



Hamilton

**Report 12-001
Non-Union Compensation Sub-Committee**

9:30 a.m.

January 23, 2012

Room 192

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors L. Ferguson (Chair), M. Pearson (Vice-Chair),
Mayor B. Bratina
R. Powers, C. Collins, T. Whitehead

Also Present: Councillor B. Clark
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
H. Tomasik, D. Godwaldt, Human Resources
D. Belaisis, Manager, Employment Services
A. Grozelle, Legislative Co-ordinator, Clerk's Office

**THE NON-UNION COMPENSATION SUB-COMMITTEE PRESENTS REPORT 12-001
AND RESPECTFULLY RECOMMENDS:**

**1. Review of Employment Policies for Political Staff (HUR11014) (City Wide)
(Item 5.1)**

That Report HUR11014 respecting Review of Employment Policies for Political Staff, be received.

2. Salary Administration Policy/Job Evaluation Policy (Added Item 5.3)

That amended Salary Administration Policy attached as Appendix A to Report 12-001 be approved.

FOR THE INFORMATION OF COMMITTEE

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised the Committee of the following changes to the agenda.

- (i) Salary Administration Policy/ Job Evaluation Policy (Added Item 5.3)

The agenda of the January 23, 2012 Non-Union Compensation Sub-Committee was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

- (i) **November 11, 2011 (Item 3.1)**

The Minutes of the November 11, 2011 were approved as presented.

(d) DISCUSSION ITEMS (Item 5.1)

- (i) **Review of Employment Policies for Political Staff (HUR11014) (verbal update) (Items 5.1 & 5.2)**

Helen Hale Tomasik, Executive Director Human Resources & Organizational Development provided a overview to the Committee along with a handout. A copy of the handout has been included in the official Highlights included but were not limited to the following:

- Indicated that Human Resources have met with the five full-time permanent political staff members.
- Indicated that these individuals were employed under the Deputy Clerk; however after amalgamation the decision was made to have these administrative staff employed directly by Councillors.
- Discussed the nature of these discussions with staff members and the focus on how to best accommodate them in the event that Councillors do not win re-election.
- Indicated that the political staff members were overall pleased with these discussions.

- Highlighted how Human Resources offered advice/guidance in those seeking further training, etc.
- Discussed how often when a position is lost another position becomes available in the City; in the case where no position can be found the impacted staff are provided severance.

Committee members had several questions of staff. Highlights included but were not limited to the following:

- Councillor Clark expressed his desire was to look at guaranteeing the positions for all political staff, not just those transferred after amalgamation.
- Staff clarified that the previous process was to hire through Human Resources through a competitive process; however that was changed at amalgamation when Administrative Assistants began to be hired directly by Councillors.
- Councillor Clark asked why the City can't move to a system where in the event of political staff being out of work a position could not be found for them elsewhere in the City.
- Staff highlighted several concerns they would have with such a system;
 - Since political staff are not hired through the City's competitive process, their qualifications or skills are not readily known.
 - Appointing out-of-work political staff to other positions would subvert the control of managers to interview and hire who they wish impacting, the City's competitive process for filling positions.
 - The City employs many workers on contracts so there is a risk involved in treating one group of contract employees different than others.
- Staff indicated that Councillors could require that political staff continue on in their current roles; however this would limit Councillors and the Mayor from selecting their staff.
- Councillor Powers commented the introduction of contract for political staff has been in existence since 2001.
- Chair Ferguson indicated that the process usually works itself out informally and he doesn't see a need to rework it.
- Mayor Bratina indicated that political staff have a great deal of uncertainty if there is a By-election and he would like to see this addressed.

- Staff indicated that in the case of a By-election the same process of working with the individual to try to find them a position in the City would occur.
- Councillor Clark indicated there is a problem where a political staff's future is tied to the performance and impression of an outgoing politician.
- Councillor Whitehead indicated that he worked as political staff for some time and there is an acceptance in this field that contracts are the norm.
- Committee members indicated that they were in support of continuing with Option One of the staff Report, which is to continue with the status quo.

The update respecting, Review of Employment policies for Political Staff was received.

For disposition on this Item refer to Item 1.

(ii) Salary Administration Policy/ Job Evaluation Policy (Added Item 5.3)

Chair Ferguson introduced the item of Salary Administration Policy/Job Evaluation Policy and asked staff members if they were of the opinion that the Salary Administration Policy needed further clarification.

- Staff indicated that they would like to clarify the policy by amending it to include "including political staff" under the Scope Section of the report.
- Councillor Whitehead questioned if the mention of contract employees under Scope Section does not already encompass political staff.
- Staff indicated that it may; however they do want to add clarification to the policy to avoid any grey areas.
- Councillor Whitehead indicated that the legal perception of amending the Scope Section could be that political staff were not originally included in the policy, which he feels is not the case.
- Staff indicated that they had previously discussed this with Legal staff who are supportive of the amendment.
- Councillor Whitehead indicated that he would rather have the reference to include political staff listed under the Definitions Section rather than the Scope Section.

- Mayor Bratina indicated that part of this issue arose because of his Office. He indicated that he felt that the Mayors political staff fell within the Mayor's budget. The Mayor discussed that on this understanding he moved forward with the pay-band suggested by Human Resources for creating a new contract.
- The Mayor indicated his willingness and desire to adhere to all employment policies and that clarifying grey areas of policy will assist all staff in this endeavor.
- Councillor Whitehead indicated that he had reviewed the previous policy going back to 2000 and the Scope Section has remained unchanged and it has always been understood to contain political staff
- Councillor Clark indicated that even with the amendment, the Mayors office would still have the latitude to do what was done under the provisions provided through Market Rates.
- Staff discussed how the Mayor originally made a contract with a staff member to pay under the pay-band suggested to him by Human Resources. This was done at the time on the basis that the contract would be reviewed after a year. When the contract was reviewed after the year had expired the pay-band originally suggested by Human Resources was adopted through negotiations.
- Staff clarified that the Mayor was only out of step with this policy in the fact that the staff member should have received the Human Resources Market Rate assigned pay-band in the first year of their employment. Staff indicated that this type of latitude should be given to the Mayors Office when contracting for staff.
- Staff Indicated that the Mayor's Office runs with a very lean staff compliment. They asked the Committee to consider how many limitations they would want to place on the Mayor's Office.
- Committee members asked for further clarification on how the Market Rates are applied within the Salary Administration Policy
- Staff clarified that Market Rates are often used for unique jobs, ones that they have difficulty recruiting for, or for positions that have never been filled before.
- Mayor Bratina discussed the use of Market Rates and indicated that there should be some tolerance given to Mayors Office to get the staff required. The Mayor also indicated that at the time his office went through the review of the contract in question, no one advised him of the policy.

- Councillor Whitehead discussed how he would like to see any deviations from any City policies come before Council as a whole for approval.
- Councillor Powers asked for clarification that the Salary Administration Policy applies to existing contract employees, not new contracts that are being negotiated.
- Staff indicated this was correct.

On a Motion the Salary Administration Policy was amended through the addition of “including administrative support to elected officials”, under the Scope Section

(e) PRIVATE AND CONFIDENTIAL (Item 6)

(i) Closed Session Minutes, August 3, 2011 (Item 6.1)

The Closed Session Minutes of November 11, 2011 were approved as presented and remain private and confidential.

There being no further business the Sub-committee adjourned at 10:49 a.m.

Respectfully submitted,

Lloyd Ferguson, Chair
Non-Union Compensation
Sub-Committee

Andy Grozelle
Legislative Co-ordinator
January 23, 2012