

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
HUMAN RESOURCES COMMITTEE
Monday, June 4, 2018
Municipal Complex, Committee Meeting Room, 3rd Floor
100 Ann Edwards Lane, Mount Pleasant, SC 29464

MINUTES

PRESENT: Kathy Landing, Chair, Bob Brimmer and Guang Ming Whitley

STAFF PRESENT: Eric DeMoura, Town Administrator, Christiane Farrell, Assistant Town Administrator, and Meghan Kelly, Human Resource Director; Julia Copeland, Legal Counsel

Ms. Landing called the meeting to order at 11:30 a.m.

1. Approval of Minutes from the April 30, 2018 meeting

Ms. Whitley moved for approval; seconded by Mr. Brimmer. All present voted in favor.

2. Public Comments

3. Employee years of service recognition

Ms. Farrell stated that she would like to recognize Marquel Coaxum for ten years of service. She stated most are familiar with Mr. Coaxum working in the Communications Office; however, for approximately seven years, he was a police officer, a patrolman and went on to become one of the traffic officers. She stated that when changes were being made in Communications for multi-media, management knew there was already an asset at Town Hall. She stated that most of Mr. Coaxum's skills related to multi-media were used and perfected in his role with the United States Air Force. She said that he brought all those skills he has learned to his current position which he began in 2015. She stated over the past three years he has helped the Town earn several of the Hermes creative

awards for digital photography video work and has also assisted the Town in integrating emerging technology. Recently, Mr. Coaxum initiated Facebook Live which has been extremely successful. She said for Town Council meetings, he serves as the AV manager and oversees the website and the electronic message boards throughout the Town. She stated that she would also like to recognize Mr. Coaxum's other positions. She stated that Lt. Marquel Coaxum was activated to the Middle East in support of the War Against Terror and more recently to Alaska for various joint service military operations. She said while serving abroad he earned the prestigious 2017 Air Force Reserve Command Public Affairs Officer of the Year Award for his work as the Chief Public Affairs Officer in the Air Force. She stated that the Town is very lucky to have someone with Mr. Coaxum's experience and expertise. She recently discovered that Mr. Coaxum was on the cover of the Park West Magazine with his family, and that he is also a Salsa dancer.

4. Consideration of updates to the Town of Mount Pleasant Human Resource Guidelines and implementation of Non-Discriminatory policies in Town's ordinances

Ms. Landing stated that there were a few different items that came up in sequence and the staff had already been working to update the guidelines on a number of other issues. She said some of the changes included ADA (Americans with Disabilities Act) guidelines. She stated that she would like to thank Councilwoman Whitley for her recommendation to codify specifically equality for sexual orientation.

Ms. Kelly reviewed the following changes to the guidelines:

Enhancements to Current Policies: BENEFITS

- Vacation Leave:
 - Employees can use leave as soon as it is accrued.
 - Accrual rates and time bands are more generous.
 - Current accrual for 0-12 months of 49 hours becomes 96 hours.

- Accrual rates increase when employees reach 5, 10, 15, and 20 years of service
 - ✓ Current increases apply when employees reach 1, 7, 10, and 17 years of service.
- The deadline for vacation sellback requests is flexible.
- Employees who give a lengthy formal notice to retire may use vacation leave until two weeks before their last day.
- Sick Leave
 - Employees can use leave as soon as it is accrued.
 - Sick leave can be used to care for immediate family members defined as spouse/cohabitant, children, and parents. (To clarify, sick leave continues to cover provider appointments for medical and dental needs.)
 - Employees who give a lengthy formal notice to retire may use sick leave until two weeks before their last day.
- Promotions
 - The salary of promoted employees is either Minimum + 3% or 6%, whichever is greater.
 - Employees who are promoted do not serve a six-month promotional probationary period.
 - Their next performance evaluation and pay raise will be associated with the annual evaluation cycle.
 - Background checks are not done for all promotions. Reports on backgrounds and credit history are done based on business necessity and job duties.
- The amount of longevity awards increases.
- The Key Staff designation is discontinued. All employees have the same benefit and evaluation schedules.

- References to specific types of incentive pay (e.g. Fire, Planning Inspectors, and Plans Examiners) are removed so that we can offer it to others in the future.
- The Town Administrator may approve paying the time-and-a-half rate, regardless of the FLSA threshold being attained, in extenuating circumstances.

Enhancements to Current Policies: GENERAL OPERATIONS

- The terms sexual orientation and gender identity are added to the Equal Employment Opportunity and Harassment policies.
- New hires can start every Monday.
- Most payroll transactions should, but not *must*, occur at the beginning of a pay period.
- Because of Ceridian's configuration, benefit premium deductions start on the pay check following the benefit effective date.
- Deductions for benefit premiums are not taken from the last pay check.
- When employees are on leave and no check is generated, they currently submit payment every pay day. On a case-by-case basis, payment arrangements may include repayment via payroll deductions upon return.
- Employees' checks do not need to attain the budgeted biweekly hour threshold if the absence is due to a work-related injury/illness or for disciplinary reasons (e.g. tardiness).
- The emergency policy designations no longer include Limited-Essential.
- Drug and alcohol testing is performed for on-the-job injuries and when employees cause accidents with material damage if alcohol or drugs could have been a factor in the cause of the accident. Tests are not automatically required.

Mr. Brimmer asked about liability and risk management issues. He asked if this lessens the protection of the Town and if it is safer to conduct the testing in all cases.

Ms. Kelly stated that this is what has been accomplished in the past; however, OSHA has a different opinion on this and from the Federal level, they have mandated that automatic drug and alcohol testing stop and it is being passed down to the State levels as well. She stated that the Town is not allowed to test any longer.

Mr. Brimmer asked how the Town determines when it may be a factor and who makes that determination.

Ms. Kelly stated that the supervisor makes the determination. She stated that in-depth training will be provided to supervisors. She stated that in the HR Guidelines, there is a list of twelve different factors of what reasonable suspicion is. She stated that training will be necessary.

Mr. Brimmer asked about transportation positions. He said, generally speaking in the past, any position transportation related would require drug screening.

Ms. Kelly stated that the Town will still be required to comply with the CDL requirements. Ms. Kelly continued:

- References in various policies are amended with verbiage from the Risk Manager regarding workers' compensation, loss control deductions, ADA, and driver's license checks

New Policies:

- The South Carolina Pregnancy Accommodations Act was signed into law on May 18, 2018. Incorporate its requirements are added into the current Lactation Accommodation policy, renamed Pregnancy Accommodations.
- The Town Hall security policy is added in a condensed format.
- The Strategic Plan's scholarship for non-management level employees to attend outside training opportunities is added.

Mr. Brimmer asked if non-management is referred to as non-supervisory or is there a definition of what management is versus supervisory.

Ms. Kelly stated that the Town did not make a distinction. For any individual that approaches the Town with a desire to seek outside training opportunities, the Town will do whatever possible to accommodate. She stated that the Town would provide funding to those employees who are not in management or supervisory roles before managers or directors.

Mr. Brimmer asked if positions are dedicated or described as one or the other in the manual.

Ms. Kelly stated that it is not spelled out in the manual.

Ms. DeMoura stated that there is discretion.

Mr. Brimmer stated that a distinction is being made in the manual regarding management and non-management and is curious to know what management means. He asked if it is a certain level within the organization.

Mr. DeMoura stated that it should not be as strictly defined in the Human Resources Guidelines and left to the discretion of the decision maker.

Mr. Brimmer asked who is considered to be “management” within the Town as opposed to non-management.

Ms. Kelly stated that in every department there is a Department Head and most have Deputies or Assistants and many have Division Chiefs over the various divisions. She said these positions would be considered as management and above. She said there are also foremen, crewmen and line supervisors who would be considered as supervisory staff.

- In addition to the HRG’s current reference, a dedicated, overarching uniform and equipment return policy is added.

Minor Revisions:

- Number 17 of the list of reasons for discipline includes “Improper or unauthorized use or disclosure of Town records, documents, OR INFORMATION.”
- References to the new IT Regulations are added.
- The termination date in Dayforce must be their last day actually worked or paid.
 - For shift employees, the date cannot be the last day of their notice when the notice ends after their last shift.
- When payroll errors occur, the Town Administrator can waive part, or all, of the amount in extenuating circumstances.
- We clarify that Police Officers “cannot consume alcohol at all” while in uniform for policy. The current policy says that they cannot be intoxicated.
- We clarify that Police Officers receive regular pay, not civil leave, when they go to court as part of their essential job function.
- The Town Administrator’s administration of the compensation plan aligns with the budget policy.
- The date reference on annual evaluations changes from “February” to “designated deadline.”
- Paid leave bank balances and the accrual rates for firefighters do not change during light duty assignments for vacation, sick, holiday, and personal holiday.

Ms. Kelly stated that for firefighters who work 24 hour shifts and are injured and can no longer perform their physical job, the Town does their best to make available light duty assignments for them and quite often, it is in the office. She said they are now working 37.5 hours a week as opposed to 24-hour shifts. She stated that the Town has been manually calculating and converting their balances for sick, vacation, holiday and personal holidays. She stated that Town would like to have them accrue

at their 24-hour rate which would be to their benefit. She said administratively, it would be a huge burden lifted from the Finance and Human Resource staff.

She stated that these are the changes that staff would like to incorporate with an effective date of July 1, 2018.

Mr. Brimmer stated that this is a great deal of work and for those who do not have experience in local or state government, the changes that are being proposed are great recruiting tools. He stated that the Town's benefits are so much more generous than at the state or other local levels. He stated that it is also a great retention tool. He stated that many of the Town benefits are not available at other places. He asked Ms. Cotov if any of the changes have any significant budget implications such as changes in paid leave.

Ms. Cotov stated that there is no significant budget impact for this, and for costs that do have an impact, the Town is covered in the non-departmental account.

Ms. Landing stated that this is a great deal of work and asked when a major update was accomplished in the past.

Ms. Kelly stated that a major revision was done in 2015 and said another guideline was printed in 2017 with some policy changes.

Ms. Landing thanked staff for all their hard work.

Ms. Landing asked if a motion is required.

Mr. DeMoura responded in the affirmative and stated that it would be a recommendation to policy and at Town Council it would be presented as a Resolution.

Ms. Whitley so moved; seconded by Mr. Brimmer. All present voted in favor.

Ms. Landing stated that the next item is the implementation of Non-Discriminatory policies in Town's ordinances.

Ms. Copeland stated that since the last Committee meeting, Legal was instructed to draft formal ordinances for the Town related to equal protection with regard to fair housing and public accommodation. She stated that she took the current formal ordinance that has been adopted by the City of Charleston, North Charleston and Folly Beach and incorporated it as two general chapters within the Town's Code of Ordinances under "general regulations." She stated as discussed last month, this treats both violations of these ordinances as a general misdemeanor which would be a fine up to \$500 with the prerogative of the municipal court. She said if there are no questions, she would ask for a motion to go to Council to adopt the two ordinances.

Ms. Whitley moved to bring the ordinances before full Council for adoption at the June 12, 2018 Town Council meetings; seconded by Ms. Landing.

Mr. Brimmer stated that he believes the intent of this is honorable and supports the intent behind it; however, he has philosophical and logistical questions that have not been able to be answered. He said he needs questions answered before he can support or oppose this item. He stated that he will be abstaining from voting until he is able to receive responses to his questions. He said he may be able to support this at the Council meeting on June 12th; however, he is not comfortable at this time until his questions have been answered.

Ms. Landing asked what Mr. Brimmer's questions are.

Mr. Brimmer stated that from a philosophical standpoint, he is having some discomfort with extending what is contained in the documents, beyond the operations of Town government. He supports the changes in the Human Resource Guidelines and thinks how we operate and how we treat Town employees is under Council's purview. However, when the Town begins extending those protections beyond the Town into businesses and private entities, there are questions he has about legalities. He said we are discussing issues that extend beyond the Town and talking about State and Federal laws. He said he would like to ensure that what is being accomplished does not extend beyond where he

believes Town government should be. Although he does support this, there is a political aspect and statement in these ordinances and he wants to be comfortable that we are not using Town ordinances to make political statements and going beyond where he believes Town government should go. He stated that he wants to ensure that what is in the proposed ordinances addresses things within the Town. He said that at the last Committee meeting, he understood that this is not an issue that has been in the Town. He stated that he needs a higher comfort level to recommend moving this forward. He stated that Town ordinances should regulate how we operate as a Town.

Ms. Landing stated that it was her understanding that much of what the Town is ensuring is part of the code is policy that is already in place, not just with the Town and hiring, but also those trying to buy or rent a home. She stated that if this passes the Town is stating that someone cannot be discriminated against for buying a home, renting an apartment or house, eating at a restaurant, etc.

Ms. Copeland stated that the provisions of this article do not apply to a private club or other establishment not in fact open to the general public.

Ms. Whitley stated that this is simply a point of clarification. She stated that there is already federal law that exists that has not yet been litigated over the definition. She said the Town is defining non-discrimination in a clearer way. She stated that implementing this for Human Resources, Housing and Public Accommodations is something that is very good for the Town. She stated that full Council should have the opportunity to review this.

Mr. Brimmer stated that he is happy for this to go to full Council. He added that there are several Supreme Court decisions that are coming up very soon and is not clear why the Town should be defining this when there are actions being taken in higher levels of government that will define those for the Town.

Ms. Whitley stated that the Town is not forging new ground, because Charleston, North Charleston, Folly Beach and Columbia have already

taken the step and accomplished this as a Town. She stated that if the state capitol has already done this, she does not see an issue with the Town moving forward with this.

Ms. Whitley and Ms. Landing were in favor. Mr. Brimmer abstained.

Motion carries with two in favor and one abstention.

5. Adjourn

There being no further business, meeting adjourned at 12:05 p.m.

Respectfully submitted,

Barbara Ashe

June 4, 2018