HR Issues for City Clerks 2024 MMCI

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Recent and upcoming changes to keep an eye on

- **Earned sick and safe time – Effective 01/01/2024**
  - Requires employers to provide one hour of paid sick and safe time to employees for every 30 hours worked

- **Statewide mandatory paid family and medical leave**
  - Would create a state-administered mandatory paid family and medical leave insurance program. This law provides that employee has a right to leave under this legislation 90 days after date of hire.
Most CLERKS ...

- Recruitment Process
- Personnel Files
- Benefits & Compensation
- Employment Policies
- Performance & Discipline
- Leaves of Absence
Hiring Process

- A good recruitment and hiring process requires time, effort and patience!
Recruiting & Hiring - Accepted practice

- Job Description
- Advertising
- Evaluate Applications
- Interviewing
- Background Checks
Recruitment & Hiring
Job descriptions

- FLSA Status
  - Exempt
  - Non-Exempt
- Essential Functions
- Performance Criteria
- Minimum Qualifications
- Desired Qualifications
Recruitment & Hiring
Job advertisement

- Hard to prove AA/EEO with no external advertising
- Better chance of attracting:
  - Qualified candidates
  - Diverse pool of applicants
Recruitment & Hiring
Job Application

Should NOT request
- Date of birth
- Drivers license information
- Criminal record information
- Immigrant status
- Social security number
- Maiden Name or marital status

MN Legislation introduced to prohibit asking about candidate’s current salary
Recruitment & Hiring
Veteran’s preference

- M.S. 43A.11:
  - All cities must provide a hiring preference to veterans
  - Preference is applied by ranking apps

- Consult an attorney before deciding a law does not apply to your city/situation
Preference points require cities to hire Veterans?
Recruitment & Hiring
Reality Check

Law only requires
that veterans
receive points

☐ TRUE
☑ FALSE
Recruitment & Hiring
Common misconception

You should not ask for these on the job application:

- Driver’s license #
- Social Security #
- Email address
- Current Salary
Recruitment & Hiring
Reality Check

Don’t ask for:
► Driver’s license #
► Social Security #
► Current Salary

Can ask for:
► Email address
Recruitment & Hiring
Interviewing

Plan ahead:
- Who should ask the questions?
- What questions should be asked?
- What should be documented?
Practice: What would you ask?

- Factual questions
- Attitudinal questions
- Behavioral questions
Hiring Models & Templates

- https://www.lmc.org/resources/hr-reference-manual-chapter-2-hiring/
How about a stretch break?
Recruitment & Hiring
Background checks

- The League recommends at least a basic background check on all new hires; at a minimum, reference checks before hire

- Law requires for some positions:
  - Peace officers (M.S. 626.87)
  - Firefighters (M.S. 299F.035)
  - CDL holders (M.S. 181.950)
  - Children’s Service Providers (M.S. 299C.60)
Personnel Files

Personnel files are ... well, sort of personal.

Paper or Electronic
Personnel Files

- Medical & certain other info cannot be stored in the personnel file
- Accessed on a “need to know” basis (or with signed release)
- Keep records retention requirements
- Careful about “satellite” files
Documents in the file & actions related to the file should never invite an allegation of discrimination

- Insurance information
- Medical information
- Workers comp information
- Protected status information
Personnel Policies

- When your city doesn’t follow established policies, contracts and/or policies, bad things can happen!!
But don’t fret....

- We’ve got you covered!

- Whenever you update or create new policies is best practice to have your city attorney review prior to having the council approve
What you need to know!

EMPLOYMENT LAW
  Federal
  State

CONTRACTS
  Union - bargaining agreements
  Individual employment contracts

CITY EMPLOYMENT POLICIES
  City Policies
  Civil Service Rules

City Practices
If the law trumps them, why have policies at all?
Personnel Policies

- Serves as a guide for managers and supervisors
- Ensures consistency in treatment of employee groups
- Document evidence of good faith on the part of the city

1. Employment policies are useful tools.
2. Don’t try to cover every possible scenario!
The ugly side of policies

- Policy or practice not followed
  - Discrimination claims
  - Arbitrary & capricious in employment practices
- Contract not followed
  - Unfair labor practices
  - Action might be overturned
  - Breach of contract with individual employee

More info at: [www.lmc.org](http://www.lmc.org)
Search “HR Reference Manual”
Chapter 6 – Personnel Policies
A good place to start: Personnel Policies

- Sexual Harassment
- Employee Discipline
- Employee Grievance
- EEO/AA
- Attendance & Work Hours
Personnel Policy Enforcement

- Don’t guess – refer to the document
- Don’t interpret – ask what it means
- Know that certain provisions might benefit departments/employees differently
Personnel Policy Enforcement

- Understand how they impact employees
- Ensure that employees are aware of them
- Know the consequences of not following them
Resources:  www.LMC.org
Questions:
  E-mail:  hrbenefits@lmc.org
  Phone:  800-925-1122 or 651-281-1200
Questions?