

Comprehensive Assessment of HR Practices Paper

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Agency History:

Marion is the county seat of Grant County which is located in north central Indiana. The City of Marion was founded in 1831 along the banks of the Mississinewa River as mainly an agriculture center, until the gas boom of the late 1880's when it began growing at an accelerated pace. Marion's population is currently 30,528 according to the 2006 census. Marion comprises nearly half of the population of Grant County which as of the 2000 census is 73,403.

The City of Marion is a local government entity that is funded mainly from local property and income taxes. The executive leader is the Mayor who is elected to a four year term by a popular vote. There are currently nine elected City Council members who reside over the financial responsibilities for the city. The Council members are responsible for approving all spending request in the form of a yearly budget and they hear all special appropriation request for additional money throughout the year.

The Mayor is responsible for appointing the five members to the Board of Works and Public Safety. The board is responsible to make sure all bills are paid such as utilities. They approve bids for some types of work, approve all request for demolition of dilapidated property and they make the final decision when it comes to promotion and termination request within the police and fire department.

Finally, the City of Marion exists to provide service to the citizens of Marion. These services include police and fire protection, public works, parks, and sanitation. As of today there are approximately 270 employees who work for the City of Marion in various departments. The largest of the departments is the Marion Police Department which is comprised of 90 employees and the Marion Fire Department which has about 70 employees.

In contrast the Human Resources Department has one full-time employee who works on human resource related issues in a part-time capacity. She has other duties which are not related to Human Resources. Finally, although there is a Human Resource (HR) Director, individual department heads, such as the police department, handle much of the human resource issues within their department. This will be discussed in more detail later.

It is important to mention that there are three departments within city government who have a collective bargaining agreement with the City of Marion. Those departments are police, fire and transportation. This is important to mention in that unlike the other city employees they are not at-will employees and there is a required due process procedure which must be followed for discipline and termination issues.

In writing this paper I will cover the Human Resources for the entire city but may from time to time use examples from the police department.

Title VII Issues:

The City of Marion has a fairly detailed and comprehensive Personnel Policy and Procedure Manual which was last updated in 2005. This manual contains an Equal Employment Opportunity (EEO) clause which states the following;

The City of Marion is an Equal Employment Employer. All employees shall be recruited, evaluated, hired, promoted, transferred, demoted, laid off, suspended, or terminated without unlawful discrimination. No personnel decisions concerning any term or condition of employment shall be based upon race, color, religion, sex, national origin, age or disability, except where such criteria constitutes a bona fide occupational requirement(City of Marion Personnel Policy and Procedure Manual [CMPPPM] ,2004).

Uniform Treatment of Religious Practices

Outside of the initial mentioning of religion in the EEO clause there is no other conversation concerning religious practices in the policy manual. In speaking with the Human Resources Director there have been no known complaints filed concerning discrimination when it comes to religion. It is important to note when it comes to traditional religious practices such as attending church services most of city government is closed on Saturday and Sunday, with the exception of the police and fire departments. Both of these departments are covered by collective bargaining agreements which allow sworn employees to choose their shifts and days off by seniority. All new employees are aware of this contractual agreement before they are hired and that their shift and days off will be determined by their ability to chose according to their seniority.

There have been no other issues when it comes to religious practices. Such issues are handled case by case as they arise by keeping with the requirements to make reasonable accommodations according to the employee's religious belief. The city ensures there is no preference of one religion over another. Although there are many religious beliefs represented by the employees who work for the City of Marion, the city does not choose one particular belief or practice over another one.

Race and National Origin Issues

Like religion there is no other mention of race or national origin in the policy manual after the initial EEO clause. The city is careful in its hiring practices by making sure there is no mention of race or national origin on the application for hire.

There is one area I see as a potential issue when it comes to hiring. Currently the HR Director works part-time on HR issues, so she has very little if any involvement in the hiring of police personnel. This poses a problem in that none of the people involved in the hiring procedure has training in non-discrimination issues. The current make-up of the police department is predominately white males. It has been past practice to try to find candidates which will allow for a more diverse department and one that is more in line with the make-up of the community. This policy although commendable in its intentions would violate Title VII when it comes to discrimination against race. There should be a more detailed explanation in the policy manual when it comes to the hiring practice of the city or at the very least training for those who are responsible for hiring.

Sex and Pregnancy Discrimination

The city has within the policy manual a detailed sexual harassment section. This prohibition against sexual harassment is a three page explanation of sexual harassment using the Equal Employment Opportunity Commission's (EEOC) definition of quid pro quo and hostile working environment. Moreover, the policy covers the responsibility of each supervisor and/or department head to maintain the job site free of harassment, including sexual harassment.

Finally, a four step procedure for reporting and investigating sexual harassment is included. Within the reporting section is permission for the reporter to go outside of his/her chain of command to report the incident if they are not comfortable with reporting to their immediate supervisor. They have the right to report directly to the Mayor or the HR director if they feel more comfortable.

There is no direct mention of pregnancy discrimination in the policy manual outside of coverage in the six and one-half page explanation of the Family and Medical Leave Act (FMLA). Realistically, if it had not been for training received by one executive in the police department then there would be no knowledge within this department that a pregnancy discrimination law exists. One example comes to mind within the police department. In the past it had been the policy of previous Police Chiefs to not allow a pregnant officer to work on the street after it was determined they were indeed pregnant. At the time the department did not have a light-duty policy, so any employee who was injured and unable to work would simply be off-duty with pay. This same stance was taken with pregnant employees with or without their consent, even though the Pregnancy Discrimination Act of 1978 prohibits treating a pregnant female differently.

In 2007 the police department developed a light duty policy that would allow officers who have been given consent by their doctors to work temporarily in a light duty capacity. In this same year a female employee who was pregnant and no longer wanted to work the street requested permission to be temporarily removed from patrol duty. She was instructed to see her doctor and if the doctor agreed she was unable to perform the essential functions of the job, but could temporarily work light duty, then she would be given the same opportunity as other employees who had a temporary injury causing them to work light duty. This was in fact the outcome and she was placed on light duty until the birth of her child and then Family and Medical Leave for six weeks after the birth.

The policy manual and training of supervisors is lacking in the area of pregnancy discrimination. There should be a special section covering this topic, training for all department heads who must make this decision, or all such requests should be forwarded to the HR Director.

The Americans with Disabilities Act (ADA):

The City of Marion does have a written policy concerning ADA within the policy manual. The policy is an excerpt from ADA which states the city will not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions, and privileges of employment. Furthermore, there is a two and one-half page explanation on how the city will work to reasonably accommodate those qualified individuals who have a disability defined as such under ADA.

Some specific steps the city will take once a person has reported they believe they qualify for a reasonable accommodation are as follows;

1. Employer will determine if person qualifies under ADA.
2. Employer will review job description and essential functions of the job.
3. Employer will ask employee if they can perform the essential functions of the job with a reasonable accommodation.
4. Employer will ask the employee what accommodation he/she desires.
5. The employer may consider accommodations such as follows;
 - a. Use of leave entitlement for treatment
 - b. Allowing flex hours
 - c. Providing reserved parking space
 - d. Reassigning job functions.

Finally, if the employee does not qualify for an accommodation and they have exhausted all of their leave time, including FMLA, they may request and be grant the balance of up to six

months of absence if they can present written documentation from a licensed physician of a probable date the employee will return to his/her position (CMPPPM, 2004).

There currently is no plan on how to address issues surrounding alcohol and drug addiction. The explanation given to me by the HR Director is the person would follow the same procedure discussed earlier with ADA should the person believe they qualify for a reasonable accommodation.

The city does have a substance abuse policy which I will discuss in another section of this paper; however, this policy does not include any discussion about an employee who may volunteer information concerning an addiction to alcohol or drugs.

I believe it is important for city to develop a protocol for employees who believe they have an addiction to alcohol and/or drugs and who want help. This protocol should allow them to report their addiction in a confidential manner and afford them the opportunity to seek and receive help without the fear of retribution from the employer. It is my belief that most employees don't realize their addictions may be covered under ADA if they are currently receiving help. I also doubt that most of the supervisors and those in leadership positions in the city know this to be true. As it stands now no one knows how to address this issue.

Job Descriptions:

The policy manual for the City of Marion states; “the HR Director shall on behalf of the employer maintain and administer the city plan of position descriptions known as the *Position Description Plan*” – in other words the job descriptions (CMPPPM, 2004). However, in reality the creation and distribution of job descriptions is left to the individual department heads, so I will use the job description given to the police employees as an example.

The job description for a police department employee includes all of the points listed in the *Legal Issues in Human Resource Management* guide which was distributed for this class. In addition to these points; the equipment used, licenses held and all other duties as assigned are included on the job description.

All new police department employees are given a job description relative to the position they are hired into. They must read and sign that they understand the information contained in the job description. The signed copy of the job description is place into their personnel file and a photocopy is given to the employee.

Hiring Employees:

The City of Marion has within the personnel policy and procedures manual two specific areas which cover the hiring process -- vacancies and evaluation of applicants. However, neither area is followed entirely when it comes to the hiring of a police employee. As mentioned earlier the HR Director is a full-time employee but performs HR related duties part-time. Therefore, she handles little or no HR issues within the police department, including the hiring of personnel, even though the policy manual states the HR Director shall manager the hiring process for the employer.

In really the department heads are to submit a position requisition form to the HR Director who will in turn advertise the position to be filled. What really happens within the police department is the Police Chief will notify the personnel secretary to submit an advertisement to the local newspaper notifying anyone who may read the paper that the police department is accepting applications for a patrol officer's position. The notification is a very

generic listing with only the position name, date application will be received, location where application can be found and the contact information for the personnel secretary.

All applications are turned into the personnel secretary who along with the training Lieutenant will set a date for the written and physical agility test. If the candidate passes both of these tests they will be scheduled for their first interview. The interview is with a panel of four officers and normally one civilian police department employee. The panel has a number of scripted questions that are asked in the same order to all the interviewees. Some examples of the questions are as follows;

1. Why do you want to be a police officer?
2. What are your strengths and weaknesses?
3. How you ever been convicted of a crime?
4. Have you ever used or sold illegal drugs?

In total there are about twenty questions, including a scenario where they are asked what they would do if they were working with a partner and while at the scene of a burglary he/she observed that partner place an item in his pocket.

The panel will either recommend the candidate move onto the next phase of the process or be eliminated. If they pass the interview phase they are scheduled for an interview with the Chief of Police and two Deputy Chiefs.

Prior to the Chief's interview the three Chiefs will review the application, findings of the interview panel, and any supplemental documents such as; school transcripts, Bureau of Motor Vehicle driving record, and criminal history information. Some of the things we look for on the

application include; gaps in employment, previous job duties and responsibilities, reason for leaving a job, related education, other special training, and reference information.

During the Chief's interview the questions are less structured and the interview takes on a less formal setting as the candidates are normally asked to tell us about themselves, why they are interested in the job, describe what they believe is the job of a police officer, and what they have done to prepare themselves for a career in law enforcement. It is also normally during this interview they disclose things that may not have been disclosed in the first interview; for example one candidate, who is already an officer in another city told us about an incident at the police academy where he and another recruit were involved in a physical altercation.

The candidates are normally ranked on how they performed overall in the process. Depending on how many positions are available we will move a set number on to the next stage in the process – the background check. The candidate will be given a conditional offer of employment which list terms and conditions they must pass. Some of those terms include;

1. Successful completion of background and polygraph.
2. Successful completion of medical and psychological test.
3. Acceptance by Public Employees Retirement Fund (PERF).
4. Successful completion of Basic Training Course at Indiana Law Enforcement Academy (ILEA).

It is during this process that a thorough check of the candidate's background is performed, including reference checks. A detective is assigned to do the background check and they will visit each reference that is located in the state of Indiana and will call those who are outside of the state.

If the candidate is successful and completes all the requirements and terms of the conditional offer of employment then they are hired and placed on probation for one year from the starting date of employment, this includes their time at the ILEA. During this time the officer is considered an at-will employee. After completion of their probationary period they are accepted into the Fraternal Order of Police (FOP) where they become part of the bargaining unit, which is covered by the contract between the FOP and City of Marion as well as Indiana Statute.

Although the personnel policy manual states the HR Director shall manage the hiring process, she does very little and in the case of the police department nothing.

Termination of Employees:

The City of Marion personnel policy manual has both a substance abuse policy and a policy on disciplinary principles. The disciplinary principles will differ somewhat for the bargaining and non-bargaining employees.

Substance Abuse Policy

The substance abuse policy is a detailed seven page section of the manual which covers all aspects of the employer's plan when it comes to dealing with alcohol and drug abuse. The policy covers the definition of illegal drugs and clarification on when legal drugs can be used while the employee is on the job. Also included in the policy is the use of alcohol while on the job. The policy strictly prohibits an employee from being on the job with a blood alcohol content greater than 0.04 and strictly prohibits an employee from using alcohol while on the job. Finally, all employees are subject to urine drug and alcohol testing under the following conditions;

1. Pre-Employment

2. Reasonable Suspicion
3. Post-Accident
4. Random Testing
5. Return to duty testing for all employees who previously tested positive.
6. Follow-up testing for all employees who previously tested positive.

Furthermore, the policy states the employee who tests positive for the presence of illegal drugs or alcohol above the minimum threshold may be referred for evaluation by a substance abuse professional (SAP). Any employee who refuses to comply with all SAP recommendations shall be terminated (CMPPPM, 2004).

Finally, any employee who tests positive on a second drug or alcohol test during the remainder of that employee's tenure with the City of Marion will be immediately terminated. However, it should be noted that all termination decisions for bargaining unit employees must follow the terms outlined in their contract agreement with the final decision being made by the Board of Public Works and Safety.

Disciplinary Principles

The City of Marion follows a progressive discipline policy as a way for uniformly administering discipline. In most cases the individual department heads are responsible for administering discipline such as; verbal and written warnings and for recommending to the Mayor more severe discipline. The Mayor and Board of Public Works and Safety will make the final determination regarding demotions, suspensions or terminations of all employees.

Within the disciplinary principles section are the guidelines for disciplinary action and penalties. Generally, the city has identified the following forms of misconduct as more serious and reasons for reduction, suspension or termination (CMPPPM, 2004).

1. Neglect of duty
2. Incompetence or incapacity
3. A violation of rules
4. Absence without leave
5. Drunkenness
6. Immoral conduct
7. Insubordination
8. Discourteous treatment of the public or conduct injurious to the public peace or welfare.
9. Any other acts of misfeasance, malfeasance, nonfeasance or breach of discipline.

For those who serve in public work there is a higher bar set because of the *public trust* that is at stake. It is extremely important that the public feels they can trust those individual whom are being paid with their tax money and who in many cases are responsible for providing critical services such as police and fire protection. Therefore, the city has identified those areas of conduct in which they believe it is critical the employees perform at a high level – anything else can jeopardize the trust the public has in its local government and the accomplishment of the city's mission.

Finally, in most cases of discipline involving non-bargaining employees the Mayor can approve the discipline up to and including termination. However, for bargaining employees such

as; police officers the agreement between the City of Marion and FOP along with Indiana statute must be followed.

In the case of the non-bargaining employees when it is decided to terminate an employee the Mayor, HR Director, and Department Head will meet with the employee and provide them in writing the reason for termination.

As for police officers the contract between the City and FOP requires an internal investigation into the allegations against the officer be completed by the police department. Once the investigation is complete if the Police Chief believes the officer should be terminated he/she will make a written request to the Board of Works and Public Safety. The officer will be notified in writing of the findings of the investigation and request for termination. The officer is also notified that by Indiana State Statute he/she has a right to request a hearing before the Board of Works and Public Safety.

If the officer chooses to have a hearing the Board must schedule a hearing within fourteen days of the request. The officer has the right to present evidence and call witnesses on his/her behalf. The City of Marion will present their evidence before the Board and the Board will decide whether or not the officer should be terminated. If the officer is terminated he/she has the right to request the local Circuit Court Judge to review the hearing for any procedural errors and to overturn the Board's decision. This process can continue on to the Supreme Court should the officer decide to carry it that far.

Once again the HR Director does not participate in the disciplinary actions within the police department. All disciplinary matters are handled internally. I believe the main reason why this continues to be the practice is because long before a HR Director was hired the police

department was well ahead of other departments when it came to handling disciplinary issues. Because of this reason there has been no push to remove this responsibility. A second reason is there has never been a full-time HR Director for more than a short period of time. It would be nearly impossible for one person to handle all of the responsibilities of HR issues for the entire city in a part-time capacity.

Employee Evaluations:

The Personnel Policy and Procedure Manual calls for an annual evaluation of all employees. However, this does not happen. The last performance evaluation performed on police department employees was over ten years ago. The last performance evaluation on me was over sixteen years ago. Without some type of performance evaluation system it is impossible to evaluate where your employees are succeeding or failing. It is unfair to the employee who may be struggling in a particular area when there is no attempt to alert that person to a problem until it becomes a disciplinary issue. There is a plan in place for evaluating all employees; however, there is no training for those supervisors who must do the evaluation and there is no leadership or guidance on making sure the evaluations are completed. In other words it is written down and given to the employees but there is no following through with what is suppose to happen. According to Greer (2000) maintaining an effective performance measurement system requires training for evaluators, adequate time to perform evaluations, adequate time to conduct performance counseling, and rewards to distribute according to performance.

Directors Promotion of a Positive Work Culture:

First of all before I critique the HR Director on her job performance I would like to clarify I believe she does the best she can given the fact she is a full-time employee, but is only

able to devote time to HR issues in a part-time manner. Second the current policy manual was written by another HR Director who was hired by the city in a contractual capacity. He also acted in a part-time capacity but unlike the current HR Director did not work in the Municipal building. So he was even more removed from the everyday HR issues.

It is difficult to evaluate how the HR Director ensures the policies and practices are enforced in a consistent manner when most of the HR issues are left to the individual department heads. Like I mentioned earlier she does almost no HR related work within the police department. When her predecessor was the HR Director it would at times take a week to receive a call back from him. I guess to sum up this question she has very little or no hands on intervention when it comes to HR issues in most of the departments. Second, as mentioned earlier there are many policies in the personnel policy manual that are not used or left up to individual department heads to enforce.

The same would hold true to soliciting feedback. I would explain it by saying if you have a question concerning HR issues she will do her best to find out the answer and get back to you in a timely manner; however, there is very little proactive reaching out to others on decision making or feedback.

The only board involvement with the City of Marion employees is the Board of Public Works and Safety. This board is comprised of five individuals who are appointed by the Mayor. The board is a part-time board that meets monthly and therefore has no other involvement with staff outside the swearing in of new officers, receiving information on disciplinary issues, and approving new standard operating procedures. The HR Director does nothing to ensure the board is familiar with staff.

Diversity issues are only addressed if there is an issue. As an organization there is little training in this area. The police department over the past five or six years has hosted its own culture diversity training for all police officers. However, there is no direction from HR on this issue. With that being said the best place to address this topic is normally in some type of orientation when the employee first begins their employment with the city. With the potential turnover it is nearly impossible to ensure all employees are trained without missing someone in the process. As of right now there is no training on this issue. I will say if an issue arises the HR Director is quick to intercede and address the problem, but there is no proactive intervention.

I have been employed with the City of Marion for nearly twenty-four years and I can say we still have our problems when it comes to human resource management. However, I am also quick to say we have come a long way from when I first started my career.

At the start of my career there was no personnel policy and procedure manual for the City of Marion. The only written rules were a 10 page police department manual that covered mostly disciplinary issues. Today we have a comprehensive manual that covers nearly every human resource issue. The biggest problem we seem to have with the current procedure is following the written policy – case in point is the employee evaluations, or lack of.

Finally, we are deficient in two very important areas when it comes to HR. First, we fail at training our supervisors on proper procedures when it comes to HR issues. When the current manual was written and given to all employees there was no training for supervisors on any of the content. It was left up to the individual to read the manual and ask questions. This technique is doomed to failure since most people don't read the material and even those who read it is very unlikely to ask any questions. Instead there should have been mandatory training for all

supervisors to learn what is in the manual and to become familiar with the HR director. Most of the current supervisors have never met the Director.

Second, the same procedure is followed when it comes to new employees. They normally are given a manual and told to read it and know the content. However, I am familiar with at least four new employees who were never given a manual. Once again there should be an employee orientation day where they are introduced to the HR Director and spend time reviewing the policy manual.

We have always struggled to develop some type of hierarchy when it comes to HR; even to this day individual departments handle most of the HR issues within their area of responsibility.

Conclusion:

In critiquing the Human Resource practices of the City of Marion I have found we have a good foundation. We have a comprehensive policy manual that covers most of the employment areas that are a concern to all employers. Conversely, I have also found that some of policies that are written in the manual are not being followed. It would appear the main area of concern is a lack of organization. Even though many policies are covered in the manual, it is often times left up to the individual department heads to enforce the policies. This can lead to inconsistent enforcement or no enforcement at all. Furthermore, since the HR Director serves in a part-time capacity when it comes to HR issues, it is nearly impossible for her to have any control over the many HR issues that arise daily. Until the city decides HR is important enough to have a full-time Director who can administer the policies in a timely and efficient manner these problem are not about to change anytime soon.

References

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