


LCW LIEBERT CASSIDY WHITMORE



**Elected Official
Engagement in
Employee Relations**
League of California Cities 2016 Annual
Conference | October 6, 2016

Presented By: Peter J. Brown, Partner &
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Agenda

- The Role of Elected Officials
- Employee Relation Scenarios
 - Workplace Investigations
 - Labor Negotiations
 - Anonymous Letters/Tips
 - Employee Performance Management
 - Employee Discipline
 - Recruitment & Hiring
- Effective Engagement Strategies

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Role of Elected Officials

- Identify the mission, vision & values
- Establish policy direction for City operations
- Approve local laws applicable within the community
- Approve the agency budget
- Participate in Council meetings, committee meetings, and meetings of other bodies to which they are appointed
- Other duties as defined in the municipal code

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EMPLOYEE RELATIONS SCENARIOS

Workplace Investigations

You hear from a neighbor that an investigation is underway for theft of funds at the community center in the teen program. Your neighbor's college age daughter works as a Recreation Leader at the Teen Center and tells her Dad that employees are under investigation and she is worried about some of her friends. He asks if you can find out what is happening in this case?

What should you do?

Workplace Investigations

A local blog that covers stories about the City suggested that a number of complaints about excessive force of Police Officers have been filed with the Police Chief in the past month and no action has been taken to deal with the complaints. You have confidence in your Police Chief and you want to set the record straight with this blogger.

What should you do?

Labor Negotiations

The City has started labor negotiations with its five bargaining units. You are invited to breakfast with the Fire Association and later invited to Starbucks to meet with SEIU. At each meeting, you are given a packet of information and asked to support the employees requests. You are reminded that when you were elected, you agreed to "take care of them."

What should you do?

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Labor Negotiations

The City has held several closed session meetings regarding the current labor negotiations. You have participated and know what has been authorized. The union asks to meet with you and tells you a very different story about the negotiations than you heard in closed session. The employees are angry and tell you that they plan to start picketing at the next City Council meeting in protest.

What should you do?

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Anonymous Letters

Each member of the Council received an anonymous letter in their mailbox alleging harassment, discrimination and retaliation targeted at female employees by a male department head. You recall that you had heard of issues with this person in the past. In the letter, the employees beg you to intervene saying that the City Manager hired that department head and won't take appropriate action to deal with the discriminatory conduct.

What should you do?

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Anonymous Letters

You receive an anonymous letter stating that employees have been reporting unsafe working conditions at multiple public works projects for several months. They want to inform you that OSHA has fined the City based on their complaints. You have heard nothing about this issue and are concerned about how it is being handled.

What should you do?

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Employee Performance

The Fire Association is very unhappy with the Fire Chief and has expressed their discontent along with a list of issues to each individual member of the Council. The City Manager tells you he has heard their issues but is supportive of the Fire Chief. The Fire Association tells you it plans to take their concerns into a more public forum.

What should you do?

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Employee Discipline

A long-time City employee and lifelong resident of the community receives a DUI and loses his commercial drivers license. The employee drives commercial vehicles daily and having a valid commercial drivers license is a requirement of the position. The City has notified him of its intent to terminate his employment. The employee and his union representative reach out to you and ask for your support in convincing the City to give him a last chance agreement instead of terminating his employment.

What should you do?

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High Profile Terminations

The City has completed its investigation and found that over 3 million dollars was embezzled by an employee. As a result, the employee has been terminated and the City Manager has also terminated the department head without cause, thereby allowing the severance clause to be paid in exchange for a waiver of all claims (as permitted under the law). The public is outraged that the City is paying severance of 6 months salary and benefits and cashing out leave balances in the amount of over \$60,000.

What should you do?

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Recruitment & Hiring

You receive a resume and cover letter from a long-time resident of the City for a position that Human Resources has opened for recruitment. The resident asks to meet with you to tell you about her qualifications and seeks your support in recommending her for the position.

What should you do?

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Unintentional Consequences of Elected Official Engagement

- The words and actions of elected officials carry a increased reaction/response by staff
- Sometimes helping, isn't helpful even when you mean well
- Small issues grow in scope beyond the actual issue
- It can jeopardize the leadership effectiveness of your executives

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Effective Engagement Efforts

- Engage with the City Manager to discuss concerns and to ask questions, provide input, and to seek assistance when faced with scenarios.
- Ask for department briefings with the City Manager and key leaders so you can develop an understanding of the processes and methods used to address employee relations issues.
- Talk with the City Attorney about the legal parameters you should be mindful of when employee issues are brought to your attention.

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Thank You!

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