

CUYAHOGA COUNTY HUMAN RESOURCES COMMISSION

MID YEAR BUDGET PRESENTATION TO COUNTY COUNCIL

I. Our Charter Authority and Mandate:

Charter Section 9.01

The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

Charter Section 9.02

The Human Resource Commission shall have:

1. Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review;
2. Responsibility for administration of countywide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for maintenance of records required by such laws;
3. Authority to ensure:
 1. Pay equity for like positions;
 2. Standardization of benefits;
 3. Approval of qualifications;
 4. Consistent discipline;
 5. Training of management in personnel practices;

6. Training of employees in job functions;
 7. Training for total quality management;
 8. Consistent administration of performance management system;
 9. Coordination of recruitment;
 10. Compliance with ethics resolutions or ordinances as passed by the Council; and
4. Such other functions as may be deemed necessary by the Council for the Human Resource Commission to carry out its mission and purpose.

Charter section 9.03

The Human Resource Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification. The classification system shall include the employees of the offices listed in Article V of this Charter, as well as those of the County Executive and County Council except those employees in positions designated as unclassified by general law. 8

The classification system shall, to the extent permitted by the Ohio Constitution, include the employees of all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County.

II

Our Activities to Date

The HRC meets on the first and third Wednesday of every month at 5:00 p.m.. Our Agendas and Minutes of Meetings are posted on the HRC Page of the County website. We have now met on eight occasions. As our first Agenda (March 24, 2011 meeting agenda, attached) reflects, this newly created body created under a newly adopted Charter was faced with numerous questions, many of which were not clearly answered in the Charter. During our first meeting, we considered the following issues:

- When and where do we meet and how do we post notice of our activities?
- What professional and clerical support will we need?
- What legal support will we need
- Will we retain hearing officers?
- Which positions are in union bargaining units outside our appellate jurisdiction?
- Which positions are unclassified?
- Who are the present custodians of County employee personnel records?
- How do we handle personnel actions which have taken place since the Charter became effective, yet prior to promulgation of HRC Rules and the appointment of Hearing Officers?
- What measures are currently in place to assess merit and fitness for appointment and promotion
- Upon what model should we base our HRC Rules: the State Personnel Board of Review? The Summit County HRC? The Cleveland Civil Service Commission?

Very soon, the Commissioners got down to business. Since we began meeting, only three and one half months ago, the HRC has:

- Met or spoken with representatives from other HRCs to determine best practices

- Reviewed the Ohio Administrative Code; the Ohio Administrative Code; the Cleveland Civil Service Rules; and the Summit County HRC Rules to determine best practices
- Determined jurisdictional issues left unclear by the Charter (e.g. County Agencies or offices which do not report to the Executive)
- Received Ethics training and performed our Charter Role to oversee that training is given to all employees and vendors
- Reviewed and discussed the Ethics Ordinance and HRC's role in enforcement
- Decided upon the role of a full time (professional) administrator
- Create and Approve the job description and posting
- Reviewed scores of applications
- Determined finalists for the position
- (We will interview the finalists this Saturday, and will extend an offer shortly thereafter)
- HRC decided that hearing officers will be independent contractors
- We decided upon the role and duties of the hearing officers and drafted the RFQ
- We decided upon the role of a clerical assistant for the Administrator, who will hire this assistant after the Administrator comes on board
- We have received all of the appeals filed by employees since January 1, 2011, (I believe 18) and have drafted and sent to each such employee a letter informing them of their rights and the status of their appeal
- We have heard complaints regarding proposed reclassifications
- We have examined proposed reclassification plans and interviewed County consultants regarding same
- We have worked with representatives of Council in an effort to work collaboratively in regard to approvals necessary of HRC Rules and actions

- We have approved a budget recommendation (to council) in anticipation of our expenses through years' end
- We have approved Whistleblower Hotline Posting

Most significantly, we are almost complete in the promulgation (for public comment) of the Rules of the HRC (draft attached). Adopting these Rules has been a time consuming process and has involved, among other issues, the following:

- What is HRC's authority
- What is our appellate jurisdiction for discipline, reclassification, layoff, job abolishment, etc
- What are our subpoena powers
- How we provide notice of our meetings and proposed rules
- What is the process for promulgating rules and what role does Council play
- What duties are appropriately delegated to the Human Resources Department (subject to HRC oversight)
- How do we enforce the Ethics Ordinance
- How do employees file appeals and within what time limits
- What are the procedures for hearing officers in allowing pre hearing discovery, conducting hearings, post hearing briefing, etc. (We have tried to create rules which will allow an employee to protect their rights, even if they do not have legal counsel)
- What are the applicable burdens of proof
- How are appeals taken from the recommendation of the hearing officer to the HRC
- How does the HRC conduct appellate hearings
- Under what circumstances would the HRC conduct an evidentiary hearing without recourse to a hearing officer.

As the attached draft of our Rules demonstrates, the HRC has addressed and resolved all of these issues in our proposed Rules.

III Need for Funding Through Year's End

While Lisa Durkin and Director Hara have shared the actual dollar amounts requested for the interim budget, and the needs for the funding, we are at the point where we are about to hire a full time administrator (who will, in turn, hire a clerical assistant). We are about to retain independent contractor hearing officers. We anticipate imminent posting and adoption of the HRC Rules. We have many employees who have appealed disciplinary terminations or job abolishments. We are poised to begin, in earnest, with the appellate process for employees.

Thus, we anticipate, between now and years' end

- At least ten more HRC meetings
- Hiring our professional administrator (and thereafter clerical support)
- Retaining (Contract) Hearing Officers, who will conduct an evidentiary hearing on each timely filed appeal (I believe there are 18 currently pending)
- Hiring Court Reporters to transcribe the hearings and appeals; and
- Miscellaneous office supplies, mailing costs, etc.

We thank you for your consideration and attention,

Robert Wolff,
Kat Palmer
Angela Simmons

Commissioners, Cuyahoga County
Human Resources Commission

HUMAN RESOURCES AGENDA

Thursday, March 24, 2011

A. ORGANIZATIONAL/LOGISTICAL ISSUES

1. When and where does HRC Meet
2. Where and How do we post Notices of Meetings, Agendas and Other Public Notices
3. Internal HRC Governance Issues

B. BUDGET AND STAFFING ISSUES

1. Professional Support: Chief Administrative Officer (See Summit County Director, Cleveland Civil Service Secretary and SPBR Executive Director Positions)
2. Coordination with Director of HR & Employment Counsel .and County Council
3. Legal support
4. Additional Support for Charter Mandated Tasks

- standardization of benefits
- training
- recruitment/
- maintenance of records required by law
- countywide classifications and salary administration
- rulemaking

5. Retaining Hearing Officers
6. Testing? /Examiners?

C. PENDING ISSUES/ INFORMATION REQUIRED

1. Identity of all employees subject to Collective Bargaining Agreements/identify which provisions of Appeal Procedure/ HRC jurisdiction and Rules (if any) apply to which bargaining units
2. Identify current custodians of all County personnel records
3. Identify all present (non-bargaining unit) job classifications with pay ranges and benefits
4. Identify all jobs currently deemed unclassified
5. identify personnel policies (other than ORC ch. 124) currently in place for all non bargaining unit employees
6. Identify status of all personnel actions which have gone unreviewed pending appointment of HRC
7. Identify all procedures currently in place to assess merit and fitness for original appointments and promotion
8. Status of appeals in progress (if any) with State Personnel Board of Review.

D. RULEMAKING/PROCEDURAL

1. Coordinate authority to promulgate Rules regarding H.R. "policies and systems" with County Council and County Executive
2. Establish Procedure for Promulgating and Amending HRC Rules and for encouraging feedback and comment from all "stake holders"

E. RULEMAKING SUBSTANTIVE

1. **Resource materials-Ohio Administrative Code, Summit County Human Resource Commission Rules, Rules of the Cleveland Civil Service Commission**
2. **Others?**
3. **Determination of unclassified workforce**
4. **Methods of establishing Merit and Fitness**
5. **Testing?/Types (oral, performance skills, observations, written, structured interviews, other)**
6. **Creation of Eligible List/List of Qualified Applicants (ranked?)**
7. **Life of Eligible list**
8. **Rules for:**

- job classifications/descriptions and pay bands
- probationary period (and extension)
- job audits and re-classification
- evaluation protocol
- discipline and discharge
- layoff and reinstatement
- determination of seniority

9. **Rules for hearings before appointed officer and appeals to HRC**

10. **Substantive Scope of HRC review .**

-layoffs-procedural compliance or substantive decision

-discipline -any discipline (SPBR) , discipline in excess of 3 days (Summit County HRC) or in excess of 10 days (Cleveland Civil Service Rules)

F. OTHER CHARTER MANDATED DUTIES

1. **Training management on personnel policies and employees on job duties**
2. **Guarantee standardization of benefits and pay equity for like positions**
3. **Ethics compliance**
4. **Coordination of Recruitment**
5. **EEO Compliance**
6. **Official custodian of Records of vacancies, applications, appointments, promotions, discipline, seniority, etc.**