

# 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

Let's play.....



# Hiring Process



- ▶ A good recruitment and hiring process requires time, effort and patience!

# Recruiting & Hiring -Accepted *practice*



Job Description



Advertising



Evaluate Applications



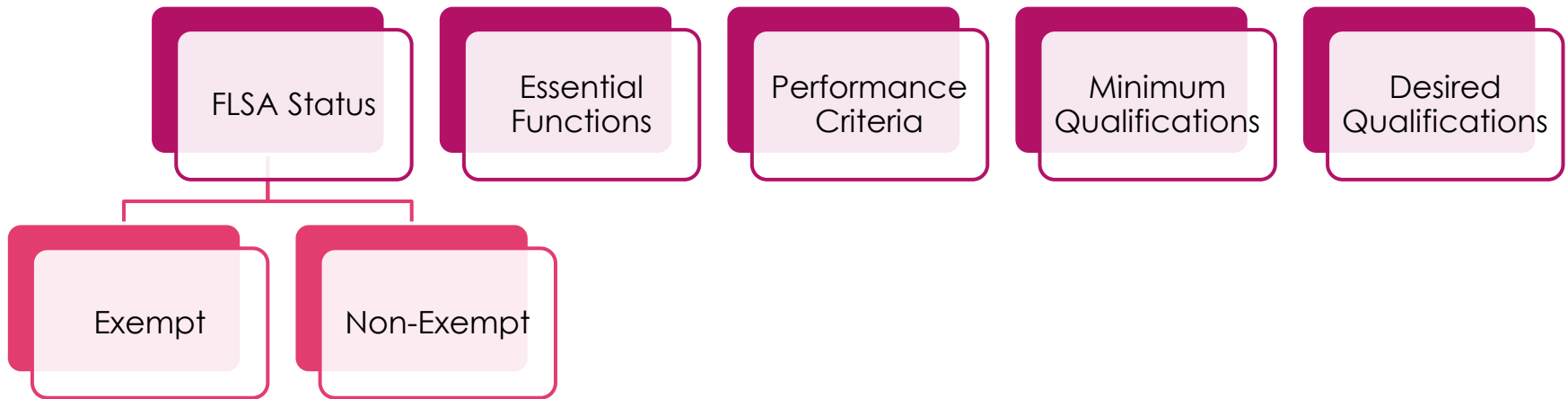
Interviewing



Background Checks

# Recruitment & Hiring

## Job descriptions



# 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



The image shows a hand holding a black marker, filling out an 'Employment Application' form. The form is titled 'Employment Application' and has a section for 'Personal Information'. The fields include: Full Name (Last, First, Middle Initial), Date, Address (Street Address, City, State, ZIP Code), Apartment/Unit, and Social Security No. The form also includes contact information for 'Full Business Portal' at 14 Miller Place, Big Falls, NJ 07542, with phone number mfon@bfp.com and website www.bigbusinessportal.com.



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



READY FOR A

QUIZ?

# Recruitment & Hiring

*Common misconception*

**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**



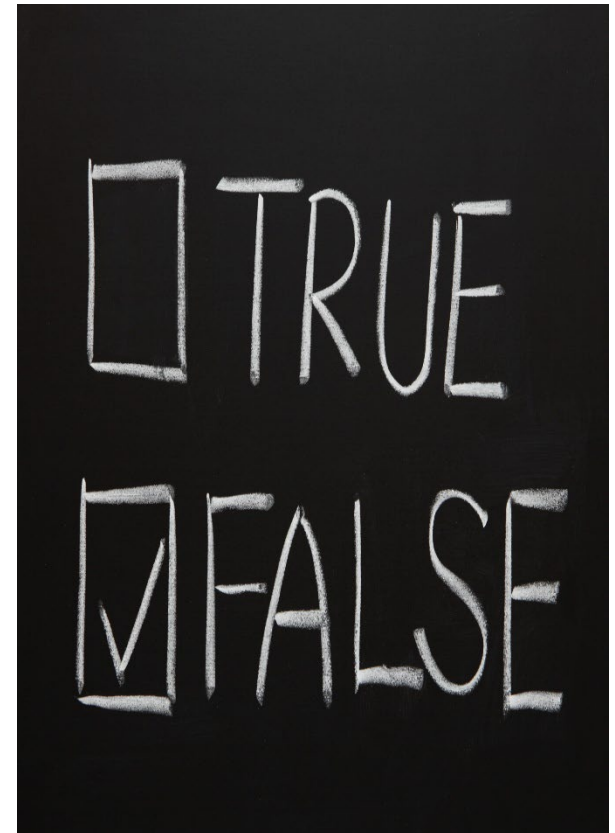
# Recruitment & Hiring *Reality Check*

## Don't ask for:

- ▶ **Driver's license #**
- ▶ **Social Security #**
- ▶ **Current Salary**

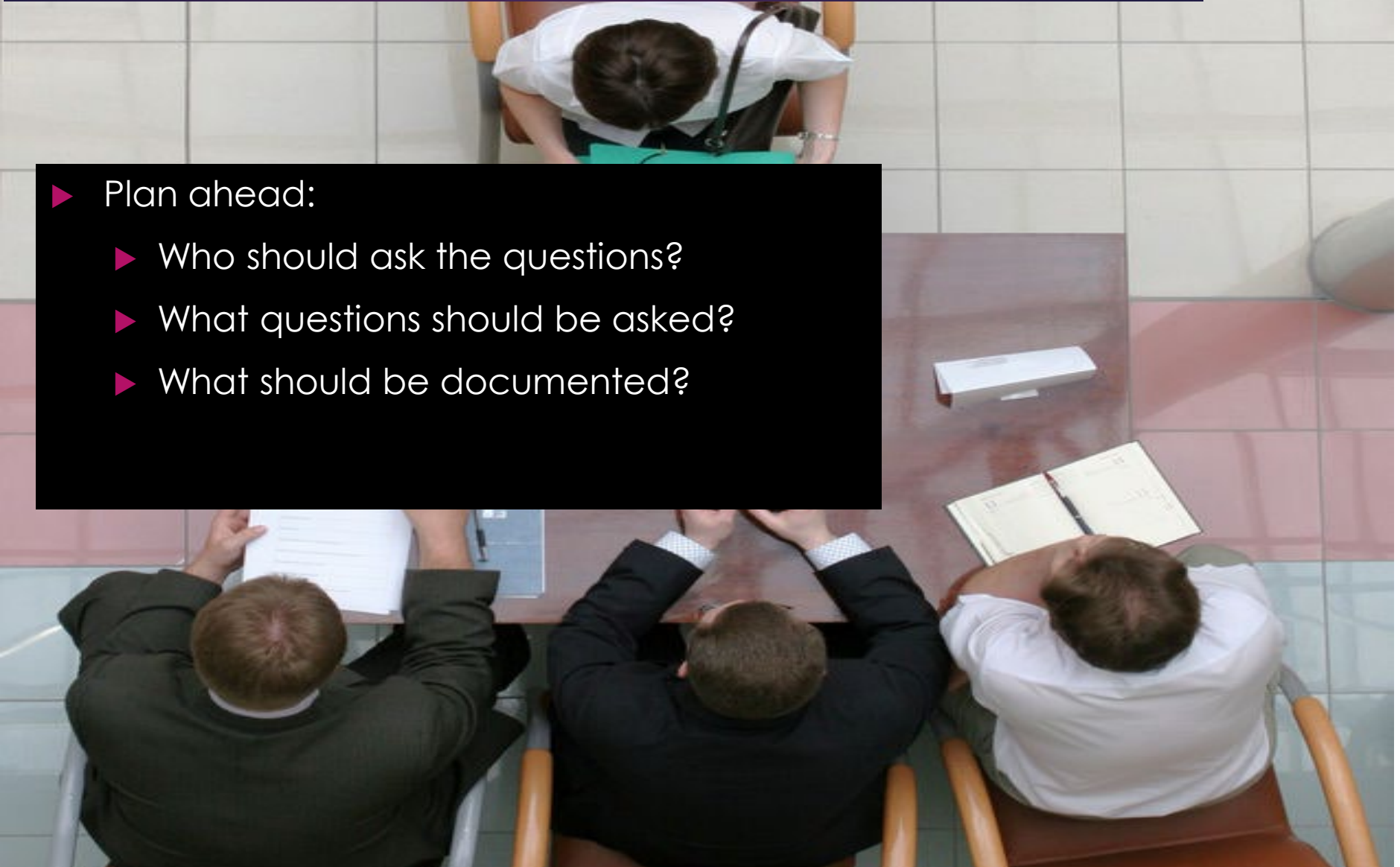
## Can ask for:

- ▶ **Email address**



# Recruitment & Hiring *Interviewing*

- ▶ Plan ahead:
  - ▶ Who should ask the questions?
  - ▶ What questions should be asked?
  - ▶ What should be documented?



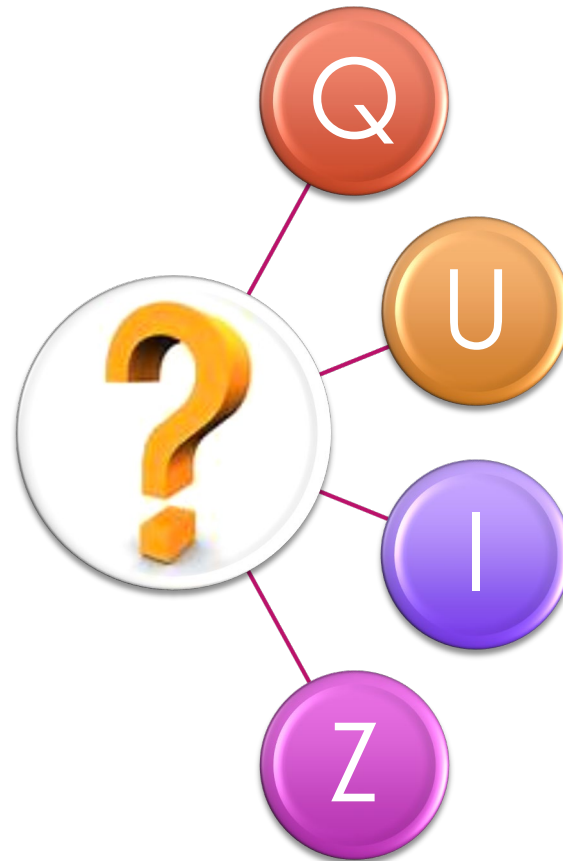


# Recruitment & Hiring *Interviewing*

**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



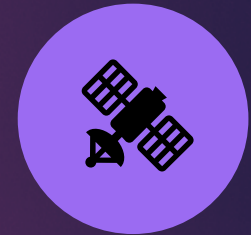
**MEDICAL & CERTAIN  
OTHER INFO CANNOT BE  
STORED IN THE  
PERSONNEL FILE**



**ACCESSED ON A “NEED  
TO KNOW” BASIS (OR  
WITH SIGNED RELEASE)**



**KEEP RECORDS  
RETENTION  
REQUIREMENTS**



**CAREFUL ABOUT  
“SATELLITE” FILES**

# Personnel Files *-Risks*

- ▶ 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!
  - ▶ <https://www.lmc.org/wp-content/uploads/documents/Personnel-Policy-Template.docx>
- ▶ 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

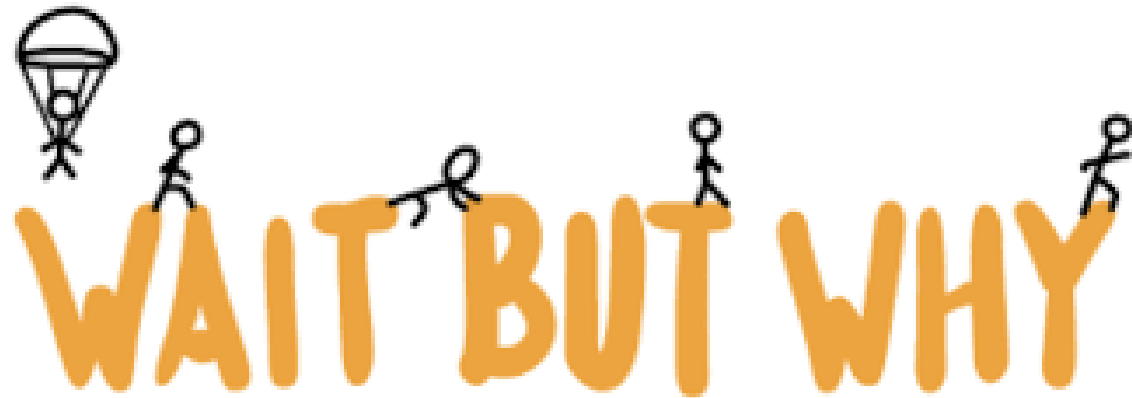
Union - bargaining agreements  
Individual employment contracts

## CITY EMPLOYMENT POLICIES

City Policies  
Civil Service Rules

City Practices

If the law trumps them, why have policies  
at all?



WAIT BUT WHY

# 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

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Sexual Harassment

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Employee Discipline

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Employee Grievance

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EEO/AA

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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  
POLICE**





# Personnel Policy Enforcement

- ▶ Understand how they impact employees
- ▶ Ensure that employees are aware of them
- ▶ Know the consequences of not following them





# LMC Website – Personnel Policy Template

[HTTP://WWW.LMC.ORG/MEDIA/DOCUMENT/  
1/PERSONNELPOLICYTEMPLATE.DOCX](http://www.lmc.org/media/document/1/personnelpolicytemplate.docx)

# LMC Resources

Resources: [www.LMC.org](http://www.LMC.org)

Questions:

E-mail: [hrbenefits@lmc.org](mailto:hrbenefits@lmc.org)

Phone: 800-925-1122 or 651-281-1200



# Questions?

