY POWELL:** Uh-huh.
[24] **COUNCILMAN ROCHE:** So we have 10 days
[25] divided by 52. So you'd say accrue point

[1] them to accrue 60 days sick leave? I thought it
[2] was 30.
[3] **COUNCILMAN ROCHE:** No, no, no. We were
[4] talking about vacation and we were just using
[5] this general layout, this general format.
[6] **COUNCILWOMAN ALEXANDER:** So I was
[7] reading paragraph 2.
[8] **COUNCILMAN ROCHE:** Well, okay. So
[9] paragraph 2, for vacation, would say any
[10] unauthorized -- any unused vacation, you know,
[11] cannot be carried over or whatever that policy
[12] is.
[13] **ATTORNEY POWELL:** How much sick leave
[14] do you want to be able to --
[15] **COUNCILMAN ROCHE:** No, no, no, no.
[16] **COUNCILWOMAN PITTMAN:** No.
[17] **COUNCILMAN ROCHE:** We're talking about
[18] vacation but we're using the format --
[19] **ATTORNEY POWELL:** I understand.
[20] **COUNCILMAN ROCHE:** -- on page 21.
[21] **MS. MURPHY:** We need both of them,
[22] though --
[23] **COUNCILMAN ROCHE:** I understand.
[24] **MS. MURPHY:** -- in this policy.
[25] **COUNCILMAN ROCHE:** But for now, we're

[1] whatever, whatever days per pay period; after
[2] five years, you accrue whatever three weeks
[3] works out to be, point blah-blah-blah-blah per
[4] pay period; and after ten years, whatever four
[5] weeks works out to be. And there's just three
[6] lines there: 1(a), 1(b), 1(c) [sic].
[7] Number 2, it says, Any unused vacation
[8] cannot be accumulated and carried forward to
[9] future years. The employee may have the option
[10] of having the cash value of those days.
[11] Okay so far? Is that it?
[12] And did we want to allow vacation days
[13] to be donated like sick days?
[14] **MAYOR JENKINS:** I wouldn't.
[15] **COUNCILWOMAN ALEXANDER:** No.
[16] **COUNCILMAN ROCHE:** No. Not to give
[17] someone else a vacation, no, but to give some-
[18] one --
[19] **COUNCILMAN SPANGLER:** That would have
[20] to come under -- that would need --
[21] **CHIEF KING:** They could be --
[22] **COUNCILMAN SPANGLER:** -- need to come
[23] under --
[24] **CHIEF KING:** -- converted to sick leave
[25] for --

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[1] **COUNCILMAN ROCHE:** That's what I was
[2] saying.
[3] **CHIEF KING:** -- donation purposes.
[4] **COUNCILWOMAN PITTMAN:** Yeah, that could
[5] be an option.
[6] **MAYOR JENKINS:** Yes, they could move
[7] vacation to somebody who's sick.
[8] **COUNCILWOMAN ALEXANDER:** And I think
[9] that's going to be an accounting nightmare.
[10] **MS. FLEMING:** Well, they've got it on
[11] page 16. It says, "which can be used in
[12] conjunction with sick leave for any extended
[13] absence from work . . ."
[14] **ATTORNEY POWELL:** Well, that's
[15] personally --
[16] **MS. FLEMING:** Oh, okay. Sorry.
[17] **ATTORNEY POWELL:** -- but not --
[18] **COUNCILMAN ROCHE:** Okay. That's a good
[19] point. There are probably a couple things we do
[20] need to add: "begins after the first day of
[21] employment," "vacation while assigned authorized
[22] pay status."
[23] Yeah. I think on page 16, paragraphs
[24] 2, 3, 4 -- and we're going to include military
[25] leave? Yes?

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[1] **MS. FLEMING:** I have a statement on
[2] that.
[3] On military leave, what we're talking
[4] about here is if you get deployed for your
[5] weekend.
[6] **CHIEF KING:** Usually, you get 18 days
[7] of paid military leave, but if you don't use it,
[8] it goes away. You don't get paid for any unused
[9] military leave.
[10] **COUNCILMAN ROCHE:** Oh, no, no. What
[11] we're saying is if someone goes on deployment
[12] for six months --
[13] **MS. FLEMING:** No, that's the --
[14] **COUNCILMAN ROCHE:** -- or two weeks.
[15] **MS. FLEMING:** This military leave right
[16] here is going to be 18 days.
[17] **CHIEF KING:** The law provides for 18
[18] days of paid military leave.
[19] **COUNCILMAN ROCHE:** Okay. So we
[20] wouldn't have to pay that.
[21] **CHIEF KING:** You would have to.
[22] **COUNCILWOMAN PITTMAN:** You would have
[23] to pay it.
[24] **MS. FLEMING:** You'd have to pay the 18
[25] days.

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[1] **COUNCILMAN SPANGLER:** He's saying you
[2] don't have to pay the six months, you do have to
[3] pay the 18 days.
[4] Like in your case, you were deployed to
[5] Iraq.
[6] **CHIEF KING:** Yes.
[7] **COUNCILMAN SPANGLER:** Okay. We paid
[8] your salary.
[9] **CHIEF KING:** That's correct. The City
[10] Council made --
[11] **COUNCILMAN SPANGLER:** And we didn't
[12] have to.
[13] **CHIEF KING:** You didn't have to; you're
[14] right.
[15] **COUNCILMAN SPANGLER:** Right.
[16] **COUNCILMAN ROCHE:** So in that case,
[17] would that mean you could continue to accumulate
[18] vacation time while you're --
[19] **CHIEF KING:** Yes.
[20] **COUNCILMAN SPANGLER:** Yes.
[21] **COUNCILMAN ROCHE:** That's what I was
[22] trying to understand.
[23] **CHIEF KING:** It's just like you never
[24] left is what the law provides.
[25] **MS. FLEMING:** I'm not picking on you.

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[1] We may have other people involved in the
[2] military.
[3] **CHIEF KING:** Yes, ma'am.
[4] **MS. MURPHY:** We do.
[5] **MS. FLEMING:** But this is under USERRA?
[6] **CHIEF KING:** That's correct.
[7] **MS. FLEMING:** (Spelling) U-S-E-R-R-A?
[8] **CHIEF KING:** Yes, ma'am.
[9] **MS. FLEMING:** And of course I'm the
[10] employer, now.
[11] **CHIEF KING:** That's correct.
[12] **MS. FLEMING:** The employee does not
[13] accrue civilian vacation during a period of
[14] military service unless the employer provides
[15] this as a benefit for employees on a non-
[16] military, nonpaid leave of absence of similar
[17] duration.
[18] **CHIEF KING:** Ma'am, if you'll take a
[19] look at Title 35 of the State of Georgia Code,
[20] it provides for -- for you are considered like
[21] you never left. You continue accruing your
[22] vacation, sick leave, and your seniority like
[23] you never left.
[24] I don't know, Rick, if you got Title 35
[25] of the State of Georgia, but it provides --

[1] I can get you that information.
[2] **COUNCILMAN SPANGLER:** Get us a copy of
[3] that, would you, Chief?
[4] **CHIEF KING:** Okay.
[5] **MAYOR JENKINS:** John, what you're
[6] saying is if we authorized you to be paid during
[7] that time, we authorized the benefits also.
[8] **CHIEF KING:** That's correct.
[9] **COUNCILWOMAN PITTMAN:** Because that is
[10] what we agreed on.
[11] **CHIEF KING:** But you would have to make
[12] a special --
[13] **COUNCILWOMAN PITTMAN:** And we did do
[14] that.
[15] **COUNCILMAN ROCHE:** Right.
[16] **CHIEF KING:** You did that, but you
[17] didn't have to.
[18] **COUNCILWOMAN PITTMAN:** Right.
[19] **CHIEF KING:** But if you hadn't, I would
[20] have still accumulated my vacation, sick leave
[21] and seniority while I was gone.
[22] **COUNCILMAN ROCHE:** Right.
[23] Well, let me ask you this way, then:
[24] take your two weeks of deployment over here. As
[25] far as we're concerned, are you just taking

[1] accounting nightmare.
[2] **COUNCILWOMAN PITTMAN:** I never heard of
[3] that.
[4] **MS. MURPHY:** We can handle anything in
[5] City Hall.
[6] **ATTORNEY POWELL:** What I'd like for you
[7] to do is be able to locate --
[8] - - -
[9] (Overspeaking)
[10] - - -
[11] **MS. MURPHY:** How about half days? But
[12] we do have an hour or two, which --
[13] **CHIEF KING:** I make my employees take
[14] it by the day because I can't manage half hours.
[15] - - -
[16] (Brief recess)
[17] - - -
[18] **COUNCILMAN ROCHE:** On the vacation
[19] thing, I think we've kind of said it all, that
[20] we're going to --
[21] **MR. POWELL:** Did you set on that no
[22] carryover?
[23] **MS. MURPHY:** For vacation.
[24] **COUNCILWOMAN PITTMAN:** Vacation.
[25] **MR. POWELL:** For vacation. Not for

[1] vacation or are you --
[2] **CHIEF KING:** No, sir. It's military
[3] leave. It's 18 days of paid military leave is
[4] what's provided by the State of Georgia.
[5] **COUNCILMAN ROCHE:** And you continue to
[6] accumulate vacation.
[7] **CHIEF KING:** That's correct, sir.
[8] **COUNCILMAN ROCHE:** Okay. Good. Okay.
[9] I just wanted to make sure I understood that.
[10] **MS. FLEMING:** I still have a question
[11] about it, and I will look it up because I don't
[12] have that information.
[13] **COUNCILMAN ROCHE:** And then paragraph
[14] 5, "Vacation leave will be taken in units of
[15] whole hours." I think Priscilla said something
[16] that makes sense, to take it in half days or
[17] days?
[18] **MS. MURPHY:** It doesn't matter. We
[19] have people that take it in half hours, but if
[20] we can just stick to half hours or whatever.
[21] **COUNCILMAN ROCHE:** Half hours?
[22] **COUNCILWOMAN ALEXANDER:** Half days?
[23] **MS. MURPHY:** No. They take half hours.
[24] **COUNCILWOMAN PITTMAN:** Are you kidding?
[25] **ATTORNEY POWELL:** That's got to be an

[1] sick leave.
[2] **COUNCILWOMAN PITTMAN:** Not for sick
[3] leave. That's a whole different area.
[4] **MS. MURPHY:** And that no carryover
[5] means that they could cash that in, get --
[6] **COUNCILMAN ROCHE:** They have to.
[7] **COUNCILMAN SPANGLER:** They're not going
[8] to lose it. So if they don't use it, they're
[9] going to have to cash it in.
[10] **COUNCILMAN ROCHE:** Right. That way,
[11] they don't cash it in at a higher rate later.
[12] **COUNCILMAN SPANGLER:** But Pam had made
[13] a suggestion that we let them put it in a 401K
[14] pre-tax, so I don't know whether we want to --
[15] **MS. MURPHY:** We can look into that.
[16] **COUNCILMAN SPANGLER:** Yeah, we need to.
[17] **MS. FLEMING:** I was making that comment
[18] for both the sick pay. You know, that gives
[19] them an incentive that I was talking to the
[20] Chief about, and though we give sick pay as, you
[21] know, a give type scenario, as a freebie, but it
[22] is also an incentive, you know --
[23] **COUNCILMAN SPANGLER:** To stay well.
[24] **MS. FLEMING:** -- come to the City. We
[25] give sick pay; we do this, we do that.

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[1] But if they did not use the sick pay,
 [2] it's even more of an incentive to bank that for
 [3] them in a 401K, because then they're going to
 [4] start drawing interest on it.
 [5] If we don't have a retire- -- we have
 [6] our individual retirement plan, but as I under-
 [7] stand it right now, we don't have a 401K
 [8] retirement plan, is that correct, available?
 [9] **MS. MURPHY:** We just have deferred
 [10] compensation, which not a lot of them partici-
 [11] pate in. So you could have the additional 401.
 [12] **MS. FLEMING:** And I know that a lot of
 [13] your policemen are young gentlemen --
 [14] **CHIEF KING:** Yes, ma'am.
 [15] **MS. FLEMING:** -- you know, with new
 [16] families, and this might be a way for them to be
 [17] able to start that retirement plan.
 [18] **CHIEF KING:** The key is when. They can
 [19] start it at an early age when they first come.
 [20] That's when they get the benefit. People start
 [21] worrying about retirement when they start
 [22] getting like me, you know. They start getting
 [23] 12 or 13 years, then they start worrying, "What
 [24] am I going to do for retirement?" It's too late
 [25] then.

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[1] **COUNCILWOMAN PITTMAN:** So would that be
 [2] an option they could do that or they could just
 [3] carry their sick time and bank it because they
 [4] did really get sick?
 [5] I think we need to do that. We need to
 [6] not let them lose their sick time, because if
 [7] you're out sick, you're up a creek.
 [8] **CHIEF KING:** In the past, we've let
 [9] them build up to 30 days. No more than 30 days
 [10] was allowed. After that, they get taken.
 [11] **MR. POWELL:** This suggestion was 60
 [12] days.
 [13] **COUNCILWOMAN PITTMAN:** To what?
 [14] **MR. POWELL:** To bank up to 60 days.
 [15] Now, that's what Mr. Lowe had come up with.
 [16] **MS. FLEMING:** That would be --
 [17] **MR. POWELL:** That was something I
 [18] didn't.
 [19] **MS. FLEMING:** -- five years' worth
 [20] based on 12 a year. That's to me a lot.
 [21] **CHIEF KING:** And realize that when they
 [22] start getting -- they will be paid at a higher
 [23] rate as they get more senior.
 [24] **MS. FLEMING:** That's correct.
 [25] **CHIEF KING:** The concern in the past

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[1] was he's issued a check --
 [2] **MR. POWELL:** Right.
 [3] **CHIEF KING:** -- for all that amount of
 [4] time.
 [5] **MR. POWELL:** Right. So are y'all
 [6] saying leave it at 30 days? I'm just asking
 [7] now.
 [8] **COUNCILMAN SPANGLER:** Yeah. I wouldn't
 [9] -- I don't think anybody would want --
 [10] **COUNCILMAN ROCHE:** Yeah.
 [11] **COUNCILMAN SPANGLER:** -- to increase it
 [12] to 60.
 [13] **COUNCILMAN ROCHE:** And again, I think
 [14] 12 days is too many for sick leave, but anyway
 [15] -- but are we okay --
 [16] **COUNCILWOMAN PITTMAN:** I don't think
 [17] so.
 [18] **COUNCILMAN ROCHE:** Okay, okay. But are
 [19] we okay with the vacation, Rick?
 [20] **MR. POWELL:** As far as I'm -- yeah.
 [21] **COUNCILMAN ROCHE:** Do you have
 [22] everything you need to put a draft together and
 [23] we could pass that next time?
 [24] **MR. POWELL:** Yeah. I'll come up with
 [25] something and get it around to you.

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[1] **COUNCILMAN ROCHE:** Okay.
 [2] **COUNCILMAN SPANGLER:** Chief, do you
 [3] think you'll have any problem with your
 [4] employees with vacation?
 [5] **CHIEF KING:** No, sir. I think you-all
 [6] have been very generous, I mean, just tonight
 [7] alone.
 [8] **COUNCILWOMAN ALEXANDER:** Did you want
 [9] to address Priscilla's question about the whole
 [10] hours thing, number 5?
 [11] **MS. MURPHY:** The Chief decided he wants
 [12] whole days, but --
 [13] **CHIEF KING:** I want days, please, but
 [14] give that option to the department head to
 [15] manage it.
 [16] **COUNCILMAN ROCHE:** Or half days.
 [17] **COUNCILWOMAN PITTMAN:** Yes, leave that
 [18] up to the departments heads. That shouldn't be
 [19] our decision. If you can work with a half an
 [20] hour, fine. You know --
 [21] **CHIEF KING:** I don't want to work with
 [22] half an hour.
 [23] **COUNCILWOMAN PITTMAN:** -- that sounds
 [24] crazy to me.
 [25] **MS. MURPHY:** You can just take it out.

[1] They'll deal with it.
[2] **COUNCILWOMAN ALEXANDER:** Just take out
[3] number 5, then?
[4] **CHIEF KING:** I think the department
[5] heads can probably manage it. Each department
[6] head's going to have different challenges.
[7] **MS. MURPHY:** We're at page 16, number
[8] 5.
[9] **COUNCILMAN SPANGLER:** Yeah, let's take
[10] that out.
[11] **MAYOR JENKINS:** You say you're going to
[12] leave in number 5?
[13] **COUNCILMAN SPANGLER:** No. Take it out.
[14] **MAYOR JENKINS:** Well, what are you
[15] going to put it at? Half hours?
[16] - - -
[17] (Overspeaking)
[18] - - -
[19] **COUNCILWOMAN PITTMAN:** It's going to be
[20] at the option of the department heads.
[21] **MAYOR JENKINS:** Okay.
[22] **COUNCILMAN ROCHE:** Now, paragraph 8 on
[23] Vacations, "Upon termination. . .", I mean I
[24] don't see how we cannot have to pay them.
[25] **COUNCILWOMAN PITTMAN:** I don't, either.

[1] the resignations and terminations yet. We're in
[2] the vacations.
[3] **COUNCILMAN ROCHE:** What we're saying,
[4] though, is that if someone quits or gets fired,
[5] we still have to pay them.
[6] **MS. FLEMING:** Well, I think that's an
[7] issue that needs to be addressed in the
[8] resignation and termination and that type of
[9] thing rather than vacation.
[10] **COUNCILMAN SPANGLER:** I agree.
[11] **MS. MURPHY:** On page 16 also it says
[12] the option to be paid for -- there's sections
[13] that need to be changed there because it says
[14] four weeks authorized, to be paid up to two
[15] weeks. So it's like we can accumulate it or
[16] carry it over, and you said that --
[17] **MR. POWELL:** Right.
[18] **MS. MURPHY:** -- we can't, so we have to
[19] take that out.
[20] **COUNCILMAN SPANGLER:** That needs to
[21] come out, yes.
[22] **COUNCILMAN ROCHE:** Right.
[23] **MR. POWELL:** Accumulate and carry.
[24] Well, wait a minute. Carryover.
[25] **COUNCILMAN ROCHE:** You can only carry

[1] **COUNCILMAN ROCHE:** I mean --
[2] **COUNCILWOMAN PITTMAN:** They earned it.
[3] **COUNCILMAN ROCHE:** -- we just take that
[4] out. I mean they just get paid --
[5] **COUNCILWOMAN PITTMAN:** They earned it.
[6] **COUNCILMAN ROCHE:** -- for whatever
[7] reason.
[8] **COUNCILWOMAN PITTMAN:** They should get
[9] it.
[10] **MS. MURPHY:** Whatever they have
[11] accrued.
[12] **COUNCILWOMAN PITTMAN:** Yes. If they've
[13] accrued it, they should get it.
[14] **COUNCILMAN ROCHE:** Yeah.
[15] **MAYOR JENKINS:** We're on page what?
[16] 17?
[17] **COUNCILWOMAN PITTMAN:** 17. We're
[18] moving right along.
[19] **COUNCILMAN ROCHE:** I'm just saying we
[20] should probably take out -- either restate the
[21] paragraph to say they get paid or take it out
[22] altogether.
[23] **MR. POWELL:** And don't have to give any
[24] separation notice?
[25] **MS. FLEMING:** Well, see, we're not in

[1] over --
[2] **MR. POWELL:** If we delete number 6 --
[3] **MS. MURPHY:** Right. And then at the
[4] bottom of the page.
[5] **COUNCILMAN SPANGLER:** And on number 3,
[6] where it's got a line through it and it says,
[7] "Employees will have the option of being paid
[8] for unused vacation time at the end of each year
[9] . . ." but it should be at the end of their
[10] anniversary year, their anniversary date.
[11] **MS. MURPHY:** So you don't want them to
[12] be able to cash it in any time during the year.
[13] **COUNCILMAN ROCHE:** Right.
[14] **MS. MURPHY:** Just so long as they have
[15] to wait --
[16] **COUNCILMAN SPANGLER:** Well, they can --
[17] **MS. MURPHY:** -- till right before their
[18] anniversary date?
[19] **COUNCILMAN SPANGLER:** They can sell
[20] that vacation at any time during the year as
[21] long as they go through their department head.
[22] But at the end of the year doesn't mean that
[23] they've got -- that they have to sell it before
[24] the end of the year. They have to get rid of it
[25] or use it before their anniversary date.

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[1] **MS. MURPHY:** So they can get paid for
 [2] it and put it in a 401K or save it and get paid
 [3] for it at the end of their anniversary.
 [4] **COUNCILMAN SPANGLER:** Anniversary date,
 [5] right.
 [6] **MR. POWELL:** But this draft is not
 [7] going to say anything about a 401K --
 [8] **COUNCILMAN ROCHE:** Right.
 [9] **MR. POWELL:** -- because we don't know
 [10] the details of all that. We can always put that
 [11] later.
 [12] **COUNCILMAN SPANGLER:** We need to work
 [13] through that and get the information.
 [14] **MR. POWELL:** That will go into the
 [15] final manual, not into this policy.
 [16] **COUNCILMAN SPANGLER:** Yes, right. We
 [17] still need to go ahead and get the information
 [18] on that.
 [19] **COUNCILMAN ROCHE:** Okay. Section
 [20] 3.3.3, page 17, I don't see anything to change
 [21] there, and then same for Holidays.
 [22] **COUNCILWOMAN PITTMAN:** Mayor, you
 [23] wanted to change a holiday last year. Do you
 [24] remember what that was?
 [25] **MAYOR JENKINS:** I did what?

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[1] **COUNCILWOMAN PITTMAN:** You wanted to --
 [2] it was a date that you wanted to change.
 [3] **MAYOR JENKINS:** No, no, no.
 [4] **COUNCILWOMAN PITTMAN:** Do you know what
 [5] it was?
 [6] **MAYOR JENKINS:** Somebody had said some-
 [7] thing to me about --
 [8] **COUNCILWOMAN PITTMAN:** Good Friday.
 [9] **MAYOR JENKINS:** -- President's Day.
 [10] **COUNCILWOMAN PITTMAN:** And taking Good
 [11] Friday instead.
 [12] **MAYOR JENKINS:** I don't see any problem
 [13] with the way they are.
 [14] **COUNCILMAN ROCHE:** No.
 [15] **COUNCILWOMAN PITTMAN:** Well, I don't,
 [16] either. I don't have a problem. I'm just
 [17] asking you.
 [18] **MAYOR JENKINS:** Okay.
 [19] **COUNCILMAN ROCHE:** Eligibility for
 [20] Holiday Pay, page 18. Must be a regular
 [21] full-time employee, unauthorized leave; Holidays
 [22] Worked. I think we're all okay with that, and
 [23] Responsibility.
 [24] Then it says Leave. Okay.
 [25] **MAYOR JENKINS:** Yeah.

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[1] **MR. POWELL:** Perfect.
 [2] **COUNCILMAN SPANGLER:** We're not a third
 [3] of the way through this yet.
 [4] **MS. MURPHY:** We need to iron out the
 [5] sick pay for that same policy if we can.
 [6] **COUNCILMAN ROCHE:** Yeah. We're not
 [7] there yet, but --
 [8] **MAYOR JENKINS:** Do we want to go into
 [9] sick pay or go into another meeting with it?
 [10] **COUNCILMAN ROCHE:** Is there anything
 [11] about this military leave that's changed? I
 [12] mean I would think most of this stuff is going
 [13] to be straight out of the law, anyway.
 [14] **CHIEF KING:** There have been some
 [15] recent changes. Priscilla just told me one
 [16] thing.
 [17] It might be worth it to deal with this
 [18] at another time so we can bring the information.
 [19] That way, everybody's aware of what -- because I
 [20] don't even know what the latest changes --
 [21] **MS. MURPHY:** Right.
 [22] **CHIEF KING:** Priscilla just told me
 [23] something tonight that I had heard, that I have
 [24] not seen.
 [25] **COUNCILMAN ROCHE:** Well, I think the

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[1] lawyers would make sure we were in compliance
 [2] with that, anyway, so --
 [3] **CHIEF KING:** Probably, yes. That's
 [4] straightforward.
 [5] **COUNCILMAN SPANGLER:** I want to make a
 [6] motion that we adjourn the meeting and we can
 [7] choose another date and time where all of us can
 [8] get together and continue. We're not going to
 [9] get this all done in one meeting or two. It's
 [10] probably going to be three.
 [11] **CHIEF KING:** It's made progress.
 [12] **MAYOR JENKINS:** Do I get a second?
 [13] **COUNCILWOMAN PITTMAN:** Second.
 [14] **MAYOR JENKINS:** Call the roll.
 [15] **MS. BLACKMON:** Councilmember Alexander?
 [16] **COUNCILWOMAN ALEXANDER:** Yes.
 [17] **MS. BLACKMON:** Councilmember Bates, not
 [18] here.
 [19] Councilmember Fleming?
 [20] **MS. FLEMING:** Yes.
 [21] **MS. BLACKMON:** Councilmember Pittman?
 [22] **COUNCILWOMAN PITTMAN:** Yes.
 [23] **MS. BLACKMON:** Councilmember Roche?
 [24] **COUNCILMAN ROCHE:** Yes.
 [25] **MS. BLACKMON:** Councilmember Spangler?

[1] **COUNCILMAN SPANGLER:** Yes.
[2] **MAYOR JENKINS:** Thank you, and
[3] goodnight.
[4] - - -
[5] (Whereupon, the meeting was adjourned at
[6] 9:15 p.m. the same day.)
[7] -000-

[1] C E R T I F I C A T E
[2] STATE OF GEORGIA]
[3] COUNTY OF DEKALB]
[4] I hereby certify that the foregoing transcript
[5] was taken down, as stated in the caption, and the
[6] proceedings were reduced to typewriting under my
[7] direction and control.
[8] I further certify that the transcript is a true
[9] and correct record of the evidence given at the said
[10] proceedings.
[11] I further certify that I am neither a relative
[12] or employee or attorney or counsel to any of the
[13] parties, nor financially or otherwise interested in
[14] this matter.
[15] This the 14th day of March, 2008.

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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