County Employees -
The Role of Professional Staff in a Political Organization

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County Employees – Professional Staff in a Political Environment

**Presenters**

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Presentation Approach – Broad Topical Survey

Common Issues/Topics

- Laws/Statutes/Rulings
- Contracts
- Org. Goals & Objectives
- Past Practices
- Organizational Culture
- Common Sense
- Doing the Right Thing
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Presentation Outline

I. Counties as Public Sector Employers
II. Federal/State Legal Parameters
III. County Board Role in Personnel Matters
IV. Tools of the Trade
V. Other Factors in HR Management
VI. Emerging Trends/Topics
I. Counties as Public Sector Employers

What defines a personnel organization?

- % of budget for Personnel
- Type of Services Provided

What makes Public Sector organizations so unique?

- Two bottom lines – Financial and Functional
- Ownership, Transparency and Accountability
I. Counties as Public Sector Employers

County Employees - Groupings:

- Elected County Board of Commissioners
- County Officers (elected or appointed)
  - Sheriff (appointed Chief Deputy)
  - County Attorney
  - County Auditor
  - County Treasurer
  - County Recorder
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I. *Counties as Public Sector Employers*

County Employees - Groupings:

- Other Statutorily - Appointed Positions
  - Coordinator/Administrator/Manager - M.S. § 375 - 375A
    - Personnel Director / Purchasing Director
  - County Engineer – M.S. § 163.07
  - County Surveyor - M.S. § 389.011
  - County Assessor - M.S. § 273.052
  - County Coroner/Medical Examiner - M.S. § 390
I. Counties as Public Sector Employers

County Employees - Groupings:

- Other Statutorily - Appointed Positions
  - Agricultural Inspector (M.S. § 18.18)
  - Drainage Inspector (M.S. § 103E)
  - Community Health Services Administrator, Human Services Director (M.S. § 145A / M.S. § 245A)
  - Planning Director/CAO – Including: Zoning Admin, Sanitary Inspector, Building Official (M.S. § 394.29)
I. Counties as Public Sector Employers

County Employees - Groupings:

- Department Directors & Senior Management
- Non-Represented Groups
- Represented Groups (unions)
- Independent Contractors
- JPA Employees and “others”

Q: Are County Commissioners considered Employees?
II. Major Legal/Regulatory Parameters

Federal Employment-Related Regulations

- Wages & Hours – FLSA, EPA & INA
- Workplace Safety & Health – OSHA
- Employee Benefit Security – ERISA
- Unions & Their Members – NLRA & LMRDA
  - Janus vs. AFSCME (nullifies “fair-share” provisions)
II. Major Legal/Regulatory Parameters

Federal Employment-Related Regulations

- Medical & Health Care – FMLA, PDA & HIPAA
- Hiring & Employment – Civil Rights Act, IRCA, EEOA, ADA, ADEA, USERRA
- Other Federal Provisions – Hatch Act

Q: Are County Employees politically restricted?
II. Major Legal/Regulatory Parameters

State Employment-Related Regulations

- Unions & Labor Relations – PELRA (M.S. §179A)
  - MLRA (M.S. §179)
- Data Practices & Privacy – MNDPA (M.S. §13)
- Minimum Wages & Overtime – M.S. §177.24 & §177.25
- Civil Rights – M.S. §363A.08
- Whistleblower Protection – M.S. §181.931

Q: Is Minnesota a “Right to Work” State?
III. County Board Role in Personnel Matters

Q: What is the role of the County Board and of Individual Commissioners in HR matters?

- Organizational Champions (Vision, Goals, Policies)
- Board of Directors
- Appellate/Review Board
- Operational Managers
- Line Supervisors
- Other?
III. County Board Role in Personnel Matters

Formal Role:

▪ Authority to Hire / Fire / Appoint / Promote / Discipline
  ▪ Subject to legal constraints
  ▪ Negotiate agreements, policies/procedures, personnel actions
  ▪ Personnel / Labor Relations / HR Committee

▪ Role of HR Staff, County Attorney & Outside Council
  ▪ What matters: County size, budget, organization, expertise, issues

Q: How do I respond to “I don’t work for you”?

▪ Collective vs. individual oversight, state-derived employees, VSOs
▪ “Who signs the paycheck”
III. County Board Role in Personnel Matters

Formal Role – Examples of constraints:

- Hiring - Veteran’s Preference, Merit System, Interviewing, Testing/Scoring, others?

- Performance/Discipline – Labor Agreements, Policies, Past Practice, Progressive Discipline, investigations (Tennessee/Garrity) Public/Closed Hearing, others?

- Termination – Just Cause/Daugherty Test, Laudermill Hearing, Veterans’ Preference, Whistleblower, ADA, others?

- Red Flags – Spoils System / Arbitrary & Capricious
III. County Board Role in Personnel Matters

Informal Role:

- Interacting with staff & handling of complaints / issues
  - Refer/follow-up vs. own/“fix”
  - Corporate role vs. personal advocate
  - Organizational perspective vs. Individual wants/needs
  - Constituent vs employee

Q: How do I handle anonymous/confidential complaints?
III. County Board Role in Personnel Matters

Informal Role:

- “Chain of communication/structure” in personnel matters
  - Getting the complete picture, S-T vs. L-T view, morale, risk mgt.

- Strategic HR management in highly effective organizations
IV. Some Tools of the Trade

▪ The Dreaded Personnel Policy Manual
  ▪ Just having one is NOT enough!

▪ Labor Agreements
  ▪ More than just salaries and benefits
  ▪ terms & conditions; pay grades and steps; discipline procedures
  ▪ Internal consistency, past practice, external comparisons

Q: What Happens When Things Go Wrong?
▪ Grievances, Mediation/Arbitration, Litigation, Strikes, Whistleblowers
▪ Red Flags – Turnover, complaints, media
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IV. Some Tools of the Trade

▪ Annual Budgets
  ▪ Salary as only 65% of the cost (benefits – 35%)
  ▪ Staffing configurations - PT vs. FT, Seasonal Contracting
  ▪ Personnel Budgeting - Grades, Steps, Longevity, Banding, Bonuses, Merit, PFP, etc.)

▪ Budgetary Constraints
  ▪ Workers Compensation, PERA & Pay Equity
  ▪ Lean Budgeting (shorting staff, no slack)
  ▪ Market Comparisons, Compression
  ▪ Classification/Compensation Studies
IV. Some Tools of the Trade

- Budget-related Labor Actions
  - Hiring / Freezes / Furloughs / Layoffs
- Strategic Plans / Personnel Plans
- Org Structure/Re-Organization
- Personnel Evaluations – “One-Way Street”?
  - Goals/Perform-Based – Tied to Rewards?
  - Advancement/Prof Dev/Education/Coaching/PIPs/Progressive Discipline
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**IV. Some Tools of the Trade**

- Communication Tools
  - Annual Report, CAFR, Budget Award
  - AMC & other Industry Awards
  - Professional Recognition
  - Organizational Awards
  - Media Relations

**Q: What the heck is OPEB?**
V. Other Factors in HR Management

▪ Public Benefit Rule - What, no Holiday parties or retirement gifts?

Q: Why can’t Commissioners accrue certain benefits?
V. Other Factors in HR Management

- The Role of a Bureaucracy ("Rubber Band" analogy)
  - Pros & Cons (continuity, representational, NEO)

- The Role of Professional Associations - (ICMA, PEA, APA, etc.)
VI. Emerging Topics/Trends

- Generational Issues:
  - Hiring Millennials
  - Hiring Retirees
  - Work Schedules

“Don't think of me as a 54 year old job applicant. Think of it as getting two 27 year olds for the price of one!”

“I think I’m most interested in hearing about the part of your resume titled ‘Stuff I Totally Rocked.’”
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VI. Emerging Topics/Trends

- Technology-related Issues:
  - Telecommute/Remote Work (MNDPA flag)
  - Alternative Work Scheduled
  - Social Media Usage

- Creation of Public Data (cameras, texts, blogs, posts)
VI. Emerging Topics/Trends

- Old Topics Re-Emerging:
  - Nepotism
  - Diversity
  - Ethics/Conflict of Interest Issues
  - Government as the Problem / not the Solution

“Many of our employees could be classified as the walking dead. That should be noted in our Diversity Profile.”
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Summary

When Things Go Wrong: Grievances, low morale, employee turnover, low productivity, customer complaints, negative media, mediation/arbitration, litigation, strikes
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Summary

When Things Go Right: Productivity, positive recruitment and retention, high employee morale, customer service & satisfaction
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**References/Additional Information**

**Association of MN Counties (www.amc.org)**
- AMC’s HR Technical Assistance Center – *NEW!*
- Salaries & Benefits Survey

**MN Counties Intergovernmental Trust (www.mcit.org)**
- Personnel & Employment – Risk Management
- Resource Library – Employment (40+ Articles)
- Training & Education - Specialized Consultation

**Other - League of MN Cities (www.lmc.org)**
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Questions or Comments?